



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 16-118

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File No. 4-15016

RESOLUTION

WHEREAS, Hyattsville Route One Partners LLC is the owner of a 24,305-square-foot parcel of land known as Parcels 60 and 130, said property being in the 16th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C) and Development District Overlay (D-D-O); and

WHEREAS, on April 28, 2016, Hyattsville Route One Partners LLC filed an application for approval of a Preliminary Subdivision Plan for 16 lots and one homeowners association parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-15016 for Blue, 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 October 6, 2016, for its review and action in accordance with the Land Use Article of the 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 October 6, 2016, 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 Preliminary Plan of Subdivision 4-15016, including a Variation to Section 24-128(b)(12) for 16 lots and one homeowners association parcel, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant shall revise the PPS to:
  - a. Delineate and label a proposed public pedestrian and vehicular access easement to the benefit of the City of Hyattsville over the private streets and sidewalks from Baltimore Avenue (US 1), extending through the site, to the southern property line in accordance with Applicant's Exhibit A.
  - b. Delineate and label a proposed public pedestrian access easement to the benefit of the City of Hyattsville over the sidewalks along Baltimore Avenue (US 1) in accordance with Applicant's Exhibit A.
  - c. Show the private street extended to the southern property line in accordance with Applicant's Exhibit B.

- d. Add a general note stating that "a variation to Section 24-128(b)(12) is approved for reduce width and location of PUEs along the private streets," subject to a condition for the concurrence of all affected utilities.
  - e. Extend the sidewalk in front of Lots 8-16 to the southern edge of the property line in accordance with Applicant's Exhibit B.
  - f. Create separate parcels for the private streets and the homeowners association open space within the site.
  - g. Show and label all existing and proposed water and sewer lines and connections. Any existing water and sewer lines serving the site, to be abandoned, shall be labeled.
2. Prior to issuance of any building permits within the subject property, the Bicycle and Pedestrian Impact Statement improvements in accordance with Section 24-124.01 of the Subdivision Regulations shall (a) have full financial assurances; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed upon timetable for construction with the operating agency, or as otherwise required by the City of Hyattsville, for the following improvements:
  - a. Furnish and install four bicycle racks, consistent with the existing model and branding utilized by the City of Hyattsville, two at each off-site location, including Centennial Park and City Lot 5, subject to modification by the City of Hyattsville.
3. The Bicycle and Pedestrian Impact Statement improvements in accordance with Section 24-124.01 of the Subdivision Regulations shall be shown on the detailed site plan prior to certification:
  - a. Furnish and install at minimum two U-rack style bicycle racks, consistent with the existing model and branding utilized by the City of Hyattsville, on-site along the sidewalk on Baltimore Avenue (US 1), subject to modification by the City of Hyattsville.
4. Total development shall be limited to uses that would generate no more than 11 AM and 13 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
5. Prior to signature approval of the detailed site plan, the plan shall be revised to show a limited right-in/right-out access with Baltimore Avenue (US 1) with raised channelization per Maryland State Highway Administration (SHA) standards to prevent any left-turn movements, subject to modification by SHA.

6. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to the approval any building permits.
7. Development of this site shall be in conformance with Stormwater Management Concept Plan 28196-2015-00 and any subsequent revisions.
8. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Note the Planning Board's approval of a variation from Section 24-128(b)(12) for reduced width and location of public utility easements, if agreed upon by the affected utilities.
  - b. Grant a 10-foot-wide public utility easement (PUE) along Baltimore Avenue (US 1) and grant PUEs along the private streets consistent with the detailed site plan.
9. Prior to approval of the final plat of subdivision, the following draft public access easements on the subject property shall be submitted to the Maryland-National Capital Park and Planning Commission for review and approval, and then fully executed with the agreement of the City of Hyattsville. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties. Prior to recordation of the final plat, the easements shall be recorded in land records and the liber/folio of the easement shall be indicated on the final plat and the limits of the easements reflected consistent with the approved preliminary plan of subdivision and detailed site plan:
  - a. A public pedestrian and vehicular access easement agreement with the City of Hyattsville, whose approval shall not be unreasonably withheld, to ensure full public access to streets and walkways within the proposed development in accordance with the approved preliminary plan of subdivision beginning from the Baltimore Avenue (US 1) right-of-way, extending west into the subject site, to the southern property line, unless the City of Hyattsville finds the easement no longer desirable. The easement(s) and liber/folio of the recorded easement(s) document shall be reflected on the final plat. If an agreement for the easement is not reached between the applicant and the City of Hyattsville, the applicant may revise the detailed site plan to remove the easement.
  - b. A public pedestrian access easement agreement with the City of Hyattsville, whose approval shall not be unreasonably withheld, to ensure full public access to the walkways within the proposed development abutting the Baltimore Avenue (US 1) right-of-way in accordance with the approved preliminary plan of subdivision. The easement(s) and liber/folio of the recorded easement(s) document shall be reflected on the final plat. If an agreement for the easement is not reached between the applicant and the City of Hyattsville, the applicant shall revise the detailed site plan to show the right-of way dedication 10 feet in width along US 1 and dedicate the right-of-way with the final plat.

