



CITY COUNCIL WORK SESSIONS AGENDA

**Beltway Plaza Redevelopment Proposal - Preliminary Plan of Subdivision
Community Center
15 Crescent Road
Room 201
Wednesday, January 08, 2020
8:30 PM**

Work Session Packet - *Agenda*

- *Introductions*
- *Council Discussion*
- *Questions and Answers*
- *Other Items*

Beltway Plaza Redevelopment- Preliminary Plan of Subdivision
[Preliminary Plan of Subdivision.pdf](#)
[Beltway Plaza PPS Staff Report](#)
[Illustrative Plan.pdf](#)
[Structure_Open Space Plan.pdf](#)
[Connectivity Network.pdf](#)
[Amenity Space Views 2.pdf](#)
[Amenity Spaces Views 1.pdf](#)
[Amenity Spaces View 3.pdf](#)
[Amenity Spaces View 4.pdf](#)
[Neighborhood Visioning.pdf](#)
[Mixed-Use Center Visioning.pdf](#)
[MOU_Final_Draft](#)
[Variation 24-121\(a\)\(3\).pdf](#)

City Council Work Sessions Agenda Item Report

Meeting Date: January 8, 2020

Submitted by: Molly Porter

Submitting Department:

Item Type: Work Session Item

Agenda Section:

Subject:

Beltway Plaza Redevelopment- Preliminary Plan of Subdivision

Suggested Action:

Attachments:

[Preliminary Plan of Subdivision.pdf](#)

[Beltway Plaza PPS Staff Report](#)

[Illustrative Plan.pdf](#)

[Structure_Open Space Plan.pdf](#)

[Connectivity Network.pdf](#)

[Amenity Space Views 2.pdf](#)

[Amenity Spaces Views 1.pdf](#)

[Amenity Spaces View 3.pdf](#)

[Amenity Spaces View 4.pdf](#)

[Neighborhood Visioning.pdf](#)

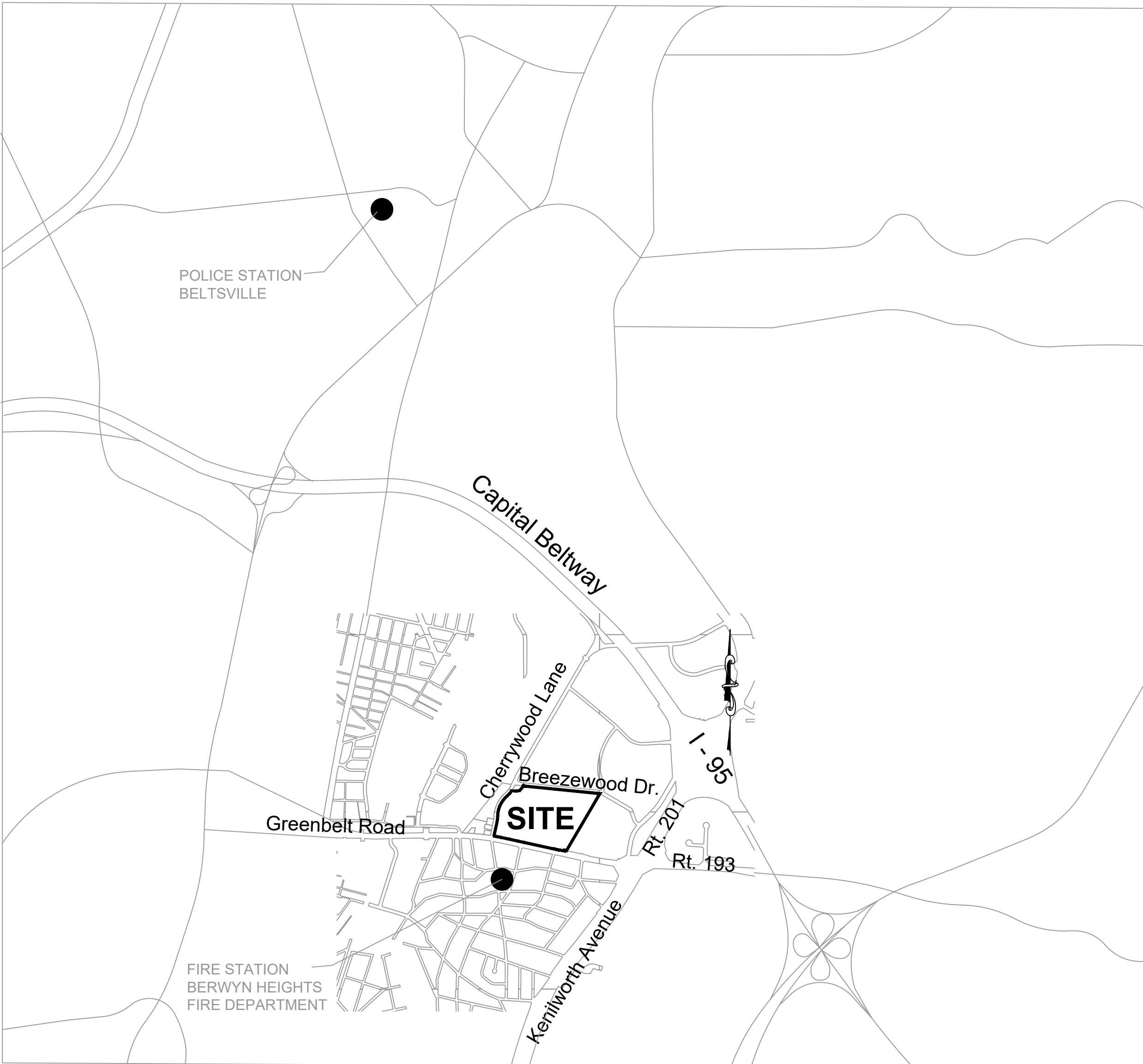
[Mixed-Use Center Visioning.pdf](#)

[MOU_Final_Draft](#)

[Variation 24-121\(a\)\(3\).pdf](#)

PRELIMINARY PLAN OF SUBDIVISION 4-19023

BELTWAY PLAZA



VICINITY MAP
1"=2000'

NOTE: PROPOSED UTILITIES SHOWN ARE FOR INFORMATIONAL PURPOSES AND ARE SUBJECT TO CHANGE AT FINAL ENGINEERING.

REVISION	DATE	REVISION	DATE	REVISION	DATE

Owner/Developer:

GB Mall Limited Partnership c/o Quantum Co.
The Quantum Building
4912 Del Ray Avenue
Bethesda, MD 20814

BELTWAY PLAZA

ELECTION DISTRICT No. 21
PRINCE GEORGE'S COUNTY, MARYLAND
TAX MAP 26,34 GRID A1,A4,B1,B4,C4
200 FOOT MAP 210NE05,210NE06,211NE05,211NE06

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	BY	DATE
BASE DATA		
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR ☐		
BY: _____	DATE: _____	

PRELIMINARY PLAN
OF SUBDIVISION
4-19023

SCALE: AS SHOWN
JOB No. 1287A
DATE: 4/2019
SHEET No. 1 of 7

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRELIMINARY PLAN _____

TCP _____

PLANNING BOARD ACTION: _____

PER PGCPB RESOLUTION #: _____

ADOPTION DATE: _____

SIGNATURE APPROVAL DATE: _____

AUTHORIZED SIGNATURE _____

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meets conditions of final approval
by the Planning Board, its designee
or the District Council.

M-NCPPC
APPROVAL

PROJECT NAME: BELTWAY PLAZA

PROJECT NUMBER: 4-19023

For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet
Revision numbers must be included in the Project Number

PROFESSIONAL
CERTIFICATION

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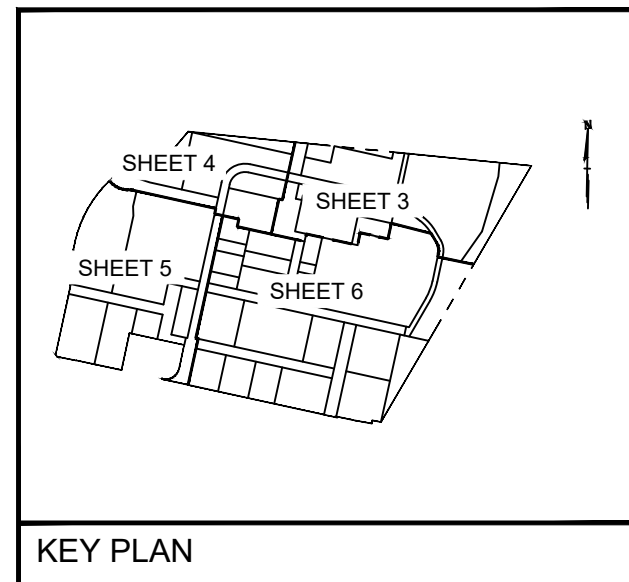
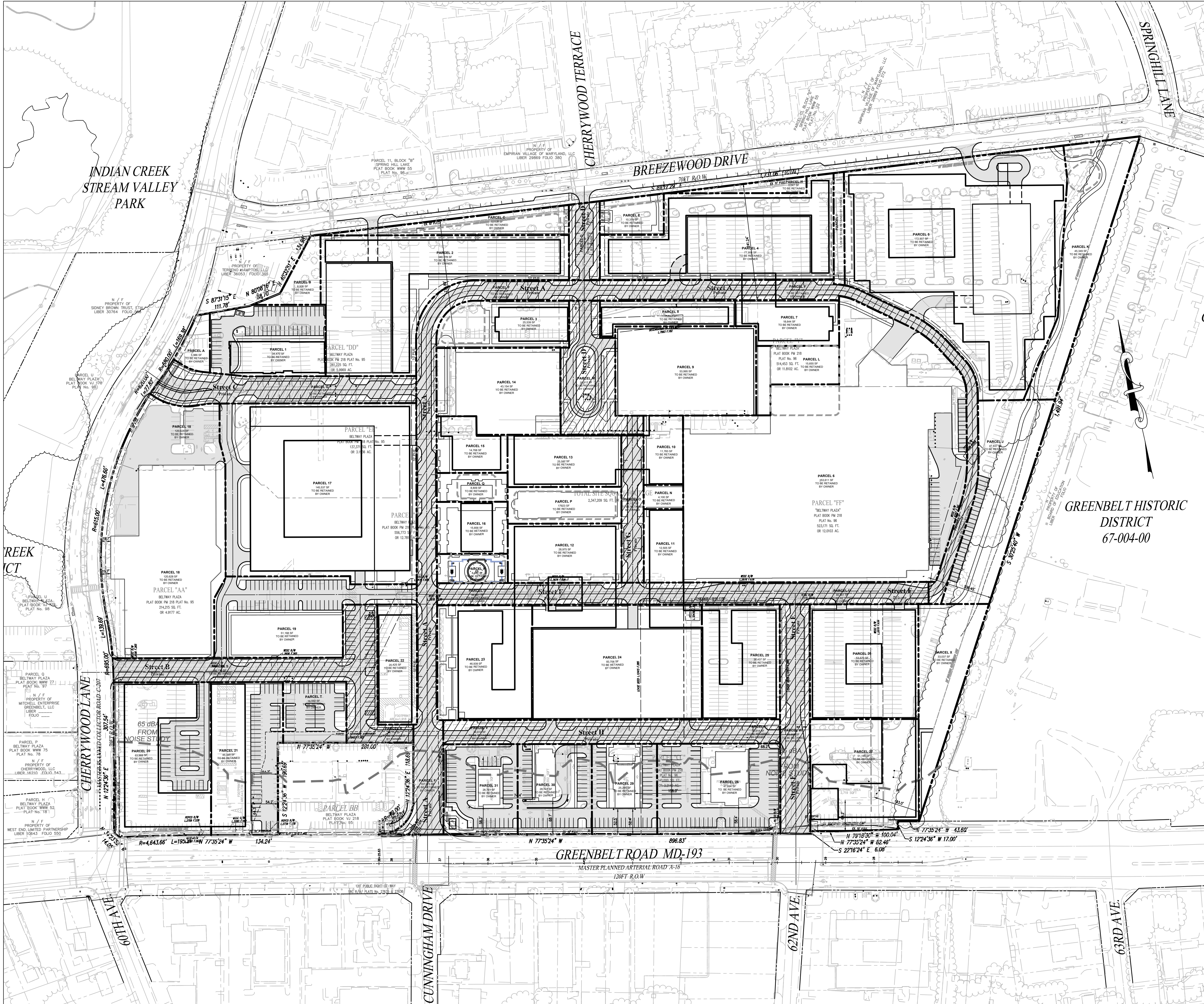
GENERAL NOTES	
1 The subject property consists of the following	Parcels AA, DD, EE & Z, Beltway Plaza (P.B. PM218, Plat No. 95) Parcels CC, FF & Y, Beltway Plaza (P.B. 218, Plan No.96);
2 The subject property is located on Tax Map, grid	Tax Map 26, Grid A4 and B4
3 The subject property is located on WSSC 200' Sheet	210NE05, 210NE06, 211NE05, 211NE06
4 The subdivision proposes:	Subdivision proposes the creation of parcels for residential and commercial uses, and creation of parcels for private roads.
5 The prior approvals are as listed:	NRI-082-2015 (EL), NRI-156-2018 (EL), NRI-156-2018-01, TCP1-008-10, S-04334, S-07251, S-07252, CSP-18010, AC-00005
6 The Preliminary Plan of Subdivision is proposed for: Land zoned:	53.88 Total Acres M-U-I (Mixed Use - Infill) / D-D-O (Development District Overlay (Greenbelt Metro Area and MD 193 Corridor)
7 Net developable area outside the PMA:	Existing - 53.88 Acres, Proposed - 53.88 Acres
8 Acreage of Environmental Regulated Features:	Existing PMA - 0.00 Acres, Proposed - 0.00 Acres
9 Acreage of 100- year floodplain:	Existing Floodplain - 0.00 Acres, Proposed - 0.00 Acres
10 All proposed roads are:	Private
Acreage of private/public roads:	8.06 Acres
11 The existing zoning/use is:	M-U-I/D-D-O / Commercial
12 The proposed use of this property is:	Residential and Commercial
13 The proposed number of dwelling units for this subdivision is: This consists of:	2,500 Units 2,500 Dwelling, Multifamily
14	The uses proposed are subject to the C-S-C Zone Regulations (27-462) and the Development District Standards for the Greenbelt Metro Area and MD193 Corridor Sector Plan and Sectional Map Amendment which do not contain a minimum lot size.
Minimum lot size required by Zoning Ordinance and Subdivision Regulations (24-130)	
15 Minimum Lot Width at Front Building Line and Front Street Line:	The uses proposed are subject to the C-S-C Zone Regulations (27-462) and the Development District Standards for the Greenbelt Metro Area and MD193 Corridor Sector Plan and Sectional Map Amendment which do not contain a minimum lot width at front building or street line.
16 Sustainable Growth Tier	Yes, Tier 1
17 Military Installation Overlay Zone:	No
18 Center Corridor Location:	2002 General Plan Center - Greenbelt Metro 2002 General Plan Corridor - University Boulevard
19 Stormwater Management Concept number and approval date:	#46825-2005-03, Approval Date 04/26/2019
20 Water/Sewer Category Designation:	Existing W-3 and S-3, Proposed W-3 and S-3
21 Aviation Policy Area:	None
22 Mandatory park dedication requirement:	Combination of On-Site Facilities & 20,000 sf of interior space for the City of Greenbelt Department of Recreation
23 Cemeteries on or contiguous to the property:	No
24 Historic sites in or in the vicinity of the property:	Yes - Greenbelt Historic District 67-004-00
25 Type One Conservation Plan:	Yes - TCP1-008-10
26 Within Chesapeake Critical Bay Area (CBCA):	No
27 Wetlands:	No
28 Streams:	No
29 NRI:	
30 In or adjacent to an easement held by the Maryland Environmental Trust, The Maryland Agricultural Land Preservation Foundation, or any land trust organization	No
31 The subject property proposes Public Utility Easements (P.U.E.'S):	10 foot P.U.E.'S. Public Utility Easements shall be approved by the utility companies at the time of approval of the DSP and reflected on the final plat.
32 The boundary survey was prepared by:	GLW ALTA Survey July 23, 2015
33 Applicant:	Quantum Companies
34 The 65dBa falls within the limits of this application	Yes (Phoenix Noise Study dated 05/03/2019)
35 The topography information if from:	GIS

PARCEL	ACRES	DESCRIPTION	DEDICATION	Mixed Use Parcels
A	0.14	Open Space	Retained by Owner	
B	0.20	Open Space	Retained by Owner	
C	0.38	Open Space	Retained by Owner	
D	0.24	Private Road	Retained by Owner	
E	0.24	Open Space	Retained by Owner	
F	2.46	Private Road	Retained by Owner	
G	0.74	Private Road	Retained by Owner	
H	0.12	Open Space	Retained by Owner	
I	0.12	Open Space	Retained by Owner	
J	1.10	Open Space	Retained by Owner	
K	1.04	Open Space	Retained by Owner	
L	0.36	Commercial	Retained by Owner	Mixed Use
M	0.68	Private Road	Retained by Owner	
N	0.09	Open Space	Retained by Owner	
O	0.32	Private Road	Retained by Owner	
P	0.41	Open Space	Retained by Owner	
Q	0.20	Open Space	Retained by Owner	
R	0.20	Open Space	Retained by Owner	
S	1.06	Private Road	Retained by Owner	
T	0.38	Private Parking Lot	Retained by Owner	
U	1.08	Private Road	Retained by Owner	
V	0.80	Private Road	Retained by Owner	
W	0.68	Private Road	Retained by Owner	
X	0.76	Open Space	Retained by Owner	
1	0.79	Commercial/Residential	Retained by Owner	Mixed Use
2	7.82	Residential	Retained by Owner	
3	0.59	Residential	Retained by Owner	
4	1.79	Residential	Retained by Owner	
5	3.97	Residential	Retained by Owner	
6	5.82	Commercial	Retained by Owner	
7	0.43	Commercial/Residential	Retained by Owner	Mixed Use
8	0.36	Residential	Retained by Owner	
9	1.24	Commercial	Retained by Owner	
10	0.27	Commercial/Residential	Retained by Owner	Mixed Use
11	0.29	Commercial/Residential	Retained by Owner	Mixed Use
12	0.67	Commercial/Residential	Retained by Owner	Mixed Use
13	0.59	Commercial/Residential	Retained by Owner	Mixed Use
14	0.99	Commercial	Retained by Owner	
15	0.34	Commercial/Residential	Retained by Owner	Mixed Use
16	0.43	Commercial/Residential	Retained by Owner	Mixed Use
17	3.34	Commercial/Residential	Retained by Owner	Mixed Use
18	2.77	Commercial	Retained by Owner	
19	1.17	Commercial/Residential	Retained by Owner	Mixed Use
20	1.47	Commercial/Residential	Retained by Owner	Mixed Use
21	1.04	Commercial/Residential	Retained by Owner	Mixed Use
22	0.47	Commercial/Residential	Retained by Owner	Mixed Use
23	1.08	Commercial/Residential	Retained by Owner	Mixed Use
24	1.92	Commercial	Retained by Owner	
25	0.88	Commercial/Residential	Retained by Owner	Mixed Use
26	1.23	Commercial/Residential	Retained by Owner	Mixed Use
27	1.18	Commercial/Residential	Retained by Owner	Mixed Use
28	1.09	Commercial	Retained by Owner	
29	0.58	Commercial	Retained by Owner	
30	0.66	Commercial	Retained by Owner	
31	0.66	Commercial	Retained by Owner	

