

PGCPB No. 06-262

File No. 4-05145

## R E S O L U T I O N

WHEREAS, 44.56-acre parcel of land known as Parcels a-9, a-10, a-13, Parcel 1, Parcel C, Parcels 143, 144 and 180, Tax Map 41 in Grid E-4, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on June 5, 2006, West Hyattsville Metro Development, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 204 lots and 10 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05145 for West Hyattsville Commons was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 16, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on November 16, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/19/06-01), and further APPROVED Preliminary Plan of Subdivision 4-05145, West Hyattsville Commons, including a Variation from Section 24-130 for Lots 193 and Parcels A-I with the following conditions:

1. A Type II tree conservation plan shall be approved at the time of approval of the DSP.
2. Development of this site shall be in conformance with a revised stormwater management concept plan and any subsequent approvals.
3. In conformance with the Adopted West Hyattsville Transit District Development Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following, the timing of which shall be considered at the time of the DSP:
  - a. Provide designated bike lanes along the subject site's entire frontage of Ager Road per the Boulevard Street section included on page 66 of the transit district development plan, unless modified by DPW&T. Signage and pavement markings for the bike lanes should be in conformance with the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

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- b. Provide the wide pedestrian zone and minimum seven-foot wide sidewalk along the subject site's entire frontage of Ager Road per the TDDP, as shown on submitted street section 16-16.
  - c. Curb extensions, curb cuts, crosswalks, and pedestrian refuges will be evaluated at the time of DSP and should be provided in conformance with the TDDP streetscape standards.
  - d. All construction and/or relocation of the Northwest Branch Trail shall be approved by the Department of Parks and Recreation and be in conformance with the current Park and Recreation Guidelines and Standards.
  - e. The north-south pedestrian connection shown on the Conceptual Site Plan shall be incorporated into the detailed site plan connecting Metro to both the existing Northwest Branch Trail (at or near the trail connector from Chillum Road) and the northernmost access point into the site from Ager Road (near the short/long term parking). This connection will be evaluated at the time of detailed site plan and may involve an enhanced sidewalk or walkway allowing an inviting, visible, and direct approach to Metro from the north and the from the existing stream valley trail.
  - f. Provide additional trail connections or walkways in the town house portion of the development to more directly accommodate residents walking to Metro and/or other uses on the subject site. These connections can be made between groups of townhouses and other available open space, and appropriate locations should be identified at the time of detailed site plan.
  - g. The number and location of bicycle parking spaces shall be determined at the time of detailed site plan, in conformance with the Bikeways and Bicycle Parking section of the approved TDDP.
4. The applicant, his successors, and/or assigns, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
5. The private recreational facilities shall be reviewed by the Urban Design Section of DRD for adequacy and location during the detailed site plan review.
6. Submission of three original, executed Private Recreational Facilities Agreements (RFA) to the DRD for their approval, for the private recreational facilities to be included within the subject property of each final plat, three weeks prior to the submission of each such final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
7. The applicant shall submit to the DRD a performance bond, letter of credit, or other suitable financial guarantee for the construction of the private recreational facilities located on the west

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parcel, in an amount to be determined by the DRD, within at least two weeks prior to applying for the first building permits on the west parcel. The applicant shall submit to the DRD a performance bond, letter of credit, or other suitable financial guarantee for the construction of the private recreational facilities located on the east parcel, in an amount to be determined by the DRD, within at least two weeks prior to applying for the first building permits on the east parcel.

8. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed private recreational facilities.
9. Prior to approval of the first detailed site plan, the applicant shall reach an agreement with DPR regarding the maintenance and security of the promenade to ensure that DPR will not be burdened with unreasonable maintenance or security costs.
10. Submission of three copies of an original, executed Public Recreational Facilities Agreement (RFA) for the construction and maintenance of the promenade to the DPR for their approval, three weeks prior to three weeks prior to a submission of a final plat. Upon approval by the DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
11. The applicant shall enter into the Mitigation Agreement for the design and construction of recreational facilities on public parkland prior to the approval of the first Detailed Site Plan. The improvements listed below are to be provided by the applicant in exchange for permission to grade and construct on M-NCPPC parkland and to construct stormwater management facilities and utilities and to grade as required to meet floodplain cut to fill requirements to raise the West Hyattsville Commons site out of the 100 year floodplain. The facilities shall include:
  - a. **Chillum Community Park**—Construction of ponds that will be an aesthetic enhancement to the park, construction of a soccer field, trails and design of a 32-space parking lot to be constructed by DPR.
  - b. **Kirkwood Neighborhood Park**—Construction of a 26-space parking lot and design of a soccer field.
  - c. **Colmar Manor Community Park**—Construction of two soccer fields, a baseball field, 100-space parking lot and grading for overflow parking (54 spaces), paving an access road and construction of connector trails.
  - d. **WMATA Property on Chillum Road**—If the M-NCPPC acquires this 8.14 acres property prior to the approval of the first building permit for this project, the applicant shall design and construct a soccer field, connector trails and 66-space parking lot. If M-NCPPC cannot acquire the property, the applicant shall provide one artificial turf soccer field (in lieu of an already proposed grass soccer field) within Colmar Manor Community Park