The applicant may proceed to request final plat approval without the agreement of the City of Hyattsville where the Planning Board shall determine if the easement agreement with the City of Hyattsville has been unreasonably withheld.

10. At the time of certification of the detailed site plan, the plans shall reflect
  - a. Striping for bike lanes along Baltimore Avenue (US 1), consistent with the *Maryland SHA Bicycle and Pedestrian Design Guidelines*, subject to modification by SHA.
  - b. Public utility easements along the private streets in accordance with the approved preliminary plan of subdivision or as agreed to by the affected utilities.
11. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established. The draft covenants shall be submitted to the Subdivision Review Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation.
12. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) land as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
  - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro.
  - b. 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.
  - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to an HOA shall be in accordance with an approved detailed site plan. 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.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to an HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD in accordance with the approved detailed site plan.

- f. 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.
13. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication to be allocated to the NC Community Fund, Account Code 841304, and may be used for the installation of trash receptacles and wayfinding signs along the Trolley Trail located on Maryland-National Capital Park and Planning Commission property.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on the west side of Baltimore Avenue (US 1), approximately 115 south of the intersection of US 1 and Jefferson Street in the City of Hyattsville. The subject property is the site of the former Bluebird Taxi Company, which is currently vacant. The existing structures are to be razed. This site has not been the subject of a previously approved preliminary plan of subdivision (PPS) or final plat. This preliminary plan of subdivision (PPS) includes tax Parcels 60 and 130, is 24,305 square feet, and located in the C-S-C (Commercial Shopping Center) and D-D-O (Development District Overlay) Zones. This application is for 16 lots for single-family attached (townhouse) dwelling units and a homeowners association (HOA) parcel. A detailed site plan is required and is being processed concurrently with this application.

The subject site fronts on US 1, a 60-foot-wide collector roadway at this location, and the development includes private streets for access and circulation within the site. Section 24-128(b)(12) of the Subdivision Regulations requires a 10-foot-wide public utility easement (PUE) along one side of the private street to be contiguous and adjacent to the right-of-way. The applicant proposes to provide PUEs varying in width within the private street sections. The Planning Board approved a variation for the location and width of the PUEs with this application.

The development includes three sticks of townhouse lots which accommodate 16-foot wide townhouse units, surrounded by an HOA parcel which includes the private streets. A stick of three townhouse lots and a stick of four townhouse lots, bisected by a private street providing access to US 1, front on US 1 and are rear loaded from an internal private street which runs parallel with US 1. A stick of nine front-loaded townhouse lots are located along the opposite side (west) of the internal private street, behind the lots fronting on US 1. A 10-foot high retaining wall is located along the western property line, behind the nine contiguous townhouse lots. At the time of acceptance of this application, the applicant's design for the site included 18-townhouse lots,

with one additional lot being located along US 1 and one additional lot located in the stick which is currently shown as nine lots along the western property line. With that design, the internal townhouse units along US 1 were 14 feet wide. However, through the review process and in consultation with the City of Hyattsville, site issues regarding the spatial constraints of the site and the ability for access and maintenance of the retaining walls and exterior of the townhouse units, provisions for adequate parking, circulation and utility placement were identified. As a result, the application was approved as a 16-lot subdivision.

3. **Setting**—The property is located on Tax Map 42, Grid C-4, in Planning Area 68 and is zoned C-S-C and D-D-O. Development surrounding site includes; Baltimore Avenue to the east; a historic building used as a church to the north with the associated church parking lot to the west; and a vacant retail building to the south.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

|                              | EXISTING          | APPROVED            |
|------------------------------|-------------------|---------------------|
| Zone                         | C-S-C/D-D-O       | C-S-C/D-D-O         |
| Use(s)                       | Commercial/Vacant | Residential         |
| Acreage                      | 24,305 sq. ft.    | 24,305 sq. ft.      |
| Lots                         | 0                 | 16                  |
| Outlots                      | 0                 | 0                   |
| Parcels                      | 2                 | 1                   |
| Dwelling Units:              | 0                 | 16                  |
| Public Safety Mitigation Fee | No                | No                  |
| Variance(s)                  | No                | No                  |
| Variation                    | No                | Yes (24-128(b)(12)) |

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on May 20, 2016. The requested variation to Section 24-128(b)(12) of the Subdivision Regulations was accepted on June 2, 2016 and was heard at the SDRC meeting on June 17, 2016 as required by Section 24-113(b) of the Subdivision Regulations.