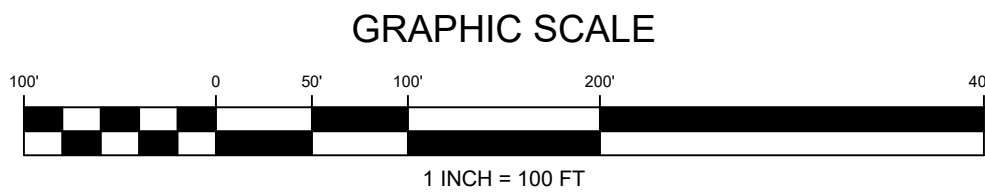
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PRELIMINARY PLAN OF SUBDIVISION 4-19023

BELTWAY PLAZA



PROPERTIES SUBJECT TO THIS APPLICATION			
PARCEL	SIZE	PLAT REFERENCE	
AA	4.92 ACRES	PLAT BOOK PM 218 PLAT NO. 95	
CC	3.21 ACRES	PLAT BOOK PM 218 PLAT NO. 96	
DD	6.00 ACRES	PLAT BOOK PM 218 PLAT NO. 95	
EE	3.15 ACRES	PLAT BOOK PM 218 PLAT NO. 95	
FF	12.01 ACRES	PLAT BOOK PM 218 PLAT NO. 96	
Y	11.81 ACRES	PLAT BOOK PM 218 PLAT NO. 96	
Z	12.78 ACRES	PLAT BOOK PM 218 PLAT NO. 95	



SHEET INDEX	
SHEET NUMBER	SHEET TITLE
1	VICINITY MAP
2	COVER SHEET
3	EXISTING CONDITIONS
4 - 7	PRELIMINARY PLAN SHEETS

LEGEND:	
	EX. BOUNDARY LINE
	EX. LOT LINE
	EX. BLDG
	EX. SIDEWALK
	EX. PARKING STRIPING
	EX. TREES
	EX. WATER
	EX. SEWER
	EX. STORM DRAIN
	EX. UNMITIGATED 65 DB LINE
	PR. R.O.W.
	PR. LOT LINE
	PR. FACE OF CURB
	PR. BACK OF CURB
	PR. ROAD PAVEMENT
	PR. PUE
	EX. ESMT
	PR. RECREATION AREAS
	PROPOSED ACCESS EASEMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION	
PRELIMINARY PLAN	
TCP	
PLANNING BOARD ACTION:	
PER PGCPB RESOLUTION #:	
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SIGNATURE APPROVAL DATE:	
AUTHORIZED SIGNATURE	
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M-NCPPC APPROVAL	
PROJECT NAME: BELTWAY PLAZA	
PROJECT NUMBER: 4-19023	
For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet. Revision numbers must be included in the Project Number.	
PROFESSIONAL CERTIFICATION	
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 32490, Expiration Date: 6/6/2021.	
SCALE: AS SHOWN	JOB No. 1287A
DATE: 4/2019	
SHEET No. 2 of 7	

REVISION	DATE	REVISION	DATE	REVISION	DATE

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BELTWAY PLAZA

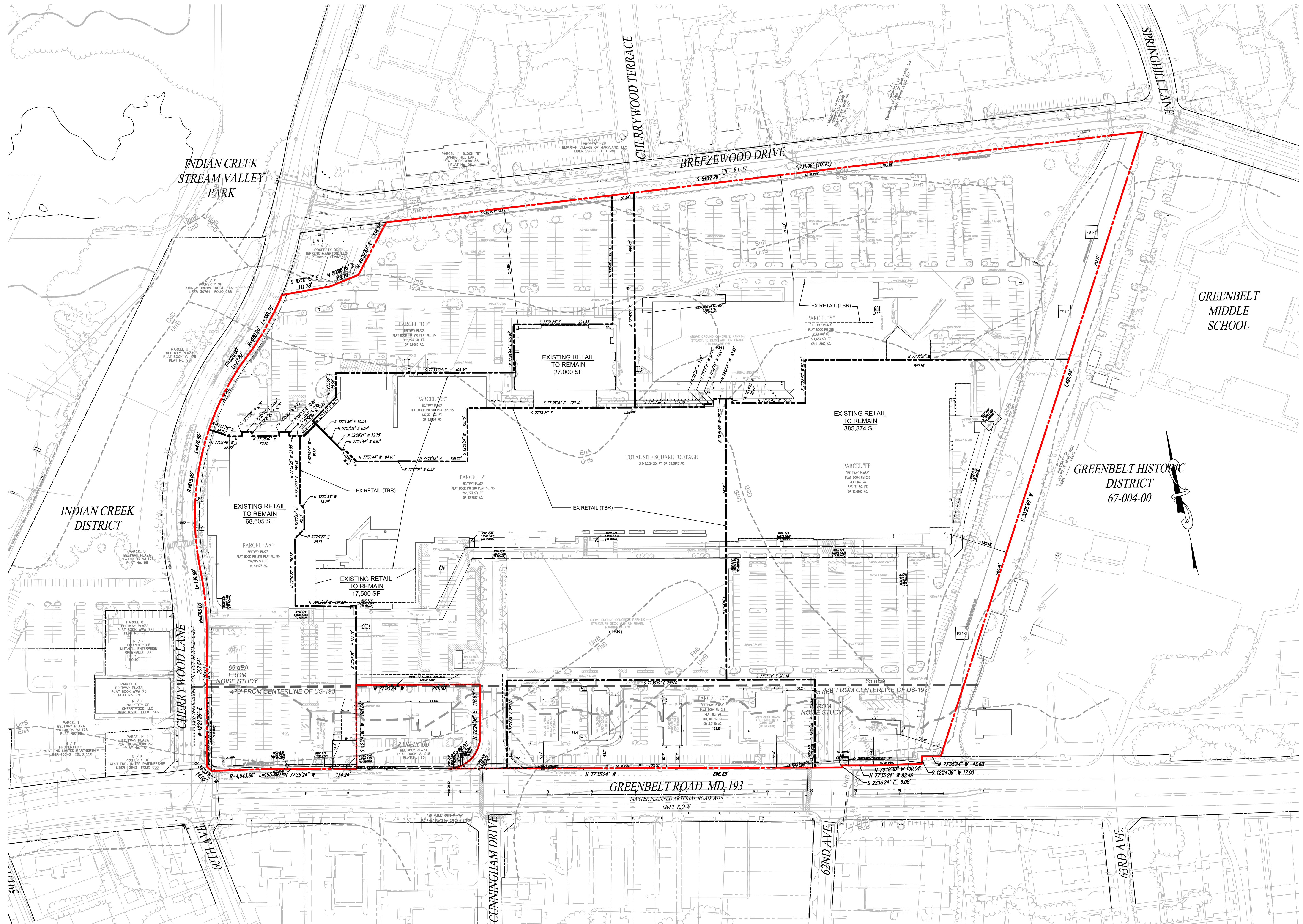
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200 FOOT MAP 210NE05, 210NE06, 211NE05, 211NE06

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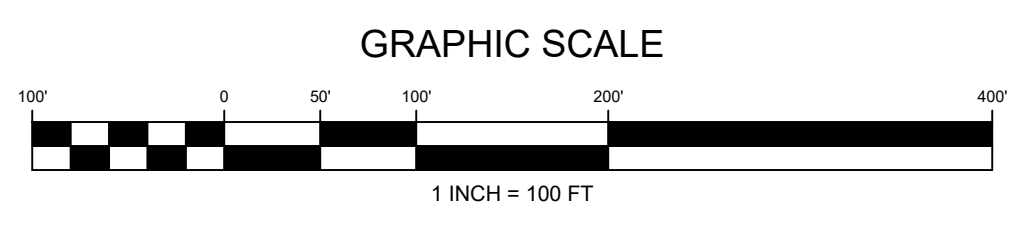
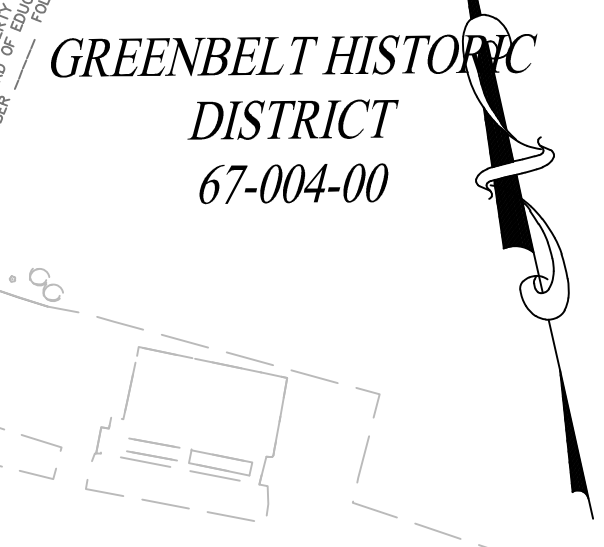
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BY	DATE	

PRELIMINARY PLAN OF SUBDIVISION 4-19023



- LEGEND:
- EX. BOUNDARY LINE
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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PRELIMINARY PLAN

TCP

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BELTWAY PLAZA

ELECTION DISTRICT No. 21

PRINCE GEORGE'S COUNTY, MARYLAND

TAX MAP 26,34 GRID A1,A4,B1,B4,C4

200 FOOT MAP 21ONE05,21ONE06,211NE05,211NE06



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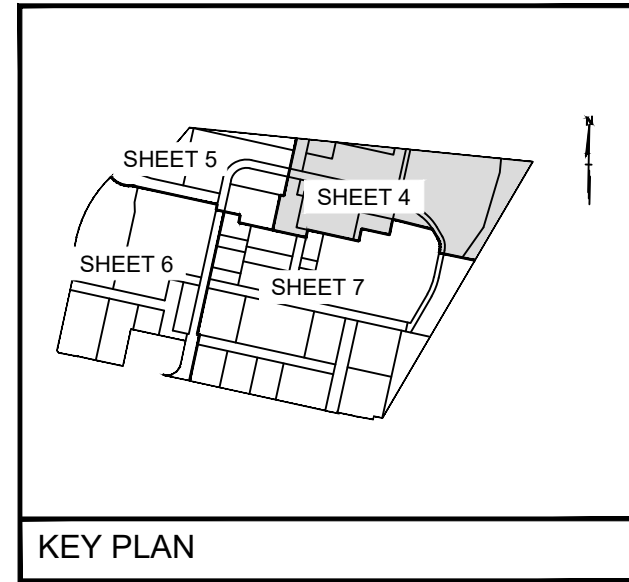
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PRELIMINARY PLAN OF SUBDIVISION EXISTING CONDITIONS

SCALE: AS SHOWN
JOB No. 1287A
DATE: 4/2019
SHEET No. 3 of 7

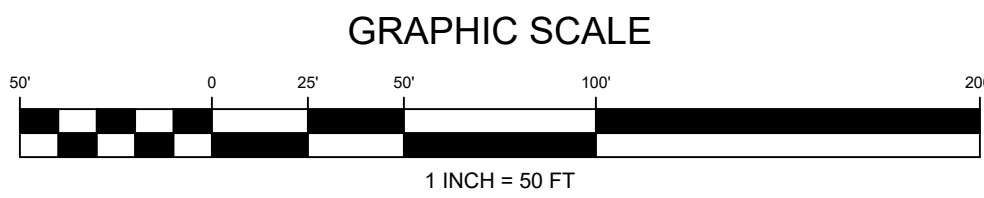
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Matchline B-B
See Sheet 5



Matchline A-A - See Sheet 7



LEGEND:	
	EX. BOUNDARY LINE
	EX. LOT LINE
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	EX. SIDEWALK
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M-NCPPC APPROVAL

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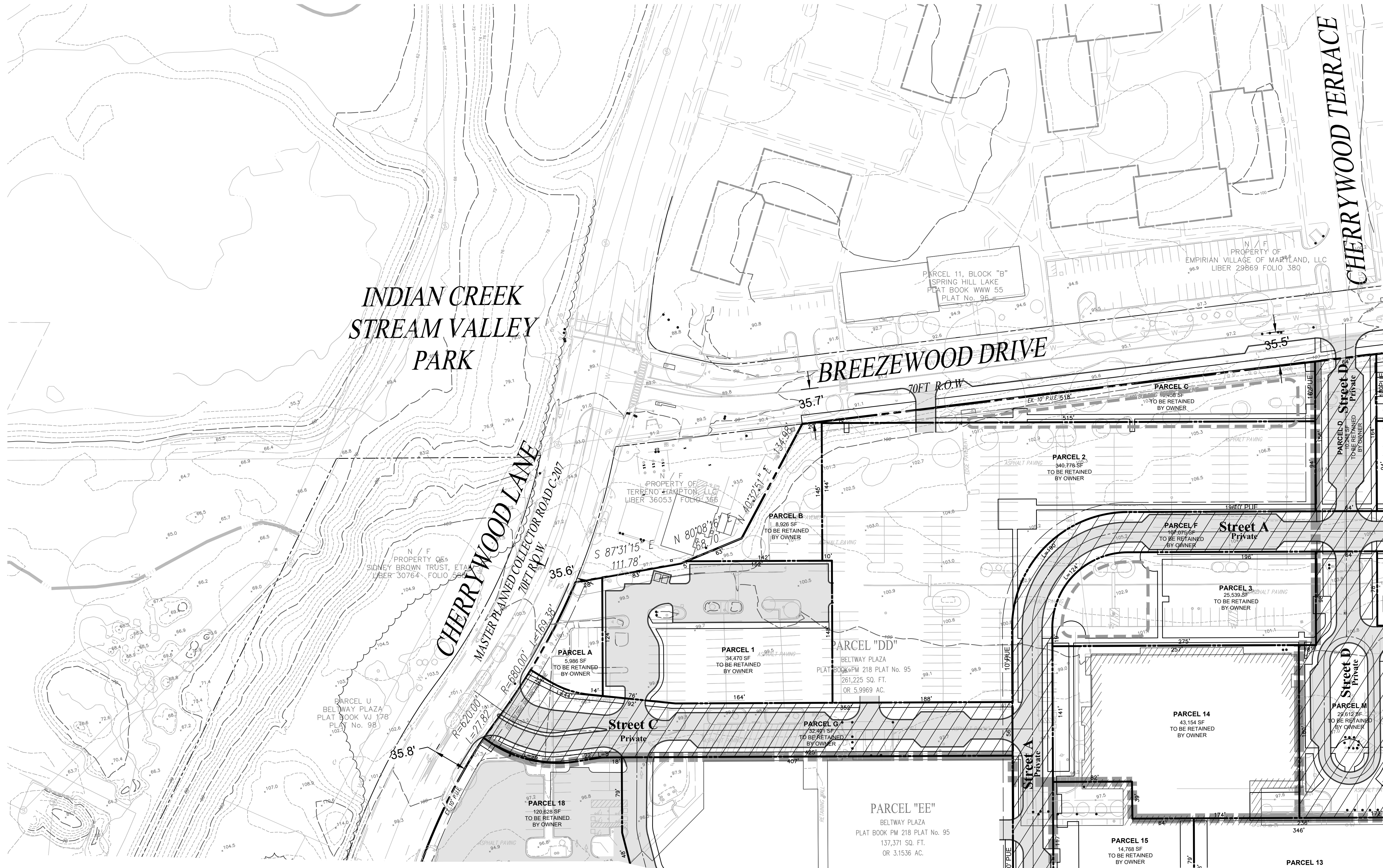
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PRELIMINARY PLAN
4-19023

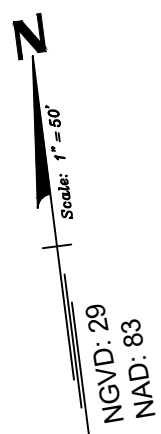
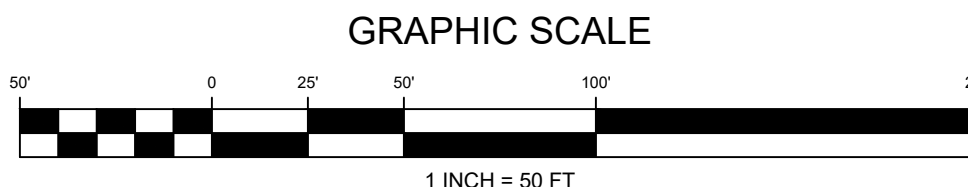
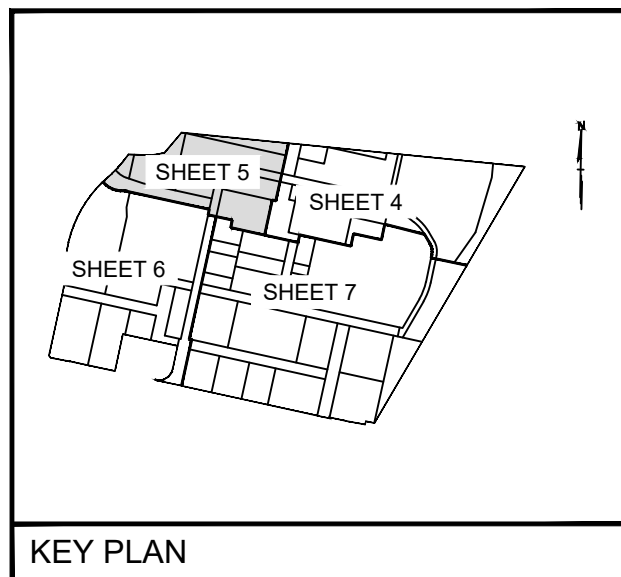
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SHEET No. 4 of 7



- LEGEND:
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Matchline B-B
See Sheet 4

Matchline A-A - See Sheet 6



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4 PRELIMINARY PLAN.dwg

1/15/2004

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PRELIMINARY PLAN
4-19023

SCALE: **AS SHOWN**
JOB No. **1287A**
DATE: **4/2019**
SHEET No. **5 of 7**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PRELIMINARY PLAN _____
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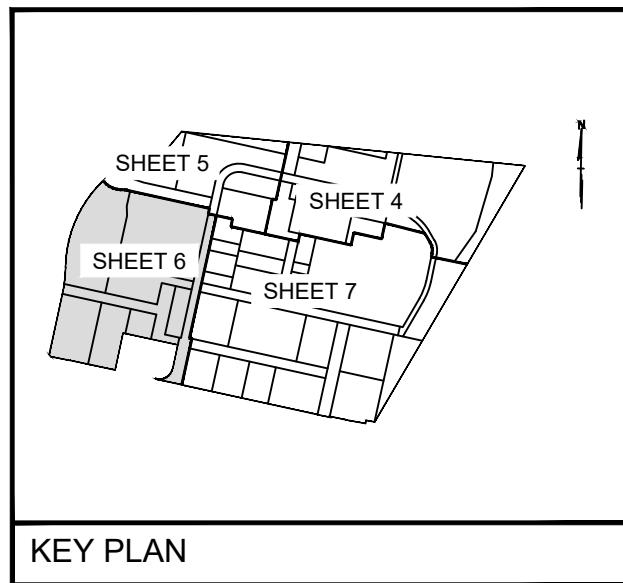
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STATE OF MARYLAND PROFESSIONAL ENGINEER

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TAX MAP 26,34 GRID A1,A4,B1,B4,C4
200 FOOT MAP 21NE05,21NE06,21NE05,21NE06