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- e. **Northwest Branch Stream Valley Park**—Integrate the existing pedestrian and bicycle trail into the development by construction a promenade on the south side of the development. The existing equestrian trail would be relocated.
12. Prior to approval of a final plat of subdivision, the applicant shall enter into joint multi-use stormwater management system maintenance agreement between the applicant, the county and M-NCPPC, Department of Parks and Recreation for the construction, operation and maintenance of the stormwater management facilities on parkland.
13. The applicant shall submit to DPR for review the detailed site plans for the construction of the promenade and SWM Facilities 30 days prior to submission of the first DSP.
14. Detailed construction drawings and specifications for the construction of the promenade and related SWM Facilities shall be approved by DPR staff prior to signature approval of the first DSP.
15. Prior to certificate approval of the first DSP, the applicant shall submit to DPR for review and approval detailed construction drawings and specifications for the offsite recreational facilities to be provided in Chillum Community Park, Colmar Manor Community Park and Kirkwood Neighborhood Park.
16. Prior to approval of any building permits for the subject property, the recreational facilities in Colmar Manor Community Park shall be constructed except one soccer field which shall be constructed prior to the 50<sup>th</sup> building permit.
17. Northwest Branch Stream Valley hiker/biker trail shall remain open throughout construction unless an alternative is approved by DPR staff.
18. Off-site recreational facilities in Chillum Community Park and in Kirkwood Neighborhood Park shall be constructed with construction of SWM Facilities on parkland and completed prior to the first building permit for the subject property.
19. If, the M-NCPPC acquires the WMATA property on Chillum Road, the applicant shall construct a soccer field and 66-space parking lot on that property prior to approval of the 50<sup>th</sup> residential building permit. If, M-NCPPC cannot acquire the property, prior to the approval of the first building permit for this project, then the applicant shall construct an artificial turf soccer field at Colmar Manor Community Park prior to 50<sup>th</sup> residential building permit. The detailed construction drawings and specifications for these facilities shall be submitted to DPR for review and approval prior to submission of the first building permit.
20. All trails shall be designed and constructed to be ADA accessible, and in accordance with *Parks and Recreation Facilities Guidelines*. All trails shall be constructed to assured of dry passage. If wet areas must be traversed, suitable structures shall be constructed.
21. Submission to the DPR of a performance bond, letter of credit or other suitable financial

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guarantee for all improvements on parkland, in an amount to be determined by the DPR, within at least two weeks prior to applying for grading permits.

22. Prior to the approval of building permits for development on the west side of the WMATA Metro Station, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) to be created on the west side of the Station, approximately 11.1 acres of land for open space and private road purposes; and prior to the approval of building permits for development on the east side of the WMATA Metro Station, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association to be created on the east side of the Station, approximately 7.5 acres of land for open space and private road purposes. Land to be conveyed shall be subject to the following:
- a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process. This shall not prohibit the construction of berms on HOA property.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

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23. Prior to signature approval of the preliminary plan and TCPI, and prior to acceptance of the detailed site plan, the revised low impact conceptual design plan shall be submitted.
24. Prior to signature approval of the preliminary plan, the TCPI shall be revised to conceptually identify the location and type of all areas of low impact development and stormwater management techniques. These techniques shall also be reflected on the detailed site plan.
25. Prior to signature approval of the preliminary plan, the TCPI shall be revised to clearly show the lot and parcel boundaries that are proposed for this subdivision.
26. The submitted detailed site plan shall show conformance with Condition 6 from PGCPB 06-218.
27. Prior to signature approval of the preliminary plan, the TCPI shall be revised to show disturbance of only those areas that are necessary for development and all proposed buildings and grading within the limits of disturbance shall be shown. This shall include off-site areas.
28. Prior to signature approval of the preliminary plan, the TCPI shall be revised to add the following note: "All street trees used in conjunction with low impact development techniques may be used toward meeting the woodland conservation requirements. The credit shall be calculated using the anticipated tree canopy at ten years' growth."
29. At the time of detailed site plan, a Phase II noise study shall be required to address the appropriate construction materials that ensure the interior noise levels of the adjacent residential structures have been mitigated to 45 dBA Ldn or less.
30. Prior to signature approval of the preliminary plan, a revised Phase I noise and vibration study shall be submitted. The study shall address the location of the unmitigated 65 dBA Ldn contour and vibration impacts for the area of Metro tracks located south of the West Hyattsville station. If mitigation for this area is required it shall be addressed in a Phase II noise study at the time of detailed site plan.
31. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
32. Prior to grading permit approval, the TCPII for this site shall state the location of the off-site mitigation with priority being given to a location or locations within the Anacostia River Basin.
33. The following note shall be placed on the Final Plat of Subdivision:  
  
"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/48/06), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation

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under the Woodland Conservation Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

34. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department.
35. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted."
36. Total development within the subject property shall be limited to 1,400 residential units, 230,000 GSF of office space, 62,000 GSF of retail space or any other development levels generating no more than 866 (444 inbound, and 422 outbound), and 1,037 (491 inbound, 546 outbound) new AM and PM peak-hour vehicle trips, excluding the community center. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
37. As required by Condition 17 of PGCPB Resolution No. 06-218, the applicant shall not receive more than 500 building permits for residential units prior to receiving building permits for at least 65,000 square feet of gross floor area for the proposed office and/or retail space. If, however, the applicant applies for a building permit for Building C or Building D, both of which are mixed use retail/residential buildings, the above-referenced restriction shall not apply. Additionally, the applicant shall not receive more than 1,000 total building permits for residential units prior to receiving building permits for 220,000 total square feet of gross floor area of the office/retail space (which includes the first 65,000 square feet of office/retail space). In addition, prior to issuance of the 750th building permit for residential units, the applicant shall submit the following for review by the Planning Board as they relate to the phasing thresholds above:
  - a. A report on present and planned future efforts to market available office space at West Hyattsville Commons to possible tenants
  - b. A market study examining absorption rates and the state of the office market in Hyattsville, College Park, Riverdale Park, and Greenbelt.
38. Total parking that will be provided within the subject property shall be limited to, ratios indicated in CR-59-2006, unless revised by the District Council, and 220 spaces as on-street parking, only if determined to be acceptable by the City, DPW&T, and/or SHA.