5. **Community Planning**—In accordance with Section 24-121(a)(5) of the Subdivision Regulations, the development is consistent with the *Plan Prince George's 2035 Approved General Plan* (General Plan) policies for established communities. As described in *Plan Prince George's 2035, Established Communities* should have context-sensitive infill and low- to medium- density development. The site is in the C-S-C Zone and located in the Town Center Character Area as designated in the Development District Overlay (D-D-O) Zone for the 2004 *Approved Gateway Arts District Sector Plan and Sectional Map Amendment* (Sector Plan). As stated on page 17 of the Sector Plan, the goal of the "Town Center Character Area" is to enhance the walkability of the town centers by creating a framework for high-quality, mixed-use, pedestrian-oriented

development incorporating human-scale buildings, an attractive streetscape, landscaping and small parks.” Furthermore on page 11 of the Sector Plan it states that “a pedestrian-oriented streetscape that will welcome residents and visitors, establish a build-to-line (BTL) to ensure a common street wall that creates a comfortable sense of enclosure, and minimize total parking requirements while encouraging shared parking.” The proposed development, with the approval of deviations as proposed with the companion detailed site plan (DSP-15016), conforms to the land use recommendations for the subject property in the Sector Plan. The deviations from the Development District Standards contained in the Sector Plan, although not part of this approval, are essential to the lot layout approved with this application. The deviations contained in the DSP include the following:

**Site Design: Site Frontage (No. 5)**

The DSP includes an amendment to the requirement that all buildings shall be built out to a minimum of 80 percent of the site frontage in favor of the current plan. As per the DSP application, the project would result in only a 64 percent build out along the site frontage, a 16 percent decrease. The reason for the reduction is that the proposed development includes seven townhouses fronting on Baltimore Ave (out of 16 townhouses total). Each of these units will be built out to 100 percent of its own frontage, but the 22-foot requirement for a driveway to access rear units makes the 80 percent requirement infeasible.

**Site Design: Building sidewalls (No. 10)**

The DSP includes the recommendation to ensure that building walls abut those of neighboring buildings be waived. The purpose of the recommendation is to ensure that there is a common street wall spanning the length of a block, which will improve the overall pedestrian experience in the Gateway Arts District. As approved, the project includes a 60-inch gap between the southernmost wall of the subject townhouses and the building immediately to the south.

**Fencing, Walls, Screening, and Buffering: Opaque wall and fence height (No. 1)**

The DSP includes an amendment to the four-foot height limit for opaque walls and fences along the western line of the property to allow a six-foot opaque fence. The ground level of the project site is lower than that of the property to the west and, when constructed, the third floor bedrooms in the units will not be adequately screened by a four-foot fence.

**Unit Design: Ground floor non-residential uses (No. 1)**

The DSP includes a waiver to the requirement of providing nonresidential land uses on the ground floors. The waiver is based on poor marketability of ground floor retail properties recently built in the Arts District. Many of these retail spaces remain vacant since construction, and waivers have been approved in other project applications seeking to construct ground floor residential units.

**Parks and Plazas: On-site facilities within private developments**

The City of Hyattsville recommended that the preliminary plan of subdivision include the provision of an on-site park or recreational amenity for use by residents. However, given the small size of the property (24,305 square feet), the revised site designs submitted with this application,

and the needs analysis conducted by the Department of Parks and Recreation (DPR of M-NCPPC), the Planning Board approved a fee in-lieu of mandatory dedication.

6. **Stormwater Management**—A Stormwater Management Concept Plan, 28196-2015-00, was approved for this site on November 16, 2015.

Development must be in conformance with that approved plan or subsequent revisions to ensure that on-site or downstream flooding does not occur.

7. **Parks and Recreation**—A needs analysis indicates the level of service (LOS) data for land and facilities are in the moderate- to low-need category for the subject site. In accordance with Section 24-134(a) of the Subdivision Regulations, the Planning Board approved the payment of fee-in-lieu of dedication because the land available for dedication is unsuitable due to the size and location of the development. The fee-in-lieu payment will be allocated to an account which funds community park projects in the area of the subject site and is accessible to the residents of this project.

The City of Hyattsville recommended that on-site recreational facilities be provided for the development. However, given the size of the site, the topographical features, and the limited number for dwelling units to be served, the Planning Board finds the payment of a fee-in-lieu of dedication to be more appropriate. As an alternative, the City of Hyattsville indicated the desire to have the fee-in-lieu allocated to provide wayfinding signage and trash receptacles along the public (M-NCPPC) trail east of US 1 (Trolley Trail). The trail is the closest public park amenity to the subject site. The fee-in-lieu will be allocated to an account that funds the area in which the trail is located which may be used for the improvement requested by the City of Hyattsville.

8. **Trails**—The subject application includes the redevelopment of 24,305 square feet of an existing vacant property into 16 townhouse dwelling units. The subject site is located on the west side of Baltimore Avenue (US 1), a Maryland State Highway Administration (SHA) maintained roadway. The subject site is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2004 *Approved Gateway Arts District Sector Plan and Sectional Map Amendment* (Approved Gateway Arts District Sector Plan and SMA).

Due to the site's location within the Baltimore Avenue Transportation Corridor (per the Adequate Public Facility Review Map of the General Plan), the application is subject to the requirements of Section 24-124.01 (CB-2-2012) and the associated "Transportation Review Guidelines – Part 2, 2013."