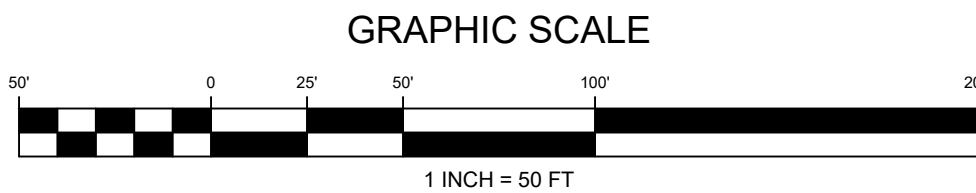
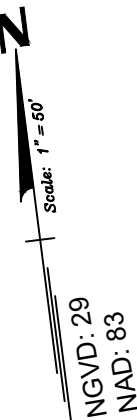
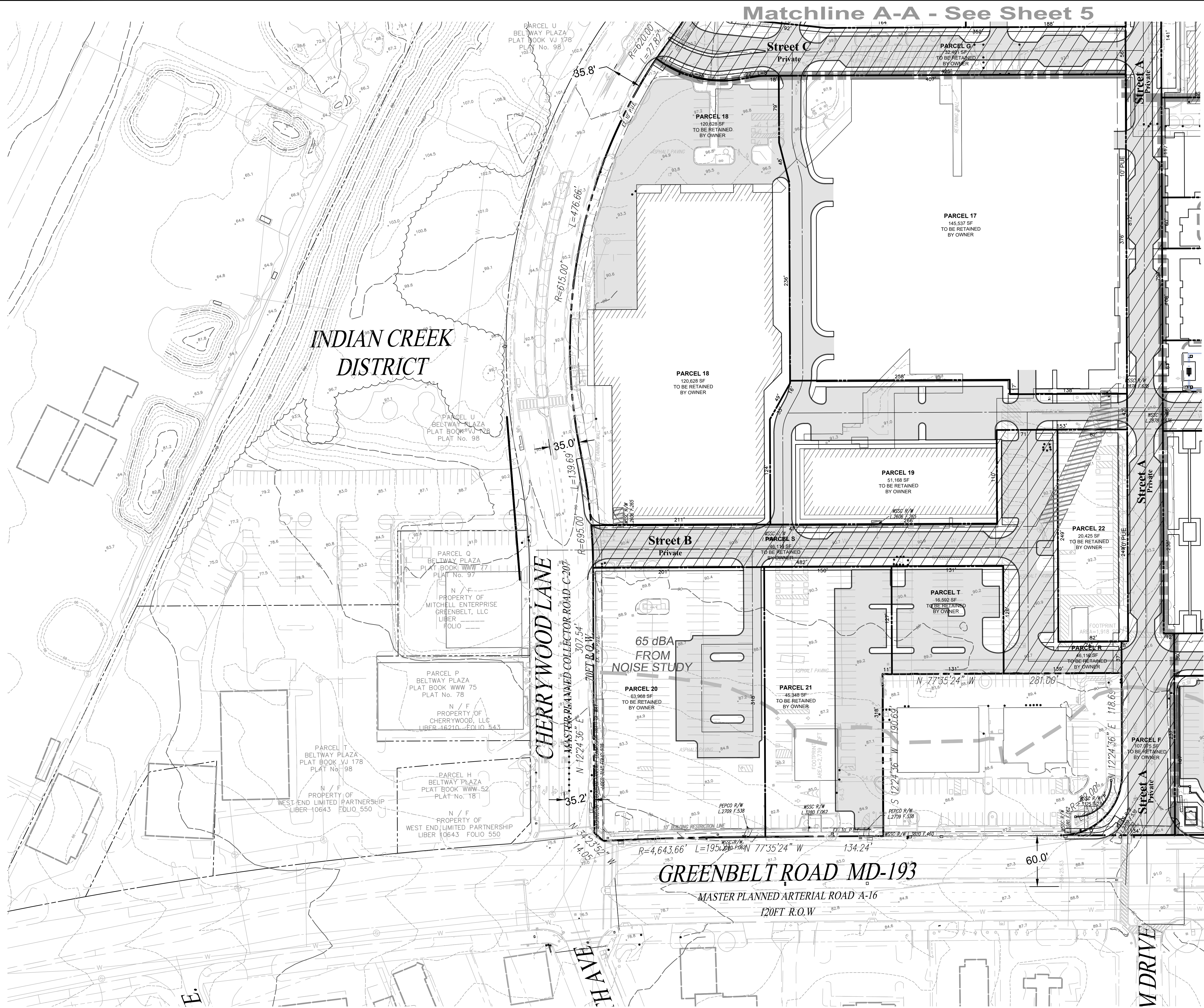
RODGERS
CONSULTING

1101 Mercantile Lane, Suite 280, Largo, Maryland 20774
Ph: 301.948.4700 Fx: 301.948.6356 www.rodgers.com

BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR ☐		
BY: _____	DATE: _____	

PRELIMINARY PLAN
4-19023

SCALE: AS SHOWN
JOB No. 1287A
DATE: 4/2019
SHEET No. 6 of 7



LEGEND:	
	EX. BOUNDARY LINE
	EX. LOT LINE
	EX. BLDG
	EX. SIDEWALK
	EX. PARKING STRIPING
	EX. 10' CONTOUR LINE
	EX. 2' CONTOUR LINE
	EX. TREES
	EX. WATER
	EX. SEWER
	EX. STORM DRAIN
	EX. UNMITIGATED 65 DB LINE
	PR. R.O.W.
	PR. LOT LINE
	PR. SIDEWALK
	PR. FACE OF CURB
	PR. BACK OF CURB
	PR. ROAD PAVEMENT
	PR. SEWER
	PR. WATER
	PR. STORM DRAIN
	PR. PUE
	PR. EASEMENT
	EX. ESMT
	PR. RECREATION AREAS
	EX. BUILDING TO REMAIN
	EX. EASEMENT POTENTIALLY TO BE ABANDONED
	PROPOSED ACCESS EASEMENT

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRELIMINARY PLAN
TCP
PLANNING BOARD ACTION: _____
PER PGCPB RESOLUTION #: _____
ADOPTION DATE: _____
SIGNATURE APPROVAL DATE: _____

AUTHORIZED SIGNATURE _____

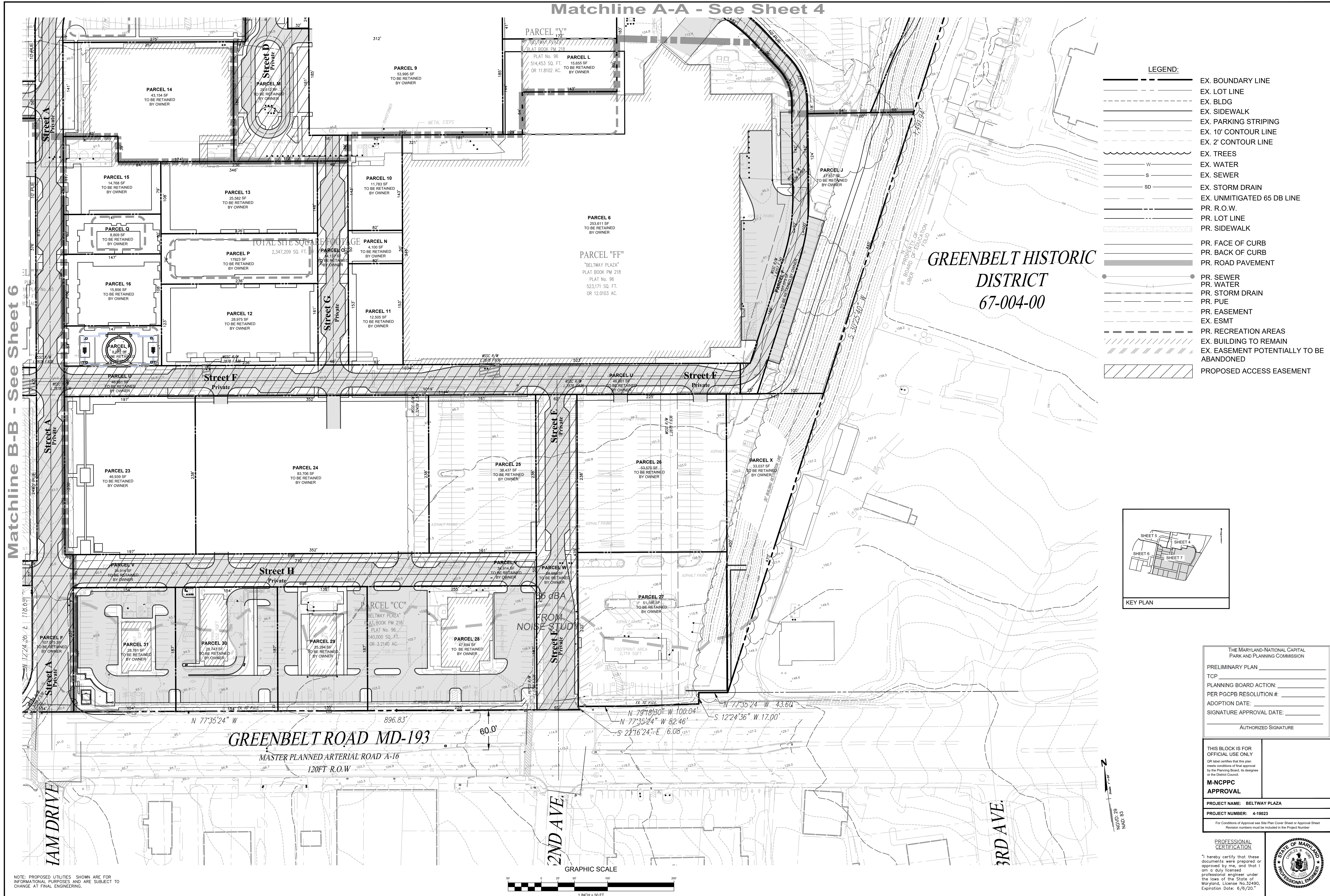
THIS BLOCK IS FOR
OFFICIAL USE ONLY
GPR label certifies that this plan
meets conditions of final approval
by the Planning Board, its designee
or the District Council.

M-NCPPC
APPROVAL

PROJECT NAME: BELTWAY PLAZA
PROJECT NUMBER: 4-19023
For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet
Revision numbers must be included in the Project Number

PROFESSIONAL
CERTIFICATION
I hereby certify that these
documents were prepared or
approved by me, and that I
am a duly licensed
professional engineer under
the laws of the State of
Maryland, License No. 32490,
Expiration Date: 6/6/20.





REVISION		DATE	REVISION	DATE	REVISION	DATE	Owner/Developer: GB Mail Limited Partnership c/o Quantum Co. The Quantum Building 4912 Del Ray Avenue Bethesda, MD 20814	Beltway Plaza ELECTION DISTRICT No. 21 PRINCE GEORGE'S COUNTY, MARYLAND TAX MAP 26,34 GRID A1,A4,B1,B4,C4 200 FOOT MAP 21NE05,21NE06,21NE05,21NE06		RODGERS CONSULTING 1101 Mercantile Lane, Suite 280, Largo, Maryland 20774 Ph: 301.948.4700 Fx: 301.948.6256 www.rodgers.com		BASE DATA DESIGNED DRAWN REVIEWED RODGERS CONTACT: RELEASE FOR BY: DATE:		SCALE: AS SHOWN JOB No. 1287A DATE: 4/2019 SHEET No. 7 of 7	
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PRELIMINARY NOT FOR CONSTRUCTION

PRELIMINARY PLAN OF SUBDIVISION

Beltway Plaza

Staff Report

January 2, 2020

I. General Information

Applicant/Property Owner:	GB Mall Limited Partnership
Subject:	Preliminary Plan of Subdivision
Project Name:	Beltway Plaza
Location:	North side of Greenbelt Road (MD 193), at the NE quadrant of its intersection with Cherrywood Lane
Acreage:	53.88
Zoning:	Mixed Use Infill (M-U-I)/Development District Overlay (DDO)
Proposed Land Use:	Mixed-use development consisting of 2,500 multifamily dwelling units and 700,000 square feet of commercial/retail space

II. Background Information:

Planning Staff has been engaged with Quantum Companies since 2005 regarding proposals for the redevelopment of Beltway Plaza (BWP). In 2006, a Conceptual Site Plan (CSP) was submitted to the Maryland-National Capital Park and Planning Commission (M-NCPPC). That plan included 700 multifamily dwelling units in the northern portion of the property and 22,000 square feet of commercial space. The 2006 CSP proceeded to a public hearing before the Prince George's County Planning Board without City support. The hearing ended in a tie vote and the site plan has remained pending at the County since that time. BWP reengaged with the site plan and submitted an updated CSP to M-NCPPC which was referred to the City on December 10, 2018.

This CSP proposed a mixed-use five (5) phase redevelopment that included an approximate total of 175-250 townhouses/two-family attached units, 875-2,250 multifamily units, and 435,000-700,000 square feet of commercial space. On February 11, 2019 City Council voted to support this CSP with conditions. The conditions addressed areas of concern including, transportation/circulation, environmental concerns, urban design, and recreation.

These conditions were revised after discussions with the applicant and revised conditions were presented to City Council on March 11, 2019. The City and the applicant agreed to enter into a private binding agreement on the conditions. On March 14, 2019 the CSP was presented to the Prince George's County Planning Board where it was approved.

Since that time the applicant has filed a Preliminary Plan of Subdivision (PPS) application with Maryland-National Capital Park and Planning Commission and the PPS is scheduled to be considered by the Prince George's County Planning Board on February 6, 2020. The PPS has been referred to the City for review and comment.

III. Preliminary Plan of Subdivision as Submitted October 7, 2019:

The PPS was referred to the City on October 7, 2019 and proposed the subdivision of the 53.88 acre project area into 59 parcels and 139 lots. The PPS proposed to redevelop the existing Beltway Plaza with 139 townhomes, 110 condominium units, and 2,251 multifamily units. The single-family attached units were proposed for the northernmost portion of the site and the multifamily units were distributed throughout the site.

The existing 825,000 SF of retail footprint was proposed to be reduced to 700,000 SF. The proposal as initially submitted closely mirrored the development program proposed during the CSP phase of this project. After the Subdivision Review Committee meeting, the Applicant informed staff that revisions were being made to the plans, specifically with respect to reducing the number of townhomes included.

IV. Revised Preliminary Plan of Subdivision:

On December 13th, 18th, and 23rd, the applicant submitted revised plans to the City and the County. The revised documents submitted included a revised PPS, Connectivity Network Exhibit, revised Traffic Impact Analysis, and an Illustrative Plan. The PPS shows the proposed layout of the development while the Illustrative Plan shows more detail including proposed locations for pocket parks/open space amenities, streetscape improvements, and more detail about the interactions between proposed uses. These plans contained significant changes from the PPS that was initially referred to the City. After receiving the revised plans staff contacted both the Applicant and the County to express their belief that this revised submission required more time for review.

On December 24, 2019 County staff informed Planning staff that the Applicant will not be required to move their Planning Board hearing date. This report includes a discussion of the changes that have been made to the proposed redevelopment and the major issues and concerns that remain.

V. Proposed Site Layout:

The revised PPS includes the removal of all townhome lots and proposed condominium units. All 2,500 dwelling units proposed for the site are now proposed to be multifamily units. The PPS does not make reference as to whether the units will be owner or renter occupied. Staff believes that there will need to be a commitment from the Applicant that both owner occupied and renter occupied units will be provided for within the development. The proposed locations for multifamily buildings have also been revised.

The area that is currently used as the Target parking lot is now shown as an area for a proposed multifamily building. The original PPS showed the corner of Cherrywood Lane and Greenbelt Road to be a commercial parcel. On the revised PPS the parcel on this corner proposes a multifamily building with a retail component. Other changes include multifamily buildings partially wrapping the southernmost parking garage. The revised PPS also proposes multifamily buildings on the northern side of second parking garage.

The existing parking lot in front of the Giant grocery store is now shown as a proposed location for a residential/commercial parcel. The northernmost portion of the site now shows three (3) structured parking garages each of which are partially or fully wrapped by multifamily buildings. The Illustrative Plan also proposes a hotel near the northwest corner of the site.

The preliminary plan shows 13 parcels for open space throughout the development that total five (5) acres. The largest of these parcels are on the east side of the site. The Illustrative Plan also shows courtyard areas planned for a number of the multifamily buildings.

The Applicant has also prepared exhibits detailing the amenity core area which is planned for the center of the development. The amenity core is proposed to be a total of 1.4 acres. Amenities proposed for this area are a splash pad, plaza, sitting areas, and an amphitheater. Staff continues to note that this amenity core is planned for Phase 3 and recreation amenities are needed in Phase 1 to accommodate the residential units planned for in that phase. Staff has also noted their view that the proposed amenity core is seen as a valuable commercial related amenity and less as a recreational amenity for the residential units.

VI. Environment:

As part of the Preliminary Plan of Subdivision application process the applicant is required to submit information about the environmental conditions of the site including, acreage of 100-year floodplain, net developable area outside of primary management area (PMA), and existing streams and wetlands. The Beltway Plaza site is not located within a 100-year floodplain and there are no streams or wetlands located on the site. The site does contain slopes that are greater than 15% along the eastern side of the property bordering Greenbelt Middle School.

This site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). A Type I Tree Conservation Plan was submitted with the revised PPS. The TCP 1 shows that there are 2.28 acres of existing woodland. The plan proposes the clearing of 1.15 acres of woodland.

According to the submitted worksheet, the cumulative woodland conservation requirement is 9.23 acres. The TCP 1 proposes to meet this requirement by .24 acres of woodland preservation and 8.99 acres of off-site woodland conservation. The worksheet notes that 2.10 acres of off-site mitigation has already been recorded for this site due to a previous project. Staff is working with the County on exploring opportunities for areas within the City to be designated as woodland conservation banks, but is not optimistic that a site of this size can be located within the City.

Noise:

During the CSP review process the City and applicant agreed to the following condition regarding noise:

“As part of any Preliminary Plan of Subdivision submission, the applicant shall submit a Noise Study for review and approval by the requisite approving authority. The Noise Study shall measure noise impacts to the site, provide the required contours, and provide any required mitigation measures to achieve acceptable noise levels.”

As part of the original PPS submission, the applicant submitted a Phase 1 noise study. At that time the study found that, “Upon full build-out, there will be two residential buildings

impacted by noise levels above 65 dBA Ldn with impact up to 66 dBA Ldn upon the southern elevations of the buildings. All residential units exposed to noise levels above 65 dBA Ldn require further analysis to determine whether the proposed building architecture will be capable of maintaining interior noise levels at the required limit” The buildings shown to be impacted in that study were those that were closest to Greenbelt Road.

While the applicant did not submit a revised Noise Study, the PPS shows the noise contour line as determined during the noise study. This shows that the residential units that are now proposed to abut Greenbelt Road will also be impacted by noise and will require mitigation. Staff contacted County Planning Staff about the changes in the proposed development and how more residential buildings will be impacted. County Staff responded that the Applicant will be required to submit a Phase II noise study at the time of each DSP and will be required to show how the noise will be mitigated.

Stormwater Management:

The applicant received Stormwater Management Concept Approval from Prince George’s County. The approved Site Development Concept Plan shows an underground storage area for 100 year flood attenuation. This is located on the west side of the property.

The Site Development Concept plan, as approved, shows three (3) submerged gravel wetlands and eighteen (18) micro-bioretenention areas. The submerged gravel wetlands were shown on the northern portion of the project area. The micro-bioretenention areas were shown throughout the project area, and there was a concentration of these areas on the southwest corner of the property.

Since the approval of that plan the PPS has undergone significant changes and the proposed locations for the submerged gravel wetlands and the micro-bioretenention areas are no longer clear. Planning Staff has contacted County staff as to whether a revised Site Development Concept Plan would need to be submitted. County staff has responded that the applicant will not be required to submit a revised plan and that at time of DSP the Applicant will be required to submit a plan that addresses the revised proposed site layout.

This topic is also addressed in the conditions that were agreed to by the Applicant and the City. As conditioned at the time of the CSP, “All Detailed Site Plans shall show the Environmental Site Design techniques intended for use within the limits of each respective Detailed Site Plan.”

VII. Transportation:

Traffic Impact Analysis

During the PPS a Traffic Impact Study (TIS) is required if a development generates 50 trips or more during any peak hour and is used to assess how the area will be affected by traffic

generated by the proposed development¹. The applicant submitted a TIS as part of the original PPS submission. At that time Planning Staff met with County Transportation Planning Section Staff to discuss numerous concerns and questions about the TIS as submitted. Areas of concern included intersections not studied, background developments not included, and trip distribution.