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39. Future detailed site plans should, at a minimum, provide the level of pedestrian connections that are shown conceptually on the current plans. Additionally, future plans should include the following considerations:
  - a. Providing direct pedestrian connections to the Metro Station
  - b. Sitting buildings closer to the Metrorail station, and sitting parking farther away.
  - c. Placing building entrances closer to rather than farther from the pedestrian network.
  - d. Provision of an east/west vehicular and pedestrian connection south of the metro station and along the southern limits of the proposed property, as recommended by the WH-TDDP as "Park Drive."
40. Prior to the issuance of any building permits within the subject property with the exception of the WMATA parking garage, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. Modification of northbound Queens Chapel Road at Chillum Road to include an exclusive left-turn lane, two through lanes and a shared through/right lane, and any other intersection improvements deemed needed by SHA. All these improvements shall be implemented according to SHA standards.
  - b. Modify westbound Hamilton Street at Queens Chapel Road to include an exclusive left-turn lane, two through lanes, and an exclusive right-turn lane, and any other intersection improvements deemed needed by SHA and /or DPW&T. All these improvements to be implemented according to DPW&T and/or SHA standards.
  - c. If deemed appropriate by DPW&T and/or SHA, modify northbound Queens Chapel Road between Chillum Road and Ager Road to accommodate the proposed third through lane recommended along north bound Queens Chapel at Chillum Road, and any other improvements deemed needed by SHA. All these improvements to be implemented according to SHA standards.
  - d. Submissions of acceptable traffic signal warrant studies to DPW&T for the intersections of Ager Road with Lancer Drive and Ager Road with Nicholson Road. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If signals are deemed warranted by DPW&T, the applicant shall bond the signals prior to the release of any building permits within the subject property and install them at a time when directed by DPW&T. The requirements for the signal warrant studies may be waived by DPW&T if that agency determines in writing that there are sufficient recent studies available to make a determination regarding these two signals.



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- e. Submission of acceptable a detailed queue analysis using the total projected traffic for the intersection of Hamilton Street with Ager Road to DPW&T, and if deemed needed by DPW&T, the provision of double right-turn lanes along west bound Hamilton Street, and double left-turn lanes along south bound Ager Road, per DPW&T standards.

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

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

2. The subject site is located northwest of the intersection of Ager Road and Hamilton Road. The site is developed with the West Hyattsville Metro Station. Surrounding uses include:

Northeast	Ager Road binds the property to the northeast along with existing single-family detached homes in the subdivision known as Queens Chapel Manor and small commercial establishments along Ager Road.
Southeast	The property is bounded on the southeast by Hamilton Street and Jamestown Road along with existing commercial and institutional establishments.
Southwest	The property directly to the southwest consists of woodland and open areas along the northern edge of the Northern Branch of the Anacostia River.
Northwest	Existing multifamily housing in the Kirkwood Village subdivision bound the property to the northwest. Two streets, Kirkwood Place and Nicholson Street, terminate at the edge of the property.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	M-X-T & T-D-O	M-X-T & T-D-O
Use(s)	Metro Station	Metro Station 185 Townhouses 1,170 Apartment Units 63,980 SF Retail Commercial 226,620 SF Office Commercial 23,000 SF Community Center
Acreage	44.56	44.56
Lots	0	204
Parcels	9	10
Public Safety Mitigation Fee		No
Dwelling Units		

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Multifamily	0	1,170
Single Family Attached	0	193
<b>Total</b>	<b>0</b>	<b>1,363</b>

4. **Previous Approvals—**

**Conceptual Site Plan CSP-05006:** The Planning Board approved CSP-05006 on September 28, 2006, with 19 conditions. The following conditions are pertinent to the review of this preliminary plan.

- 7.a. **Prior to signature approval of the preliminary plan, the TCPI shall be revised to show disturbance of only those areas that are necessary for development and all proposed buildings and grading within the limits of disturbance shall be shown. This shall include off-site areas.**

The preliminary plan shows this information.

8. **A Phase I noise study shall be included as part of the preliminary plan application. The noise study shall address the location of the unmitigated 65 dBA Ldn contour and the contour shall be shown on the revised TCPI. A Phase II noise study shall be provided with the detailed site plan.**

The applicant has submitted this analysis. Staff review is found in Section 3 of this report.

9. **Prior to signature approval of the preliminary plan, a revised and approved stormwater management concept letter and associated plans shall be submitted. The plan shall show the incorporation of all required LID techniques. The preliminary plan and revised TCPI shall reflect the elements of the concept plan.**

The applicant has submitted a revised concept plan to the Department of Environmental Resources. It must be approved prior to signature approval of the preliminary plan.

13. **Total development within the subject property shall be limited to 1,400 residential units, 230,000 gross square feet of office space, and 62,000 gross square feet of retail space, or any other development levels generating no more than 866 (444 inbound, and 422 outbound), and 1,037 (491 inbound, 546 outbound) new AM and PM peak-hour vehicle trips, excluding the community center.**

The applicant is proposing development within these bounds.

According to a referral from the Urban Design Section (M-NCPPC), the proposed preliminary plan is consistent with the approved conceptual site plan.

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5. **Environmental**— A review of the available information indicates that 100-year floodplain and severe slopes are found to occur on the subject property. Transportation-related noise from above-ground sections of the Metro must be addressed. The soils found to occur according to the Prince George's County Soil Survey include Codorus and Elsinboro. Codorus soils are associated with impeded drainage and high water table. Elsinboro soils have no limitation with respect to development. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property. According to the Countywide Green Infrastructure Plan, the site contains Regulated Areas, Evaluation Areas, and Network Gaps. This property is located in the Northwest Branch watershed of the Anacostia River basin, in the Developed Tier as reflected in the adopted General Plan, and in the West Hyattsville area sector plan.

