

Case No. DSP-14010 Kiplinger Property, Phase I

Applicant: Fore Property Company

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER OF APPROVAL WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the application to approve a detailed site plan for 352 multifamily dwelling units comprised of 71 studios, 157 one-bedrooms, and 106 two-bedrooms and 18 three-bedrooms, with a new parking structure and an access road to provide the main roadway through the property, for a mixed-use development project known as Lot 1, Kiplinger Property, Phase I, and described as approximately 3.77 acres of land in the M-X-T (Mixed Use – Transportation Oriented) and T-D-O (Transit District Overlay) Zones, located at the southwest quadrant of the intersection of Editors Park Drive and East-West Highway (MD 410), with a street address of 3401 East-West Highway, within the City of Hyattsville, in Planning Area 68, Council District 2, be and the same is hereby APPROVED, subject to conditions.

As the basis for this final decision, and as expressly authorized by the Regional District Act, namely Title 22 and Title 25 of the Land Use Article of the Annotated Code of Maryland, as well as the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, we hereby adopt the findings and conclusions within PGCPB No. 15-26 in the administrative record as the District Council's findings of fact and conclusions of law in this case.

Approval of DSP-14010 is subject to the following conditions:

1. Prior to certification, the following revisions shall be made, or information be submitted:
 - a. The building location shall be revised so that a minimum 36-foot-wide

streetscape (from face of curb to the façade of the building) shall be provided subject to approval of the Potomac Electric Power Company (“PEPCO”) of the location of the building in relation to the existing power lines and poles along East-West Highway.

- b. The plan shall be revised to clearly show the location of the existing utility poles along East-West Highway (MD 410).
- c. Remove all retaining walls and stairwells from the ten-foot-wide public utility easement (“PUE”) along the East-West Highway frontage of the property.
- d. Remove the balconies which do not meet minimum setback requirements of PEPCO or OSHA from the front façade of the building along East-West Highway (MD 410) and provide windows of a scale appropriate to the surrounding façade treatment.
- e. The plans shall be revised to provide an interim sidewalk along the frontage of the property from the west side of the streetscape to the intersection of East-West Highway (MD 410) and Toledo Terrace extension.
- f. Dimension the sidewalk along East-West Highway (MD 410) as a minimum of eight feet in width, and the details and specifications should be revised to reflect the same paving patterns as exist on the adjacent shopping center to the east of the subject property.
- g. Provide details and specifications for all of the retaining walls and railings for approval by the Urban Design Section. The walls shall be less than three feet in height to avoid railings and provide terracing, where possible, and any wall over six feet in height shall include accent lightning along the wall to avoid dark spaces at night.
- h. Revise the architectural elevations of the parking garage to diversify the appearance of the exterior elevation through the use of textured paint to match the color and pattern of the multifamily building, including additional considerations, such as art work, vegetation, or screening on the interior elevation of the parking garage.
- i. Revise the plans to provide a minimum of five percent of green space at the roof level of the parking garage in accordance with S22 within the 1998 *Transit District Development Plan for the Prince George’s Plaza Transit District Overlay Zone*.
- j. Revise the signage plan to include building-mounted signage at the west end of the building, as visible from East-West Highway (MD 410), and include directional and parking signage.

- k. Provide notes on the plans in accordance with the Prince George's County Health Department's recommendations by adding notes to the plans as follows:
 - (1) Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
 - (2) Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - l. Adjust the lighting pole and street tree locations to avoid a conflict between the two features.
 - m. Re-label Lot 1 as Parcel 1, and Parcels 1 and 2 as Parcels 2 and 3.
 - n. Provide a note on the detailed site plan stating that the extent of the right-of-way dedication for Toledo Terrace will be determined with Preliminary Plan of Subdivision 4-14013.
 - o. Provide the details and specifications of the public road, to be determined by the City of Hyattsville and in accordance with Condition 2(a) below, with a street tree bank, sidewalks and two travel lanes, with on-street parallel parking in some locations.
 - p. Provide a minimum of five bicycle lockers and bicycle racks accommodating a minimum of 25 bicycle parking spaces.
 - q. Provide a brick or masonry material percentage for each of the four major elevations, to be reviewed and approved by the Urban Design Section as designee of the Planning Board.
2. Prior to issuance of any building permits for the proposed multifamily building, the following improvements shall: (a) have full financial assurances through either private money or full funding in the Prince George's County or the City of Hyattsville Capital Improvement Program; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
- a. Subject to the approval of DPIE and the City of Hyattsville, provision of Road A with two travel lanes, on-road parking, and sidewalks with, street trees and lighting within a variable width of 40–47 feet of continuous dedicated right-of-way such that the approved construction time table ensures the road is fully constructed and open to traffic prior to release of an occupancy permit for any multifamily units.
 - b. Conversion of the existing flashing signal to a complete traffic signal with pedestrian phasing and count down displays on all three approaches for the

intersection of Editors Park Drive and East-West Highway (MD 410), if deemed necessary by the Maryland State Highway Administration (“SHA”) and / or the Prince George’s County Department of Public Works and Transportation (“DPW&T”).

3. Prior to approval of building permits, the applicant shall obtain approval of a final plat of subdivision in accordance with Section 24-111 of the Subdivision Regulations and the approved detailed site plan. The final plat should provide dedication of a portion of Toledo Terrace (currently vacated) and an east-west connection from Toledo Terrace to Editors Park Drive.
4. Prior to issuance of a use and occupancy permit, the interim sidewalk along the frontage of the property from the west side of the streetscape to the intersection of East-West Highway (MD 410) and Toledo Terrace extension shall be completed.
5. Prior to signature approval of the detail site plan the DSP should be revised as follows:
 - a. The DSP shall demonstrate on the Landscape Plan what percentage of afforestation requirement is being met on Lot 1.
 - b. The landscape plan and/or hardscape plan shall show the locations of the additional trash receptacles on-site in accordance with the requirements of S31 of the Transit District Development Plan.
 - c. The DSP shall include notes and a detail regarding the stenciling of stormdrain inlets with “Do Not Dump – Chesapeake Bay Drainage” with the submission. Prior to the issuance of the first grading permit, a copy of the sediment and erosion control plan containing notes and details regarding the same stenciling shall be submitted.
6. At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65 dBA Ldn or higher noise impact area.
7. Prior to the issuance of a building permit, the applicant shall make a contribution of \$150,000.00 to M-NCPPC for future recreational facilities, within the City of Hyattsville.
8. The applicant shall revise the site plan to include additional enhancements at the corner of Editors Park Drive, which may include public art or more traditional streetscape elements.

Ordered this 12th day of May, 2015, by the following vote:

In Favor: Council Members Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner.

Opposed:

Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Mel Franklin, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council