**Review Comments (Master Plan Compliance): 2009 Approved Countywide Master Plan of Transportation (MPOT)**

There are two MPOT bicycle and pedestrian facility recommendations that impact the subject property:

- Sidepath along US 1
- Bicycle lanes along US 1

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) also contains a section on Complete Streets which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made as follows:

**POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

**POLICY 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the *Guide for the Development of Bicycle Facilities* (American Association of State Highway and Transportation Officials, 2012).**

The right-of-way for US 1 is shown in the submitted plan to abut, but not include the sidewalk. The space between the curb and the building front is approximately 15 feet with approximate 10 feet between the right-of-way line and the building front. No additional dedication of right-of-way is necessary. However, it is necessary that the applicant enter into an agreement with the City of Hyattsville to provide a public pedestrian access easement over the sidewalks along US 1 that are within the subject site to provide adequate connectivity for pedestrians. The City of Hyattsville has indicated their agreement to accept the public pedestrian access easement. The easement(s) and liber/folio of the recorded easement document shall be reflected on the final plat. Bicycle lanes or a sidepath along the extent of Baltimore Avenue can be built by SHA as part of a future capital improvement or corridor wide project. The Planning Board encourages the applicant to stripe US 1 along the subject site's frontage consistent with the *Maryland SHA Bicycle and Pedestrian Design Guidelines*, if agreed to by SHA.

**The 2004 Approved Gateway Arts District Sector Plan and SMA**

The subject site is located in the "Town Center" character area of the Sector Plan. The goal of this area is "To enhance the walkability of the town centers by creating a framework for high-quality, mixed-use, pedestrian-oriented development incorporating human-scale buildings, an attractive streetscape, landscaping, and small parks," (Sector Plan, page 17). The plan further identifies specific transportation goals (Sector Plan, page 39):

**To provide an integrated multimodal transportation system that is safe, efficient, attractive, and accessible, while reducing dependency on the automobile.**

**To provide safe and convenient pedestrian and nonmotorized circulation opportunities in the Arts District for recreation and transportation, with an emphasis on connections to Metro and US 1.**

The Sector Plan provides the following two sidewalk, trail, and bikeway recommendations along US 1 that directly impact the subject site (Sector Plan, page 44):

**Provide sidewalk additions and enhancements as necessary and emphasize the continuity of the sidewalks.**

**Comprehensive bicycle and pedestrian facilities are recommended along US 1 within the Arts District. Designated bicycle lanes, continuous wide sidewalks, and other pedestrian amenities are recommended, where feasible and practical.**

Sector Plan D-D-O Zone requirements identify streetscape standards that impact the pedestrian environment. The Sector Plan states that development in the City of Hyattsville is exempt from most of the streetscape standards, except (Sector Plan, page 155):

**All streets shall have a sidewalk on both sides wherever possible.**

The Sector Plan also provides build-to-line information relevant to the subject site (Sector Plan, page 146):

**Buildings along the segment of US 1 from Jefferson Street to Farragut Street should be sited to maintain a consistent front building line to define the public realm of the street, wherever possible. If no established setbacks of the existing front building line exists, a build-to line between 10 and 12 feet from the right-of-way line should be established. This is a DSP standard.**

The US 1 ultimate right-of-way is correctly indicated on the PPS as 30 feet from the road centerline to the property line. A pedestrian public use easement will be necessary to provide pedestrian connectivity via the sidewalk located on the subject property along US 1. The space between the right-of-way line and the building front is approximately 10 feet and will provide adequate pedestrian space and contribute to a continuous sidewalk network in the area. If the sidewalk is not provided within a public use easement, the applicant shall dedicate an additional 10 feet of public right-of-way along the entire frontage with US 1 to ensure the sidewalk is within the public realm. Since the development will only have one vehicle entrance extending west from US 1, there will be fewer curb-cuts than the two that currently exist. This will further contribute to improving safe, efficient, accessible, and convenient pedestrian transportation. Bicycle lanes or a sidepath along the extent of Baltimore Avenue can be installed as part of a future capital improvement or corridor wide project by SHA. The applicant may stripe US 1 along the subject site's frontage to be consistent with the *Maryland SHA Bicycle and Pedestrian Design Guidelines*, if agreed to by SHA.

Additionally, sidewalks are shown along the private street into the subject site and along the private street in front of Lots 8-16. The sidewalk in front of Lots 8-16 ends approximately nine feet from the edge of the southern property line. The abutting southern property contains an

existing vacant building, however, if the sidewalk were extended to the edge of the southern property line, it would increase walkability and access from the site in the future when adjacent sites within this block are redeveloped to the south. The sidewalk in front of Units 8-16 should be extended to the southern property line and is conditioned as part of this approval. The applicant shall provide a public use easement for this sidewalk, along the internal private streets, to provide future pedestrian access and connectivity into the subject site, and south to the southern property line.

**Proposed On-Site Bicycle and Pedestrian Improvements**

The submitted PPS indicates adequate space for sidewalks and a buffer in front of the dwelling units that face US 1. Additionally, submitted plans indicate sidewalks along the private streets which will provide pedestrian access throughout the site.

**Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements:**

Due to the location of the subject site within a designated corridor, the application is subject to County Council Bill CB-2-2012, which includes an adequacy requirement for off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

County Council Bill CB-2-2012 also includes specific guidance regarding the cost cap for the off-site improvements. The amount of the improvements is calculated according to Section 24-124.01(c):

**The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.**

The applicant submitted the BPIS report along with the preliminary plan of subdivision. Based on the proposed 16-residential units, the cost cap is \$4,800.

County Council Bill CB-2-2012 also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
1. **Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
  2. **Installing or improving streetlights;**
  3. **Building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
  4. **Providing sidewalks or designated walkways through large expanses of surface parking**
  5. **Installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
  6. **Installing street trees.**

The submitted BPIS indicates that the applicant has proffered seven crosswalks along 43rd Avenue, which is approximately 1,000 feet northwest of the subject site. Although these improvements meet the required nexus and are within the cost cap, the City of Hyattsville has recommended alternate bicycle and pedestrian improvements. Correspondence from Mayor Hollingsworth to Planning Board Chair Hewlett, dated August 4, 2016, indicates that the City of Hyattsville prefers the installation of bicycle racks on-site, at Centennial Park, and City Lot 5 instead of the proffered crosswalks. Centennial park is located on the east side of US 1, approximately 250 feet south of the subject site. City Lot 5 is a municipal parking lot to the west of subject site, with its entrance being approximately 350 feet west of the intersection of US 1 and Jefferson Street. These bicycle racks will contribute to the bicycle and pedestrian adequacy of the area. The applicant has indicated their agreement to provide the bicycle racks and, as a condition of this approval, the applicant shall install the bicycle racks instead of the crosswalks as the proffered off-site improvement. Only bicycle racks installed off-site can be included in the cost cap.

**Demonstrated nexus between the subject application and the off-site improvements:**

Section 24-124.01(c) requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized below.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

**Demonstrated Nexus Finding:** The bicycle racks, recommended by the City of Hyattsville, will provide bicycle parking for visitors to the subject site as well as bicycle parking for future residents of the development at nearby destinations. There is a demonstrated nexus between the off-site improvement and the subject site.

**Finding of Adequate Bicycle and Pedestrian Facilities:**

County Council Bill CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. CB-2-2012 is applicable to PPS within designated Centers and Corridors. CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

As amended by County Council Bill CB-2-2012, Section 24-124.01(b)(1) and Section 24-124.01(b)(2) includes the following criteria for determining adequacy:

- (b) **Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, 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.**
1. **The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
    - (a) **the degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**
    - (b) **the presence of elements that make it safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the**

**street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

The development and the surrounding area have sidewalks on both sides of the street, street lights, street trees, signalized intersections, and crosswalks at many intersections. This development, with conditions, is found to be adequate for pedestrian transportation.

- 2. The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
  - (a) the degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**
  - (b) the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
  - (c) the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**
  - (d) the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

The submitted plans do not indicate any bicycle facilities for the subject site or surrounding area. However, the applicant has provided the recommended right-of-way per the MPOT and the Gateway Arts District Sector Plan. Bicycle facilities, such as bicycle lanes or a sidepath can be built as part of a future SHA capital improvement or corridor wide project. Including the potential SHA project and the conditioned improvements, the area is found to be adequate for bicycle transportation.

The Planning Board finds that the subject site, with conditions, will have adequate public pedestrian and bikeway facilities in accordance with Section 24-121.01.

9. **Transportation**—The subject site has never been the subject of an approved PPS and therefore, there are no underlying transportation conditions. A total of 16-townhouse lots are proposed for the subject property which is located along the west side of Baltimore Avenue (US 1), and south of its intersection with Jefferson Street in the City of Hyattsville. Traffic counts date June 2, 2016 were submitted by the applicant and reviewed for the site.

**Traffic Analysis**

The 16 residential townhouse units would generate 11 AM and 13 PM peak-hour trips based on trip rates recommended by the "Transportation Review Guidelines, Part 1, 2012" (*Guidelines*). As recommended by the *Guidelines*, the applicant submitted AM and PM peak-period traffic counts for the two nearby signalized intersections of US 1 with Hamilton and Jefferson Streets. These counts were taken in June 2016 and are used to determine the required adequacy findings for the proposed PPS.

The findings and recommendations outlined below are based upon a review of materials and analyses conducted consistent with the *Guidelines*. The subject property is located within Transportation Service Area (TSA) 1, as defined in *The Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). 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 Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the *Transportation Guidelines*.

**Unsignalized intersections:** The procedure for un-signalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at un-signalized 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.

| <b>Existing and Total Projected Traffic Conditions</b> |                                                        |           |                                                        |           |
|--------------------------------------------------------|--------------------------------------------------------|-----------|--------------------------------------------------------|-----------|
| Intersection                                           | Existing                                               |           | Projected                                              |           |
|                                                        | Critical Lane Volume (CLV) /<br>Level of Service (LOS) |           | Critical Lane Volume (CLV) /<br>Level of Service (LOS) |           |
|                                                        | AM                                                     | PM        | AM                                                     | PM        |
| US1 @ Jefferson Street                                 | 997 / A                                                | 1,089 / B | 1,003 / B                                              | 1,091 / B |
| US1 @ Hamilton Street                                  | 1,139 / B                                              | 1,531 / E | 1,140 / B                                              | 1,537 / E |

As shown above, both identified and impacted signalized intersections will continue to operate at acceptable conditions during the AM and PM peak hours under total traffic conditions.