#### Conformance with the West Hyattsville Area Sector Plan

The subject property is partially developed at this time due to the existence of the West Hyattsville Metro Station and associated parking. It is located in the West Hyattsville Transit District Development Plan. It also contains Regulated Areas, Evaluation Areas, and Network Gaps as shown in the Countywide Green Infrastructure Plan. While the sector plan does focus on sensitive areas and restoration of some natural areas, the primary vision for the subject site is high-density development containing a mix of retail and residential units within walking distance of the Metro station.

It should be noted that approximately half of the 44.56-acre property is within the 100-year floodplain. This application proposes to provide most of the necessary fill from an off-site location, identified as the Chillum Park Property, in order to reduce the on-site floodplain and create more developable land. A review of the conceptual site plan indicates that the proposed development will result in impacts to the entire area of the on-site 100-year floodplain.

On May 20, 2006, the applicant met with staff and during that meeting a presentation was given that detailed how low impact development (LID) techniques will be incorporated into the proposed development in conformance with the West Hyattsville sector plan. The sector plan envisions the use of several types of LID techniques, including green roofs, bio-retention areas, filter strips, wetlands with micro-pools, and sand filters. A low impact design plan and LID concept narrative were submitted with the revised CSP package. A copy of this LID information should be submitted for this official file.

#### Summary of Prior Environmental Conditions of Approval

##### CSP-05006 AND TCPI/29/06

The text below in **bold** is the text from the approved conditions for the conceptual site plan. The plain text provides a discussion of how the current plans meet the approved conditions.

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- 3e. Provide a low impact development (LID) boulevard along the street that runs the length of the west boundary of the property on the portion of the ROW within the boundaries of the project, unless at detailed site plan for adjacent units it is demonstrated that provision of LID on one side of the road is technically infeasible or the LID features do not justify the water quality benefits that would result from them in the context of the overall LID program for the site.**

This condition will be addressed at the time of detailed site plan.

- 4. Prior to certificate approval of the CSP, the LID plan shall be revised to illustrate how the run-off from each of the building roofs will be addressed using the symbols shown on the plan dated June 5, 2006. The plan shall clearly show which buildings will be constructed with green roofs and what portion, conceptually, will be green. Water quality green roofs shall not be located on top decks of garages that should be employed for outdoor recreational space.**

This condition has not been addressed. Because the CSP must be certified before signature approval of the preliminary plan and TCPI, the revised LID plan in accordance with this condition shall also be submitted for the preliminary plan official file.

- 5. Prior to certificate approval of the TCP I, all plans shall be revised to show the same building and street layout as that shown on the CSP.**

This condition has been addressed with this application; however, the proposed lot and parcel boundaries are not clearly shown and labeled on the on the TCPI.

- 6. Prior to certificate approval of the CSP, all proposed streets perpendicular to Northeast Branch that are not identified on the LID design plan dated June 5, 2006, as an LID street shall be designed as green streets incorporating low impact development techniques with underground, connected soil volumes and surface tree grates. Prior to certification of the CSP, the LID plan shall be revised to show the location of the green streets and include a conceptual detail of the street tree installation including a plan view and cross section of the above and below ground features. Jamestown Road and Hamilton Street shall be designed as green streets with medians that are designed with the same treatment as the trees along the green streets, unless another design is deemed more suitable.**

This condition shall be addressed prior to certification of the CSP.

- 7a. Prior to signature approval of the preliminary plan, the TCPI shall be revised to show disturbance of only those areas that are necessary for development and all proposed buildings and grading within the limits of disturbance shall be shown. This shall include off-site areas.**

This condition has been somewhat addressed. The detailed sheets of the TCPI have been revised

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to eliminate the unnecessary off-site clearing on the southwest side of proposed stormwater management Pond 1 (existing parcels 111 and 112); however, the clearing of this area is still shown on the coversheet. This impact extends to areas within the channel. Any impacts to this area will result in increased runoff, sedimentation, and erosion without adequate buffering. It is not necessary to impact or clear areas when no essential development is proposed.

- 7b. Prior to certificate approval of the conceptual site plan, the TCPI shall be revised to add the following note: "All street trees used in conjunction with low impact development techniques may be used toward meeting the woodland conservation requirements. The credit shall be calculated using the anticipated tree canopy at ten years' growth."**

This condition shall be addressed prior to certification of the CSP.

- 8. A Phase I noise study shall be included as part of the preliminary plan application. The noise study shall address the location of the unmitigated 65 dBA Ldn contour and the contour shall be shown on the revised TCPI. A Phase II noise study shall be provided with the detailed site plan.**

A Phase I Noise and vibration study has been submitted. The metro rail tracks are located on a platform at an undetermined height above ground level. The tracks span about 1500 feet in a north-south direction on the subject site, with approximately 300 feet of the tracks shielded on both sides by structures associated with the rest stop. Noise measurements were taken at both the ground level and upper level (approximately 25 feet above grade) for the 900 feet of unshielded tracks to the north of the rest stop. The 300 feet of unshielded tracks to the south of the rest area were not measured. The upper level measurements were taken to account for the proposed multi-level residential structures adjacent to the tracks. Results of the study show that noise levels between 65 and 75 dBA Ldn will impact portions of the structures adjacent to the tracks. The noise contours associated with those results have been correctly shown on the TCPI. A Phase II noise study is required at the time of detailed site plan to address the appropriate construction materials to ensure that interior noise levels of the adjacent residential structures have been mitigated to 45 dBA Ldn or less.