Due to the significant changes to the PPS, the applicant has submitted a revised TIS. Staff received this study on December 23, 2019. The revised study found that all signalized and unsignalized study intersections are considered to operate adequately per M-NCPPC Guidelines. The recommendation in this report is:

“The results of the queuing analysis indicate that the eastbound left-turn queues exceed available storage at the intersections of MD 193 & Cunningham Drive and MD 193 & 62nd Avenue under Total Conditions during the PM Peak hour. It is recommended that the eastbound left-turn lane at the intersection of MD 193 & Cunningham Drive be lengthened to provide 325 feet of storage, and the eastbound left-turn lane at the intersection of MD 193 & 62nd Avenue be lengthened to provide 150 feet of storage.”

The study also recommends that:

“As part of the redevelopment, it is proposed that the northern leg of Intersection 12 (MD 193 at Cunningham Drive & Existing Site Access) be altered in order to be more accessible to pedestrian traffic.”

After review of the TIS, staff found that the concerns raised with County Staff have not been addressed and the revised TIS has raised additional concerns. The first concern is with respect to the access points to the site. One of the revisions to the original PPS was the site access points off of Breezewood Drive. The PPS as initially submitted proposed two (2) streets into the site off of Breezewood Drive.

The revised PPS shows one (1) street entrance and two (2) driveway entrances off of Breezewood Drive. The TIS, however, only shows two (2) access points off of Breezewood Drive which ignores one of the driveway entrances. By not including the third access point the TIS does not adequately show the impact of traffic on Breezewood Drive.

The next concern is the intersections that were not included in the study. Staff believes that the following intersections should be included in the TIS:

¹ The Maryland-National Capital Park & Planning Commission
Prince George’s County Planning Department
Guidelines for the Analysis of the Traffic Impact of Development Proposals
<http://mncppcapps.org/planning/publications/PDFs/117/Guidelines%20for%20the%20Analysis%20of%20the%20Traffic%20Impact%20of%20Development%20Proposals.pdf>

- Cherrywood Lane and Springhill Drive
- Cherrywood Lane and Ivy Lane
- Cherrywood Lane and MD 201
- Greenbelt Road and 63rd Avenue
- Springhill Lane and Breezewood Drive
- Exit lanes from MD 201 onto Greenbelt Road
- Branchville Road and Greenbelt Road
- Greenbelt Road and Greenbelt Station Parkway

With respect to forecasting future traffic volumes, the Prince George's County *Guidelines for the Analysis of the Traffic Impact of Development Proposals* states that, "Such projections must consider traffic that would be generated by development of properties that are considered to be in the pipeline" This means that any development that has an approved preliminary plan of subdivision, final plat, or record plat must be included as background developments in the study.

Staff believes that because of these guidelines, the TIS submitted does not include all necessary background developments. The study includes two (2) background developments: Capital Office Park and the remaining townhomes planned for Greenbelt Station. Using Prince George's County rates the study outlined that the Capital Office Park Development (354 dwelling units) will generate a total of 184 AM Peak hour trips and 212 PM Peak hour trips. The study also found that the remaining 145 townhomes at Greenbelt Station will generate 102 AM Peak hour trips and 116 PM Peak hour trips.

The study also assumed that none of the trips generated by the background developments will enter the Beltway Plaza site during peak hours. Staff has expressed their belief that this is inaccurate and that these background developments will generate trips into the site, particularly for retail use.

Staff has also expressed their belief that there are two (2) developments that are missing from the TIS. The first is one parcel in the Golden Triangle area that has an approved DSP for the construction of 2 one-story automobile dealerships with a combined gross floor area of 28,740 SF.

The second development that Staff believes should be included is the Greenbelt Station- North Core for which there is an approved Preliminary Plan. County Staff has responded that because the North Core development requires the construction of a full interchange along I-95 at the Greenbelt Metro Station, which is not funded at this time, the trips for this development do not need to be included.

Staff acknowledges that the North Core will likely not be developed without a full interchange, but the TIS that was prepared in 2001 for the North Core shows that trips

were still assigned to the local roadways while assuming a full interchange. It is these trips that Staff believes should be considered in the current TIS. The concern is that if no development is required to take these trips into account prior to the development of the North Core, there will be no understanding of the extent to which the local roadways will be impacted.

Staff also believes that the trip distribution as shown in the TIS is not supported by local traffic patterns. The first concern is that on the exhibit that shows the total trips generated by the site only residential trips are shown. This is justified in the study because the number of retail trips will not be changed significantly by the redevelopment, but this ignores that there will now be access to the site off of Breezewood Drive. Staff believes that retail trips should be shown in the study to better understand how Breezewood Drive will be affected by access points to Beltway Plaza.

Staff also believes that the study underestimates how many residential trips will occur off of Breezewood Drive, particularly because two (2) of the access points are proposed to be direct driveways into residential parking garages.

Staff has also raised questions about the transit reduction assumed in the study. The study assumes a 20% reduction in residential trips because of proximity and bus service to the Greenbelt Metro. Staff believes this reduction is too high for this area. This concern was also raised by the Travel Forecasting and Analysis Division of SHA. Their concern is as follows, “The 20% transit trip reduction may be too high considering the large size of the development. Assuming a 11-12 minute headway, as mentioned in the report, this would lead to approximately 40 new riders boarding every bus arriving at the Cherrywood bus stop during the AM peak.” Staff raised this concern during the initial review of the TIS, but it has not been addressed.

Pedestrian and Bicycle Impact Statement:

Section 24-124.01 of the County Code requires that, “...before any preliminary plan may be approved for land lying, in whole or part, within County Centers, and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.”

The amount that an applicant must provide to fulfill the off-site portion of this requirement is determined by the number of dwelling units and the square footage of commercial/retail space. For each square foot of commercial/retail development, the applicant must pay \$0.35 and for each dwelling unit proposed that applicant must pay \$300 for pedestrian and bicycle facilities.

The proposed redevelopment of Beltway Plaza includes 2,500 dwelling units and 700,000 SF of commercial/retail space. Of that 700,000 SF of commercial/retail space only 175,858 is proposed to be razed and replaced new. It is the commercial/retail space that will be replaced new that is included in this calculation. The calculation for the pedestrian and bicycle impact is

as follows: $2,500 \text{ DU's} \times \$300/\text{unit} + 175,858 \text{ SF} \times \$0.35/\text{SF} = \$750,000 + \$61,550.30 = \$811,550.30$.

As part of the PPS submission the applicant proposed three (3) methods for fulfilling the BPIS requirements; adding bus shelters to existing bus stops, adding new bus stops with shelters, and adding ADA upgrades and pedestrian crossings. The applicant proposed the construction of bus shelters at five (5) existing bus stops on Cherrywood Lane and three (3) existing bus stops on Breezewood Drive.

The applicant has also proposed the construction of three (3) new bus stops on Greenbelt Road. Lastly, the applicant has proposed the installation of crosswalks, with ADA upgrades, at several different locations on Cherrywood Lane, Breezewood Drive, and Greenbelt Road.

Staff is working with the County to organize a coordinating meeting to discuss the list of improvements, including adding those improvements that are identified in the *2014 City of Greenbelt Pedestrian and Bicycle Master Plan*.

VIII. Recreation:

Mandatory Dedication of Parkland:

Per County Regulation Sec. 24-134 mandatory dedication of parkland can be met by land dedication, private recreation facilities, fee in-lieu, or a combination of those components. If the applicant were to satisfy this requirement with only land dedication the amount of land required would be 8.08 acres. If the applicant were to satisfy the requirement with only private recreation facilities the value of those facilities would need to be a value of \$2,262,000. If the applicant were to satisfy the requirements solely through fee in-lieu the applicant would be required to pay approximately \$1,692,590.

The conditions for support that were agreed to during the CSP phase of this project required the preliminary plan of subdivision to address mandatory dedication requirements. The CSP condition states,

“The Preliminary Plan of Subdivision shall address mandatory parkland dedication requirements, and since the City is not within the Metropolitan District, the City must agree to and accept the final proposed public recreation/parks program for the redevelopment project. At the time of each Detailed Site Plan for the corresponding development area, the location and details of any public or private recreational amenities shall be provided”

Open space and recreational amenities were a topic of significant discussion during the review of the CSP. The Advisory Planning Board, Parks and Recreation Advisory Board, GreenACES, and City Council raised concerns about the lack of open space and recreational amenities citing an existing need in Greenbelt West that will be significantly impacted by the

additional 2,500 dwelling units. The proposed 2,500 dwelling units will result in a population of approximately 6,000 new residents at a rate of 2.4 persons per dwelling unit.

Staff has raised land dedication as a means to meet the mandatory dedication requirement several times. The Applicant has consistently stated that land dedication is not feasible. As a result of this, Planning Staff worked with the Acting Directors of the Department of Recreation and Parks to identify opportunities to meet recreation needs.

One opportunity discussed was interior mall space that could be used for recreation. This space would be used for youth and adult sports including practices, clinics, leagues, tournaments, and drop-in pickup games. The types of sports that could be accommodated are soccer, futsal, lacrosse, field hockey, potentially volleyball, basketball, and football depending on ceiling height. The types of activities offered would be formalized through community input.

The Applicant has proposed offering 20,000 SF of interior space to the City in order to meet this need. Staff met with the applicant on December 23, 2019 to visit the site and tour a space that could be used for an interior recreation space. The Applicant has mentioned, however, that the location for interior space may change throughout the redevelopment process. Staff and the Applicant have also discussed monetary contributions that could be used for the maintenance of the ball fields at the Greenbelt Middle School and improvements at the Springhill Lake Recreation Center.

IX. Schools:

The chart below shows the estimated impact that this development proposal will have on schools located within the City:

Estimated Impact on Public Schools				
<u>Multi-Family</u>				
	Elementary School	Middle School	High School	
Dwelling Units	2,500	2,500	2,500	
Pupil Yield Factor	0.119	0.054	0.074	
Subdivision Enrollment	298	135	185	
Total Maximum Impact	Elementary		Middle School	High School
	Springhill Lake	Greenbelt Elementary	Greenbelt Middle	Eleanor Roosevelt High School
Total Estimated Students	298	NA	135	185
Actual Enrollment 2019	891	587	1,468	2,629
Total Enrollment	1,189	587	1,603	2,814
State Rated Capacity	561	568	1,101	2,096
Percent Capacity	212%	103%	146%	134%

While there is concern regarding 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 inside the Capital Beltway is \$9,741 per unit. Therefore the subject development would be required to pay to the County a school facilities surcharge fee totaling \$24,352,500.

X. 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 public safety surcharge fee for fiscal year 2020 is \$2,630 per permit issued for construction located inside the Transportation Service Area I as defined by the Maryland-National Capital Park and Planning Commission in the Prince George's County Approved General Plan. As this property is located inside a Transportation Service Area I the total fee would be \$6,575,000. The portion of this fee that would be distributed to the City would total \$1,643,750.

XI. Conclusion:

As stated throughout the CSP phase of the project staff continues to believe that that the redevelopment of Beltway Plaza offers a great opportunity for Greenbelt West and the City of Greenbelt as a whole. Staff does have concerns about the PPS as presented, specifically with respect to transportation and recreation as detailed in this report. A summary of the major issues discussed is attached to this report. It is important to note that staff expects that there will be additional issues identified through further review of the revised submittals and through meetings with City Council and advisory boards. Staff believes that further collaboration is needed with the Applicant on these issues.

Major Issues:

Transportation/Circulation:

- The TIS does not include all pertinent intersections. The study should be revised to include these intersections.
- The TIS does not include all pertinent background developments. The study should be revised to include these background developments.
- The trip distribution in the TIS should be revised to better reflect local traffic patterns.
- The number of residential trips on Breezewood Drive is low. The TIS should be revised to better reflect residential trips on Breezewood Drive.
- The TIS should be revised to reflect the three (3) site access points proposed for Breezewood Drive.
- Staff believes the 20% transit reduction is too high and should be reduced.
- Retail trips need to be shown on the total trips generated exhibit to better understand how Breezewood Drive will be affected.
- Staff has raised concerns about site circulation, specifically with respect to Street G shown on the PPS and how Street B will be accessed from Street A.
- Staff has concerns about the easternmost access point proposed off of Breezewood Drive because of the curvature of the road. This proposed access will require further study.
- An engineering study for Breezewood Drive is needed prior to the approval of any DSP proposing access off Breezewood Drive to identify needed changes to the cross section of the roadway to accommodate the additional traffic and turning movements.

Recreation:

- The proposed development includes 2,500 dwelling units with an estimated population of 6,000 people. Adequate recreation facilities need to be provided in Phase 1 to meet the needs of the residents.

Review Time:

- The PPS has undergone significant changes since the first submission and from the approved CSP. As noted previously staff has expressed their view that more time is necessary for the review of the revised submittals. Staff has also been contacted by the attorney for Franklin Park requesting that the City ask for more time to allow all interested parties of record additional time to review the PPS and associated submittals.

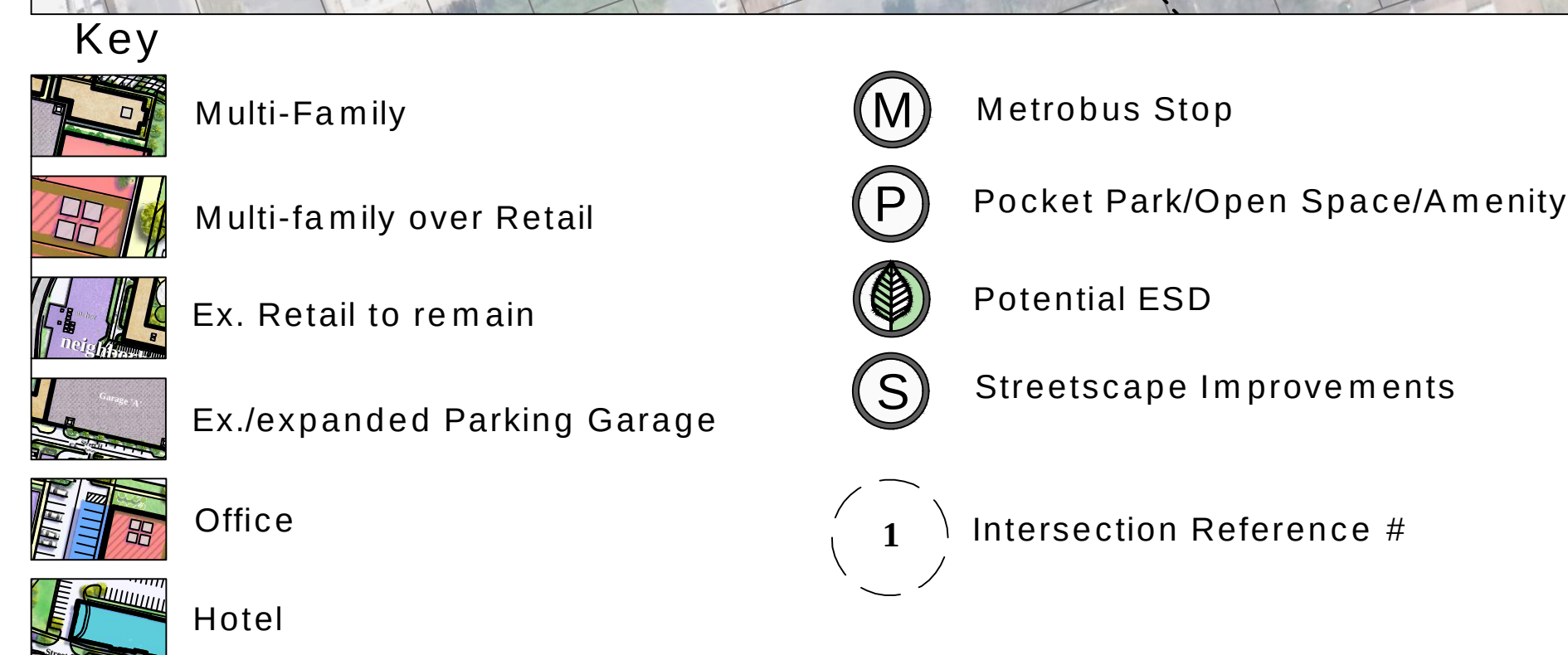
School Capacity:

- Staff acknowledges that the County's Subdivision regulations do not require a finding of adequacy for schools, but still believes that school capacity is a major issue. This is an

issue that the City needs to address with the County Council and Board of Education directly.

Housing:

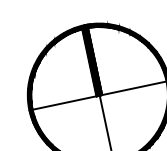
- The PPS states that there are 2,500 multifamily dwelling units proposed with no reference to owner vs. renter occupancy. This raises a concern about how housing/income diversity is going to be achieved. Staff believes that there will need to be a commitment from the applicant that both owner occupied and renter occupied units will be included in the redevelopment.