#### **Site Access Evaluation**

The development will be served by a private street connection to US 1. The private streets form a 'T' stemming from US 1 which will provide the ability for turnaround within the site. Given the limited number of units to which the private streets will provide access, this is acceptable and satisfies the applicable access and circulation standards of the D-D-O Zone and Sections 24-123 and 24-124 of the Subdivision Regulations. Access to US 1 will be constructed per SHA standards and should be limited to right-in/right-out access with raised channelization to prevent any left-turn movements at this location, subject to SHA approval. The City of Hyattsville has recommended that the applicant secure access to the signalized intersection to the south at Hamilton Street. Although the developed property south of the subject site (Parcel 61) currently intervenes with providing the desired access, the Planning Board agrees that providing a public pedestrian and vehicular access easement through the private street of the subject site for future connectivity is appropriate although not required. In order to provide the site with an alternate point of pedestrian and vehicular access and to facilitate access and circulation connections between adjoining developments along US 1 as envisioned by the Sector Plan, a condition of approval requires that the private street from US 1 be constructed within a recorded public use easement and be extended to the southern property line in accordance with Applicant's Exhibit A, as reflected on the approved PPS. This will ensure its possible extension when and if the existing property to the south of subject site is redeveloped. In the meantime, the pavement extension to the southern property line will serve to function as turn-around space for temporary on-site parking for service vehicles in accordance with Applicant's Exhibit B, as reflected on the approved PPS. When the property to the south is redeveloped, the connectivity provided for through this easement will be expected. However, if in the future the property to the south is redeveloped with a schematic that precludes connection to the public pedestrian and vehicular access easement approved with this application, the applicant will have the option of filing a revision to the DSP to remove the public pedestrian and vehicular access easement internal to the site. However, the sidewalk easement along US 1 shall be provided, or the applicant shall dedicate additional right-of-way to accommodate the sidewalk as part of the public right-of-way.

**Master Plan Roads**

Baltimore Avenue (US 1), is a master plan roadway in the 2009 *Master Plan of Transportation* (MPOT) and the 2004 *Approved Gateway Arts District Sector Plan and Sectional Map Amendment* (Sector Plan) having an existing width of 60–80 feet. The MPOT designates US 1 as collector roadway C-209 with an ultimate ROW width of 80–110 feet. However, the Sector Plan's D-D-O Zone Site Design Standard 1 permits the ultimate ROW width in this location to be 60 feet wide. The PPS shows 30 feet of ROW from the existing centerline to the subject property's frontage on US 1. No additional right-of-way dedication is required for this site, however, it is necessary that the applicant provide a public pedestrian access easement over the site's sidewalks fronting on US 1 to ensure continuity with sidewalks connections along US 1 for all pedestrians.

The subject application was referred to SHA for comment. SHA's response indicated that any frontage and/or off-site improvements will require review, approval and permitting by SHA.

Adequate transportation facilities will exist to serve the subdivision in accordance with Section 24-124 of the Subdivision Regulations.

10. **Schools**—This preliminary plan was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

**Impact on Affected Public School Clusters  
SF Attached Units**

| Affected School Clusters #  | Elementary School<br>2 Cluster | Middle School<br>2 Cluster | High School<br>2 Cluster |
|-----------------------------|--------------------------------|----------------------------|--------------------------|
| Dwelling Units <sup>*</sup> | 16 DU                          | 16 DU                      | 16 DU                    |
| Pupil Yield Factor          | .145                           | .076                       | .108                     |
| Subdivision Enrollment      | 2                              | 1                          | 2                        |
| Actual Enrollment           | 20,414                         | 4,349                      | 8,318                    |
| Total Enrollment            | 20,416                         | 4,350                      | 8,320                    |
| State Rated Capacity        | 17,570                         | 4,334                      | 8,125                    |
| Percent Capacity            | 116%                           | 100%                       | 102%                     |

County Council Bill CB-31-2003 established 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 (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,017 and \$15,458 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a one-quarter of a mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State MARC Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the County urban centers and corridors as defined in §27A-106 of the County Code; within an Approved Transit District Overlay Zone; or where there is no approved transit district overlay zone then within a one-quarter of a mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

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

Prince George's County Public Schools (PGCPS) provided a development impact statement on the capacity of three schools. The PGCPS analysis is provided for information purposes only, and does not use the required methodology for schools facilities testing as required by Section 24-122.02.

| School          | 2015 Capacity | Current SY2015-2016 Enrollments | Current SY2015-2016 Cap. Balance | Projected SY2021-SY2022 Enrollments | Projected SY2021-SY2022 Cap. Balance |
|-----------------|---------------|---------------------------------|----------------------------------|-------------------------------------|--------------------------------------|
| Hyattsville ES  | 406           | 550                             | -144                             | 564                                 | -158                                 |
| Hyattsville MS  | 829           | 842                             | -13                              | 957/1,051*                          | -128/-222*                           |
| Northwestern HS | 2,340         | 2,228                           | 112                              | 2,457                               | -117                                 |

\*Post 6<sup>th</sup> Grade Realignment

11. **Fire and Rescue**—This preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e)(1) (E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for calls for service during the preceding month.”