The vibration analysis consisted of measurements to assess the impact of vibration from the train on the adjacent structures. Again, these measurements only address the area of tracks to the north of the rest stop. The results show that the measurements did not exceed ISO and FTA vibration standards for residential use and no portions of the residential structures are expected to be impacted by vibration above those standards.

In order to address possible noise and vibration impacts on the unshielded tracks to the south of the rest stop, an updated Phase I noise study is required. The study must address noise and vibration for the south section of the metro tracks because residential units are proposed in that area.

- 9. Prior to signature approval of the preliminary plan, a revised and approved**

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**stormwater management concept letter and associated plans shall be submitted. The plan shall show the incorporation of all required LID techniques. The preliminary plan and revised TCPI shall reflect the elements of the concept plan. At the time of detailed site plan, the DSP shall show the details of each of the proposed LID techniques.**

To date, revised stormwater management plans have not been submitted. This condition will ultimately be addressed prior to signature approval. The revised TCPI shows no infrastructure associated with stormwater management with the exception of the proposed water quality ponds and outfalls. The revised TCPI must show all stormwater management and other infrastructure such as proposed water and sewer easements. The condition should be revised to ensure that the details are also shown on the TCPII.

**Comment:** This issue is addressed by a previous condition.

- 10. Prior to acceptance of the first detailed site plan, the application package shall be inspected to ensure that it includes a revised Type II tree conservation plan for the Chillum Park property that shows the regulated features, all proposed clearing, a clear limit of disturbance, and all information required on a TCPII.**

This condition relates to the proposed excavation of the nearby Chillum Park property that will be used to fill the on-site floodplain area on the subject site.

### **Natural Resources Inventory**

A signed Natural Resources Inventory (NRI), NRI/030/05, was submitted with this application. The NRI correctly reflects all of the required information and the TCPI submitted with the application is consistent with the NRI. The FSD indicates one forest stand totaling 3.65 acres. No specimen trees were found. The site contains Regulated Areas, Evaluation Areas, and Gap Areas within the Countywide Green Infrastructure Plan.

### **Woodland Conservation**

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because part of the site has an approved Type I Tree Conservation Plan, TCPI/15/92. A TCPI for the entire site was approved with conditions by the Planning Board, but has not yet received signature approval. A revised Type I Tree Conservation Plan, TCPI/19/06-01, has been submitted and reviewed.

The TCPI has proposed to clear the entire 3.65 acres of on-site woodland, and 6.01 acres of off-site woodland. The woodland conservation threshold has been correctly calculated at 6.29 acres, or 15% of the net tract, and the woodland conservation requirement has been correctly calculated at 15.95 acres. The plan proposes to meet the requirement by providing 15.94 acres of off-site woodland conservation. Although no woodland conservation is being provided on-site, the TCPI may use the proposed street trees described in the LID concept plan to meet some of the

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requirement on-site.

### **Environmental Impacts and Variation Request**

The 100-year floodplain that occurs on this site is associated with an off-site stream in the Northwest Branch. The Regulated Areas, Evaluation Areas, and Network Gaps of the Countywide Green Infrastructure Plan are located along the southern boundary of the site adjacent to a main tributary of the Northwest Branch. This stream system is within the Anacostia Watershed and as such, these features are required to be protected under Section 24-130 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands and their associated buffers unless the impacts are essential for the development as a whole.

A variation request in conformance with Section 24-113 of the Subdivision Regulations has been submitted. The conceptual TCPI proposes to impact approximately 34.24 acres of the contiguous floodplain located on and off the subject site. Most of the area will be filled to create developable land and for stormwater management purposes.

Section 24-113 of the Subdivision Regulations contains four required findings (text in bold) to be made before a variation can be granted. This proposed development as shown appears to be in conformance with the sector plan with respect to the mixed-use high density envisioned for area of impacts located on the site; however, the proposed impact for the area off-site, with the exception of the proposed stormwater management pond and outfall, is not essential for development. The exhibit shows a wooded area adjacent to the stream bank to be cleared with no subsequent development. Elimination of this impact has been shown on the TCPI with the exception of the coversheet.

**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 further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormwater pond and outfall are required by other regulations to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property. However, as discussed earlier, some of the off-site clearing does not appear to be necessary and will not be supported.

- (2) The conditions on which the variations are based are unique to the property for**



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**which the variation is sought and are not applicable generally to other properties;**

Stormwater must be conveyed off of this property because the soils are unsuitable for the amount of infiltration that would be otherwise required.

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

The installation of the stormwater pond and outfall are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

**(4) Because of the peculiar 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.**

Design of stormwater management ponds and outfalls require that they be placed where they will provide the proper drainage; the specific topography of the site dictates the location. However, impacts not related to these improvements are not supportable.

The Environmental Planning Section supports the proposed impacts that are necessary for the development. The impacts adjacent to the Pond 1 are not supported. A recommendation for the elimination of the impacts located south of Pond 1 is provided in the discussion of Condition 7a.

### **Soils**

According to the "Prince George's County Soil Survey" the principal soils on the site are in the Codorus and Elsinboro series. These soils are highly erodible.

**Comment:** This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. Development on this site will utilize public systems.

6. **Community Planning**—The subject property is located within the limits of the 2006 *West Hyattsville Transit District Development Plan and Proposed Sectional Map Amendment for the Transit District Overlay Zone* in Planning Area 68/West Hyattsville. The master plan recommends uses that take advantage of the close proximity to the Metro station and implements

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transit-oriented design (TOD) principles through a mix of high-intensity uses.