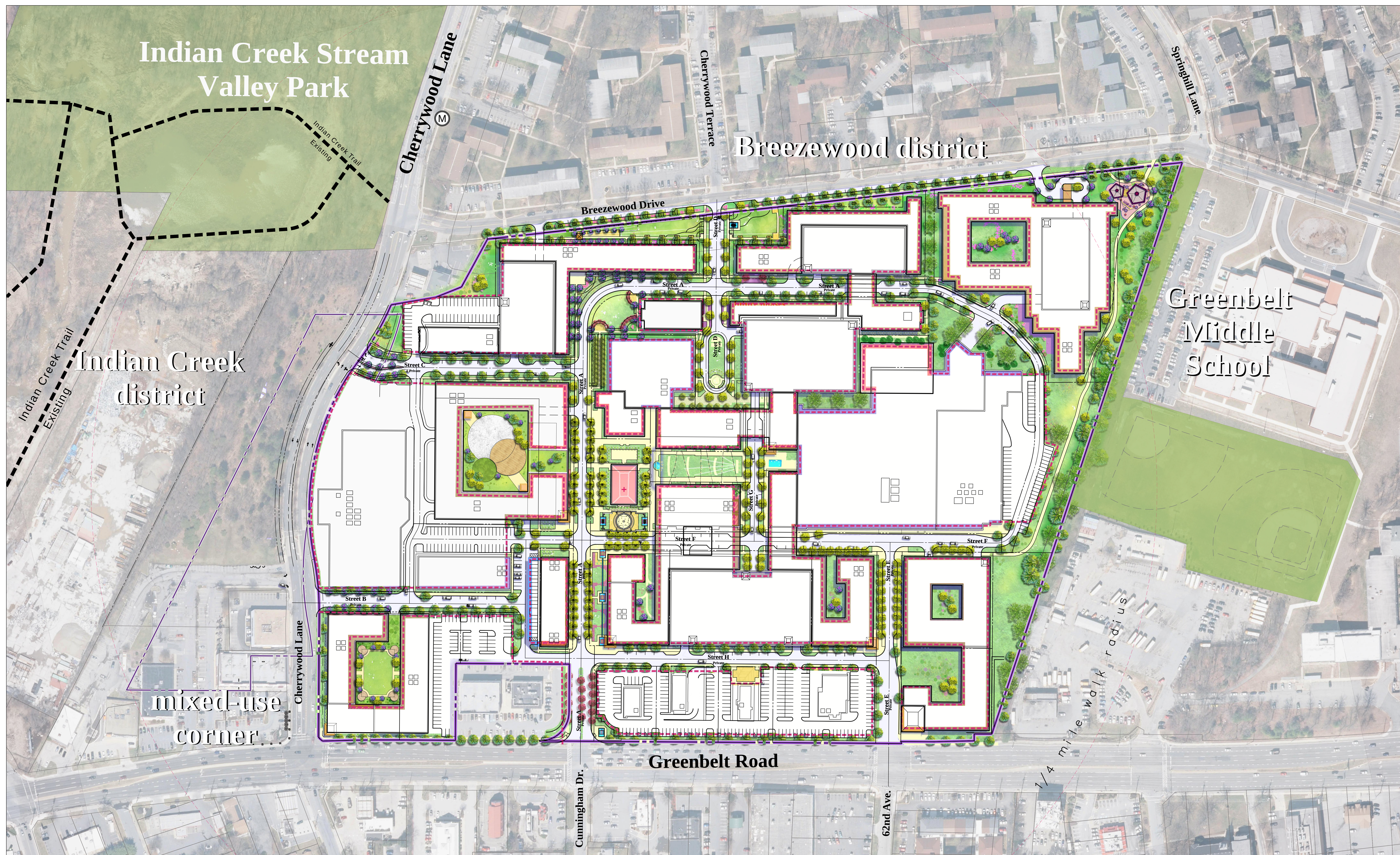


Design Principles:

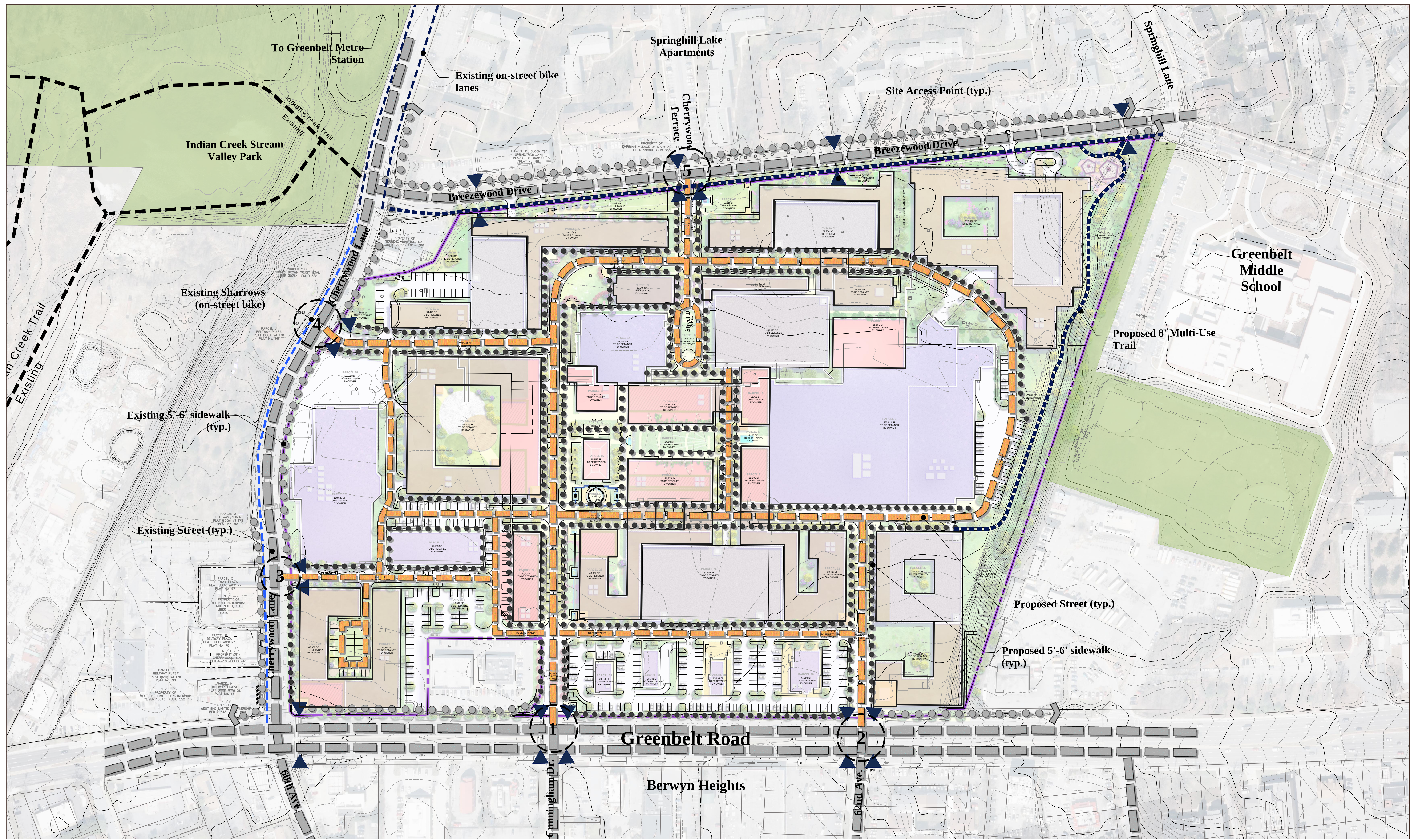
1. Market
 - 1.1. Limit physical and operational impacts to existing uses until market conditions necessitate broader implications.
 - 1.2. Phase development only as market conditions allow.
 - 1.3. Maximize regulatory flexibility with diversity of allowable land uses and intensities to enhance absorption and allow nimble response to market conditions.
 - 1.4. Ensure various formats of retail, housing types and employment opportunities are provided/maintained in order to meet community/market needs.
 - 1.5. Maintain/enhance high visibility corridors and provide adequate separate and shared parking regimes to ensure an efficient and successful retail environment.
2. Planning/Urban Design/Amenities/Connectivity
 - 2.1. Create a compact, safe, walkable urban neighborhood center for the use and enjoyment of residents and consumers.
 - 2.2. Create identifiable adjacent districts to coordinate proper design context and development timing.
 - 2.3. Leverage anchor tenants to attract smaller scale shops.
 - 2.4. Leverage programmed amenities to draw residents, consumers and employers.
 - 2.5. Provide streetscape improvements that enhance the functionality and aesthetic character of the neighborhood.
 - 2.6. Identify and improve multi-modal accessibility throughout the site to access key community nodes.
 - 2.7. Utilize flexible bulk regulation design standards to promote urban form and a pedestrian scale.
 - 2.8. Substantially conform to the Greenbelt Sector Plan.
3. Housing
 - 3.1. Provide the potential for housing diversity to reach a broad spectrum of socioeconomic residents.
 - 3.2. Provide dense housing types in order to allocate sufficient land as common open space/pocket parks.
 - 3.3. Provide the potential for both home ownership and leasing opportunities.
 - 3.4. Provide realistic and cost effective housing typologies.
4. Infrastructure
 - 4.1. Improve certain property frontages to help complete neighborhood pedestrian networks.
 - 4.2. Revitalize and update certain corridors, parking facilities, landscape, hardscape and wayfinding features.
 - 4.3. Maximize utilization of existing Metrobus service and accessibility to Greenbelt Metro.
 - 4.4. Maximize opportunities for residents to access/utilize the Indian Creek Stream Valley Park and Greenbelt Middle School.
 - 4.5. Leverage existing parking facilities for both commercial and residential use.
5. Environment
 - 5.1. Incorporate modern Environmental Site Design features and techniques for improved water quality.
 - 5.2. Convert portions of existing, underutilized parking lots to pervious surfaces with street trees and landscaping.
 - 5.3. Convert certain redeveloped aging building systems to modern energy efficient construction.
 - 5.4. Provide livable spaces through co-location of green infrastructure in pocket parks, buffers and edges.

The plan as indicated is conceptual and may vary subject to application submittal, review and regulatory approvals as applicable.

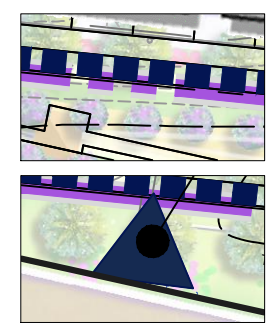
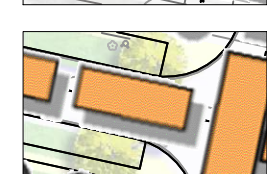
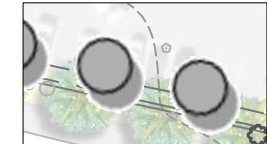
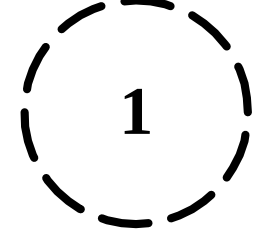




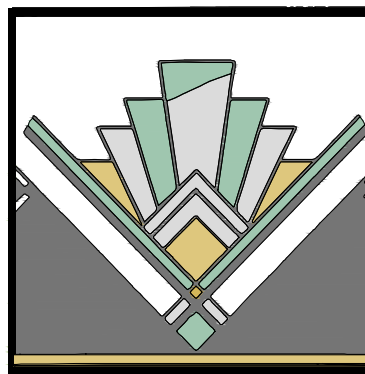
The plan as indicated is conceptual and may vary subject to application submittal, review and regulatory approvals as applicable.



Key

- | | | | |
|---|-------------------------------|---|------------------------------|
|  | Existing Street |  | Proposed 8' Multi-use Trail |
|  | Proposed Street |  | Site Access Point |
|  | Existing 5'-6' Sidewalk |  | Intersection Reference Point |
|  | Proposed 5'-6' Sidewalk | | |
|  | Existing On-street Bike Lanes | | |

BELTWAY
PLAZA



Community
Responsibility

Design
Principles

Neighborhood
Connectivity &
Framework

Environmental
Stewardship &
Sustainability

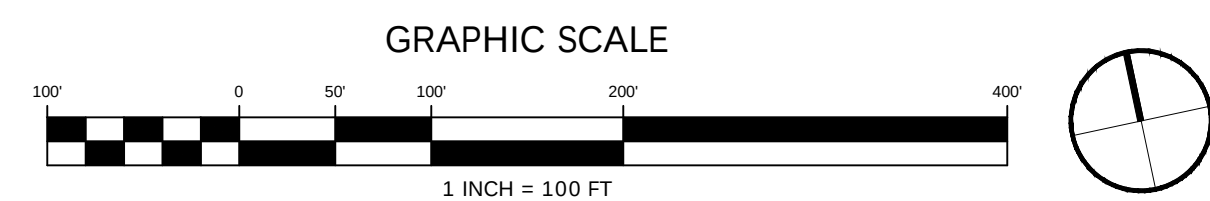
Housing
Variety and
Choice

Sustainable
Phrasing

Places to Work
and Play

RODGERS
CONSULTING

1947 Carey Boulevard, Suite 300, Germantown, Maryland 20874
Ph: 301.465.0700 Fax: 301.465.0256 www.rodgers.com





Community
Responsibility

Design
Principles

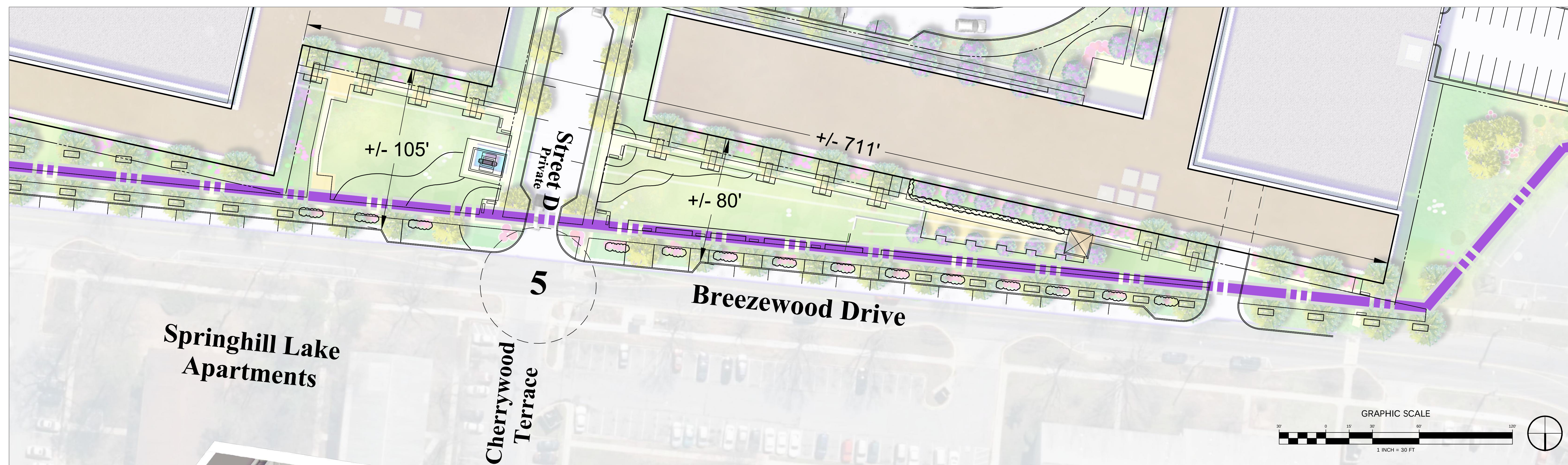
Neighborhood
Connectivity &
Framework

Environmental
Stewardship &
Sustainability

Housing
Variety and
Choice

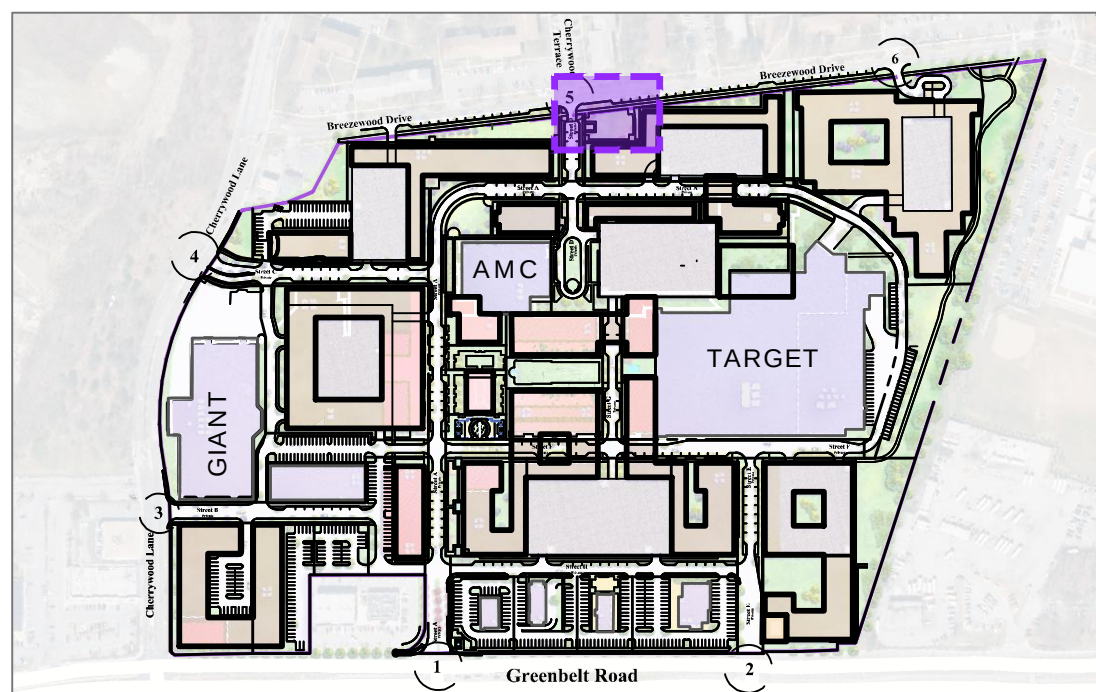
Sustainable
Phasing

Places to Work
and Play



NTS

Bird's-eye-view of the Breezewood Drive amenity area



BELTWAY PLAZA



Community
Responsibility

Design
Principles

Neighborhood
Connectivity &
Framework

Environmental
Stewardship &
Sustainability

Housing
Variety and
Choice

Sustainable
Phasing

Places to Work
and Play



View looking along Breezewood Drive east, at entrance road

RODGERS
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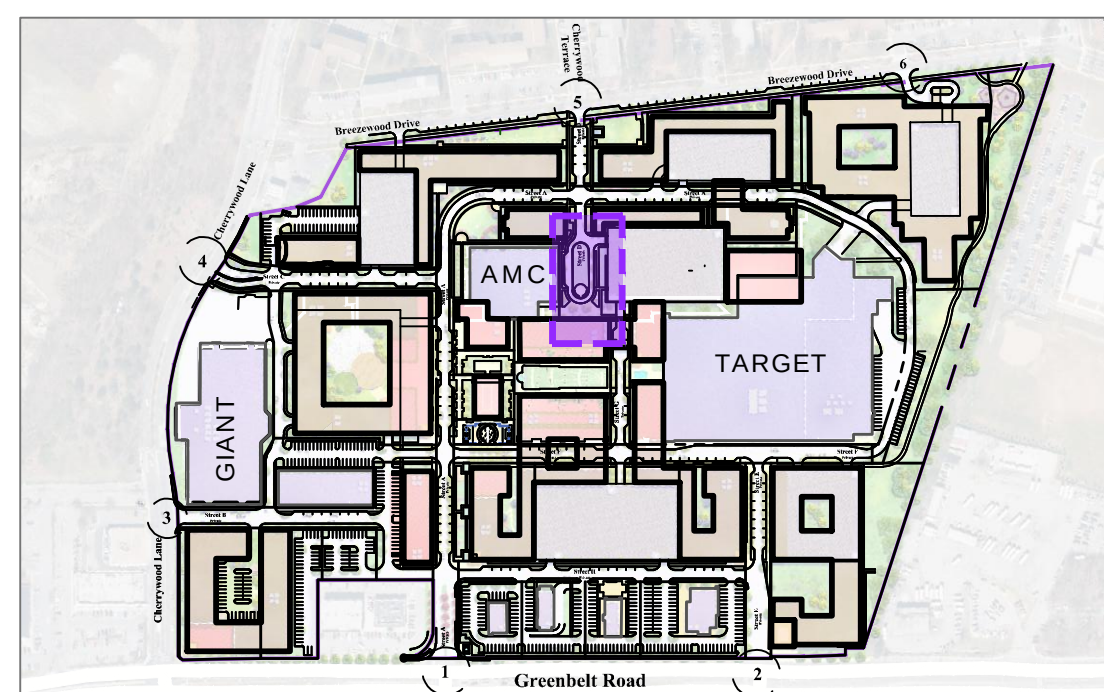
1947 Century Boulevard, Suite 300, Germantown, Maryland 20874
Ph: 301.448.0700 Fax: 301.448.0255 www.rodgers.com

QUANTUM
COMPANIES

Note: Exhibit for illustrative purposes only and to imply design intent. Final architecture, plan layout, materials and details to be determined at DSP stage.