The project is served by Riverdale Fire/EMS, Company 807, a first due response station (a maximum of seven minutes travel time), located at 4714 Queensbury Road.

“In the Fire/EMS Department’s Statement of Adequate Apparatus, as of March 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County.”

**Capital Improvement Program (CIP)**

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

12. **Police Facilities**—The subject property is located in Police District I, Hyattsville. The response time standard is ten 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 M-NCPPC Planning Department on April 28, 2016.

| Reporting Cycle              | Previous 12 Month Cycle | Emergency Calls | Nonemergency Calls |
|------------------------------|-------------------------|-----------------|--------------------|
| Acceptance Date<br>4/28/2016 | 12/2015-1/2016          | 6 minutes       | 12 minutes         |
| Cycle 1                      |                         |                 |                    |
| Cycle 2                      |                         |                 |                    |
| Cycle 3                      |                         |                 |                    |

Based on the most recent available information as of December, 2015, police response times, the response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls were met on April 28, 2016.

13. **Water and Sewer**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* designates this property in water and sewer Category 3, Community System. The property is within Tier 1 under the Sustainable Growth Act and will therefore, be served by public systems. Existing water and sewer lines are available to serve the subject site within US 1. The existing water and sewer lines in US 1 shall be shown and labeled with size and material on the PPS. Proposed water and sewer connections to each unit shall be shown on the PPS. Any existing water or sewer connections on the subject shall be shown on the PPS as to be abandoned.

14. **Use Conversion**—The total units included in this PPS is 16 single-family attached dwellings in the C-S-C and D-D-O Zones. If a substantial revision to the mix of uses on the subject property is proposed, including a commercial land use that affects Subtitle 24 adequacy findings as set forth in the resolution of approval, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.
15. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The PPS correctly delineates a ten-foot-wide public utility easement along the public right-of-way of US 1 as required, which will be reflected on the final plat prior to approval.

Private streets are approved within the subject site in accordance Section 24-128(b)(8) of the Subdivision Regulations. The private streets include a 52-foot-wide private street entering west into the site from US 1 extending to a perpendicular 40-foot-wide private street which runs north to south through the site. Section 24-128(b)(12) of the Subdivision Regulations requires a minimum 10-foot-wide public utility easement (PUE) contiguous to the private street on one side of the right-of-way. The 52-foot-wide private street includes a 6-foot-wide PUE along the north side and 5-foot-wide PUE along the south side of the street. The 40-foot private street includes a 5-foot-wide PUE along the east side and a 5-foot-wide PUE along the west side of the street. An additional 3.5-foot width of PUE is provided within the private lots and contiguous to the 5-foot-wide PUE along the west side of the 40-foot-wide private street that runs north to south through the subject site. The Planning Board approved a variation to Section 24-128(b)(12) for the location and reduced width of the PUEs. The applicant will be required to reflect the location of the PUEs on the DSP prior to certification and on the final plat prior to approval.

**Variation**—Section 24-128 of the Subdivision Regulations establishes design guidelines for private roads and easements and sets forth the conditions under which private road may be utilized to provide access to a proposed development. Private streets are provided within the development in accordance with Section 24-128(b)(8) which specifically provides that within a Transit District Overlay (T-D-O) or Development District Overlay (D-D-O) Zone, the Planning Board may approve a subdivision with private rights-of-way, easements, alleys or roads. A variation from the requirements of Section 24-128(b)(12), which requires a minimum 10-foot-wide public utility easement (PUE) contiguous to the private road on one side of the private right-of-way (width and location), is approved with this application.

**Section 24-128. Private roads and easements.**

- (b) The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:**
  - (12) Private roads provided for by this Subsection shall have a public utility easement contiguous to the right-of-way. Said easement shall be at least ten (10) feet in width, and shall be adjacent to either right-of-way line.**

The subject site provides a 52-foot-wide private street entering the site from US 1 extending to a perpendicular 40-foot-wide private street which then extends north and south through the site. The 52-foot-wide private street includes a 6-foot-wide PUE along the north side and 5-foot-wide PUE along the south side of the street. The 40-foot private

street includes a 5-foot-wide PUE along the east side and 5-foot-wide PUE along the west side of the street. An additional 3.5-foot width of PUE is provided within the private lots and contiguous to the 5-foot wide PUE along the west side of the 40-foot-wide private street that runs north to south through the subject site.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation request:

**Section 24-113 Variations**

(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;**

The width reduction to the PUEs is requested within the internal private streets to the subject site. The PUEs will provide dry utility connections to the lots within the subject site. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any 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;**