The 2002 General Plan places the site within the Developed Tier and the core area of the Community Center for the West Hyattsville Metro Station. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for a center is mixed residential and nonresidential uses at moderate to high densities and intensities with a strong emphasis on transit-oriented design.

7. **Parks and Recreation**—Using current occupancy statistics for single-family and multifamily dwelling units, this development would result in a population of 3324 residents in the new community. M-NCPPC records show that the existing Hyattsville community in high need for parkland and recreational facilities.

The transit district development plan (TDDP) includes district-wide requirements and guidelines, which relate to the entire district, rather than to specific subareas. The following goals for parks and recreation are applicable to the transit district:

- To provide parks, recreation facilities and programs to respond to the needs of residents and employees of the transit district.
- To develop facilities that are functional, safe and sensitive to the surrounding environment.
- To protect and conserve public open space and natural resources.
- Utilize alternative methods of park acquisition and facility development such as donation and mandatory dedication.

The mandatory development requirement related to parks and recreation states:

**“P32: At the time of Preliminary Plat of Subdivision or Conceptual or Detailed Site Plan, the Department of Parks and Recreation (DPR) will review the site plan related to the development’s impact on existing public parkland and recreation facilities and the need for additional parkland and recreation facilities. Any residential development shall meet the mandatory dedication requirements of the County Subdivision Ordinance (Subtitle 24).”**

The TDDP recognizes the need for the acquisition of additional parkland and development of additional recreational facilities in the transit district. The cost of operating and maintaining parks must be considered before acquisition and/or development. When considering addition park acreage in the transit district, the TDDP recommends that, when possible, larger tracts of land be acquired for use as community parks, Countywide parks and special facilities, and that additional recreational facilities be developed as needed.

The applicant proposes on site recreational facilities including a clubhouse with exercise room,

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pool, theater and library within the townhouse complex, clubhouse with pool, exercise room within multi-family buildings, playgrounds, plazas, pocket parks and green roof/amenity space on top of four buildings. In addition, the applicant proposes a promenade and trail construction to the south of the project area on adjacent parkland.

The project area is adjacent to Northwest Branch Stream Valley Park to the southwest and Kirkwood Park and Chillum Community Park to the north. The applicant proposes construction of the SWM facilities on adjacent parkland to provide required storm water management and excavation on existing parkland to provide compensatory floodplain storage to mitigate the filling in the floodplain necessary to develop the property. This property could not be developed without the excavation of parkland in the area to provide compensatory storage for filling in the floodplain to accommodate this project. Approximately 10 acres of parkland will be disturbed including existing cricket, softball, football and soccer fields and hiker/biker/equestrian trails. The applicant is in process of negotiating with DPR staff to provide recreational facilities that would be needed to mitigate those lost because of construction of the SWM ponds and the provision of floodwater compensatory storage. At a minimum, the mitigation package should include the design and construction of the following improvements:

**Chillum Community Park**—Construction of SWM ponds that will be an aesthetic enhancement to the park, construction of a soccer field, trails and design of a 32-space parking lot.

**Kirkwood Neighborhood Park**—Construction of a 26-space parking lot and design of a soccer field.

**Colmar Manor Community Park**—Construction of two soccer fields, a baseball field, 100-space parking lot and grading for overflow parking (54 spaces), paving an access road and construction of connector trails.

**WMATA Property on Chillum Road**—If the M-NCPPC acquires this 8.14 acres property prior to the approval of the first building permit for this project, the applicant shall design and construct a soccer field, connector trails and 66-space parking lot. If M-NCPPC cannot acquire the property, the applicant shall provide one artificial turf soccer field within Colmar Manor Community Park.

**Northwest Branch Stream Valley Park**—Integrate the existing pedestrian and bicycle trail into the development by construction a promenade on the south side of the development. The existing equestrian trail would be relocated.

The DPR staff finds that proposed private facilities and off-site recreational facilities to be built as part of mitigation package on adjacent and nearby parkland would adequately serve the residents of the planned community.

8. **Trails**—The subject site is within the area covered by the Adopted and Approved West

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Hyattsville Transit District Development Plan (TDDP). A major goal of this plan is to provide transit-oriented development (TOD) within the transit district. This will involve a mix of uses, location of uses close to Metro, and the establishment of linkages to Metro for cars, bicyclists, and pedestrians. A safe, attractive, and convenient pedestrian environment should be provided.

The TDDP includes several proposed cross sections intended to facilitate this pedestrian-friendly environment. These cross sections include standard sidewalks, wide sidewalks, pedestrian zones, and bicycle lanes (in some cases). The roads included within the subject application adhere to these cross sections. An extensive network of sidewalks, wide sidewalks, and trails are provided throughout the subject site. This network includes:

- A relocated Northwestern Branch Stream Valley Trail
- Standard or wide sidewalks along all residential roads. Wide sidewalks and/or pedestrian zones are also provided along the extensions of Jamestown Road and Hamilton Street.
- Village greens and plazas accommodating pedestrian movement
- Seven-foot-wide sidewalks and designated bike lanes along Ager Road

The TDDP also recommends a variety of pedestrian amenities and safety features be incorporated into roadway design. These include attractive, well-marked crosswalks, curb extensions, and pedestrian refuges. These features appear to be thoroughly incorporated into the conceptual site plan, although a more detailed evaluation will be made at the time of DSP. The design guidelines and specifications included in the TDDP should be adhered to when implementing these features.