Amenity Spaces Views

December 13, 2019



BELTWAY PLAZA



Community
Responsibility

Design
Principles

Neighborhood
Connectivity &
Framework

Environmental
Stewardship &
Sustainability

Housing
Variety and
Choice

Sustainable
Phasing

Places to Work
and Play



View at the central park, facing southwest at the AMC

RODGERS
CONSULTING

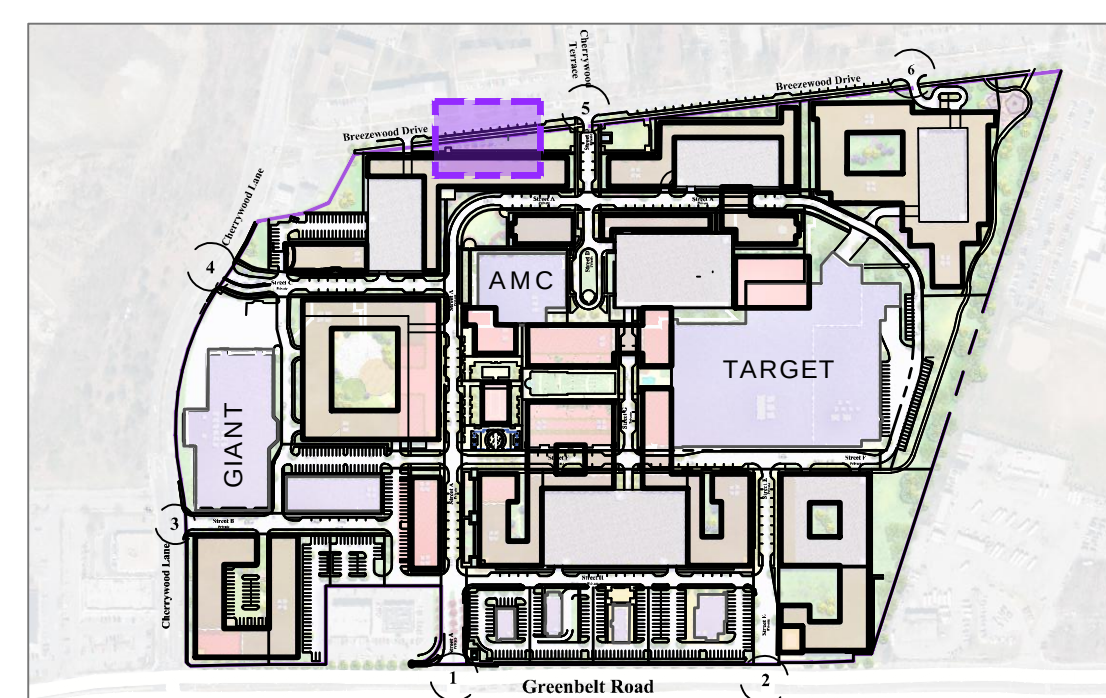
1997 Century Boulevard, Suite 300, Germantown, Maryland 20874
Tel: 301-448-0700 Fax: 301-448-0255 www.rodgers.com

QUANTUM
COMPANIES

Note: Exhibit for illustrative purposes only and to imply design intent. Final architecture, plan layout, materials and details to be determined at DSP stage.

Amenity Spaces Views

December 13, 2019



View looking along Breezewood Drive east, at potential bus stop location

Key

-  Multi-Family
-  Multi-family over Retail
-  Metrobus Stop
-  Pocket Park/Open Space/Amenity
-  Potential ESD
-  Streetscape Improvements

Housing Variety and Choice



Multi-family housing



Multi-family housing over retail



P View looking along Breezewood Drive East, midblock.



P S View looking along Breezewood Drive east, at potential bus stop location.



P View at the central park, facing southwest at the AMC.



P S View looking along Breezewood Drive East, at entrance road.

Amenities



S Streetscape Improvements

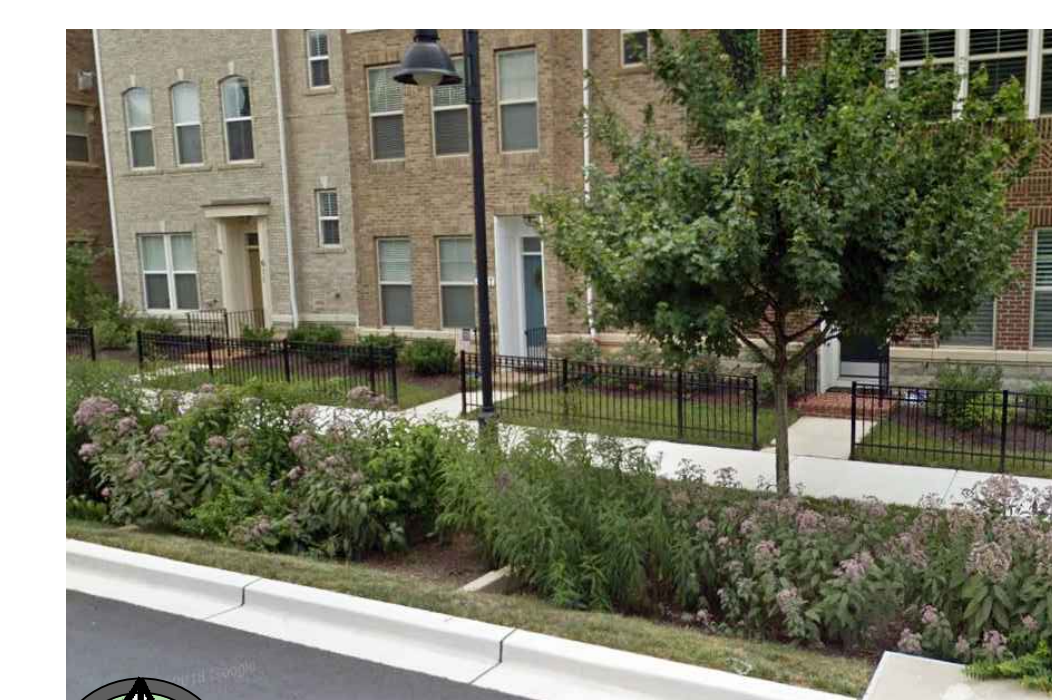


M Metro bus stops



Trailhead markers

Neighborhood Connectivity & Framework



 Environmental Site Design (ESD)



Entrance Signage



P Play Areas



Pocket parks, seating areas, and gathering spaces



Jogging paths



Dog Park

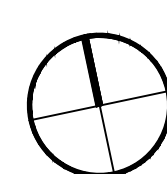
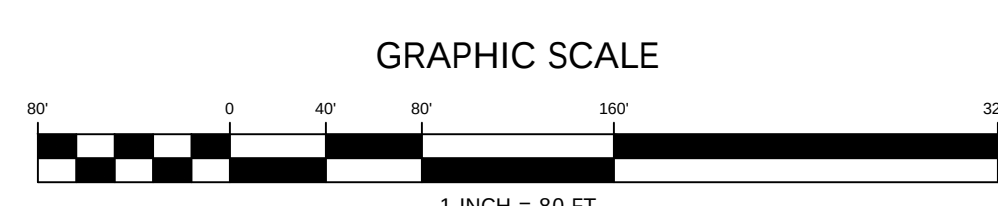


Neighborhood picnic and bbq areas



Open, unprogrammed lawn space

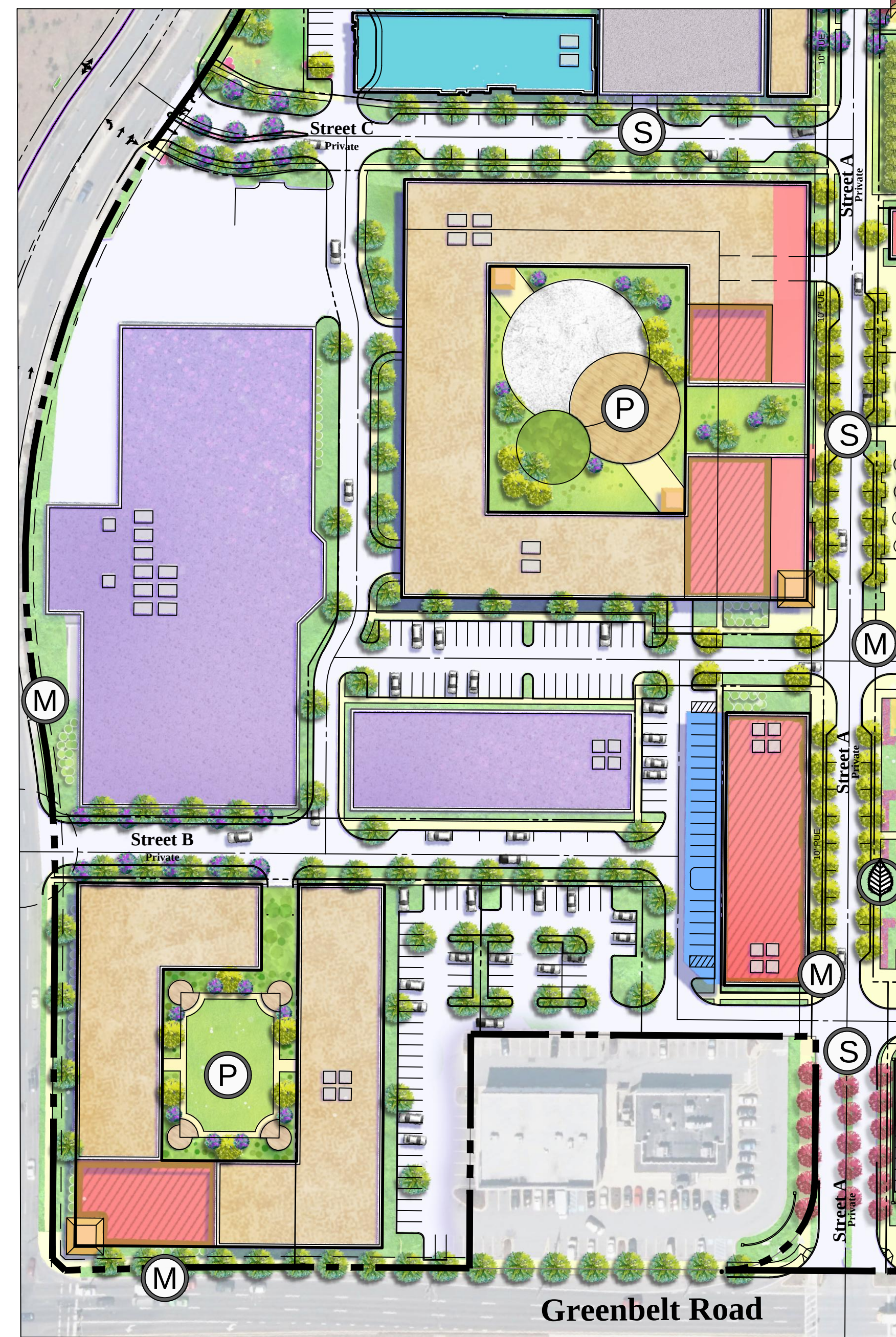
Places to Work and Play



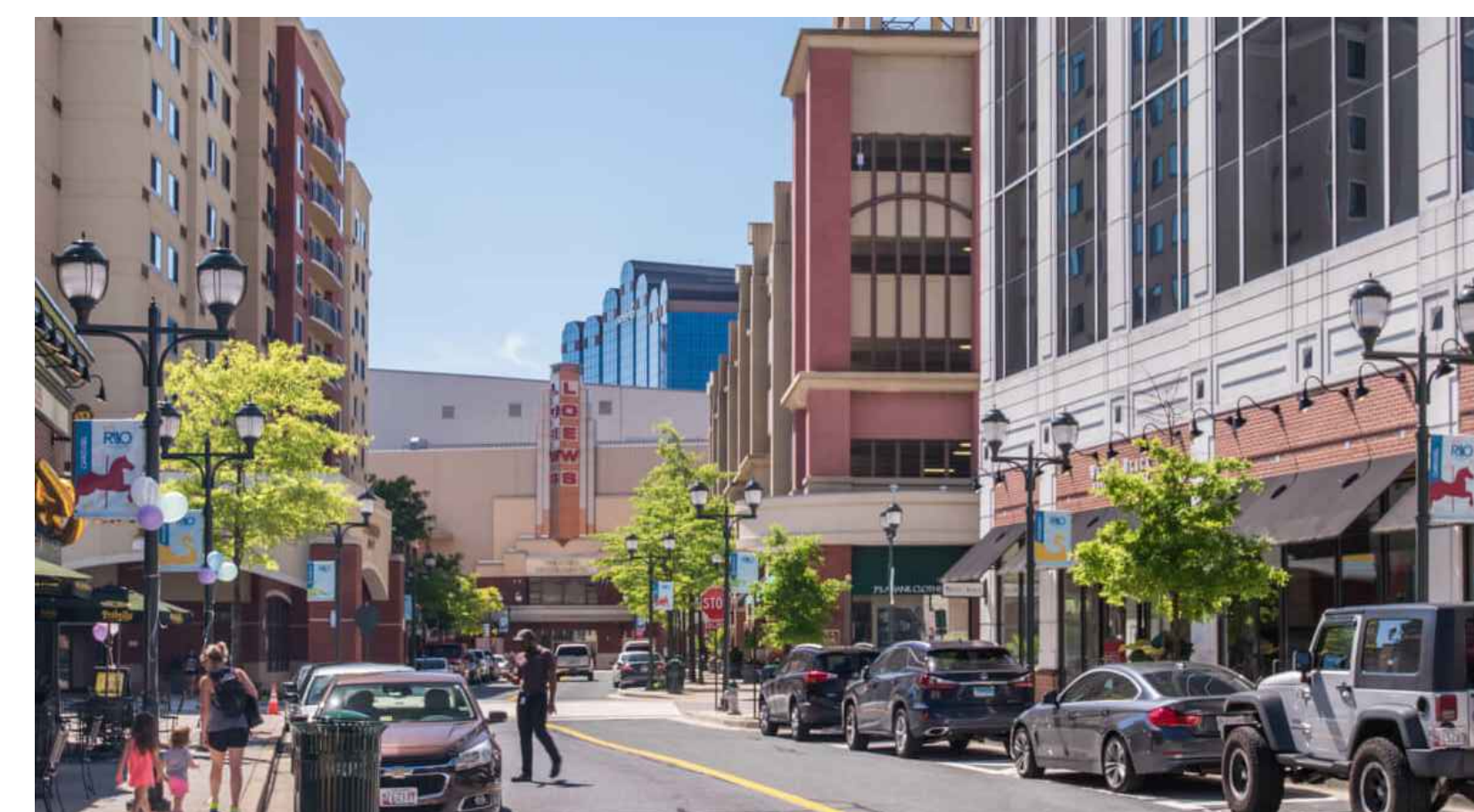
Note: Exhibit for illustrative purposes only and to imply design intent. Final architecture, plan layout, materials and details to be determined at CSP stage.

Neighborhood Visioning Housing and Amenities

Key



Housing Variety & Hotel



Residential above retail



Hotel



Splashpad



Pocket parks and gathering spaces



Offices above retail



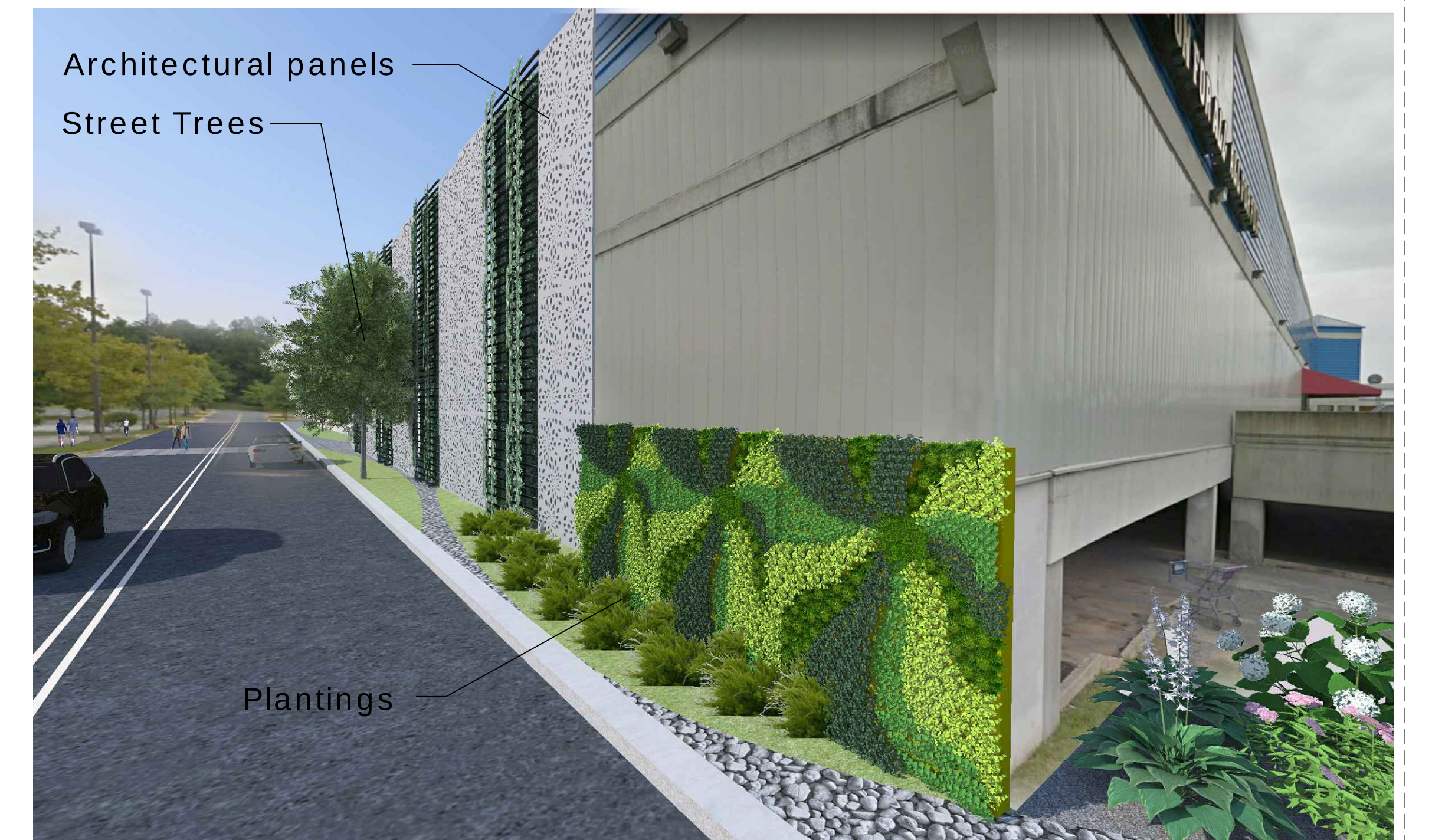
Campus Drive (Before)



Streetscape Improvements



Entertainment Plaza, with outdoor restaurant seating, event space, first floor retail and terrace gardens & cafes. Places to Work and Play



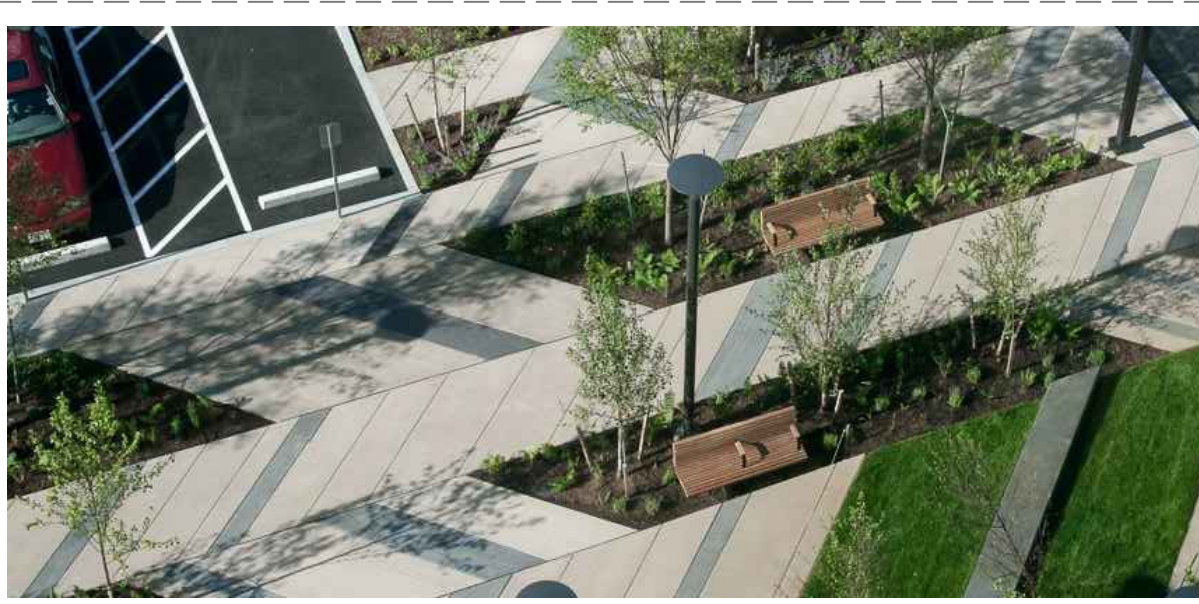
Proposed Campus Drive after green wall, architectural panels, and plantings



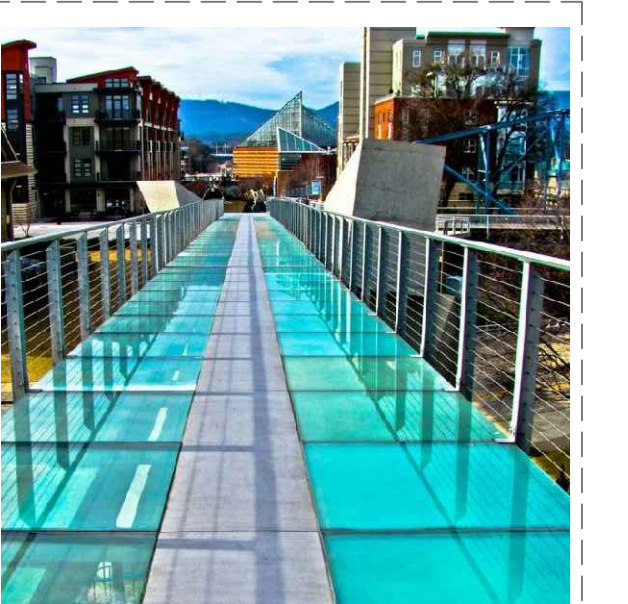
Entrance Signage Streetscape Improvements



Amenities



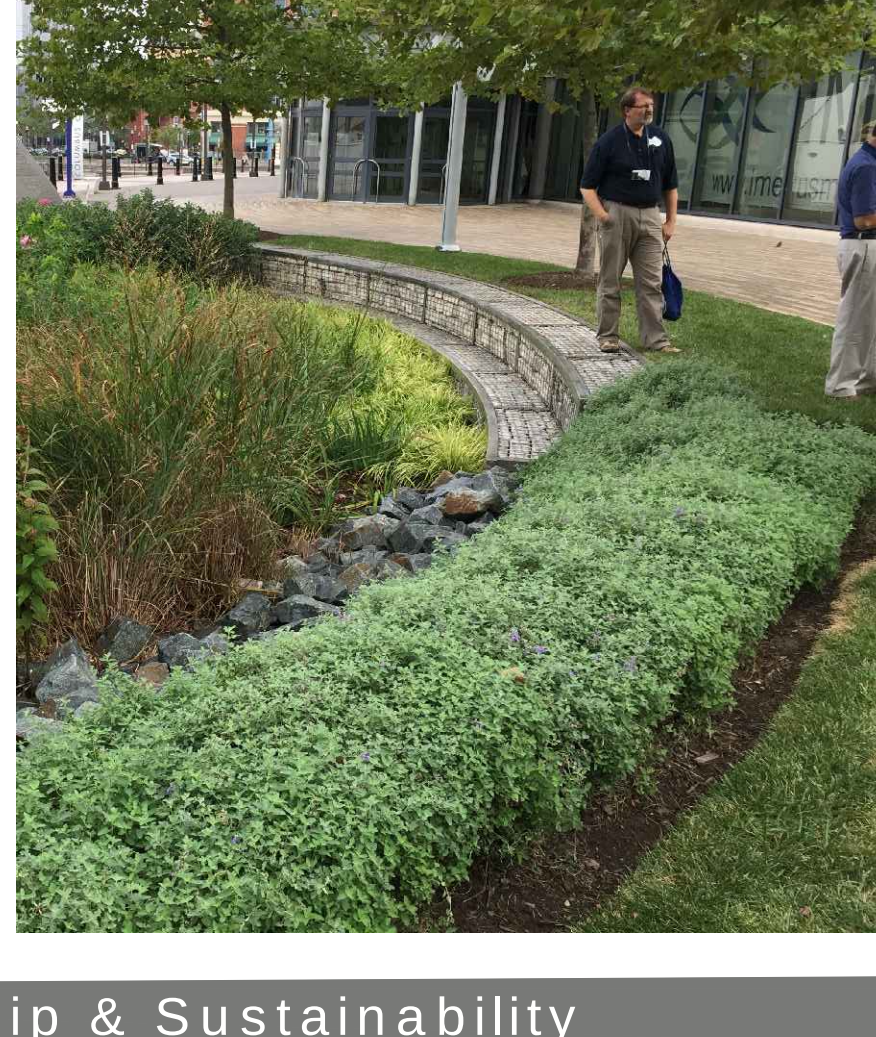
Bike racks



Pedestrian bridge



Environmental Site Design (ESD) Environmental Stewardship & Sustainability

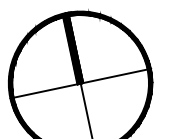


Metro bus stops Neighborhood Connectivity & Framework



Trailhead markers

GRAPHIC SCALE



Note: Exhibit for illustrative purposes only and to imply design intent. Final architecture, plan layout, materials and details to be determined at CSP stage.

Mixed-Use Center Visioning
Housing Diversity and Amenities

December 10, 2019

MEMORANDUM OF UNDERSTANDING

(Beltway Plaza Redevelopment)

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), made effective on this _____ day of _____, 2019, by and between the City of Greenbelt (the “City”), a municipal corporation of the State of Maryland, with its principal offices at 25 Crescent Road, Greenbelt, Maryland 20770, and GB Mall Limited Partnership (the “Owner”), a Maryland limited partnership, with its principal offices at 4912 Del Ray Avenue, Bethesda, Maryland 20814. The City and Owner shall sometimes hereinafter be collectively known as the “Parties.”

RECITALS

WHEREAS, the Owner is the record owner of certain real property located in the City of Greenbelt, Prince George’s County, Maryland, commonly known as the Beltway Plaza Mall (hereinafter “Beltway Plaza”), and more particularly depicted on Exhibit “A,” attached hereto and made a part hereof;

WHEREAS, the Owner has secured a Conceptual Site Plan (CSP-18010) to accommodate the comprehensive redevelopment of Beltway Plaza which contemplates approximately five (5) redevelopment phases consisting of approximately 175-250 townhouse/2 over 2 units; 875-2,250 multifamily units; and 435,000-700,000 square feet of commercial retail (hereinafter the “Project”), and more particularly depicted on Exhibit “B,” attached hereto and made a part hereof;

WHEREAS, on March 14, 2019, the Prince George’s County Planning Board approved CSP-18010 with conditions. Subsequently, on March 28, 2019, the Planning Board adopted Resolution PGCPB No. 19-35;

WHEREAS, the Owner requested the City to support the future redevelopment of Beltway Plaza, to recommend approval of CSP-18010, and to support future land use entitlements that are consistent with CSP-18010;

WHEREAS, the City agreed to recommend approval of CSP-18010 and to support future land use entitlements consistent with CSP-18010 upon certain conditions, which shall be executed

by the Owner in the form of the MOU as set forth herein, with said conditions extending to all future owners, successors or assigns; and

WHEREAS, the Owner has agreed to adhere to said City conditions, as provided herein.

AGREEMENT

NOW, THEREFORE, in consideration of the aforesaid recommendation of approval and future support by the City, the mutual promises of the Parties, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, be it understood that the Parties do hereby acknowledge and agree as follow:

1. **WARRANTIES AND REPRESENTATIONS OF CITY:**

a. The City shall support the existing development approvals from the Maryland-National Capital Park and Planning Commission ("M-NCPPC") and/or the Prince George's County Council, sitting as the District Council, for the Project, including, but not limited to CSP-18010, and shall further support any pending or future entitlement applications for the Project that are generally consistent with CSP-18010. The City's support of the Project and support of all future entitlements is conditioned upon the Owner, its successors or assigns, satisfying the conditions provided in Exhibit "C," attached hereto and made a part hereof.

b. The City will not, directly or indirectly, establish, suggest or acquiesce in any policy, take a position, pursue a course of action, require any standard or condition, make any recommendation to Prince George's County or the M-NCPPC or other governmental or quasi-governmental authority, individuals or citizens groups, or impose any obligation that, as applied directly and specifically to the Project, negatively impacts or limits the Owner's ability to develop the project as approved in CSP-18010 and/or negatively impacts or limits the Owner's ability to comply with the conditions provided in Exhibit "C." The Parties acknowledge and agree that the Project will be subject to the development review standards applicable to other developments within Prince George's County. The City may review or comment to M-NCPPC or other County agency referrals related to the Project, provided that such comments are consistent with this MOU.

c. The Parties understand and agree that the City's covenant of support of the Project herein is not intended, nor could it be construed, to prohibit the Greenbelt City Council from enacting such future ordinances or charter provisions or engineering standards or

amendments deemed necessary to protect the public health, safety and welfare of the citizens of the City, nor from applying such ordinances or charter provisions to the development of the Project, provided such application does not operate to divest prior approvals, nor interfere with Owner's vested rights.

d. The City acknowledges and agrees that it will cooperate with and not unreasonably withhold or delay any permit, review, or approval under its authority for the Project that are consistent with CSP-18010.

2. WARRANTIES AND REPRESENTATIONS OF OWNER

a. This MOU constitutes the Owner's, its successors and assigns, formal written consent to be bound by the conditions listed in Exhibit "C" during the Project.

b. Owner, its successors and assigns, warrants and represents that it has full authority to sign this MOU and it intends to be bound to this MOU and the conditions provided in Exhibit "C."

3. MISCELLANEOUS.

a. The Recitals set forth above are incorporated herein and made a part hereof and such constitute covenants under this MOU.

b. The use of singular verb, noun and pronoun forms in this MOU shall also include the plural forms where such usage is appropriate; the use of the pronoun "it" shall also include, where appropriate "he" or "she" and the possessive pronoun "its" shall also include, where appropriate, "his," "hers" and "theirs."

c. From time to time after the date of this MOU, the Parties, without charge to each other, will perform such other acts, and will execute, acknowledge and will furnish to the other such instruments, documents, materials and information which either party reasonably may request, in order to effect the consummation of the transactions provided for in this MOU.

d. This MOU, which includes all exhibits, each of which is incorporated in this MOU by this reference, shall be binding upon and inure to the benefit of the parties, their heirs, successors, assigns, or future owners, and embodies and constitutes the entire understanding between the Parties with respect to the subject matter hereof, and all prior agreements, understandings, representations, and statements, whether oral or written, are merged in this MOU. Neither this MOU nor any provision hereof may be waived, modified or amended unless such modification is in writing

and is signed by the party against whom the enforcement of such waiver, modification or amendment is sought, and then only to the extent set forth in such instrument. This MOU shall not be recorded among the Land Records of Prince George's County, Maryland.

e. The Parties hereto acknowledge that, in entering into this MOU, neither party has been induced by, nor has relied upon, nor included as part of the basis of the bargain herein, any representation or statement, whether express or implied, made by any agent, representative or employee, which representation or statement is not expressly set forth in this MOU.

f. This MOU shall be construed according to its plain meaning without giving regard to any inference or implication arising from the fact that it may have been drafted in whole or in part by or for any one of the parties hereto.

g. This MOU, its benefit and burden, shall be assignable, in whole or in part, by Owner without the consent of the City or of its elected officials, employees or agents, to any purchasers or contract purchasers of the property or any part thereof. Owner will not transfer its interest in all or part of the Project without first obtaining the written consent and acknowledgment of the transferee to the MOU, to the complete observance hereof Owner shall provide the City copies of all documents of transfer or assignment, including exhibits when the documents are fully executed, regardless of recordation.

h. The obligations of the Parties in this MOU are subject to and contingent upon the Owner, or any subsequent owner, successor or assign, actually pursuing the Project by redeveloping Beltway Plaza as proposed and approved in CSP-18010. In the event that Owner, or any subsequent owner, successor or assign, for any reason, seek to amend the Project, the parties may seek to enforce the obligations herein or agree to further amend Exhibit C, as necessary. In the event, however, the Owner, or any subsequent owner, successor or assign, desires/elects to not move forward with Project, the Owner shall notify the City of such election and in so doing, this MOU will be considered null and void, without further action by either Party, and the City, upon such notification by the Owner, may require the Owner to abandon CSP-18010.

i. The captions in any MOU are inserted for convenience only, and in no way define, describe or limit the scope of intent of this MOU or any of the provisions hereof.

j. The laws of the State of Maryland shall govern the interpretation, validity and construction of the terms and provisions of this MOU. If any term or provision of this MOU is

declared illegal or invalid for any reason by a court of competent jurisdiction, the remaining terms and provisions of this MOU shall, nevertheless, remain in full force and effect.

k. All notices and other communications under this MOU shall be in writing and shall be sent either by first class mail, postage prepaid, or by personal delivery, addressed to the parties as provided below. Notice shall be deemed given on the date delivered or attempted to be delivered during normal working hours on business days.

If to the City: Nicole Ard, City Manager
The City of Greenbelt
25 Crescent Road
Greenbelt, MD 20770
nard@greenbeltmd.gov

With a copy to: Todd K. Pounds, City Solicitor
Alexander & Cleaver, P.A.
11414 Livingston Road
Fort Washington, MD 20744-5146
tpounds@alexander-cleaver.com

If to the Owner: Frederic K. Wine
GB Mall Limited Partnership
c/o GB Mall, Inc.
The Quantum Building
4912 Del Ray Avenue
Bethesda, Maryland 20814
fwine@starpower.net

With a copy to: Marc "Kap" Kapastin
General Counsel
Quantum Companies
The Quantum Building
4912 Del Ray Avenue
Bethesda, Maryland 20814
kap@quantumco.net

Matthew C. Tedesco, Esq.
McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
mtedesco@mhlawyers.com

[Signature page to follow]

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the day and year first written above.

WITNESS:

THE CITY OF GREENBELT

By: _____

Title: _____

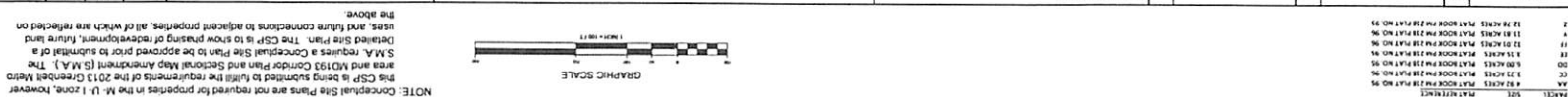
WITNESS:

GB MALL LIMITED PARTNERSHIP

By: GB Mall, Inc.,
its General Partner

By: _____
Frederic K. Wine

Title: President

U
 010
 000

TAX MAP 26.34 CRD AT A4,B1,B4,C4
D FOOT MAP 210NCG5,210NCG6,211NCG5,211NCG6

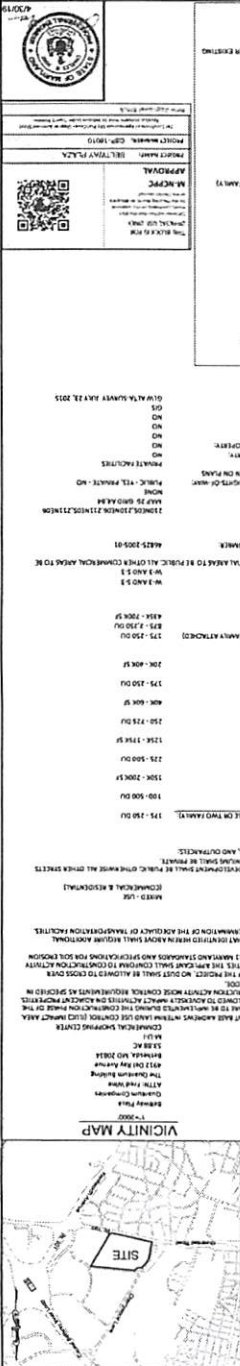
1101 Peachtree Lane, Suite 200, Atlanta, Maryland 20374
 PH: 301.948.4700 F: 301.948.4254 www.mcgraw-hill.com

REFERENCES

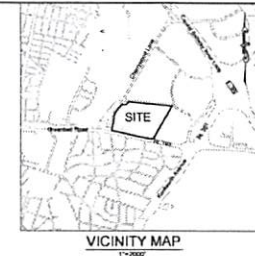
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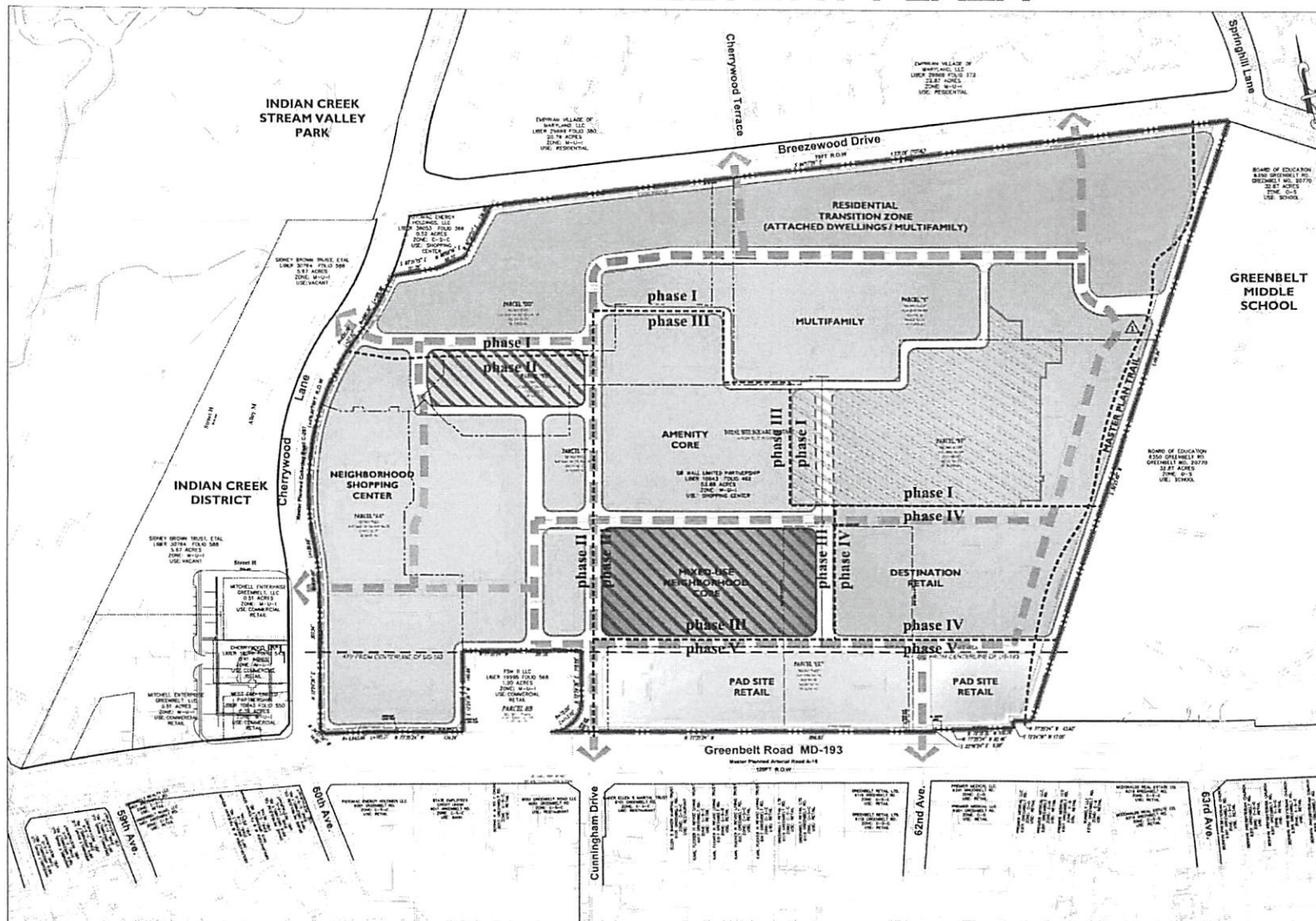
PRELIMINARY NOT FOR CONSTRUCTION



CONCEPTUAL SITE PLAN CSP-18010 ^Δ BELTWAY PLAZA



PRELIMINARY NOT FOR CONSTRUCTION



LEGEND

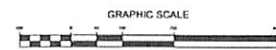
- SUBJECT PROPERTY BOUNDARY
- PROPOSED PRIVATE ROAD
- PROPOSED SITE ACCESS
- MASTER PLAN TRAIL
- RESIDENTIAL (MULTIFAMILY)
- RESIDENTIAL (ATTACHED DWELLINGS / MULTI-FAMILY)
- RESIDENTIAL (SENIOR LIVING)
- COMMERCIAL RETAIL AREA
- MIXED-USE
- CORE AREA
- RESIDENTIAL (MULTI-FAMILY OVER EXISTING COMMERCIAL)
- FUTURE COMMERCIAL

DATE: 04/01/19
DRAWN BY: J. F. FINE
CHECKED BY: J. F. FINE
PROJECT NUMBER: CSP-18010
PROJECT NAME: BELTWAY PLAZA
PROJECT OWNER: CSP-18010
PROJECT ADDRESS: 200 FODT MAP 21 DNECS, 21 DNECS, 21 DNECS
PROJECT LOCATION: 200 FODT MAP 21 DNECS, 21 DNECS, 21 DNECS

APPROVAL

DATE: 04/01/19
DRAWN BY: J. F. FINE
CHECKED BY: J. F. FINE
PROJECT NUMBER: CSP-18010
PROJECT NAME: BELTWAY PLAZA
PROJECT OWNER: CSP-18010
PROJECT ADDRESS: 200 FODT MAP 21 DNECS, 21 DNECS, 21 DNECS
PROJECT LOCATION: 200 FODT MAP 21 DNECS, 21 DNECS, 21 DNECS

NOTE: Conceptual Site Plans are not required for properties in the M- U- I zone, however this CSP is being submitted to fulfill the requirements of the 2013 Greenbelt Metro area and MD193 Corridor Plan and Sectional Map Amendment (S.M.A.). The S.M.A. requires a Conceptual Site Plan to be approved prior to submittal of a Detailed Site Plan. The CSP is to show phasing of redevelopment, future land uses, and future connections to adjacent properties, all of which are reflected on the above.