Section 5-5 reflects a designated bike lane along one side. The American Association of State Highway and Transportation Officials (AASHTO) states that bike lanes are intended for one-way traffic only, and should be placed on both sides of the road. If bike lanes are provided along this road, they should be provided along both sides in conformance with AASHTO guidelines. However, as discussed in the applicant's meeting on May 17<sup>th</sup>, due to the residential nature of the proposed road and the relatively low speeds and volumes anticipated, bike lanes probably are not necessary along this road.

Staff supports the provision of designated bike lanes and wide sidewalks along Ager Road. This is in conformance with the TDDP and the 1999 AASHTO *Guide for the Development of Bicycle Facilities*. Pavement markings and signage should be provided in conformance with AASHTO. Ager Road is a higher speed and higher volume road than other roads within the subject site, and separate facilities for bicycles are appropriate to maximize safety, delineate where bicyclists should be within the road, and separate the bicyclists from the pedestrian traffic on the wide sidewalk. AASHTO also specifically lays out dimensions for bike lane striping and dimensions where on-street parking is allowed (AASHTO *Guide for the Development of Bicycle Facilities*, Figures 6 and 7), and these guidelines should be adhered to ensure that the bike lanes safely accommodate pedestrians and minimize potential conflicts between bicyclists, motorists, and

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parked vehicles.

Staff also supports the relocated Northwest Branch Trail. This relocation will integrate the trail more effectively into the development and provide a more visible and secure trail. The exact trail location and construction will be per DPR specifications and approval.

The sidewalk network is extensive and is in conformance with the street sections proposed in the TDDP. Pedestrian accommodations are provided through standard sidewalks, wide sidewalks, and pedestrian walkways through plazas and open space. Staff supports this sidewalk network, with the modifications noted below. Areas where outdoor seating or other pedestrian amenities should be identified, and slightly wider sidewalks may be warranted in these areas to allow for sufficient clear space. Crosswalks, curb extensions, and pedestrian refuges are indicated on the submitted CSP. These facilities will improve the pedestrian environment and safety, and should be provided in conformance with the guidelines outlined in the TDDP (pages 81 and 82). Similarly, bicycle parking should be provided in conformance with the bikeway and bicycle parking section of the TDDP (page 111).

A more direct trail or pedestrian walkway is recommended to Metro from both the north and south. From the south, a trail or walkway would provide access from the Northwestern Branch Trail and the Prince George's Connector Trail (running from Chillum Road). The Department of Parks and Recreation is currently designing the extension of this trail into the District, where it would connect to the Fort Totten Metro station. This trail will connect the Anacostia Tributaries Trails Network with the planned Metropolitan Branch Trail in the District, as well as provide a major pedestrian and bicycle route to two Metro stations. From the north, a walkway is recommended from Ager Road and the area including the short term/long term parking. Attractive, direct, and convenient pedestrian access from these directions will improve the overall walkability of the site and allow for the most direct connection possible to Metro from the Prince George's Connector Trail.

9. **Transportation**— Pursuant to the WH-TDDP requirements and for any proposed development within the WH-TDOZ, the adequacy of transportation facilities must be considered at every phase of development including concept site plan, the preliminary plan (if required), and subsequent detailed site plans. This is somewhat different from the required findings, as indicated by Section 27-546(d)(8) for conceptual and detailed sites plans for a M-X-T zone property, where the M-X-T zoning having been granted through a Sectional Map Amendment. Section 27-546(d)(8) indicates the adequacy of transportation facilities for such properties is an issue in the review of detailed site plan if *“more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, ...”*.

As result, the applicant submitted a revised traffic impact study dated June 12, 2006, which staff found to be acceptable and prepared in accordance with methodologies in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The prepared traffic study was referred to the City of Hyattsville, the County Department of Public Works and Transportation (DPW&T), and the State Highway Administration (SHA). This study was reviewed and along

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with review comments provided by the city and operating agencies have been used for the purpose of formulating the Transportation Section's findings and recommendations, for the CSP 05006, the conceptual site plan for the proposed development. For these reasons, staff did not require submission of a new traffic study for the proposed subdivision application. The findings and recommendations outlined below are based upon review of relevant material and analyses conducted by the staff of the Transportation Planning Section, consistent with guidelines, and the WH-TDDP transportation requirements and guidelines.

#### **Growth Policy - Service Level Standards:**

The subject property is located within the developed tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the *Guidelines*.

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

#### **Analysis of Traffic Impacts:**

The traffic impact study prepared and submitted in support of the Preliminary Plan analyzed the following intersections:

Ager Road/ Nicholson Street - Unsignalized  
Ager Road/ Lancaster Drive - Unsignalized  
Ager Road/ Jamestown Road - Unsignalized  
Hamilton Street/ Jamestown Road - Unsignalized  
Queens Chapel Road (MD500)/Jamestown Road - Unsignalized  
Ager Road/ Hamilton Street - Signalized  
Queens Chapel Road/ Chillum Road (MD501) - Signalized  
Queens Chapel Road/ Ager Road - Signalized  
Queens Chapel Road/ Hamilton Street - Signalized

With existing traffic, eight of the nine intersection cited above are currently operating at acceptable Levels of Service (LOS). The signalized intersection of Queens Chapel Road/ Chillum Road is operating at acceptable LOS (B) during the AM peak hour with a CLV of 1,126



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and unacceptable LOS (F) during the PM peak hour with CLV of 1,657.

There are three approved but not built development plans in the general area, that once developed could add additional 413, and 159 AM and PM peak hour trips, respectively to the area road network. With the addition of these trips, as well as the inclusion of appropriate growth for the existing traffic through the planned build-out year (2015), the studied intersections would continue to operate at acceptable levels of service during both peak hours except for the signalized intersection of Queens Chapel Road/ Chillum Road. It was found that this intersection would continue to operate at unacceptable LOS F during the PM peak hour with higher CLV value of 1,866.

The proposed West Hyattsville Commons Preliminary Plan proposes development of 1,363 residential units (193 townhouses, and 1,170 multi-family condominiums), 226,000 GSF of office space, 69,380 GSF of retail space, and a 23,000 GSF community center. The site trip generation is estimated to be 866(444 inbound, and 422 outbound), and 1,037 (491 inbound, 546 outbound) **new** AM and PM peak hour vehicle trips. This level of trip generation reflects a 35%, and 15% peak hour trip reduction for metro and bus use, and for the residential, and commercial uses, respectively. This is in addition to the 60% “pass-by” reduction in trip generation allowed by the *Guidelines* for any commercial retail. The traffic study indicates that with the addition of these new trips, and provision of the following improvements, all intersections referenced above, would operate at acceptable LOS during both AM and PM peak hours:

- The installation of a traffic signal at the intersection of AgerRoad/ Lancaster Drive,
- Modification of northbound Queens Chapel Road at Chillum Road to include an exclusive left-turn lane, two through lanes and a shared through/right lane.
- Widen westbound Hamilton Street at Queens Chapel Road to include an exclusive left-turn lane, two through lanes, and an exclusive right-turn lane.

Based on additional analyses by staff and comments received from SHA and DPW&T, we believe in addition to the recommended improvements cited above, the following improvements are also needed to ensure adequacy and safe traffic operation at these intersections:

- Widen northbound Queens Chapel Road between Chillum Road and Ager Road to accommodate the proposed third through lane recommended along north bound Queens Chapel at Chillum Road.
- Installation of traffic signal at intersection of Ager and Nicholson Road, if deemed warranted by DPW&T.
- Submission of a detailed queue analysis using the total projected traffic for the intersection of Hamilton Street with Ager Road to DPW&T, and the provision of double right-turn lanes along west bound Hamilton Street, and double left-turn lanes along south bound Ager Road, if deemed necessary by DPW&T.



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#### **Plan Comments:**

The subdivision plan proposes reasonable design alternatives for internal street network and major roadways serving the proposed site, provided the applicant obtains approval from the City, DPW&T and/or SHA on appropriateness of the proposed cross sections, design elements, rights-of-way limits, and provision of on-street parking for these internal roadways. An important issue was raised at the time of Conceptual Site Plan review regarding provision of additional pedestrian and vehicle connections between proposed uses on either side of the metrorail tracks. More specifically, it was commented that the proposed east/west pedestrian walkway parallel to the Northwest Branch be constructed as a vehicular connection recommended by the WH-TDDP as “Park Drive.”

The pedestrian network shown on this plan is very important to achieving the levels of transit ridership, which is appropriate for this location. Therefore, future Detailed Site Plans should, at a minimum, demonstrate and provide for the level of pedestrian connections that have been shown on the approved conceptual plan and the proposed preliminary plan, such as:

- Providing more direct pedestrian connections rather than more circuitous ones.
- Sitting buildings closer to the Metro rail station, and sitting parking farther away.
- Placing building entrances closer to rather than farther from the pedestrian network.

#### **Findings and Recommendations:**

This property is within the area covered by the WH-TDDP. Therefore, pursuant to the requirements of the WH-TDDP, the applicant must demonstrate adequate transportation facilities at the time of conceptual site plan. Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed development as required, if the proposed preliminary plan application is approved with conditions consistent with the analysis and comments contained above.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the residential component of this preliminary plan for impact of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the following:

#### **Finding**

Impact on Affected Public School Clusters

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Affected School Clusters	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	1300 mfd, th	1300 mfd, th	1300 mfd, th
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	312	78	156
Actual Enrollment	35388	11453	16879
Completion Enrollment	218	52	105
Cumulative Enrollment	102	25.50	51
Total Enrollment	36020	11608.50	17191
State Rated Capacity	39187	11272	15314
Percent Capacity	91.92%	102.99%	112.26%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003, and CR-23-2003.

12. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

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### **Commercial**

The existing fire engine service at Hyattsville Fire Station, Company 1 located at 6200 Belcrest Road has a service travel time of 1.91 minutes, which is within the 4.25 minutes travel time guideline.

The existing paramedic service at Bunker Hill Fire Station, Company 55 located at 3716 Rhode Island Avenue has a service travel time of 3.75 minutes, which is within the 7.25 minutes travel time guideline.

The existing ladder truck service at Bunker Hill Fire Station, Company 55 located at 3716 Rhode Island Avenue has a service travel time of 3.75 minutes, which is within the 4.25 minutes travel time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

### **Residential**

The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Hyattsville, Company 1, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

- 12. Police Facilities**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

### **Commercial**

The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future commercial developments. The plan includes planning guidelines for police and they are:

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Station space per capita: 141 square feet per 1,000 commercial developments.

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet is above the guideline.

### Residential

The preliminary plan is located in Police District I. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on June 6, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-05/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on May 5, 2006. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

13. **Health Department**—The Health Department reminds the applicant that raze permits are required prior to demolition of any structure on the site. The Health Department also noted that wells and septic systems to be abandoned must be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04.
14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan 45949-2005-00, was approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. A revision to this approved plan is currently under review by DER. Development must be in accordance with this approved plan or any approved revision thereto.
15. **Historic Preservation**—Phase I archeological survey is not recommended for the above-referenced property. However, the applicant should be aware that state or federal agencies may require archeological investigation through the provisions of Section 106 of the National

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Historic Preservation Act. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

16. City of Hyattsville—The City of Hyattsville has not yet responded to a referral sent June 30, 2006.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Squire, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, November 16, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21<sup>st</sup> day of December 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:bjs