REVISION	DATE	REVISION	DATE	REVISION	DATE
1	04/01/19				
2	04/01/19				
3	04/01/19				
4	04/01/19				
5	04/01/19				
6	04/01/19				
7	04/01/19				
8	04/01/19				
9	04/01/19				
10	04/01/19				

Owner/Developer:
Quantum Companies
c/o Fred Wine
The Quantum Building
4912 Del Ray Avenue
Bethesda, MD 20814

BELTWAY PLAZA
ELECTION DISTRICT No. 21
PRINCE GEORGE'S COUNTY, MARYLAND
TAX MAP 26.34 CRD AT 44.81, 84.24
200 FODT MAP 21 DNECS, 21 DNECS, 21 DNECS, 21 DNECS

RODGERS CONSULTING
131 Persimmon Lane, Suite 202, Largo, Maryland 20774
P: 301.766.0700 F: 301.766.0704 www.rodgersconsulting.com

**CONCEPTUAL SITE PLAN
PHASING PLAN**

SCALE: 1"=100'
JOB NO: 18010
DATE: 04/01/19
SHEET NO: 1 OF 4

Conceptual Site Plan for Beltway Plaza
REVISED City Council Conditions

Transportation/Circulation

1. The applicant shall work with City Planning staff to design streets and alleys with a view toward fostering maneuverability of non-standard vehicles such as trash trucks, fire trucks, delivery vehicles, etc. throughout the project area.
2. Once implemented, the City of Greenbelt's Complete and Green Streets Policy shall apply to all new City streets and reconstruction of existing City streets, which are subject to the authority of the City of Greenbelt, to the extent practical.
3. At the time of the first Detailed Site Plan, the applicant shall submit a schedule for the design, engineering and construction of streetscape improvements on the property's frontage with Cherrywood Lane.
4. At the time of the first Detailed Site Plan, the applicant shall submit a schedule for the design, engineering, and construction of a contiguous sidewalk along Greenbelt Road and implementation of other streetscape improvements considering those recommended in the Approved Greenbelt Metro Area and MD 193 Corridor Plan and Sectional Map Amendment, unless modified by Maryland State Highway Administration and/or the Detailed Site Plan. The alignment, design and timing of such sidewalk shall be subject to the approval of the Maryland State Highway Administration, as determined prior to the issuance of the first building permit.
5. At the time of the first Detailed Site Plan the applicant shall be responsible for the evaluation, conceptual design and conceptual engineering of its frontage improvements along Breezewood Drive. At the time of the first detailed site plan the applicant shall provide a schedule for the complete final engineering and construction of said improvements for the property's frontage on Breezewood Drive. Frontage improvements and any off-site improvements (if conditioned at the time of Preliminary Plan of Subdivision) along Breezewood Drive shall be designed pursuant to the applicable design standards of the controlling agency. The applicant shall make an effort to reduce the loss of on-street parking on Breezewood Drive.
6. At the time of the first Detailed Site Plan, the Applicant shall submit a pedestrian/bicycle circulation plan that provides for a pedestrian and bicycle network within the project area to link residential, commercial, transit and civic uses, such as schools and community centers.
7. Right of Way design and construction details for City streets shall be to City standards, as may be modified from time to time-and permitted and inspected by City inspectors, and accepted upon completion.
8. Electric vehicle charging stations should be provided. The feasibility, appropriate number and locations will be determined at the time of each Detailed Site Plan.

Ex. C.

9. Detailed site plans that include a townhouse and/or two family attached component shall provide a parking plan that demonstrates that sufficient parking (as suggested in the Parking Requirements of the approved Greenbelt Metro Area and MD 193 Corridor Sector Plan) will be provided. On-street parking on Breezewood Drive or other public roads/streets shall not be included in the Applicant's parking tabulations.
10. At the time of the first Detailed Site Plan the applicant shall explore with Franklin Park at Greenbelt Station, Morning Calm Management, the Greenbelt Metro Station South Core development, and when feasible Greenbelt Metro Station developers on the provision of a local circulator creating a mobile connection between the properties and Greenbelt Metro Station.
11. The applicant shall explore with Prince George's County Department of Public Works and Transportation the installation of a Capital Bikeshare station at Beltway Plaza.
12. At the time of each Detailed Site Plan, the applicant shall submit a transportation circulation plan showing all public transportation stops and amenities.

Environmental

1. As part of any Preliminary Plan of Subdivision submission, the applicant shall submit a Noise Study for review and approval by the requisite approving authority. The Noise Study shall measure noise impacts to the site, provide the required contours, and provide any required mitigation measures to achieve acceptable noise levels.
2. Each Detailed Site Plan should specify that all tree pits along the streets that have shops, restaurants, plazas, and/or other uses shall be connected with a non-compacted soil volume under the sidewalk. Details of how this will be accomplished shall be included on the plans and shall be agreed upon by the Planning Board or its designee. The use of CU-Soil as a structural soil, Silva Cells, or other equal product for shade trees planted in tree pits is strongly encouraged.
3. Where appropriate, Environmental Site Design techniques shall be incorporated in the development to the maximum extent practical by making design, materials, and construction decisions based on environmental considerations. Consideration should be given to Green Building technologies including but not limited to solar, green roofs, permeable pavement, bio-retention/rain gardens, dry wells, and rainwater recycling, etc. where feasible. The applicant shall complete a LEED scorecard or other comparable evaluation criteria for each Detailed Site Plan submitted.
4. All Detailed Site Plans shall show the Environmental Site Design techniques intended for use within the limits of each respective Detailed Site Plan.
5. Detailed site plans shall incorporate CPTED best practices where practical.
6. At the time of the first Detailed Site Plan the applicant shall attempt to engage with Target and Giant to incorporate green features into the surface parking lots along the front of the existing Beltway Plaza Mall, including but not limited to the planting of shade trees, bioretention areas, and landscaped medians.

Urban Design

1. A mix of residential unit types shall be provided to encourage diversity in ownership types, income levels, and age groups. During Phases 1, 2, and 3, consideration, based on market demand and economic feasibility, shall be given to implement cooperative housing, senior housing, affordable housing, workforce housing, co-living, or other alternatives that will increase housing choices and opportunities..
2. Should Prince George's County adopt an inclusionary zoning policy at a future date and the policy is applicable to the project/property the applicant shall agree to evaluate and if feasible incorporate those standards into any Detailed Site Plan that has not been previously approved by the Prince George's County Planning Board.
3. Each Detailed Site Plan that proposes development that faces the existing mall structure shall demonstrate how the proposed development will minimize the visual impact through appropriate screening and landscaping to provide an attractive visual "front" to the homes and residents of the community..
4. At the time of first Detailed Site Plan the applicant will consider opportunities to improve the mall frontage, including but not limited to masking the existing parking structure and incorporating green features into the surface parking lots, where practical/feasible.
5. Detailed Site Plans should consider how parking and access will be provided to serve the existing retail during and after construction.
6. Unless modified, via a modification at the time of each Detailed Site Plan, as provided by the Development District Overlay Zone (DDOZ) regulations, the development shall comply with the standards and regulations of the DDOZ.
7. At the time of each Detailed Site Plan, design consideration should be given to improving any large existing blank building walls that face residential areas or public areas, such as streets, parking lots, recreation areas, or zones of pedestrian activity.
8. Unless modified at the time of Detailed Site Plan, all new signage (not otherwise meeting an exemption to the DDOZ Sign Standards) shall conform to the design guidelines set forth in the Approved Greenbelt Metro Area and MD 193 Corridor Plan and Sectional Map Amendment.
9. Unless modified at the time of Detailed Site Plan, as required by the Development District Standards, and specified in the Approved Greenbelt Metro Area and MD 193 Corridor Plan and Sectional Map Amendment, the DSP shall show the location, quantity and dimensions of new gateway signs.
10. For each Detailed Site Plan submitted, the applicant should provide open space to meet the needs of the proposed development.
11. At the time of each Detailed Site Plan that includes a parking garage within the DSP area, the parking garage shall be modified and/or designed to incorporate architectural design and/or aesthetic improvements to the facades to the extent practical

12. The design and construction of buildings shall utilize a variety of building materials, elevations, roof lines and design details appropriate to a high quality residential community, and reflecting a coherent thematic design approach.
13. There shall be no private residential driveway entrances off of Breezewood Drive.
14. Residential units should include architectural elements, building design, and high quality materials similar to the examples shown on the revised "Neighborhood Visioning" slides provided in the CSP.
15. At the time of the first Detailed Site Plan for each phase of the redevelopment the applicant agrees to work with the City to identify opportunities for public art.

Recreation

1. The Preliminary Plan of Subdivision shall address mandatory parkland dedication requirements, and since the City is not within the Metropolitan District, the City must agree to and accept the final proposed public recreation/parks program for the redevelopment project. At the time of each Detailed Site Plan for the corresponding development area, the location and details of any public or private recreational amenities shall be provided.
2. Open space (to include parks, plazas, sitting areas and gardens) shall be dispersed throughout the proposed development and be included in all CSP phases of the redevelopment. The open space/park network should (at a minimum) include informal play areas sufficient in size to accommodate informal play activities (i.e., Frisbee, wiffle ball, bocce ball, shuffleboard, etc.), plazas, tot lots, playgrounds, and opportunities for active and passive recreation for all ages.

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December 13, 2019

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COPY

Re: 4-19023 Beltway Plaza
Application for Variation from
Section 24-121(a)(3)

Dear Mr. Masog:

This letter is a follow-up to the meeting Ruth and I had with you, Eddie, and Kwesi on November 20, 2019 concerning the Beltway Plaza development. Thank you for taking the time to meet with us. You will recall that I represent the owners of the Franklin Park apartment complex which is located just to the north of Beltway Plaza. Ruth is assisting me.

The letter provides comments regarding the application of GB Mall Limited Partnership ("Applicant") for a variation from Section 24-121(a)(3) of the Prince George's County Subdivision Regulations for the Beltway Plaza development ("Beltway Plaza Property"). Section 24-121(a) provides:

The Planning Board shall require that proposed subdivisions conform to the following:

(3) When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector

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street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.

The Beltway Plaza Property is currently serviced by three access points on Greenbelt Road and three access points on Cherrywood Lane. The three access points on Greenbelt Road—located at the intersection of 62nd Street, the intersection of Cunningham Drive, and an unmarked third point slightly westward of Cunningham Drive—were constructed at a time before the Subdivision Regulations outlawed them and have continued to exist since then. Applicant proposes that the Planning Board allow these access points to continue existing unaltered instead of developing a service road or fronting the property alongside Cherrywood Lane, as required by Section 24-121(a)(3). Applicant's argument is that because the roads already exist, they constitute a unique condition in accordance with variation applications and forcing the Applicant to follow the regulations would result in a particular hardship.

We believe that you should recommend to the Planning Board that it disapprove the application for the variation, and we are briefly laying out the basis for our position to help better inform your decision.

As stated by the Applicant, variations are guided by Section 24-113, which states:

(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

(4) Because of the particular physical surroundings, shape, or topographical 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;

(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

We believe that the application does not satisfy these conditions. We offer our opinion regarding the language of Section 24-113 accordingly:

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

The three existing access points are already *de facto* detrimental to the public safety, health, and welfare, as they exist in contradiction to the County's established regulation, Section 24-121(a)(3), regarding "curb cuts", which is upheld to lessen traffic congestion on main thoroughfares and reduce accidents both by requiring an "interior street or a service road" for large developments and by preventing drivers from abruptly turning while in traffic. The third access point in particular is not sequestered in an intersection—itsself not a reason to ignore the regulation—but is instead an unmarked access point along the highway. The Applicant argues that retaining the access points "provides safe access to the public right-of-way at a controlled intersection," but requiring the Applicant to develop a service road, sufficiently set back in accordance with Section 24-121(a)(3), would encapsulate development traffic and prevent development thoroughfare from spilling out onto the highway, which is safer for the public at large. That this "interior street or a service road" does not yet exist is not evidence of existing

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safe practices but rather existing unsafe ones that now have a chance to be rectified through measured planning requirements in the service of improving the safety, health, and welfare of the County's citizens.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.

As reiterated in our other letter regarding the Section 24-128(b)(7)(A) variation, we acknowledge jurisprudence specific to Prince George's County suggesting that its variations are not precisely the same as variances generally. *See generally Colao v. Maryland-Nat'l Capital Park & Planning Comm'n*, 167 Md. App. 194 (2005). However, recent jurisprudence from the Court of Appeals has once again conflated the two zoning mechanisms together. *See, e.g., Chesapeake Bay Found., Inc. v. DCW Dutchship Island, LLC*, 439 Md. 568, 604–05 (2014) (where the Court quotes statutory language allowing charter counties “to grant appellate jurisdiction to the board of appeals for ‘an application for a zoning variation or exception or amendment of a zoning map’” and immediately thereafter discusses “appellate jurisdiction to the board of appeals regarding zoning variances”). Even with the presumption that variations cannot be construed as variances, much of their language is overlapping and, we believe, the former is deserving of the same analysis as the latter.

Cromwell v. Ward, 102 Md. App. 691 (1995) discusses the two-step analysis for reviewing an application for a variance, the first of which is relevant in analyzing the second requirement of a variation:

The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is—in and of itself—unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property.

Id. at 694; *see also Dan's Mountain*, 236 Md. App. at 491–92. Therefore, we believe the uniqueness requirement should concern the property itself as opposed to manmade alterations to the property, let alone the areas surrounding it. *See North v. St. Mary's Cty.*, 99 Md. App. 502, 514 (1994) (“In the zoning context the ‘unique’ aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property.”) There is nothing unique about a large, flat stretch of land surrounded by other flat stretches of land. Any improvements built upon that land later on would not make the land unique. Because the Beltway Plaza does not have a unique

feature that would make a service road “impact disproportionately upon that property” compared to other surrounding properties, the Planning Board should not approve of a variation to exempt the redevelopment from having a service road.

Furthermore, when viewed in context entirely disconnected from variance jurisprudence, the Beltway Plaza Property self-evidently does not fall under Section 24-113(a)(2). Improperly constructed curb cut entrances are not unique to old developments. They exist in many places throughout the county. Nor is there any uniqueness to the Beltway Plaza Property itself that would make it difficult to add a service road. The Applicant is not filing for a variation because of a unique difficulty but rather because not developing the service road would be a cost-saving measure. The length of time that the Beltway Plaza Property has not complied with County requirements is entirely irrelevant when determining uniqueness; it is of no import whether a manmade improvement to a property happened fifty years ago when the question is whether the conditions are unique.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation.

We will allow the Planning Board to make this determination.

(4) Because of the particular physical surrounding, shape, or topographical 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.

Similarly to the analysis in Section 24-113(a)(2), this language tracks closely with the language of *Cromwell*:

If that first step results in a supportable finding of uniqueness or unusualness, a second step is taken in the process, *i.e.*, a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance *caused by* the property’s uniqueness, exists. Further consideration must then be given to the general purposes of the zoning ordinance.

Id. at 695; *see also Dan’s Mountain*, 236 Md. App. at 491–92. As discussed above, there is no “particular physical surrounding, shape, or topographical conditions of [this] specific property” because it is unremarkably uniform in its topography and location just like most other large development properties. Applicant’s description of a hardship is

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also flawed in that it mischaracterizes the lack of a granted variation as making it “not feasible to direct the retail and commercial traffic through the planned residential portion of the development if direct access is denied onto the arterial of Greenbelt Road.” Developing a service road would not direct traffic through the residential portion of the development; rather, it would allow traffic to move safely around the edges of Beltway Plaza and allow drivers to choose their most efficient access points to enter the planned residential portion of the development. Developing that service road—both a feasible and routine expectation for any large developer—would be a mere financial inconvenience to the Applicant as opposed to a particular hardship.

Assuming once again that variance jurisprudence does not apply to the granting of variations, Section 24-113(a)(4) would still necessarily have to be considered after Section 24-113(a)(2), because the prerequisite premise for subsection 4—a “particular physical surrounding, shape, or topographical conditions of the specific property involved”—would only exist if the inquiry for subsection 2 was answered affirmatively. If the conditions for the variation are not “unique to the property for which the variation is sought,” then the surrounding, shape, and/or topographical aspects of the property would not be particularized. Therefore, any “particular hardship” to the Applicant could not be used to support a finding that the property was unique by virtue of that hardship, since the particular hardship would only be relevant if the property was already unique. Because there is no uniqueness to the property, and because the unremarkable characteristics of the property do not lead to a particular hardship as opposed to a mere inconvenience, the Board should not find that the Applicant has satisfied the conditions of Section 24-113(a)(4).

- (5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George’s County Code.**

This subsection is not applicable to the Beltway Plaza property because it is not zoned accordingly.

For all these reasons, we believe that you should recommend to the Planning Board that it disapprove the application for the variation and require Applicant to develop an interior service road as prescribed in the County’s regulations. This would require sealing up the nonconforming access points to the development as per regulation

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guidelines. Thank you for taking the time to talk with us, and we hope this letter proves beneficial to you.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a horizontal line that extends to the right and then curves slightly upwards at the end.

G. Macy Nelson