The redevelopment of the subject site with single-family attached dwelling units is unique to this block of development in Hyattsville. More specifically, this site is abutting a Historic Site (68-041-09) used as a church to the north, an existing retail building to the south, and has a greater than 10-foot grade differential from the parking lot at the rear of the site to the west. The size of the subject property is compact, consisting of approximately 24,305 square feet, located in the Town Center of the Gateway Arts District. The Sector Plan provides that access to parking at the rear of lots should be located on a side street or alley within the Town Center. Reduced and shared parking and pedestrian-friendly connectivity

are also development goals within the Town Center. As such, the streets internal to the site have been designed to minimize paving and encourage pedestrian-friendly connectivity. The PUEs have been designed to the maximum extent possible, respecting the space also required for the stormdrain system, water and sewer lines, and the proposed townhouse units. Therefore, the conditions on which the variation is based are unique to this property.

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

The variation to Section 24-128(b)(12) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The use of reduced width PUEs, particularly in urban areas, is not uncommon and has been approved with other development applications.

This PPS and variation request for reduced width PUEs was referred to the Potomac Power and Electric Company (PEPCO), Washington Suburban Sanitary Commission (WSSC) and Verizon. WSSC will be provided a separate 30-foot-wide easement within the private roads per their requirement and a response from Verizon was not received. PEPCO provided an e-mail response on June 23, 2016, indicating their requirement that a 10-foot PUE be provided throughout the site. The engineer has responded to PEPCO, contending that the site design was brought before PEPCO in June 2015 and agreed to, verbally, by PEPCO staff. At the time of approval of this application, PEPCO had not provided any further response on the issue. The PUEs are not dissimilar to reduced width PUEs approved and provided for in other comparable development applications and, by condition of this approval, the applicant is required to continue discussion with PEPCO to come a consensus on an acceptable PUE layout prior to signature approval of the DSP.

**(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;**

The physical conditions of the site are such that there is a 15-20-foot drop in grade from the property to the west to the subject site which is a constraint prohibiting development on the site from extending further towards the western property line. The row of townhouses fronting on US 1 are provided an additional PUE along the public street, however, the units are to be served by utilities through PUEs internal to the site. If a

10-foot-wide PUE is required to serve the townhouse units, the subject property would not be able to accommodate a second row of townhouses. The loss of lots would severely limit the achievable density on this site and further limit the site from meeting the goals of the Gateway Arts District Sector Plan, to promote redevelopment and greater density in an urban form, resulting a particular hardship to the owner.

- (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.**

The subject property is zoned C-S-C; therefore, this provision does not apply.

The site is unique to the surrounding properties and the variation request is supported by the required findings. The applicant shall provide PUEs that are acceptable to the affected utilities. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to the General Plan, area master plan and their amendments.

Therefore, the Planning Board approves the variation to Section 24-128(b)(12) of the Subdivision Regulations for the location and reduced width of the PUEs.

16. **Historic**—The subject property is south of and abutting the Hyattsville Armory Historic and National Register Site (68-041-09). Designed by Robert Lawrence Harris for the State of Maryland in 1918, the Hyattsville Armory is a three-story, fortress-like stone structure distinguished by turrets, parapets, and buttresses. It served as the headquarters of Company F of the First Maryland Infantry, later the 115th Infantry Regiment, 29th Division. Since its closing in 1971, the building has served several uses and is protected by a preservation easement held by the Maryland Historical Trust. Now surrounded by large trees, the building has a castle-like appearance; on its knoll it occupies a strong defensive position. The armory was listed in the National Register of Historic Places in 1980.

The building at 5328 Baltimore Avenue was recorded on a Maryland Inventory of Historic Properties (MIHP) form when the property was known as the Blue Bird Cab Company. The form provides a very brief description of the buildings associated with the Blue Bird Cab Company.

Other Historic Sites in proximity to the subject property include Prince George's Bank (68-041-02, 5214 Baltimore Avenue), Professional Building (68-041-01, 5200 Baltimore Avenue), Hyattsville Post Office (68-041-40, 4325 Gallatin Street), Burgess House (68-010-83, 5201 42nd Place), and Harvey Dairy Store (68-010-88, 4214 Gallatin Street).

A Phase I archeological survey is not recommended on the above-referenced 0.55-acre property located at 5340 Baltimore Avenue in Hyattsville. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Modern disturbance has likely adversely impacted any intact cultural resources that may have been present on the subject property. The structures on the subject property were previously recorded on a Maryland Inventory of Historic Properties form. No additional documentation is necessary on the standing structures.

The Historic Preservation Commission (HPC) reviewed PPS 4-15016, Blue, at its June 21, 2016 meeting. The preliminary plan proposed 18 townhouse lots, now approved for 16 townhouse lots, adjacent to the Hyattsville Armory Historic Site. Recent and historic photographs of the subject property and the Hyattsville Armory Historic site were also presented to the HPC. The associated Detailed Site Plan (DSP-15016) was reviewed by the HPC at its June 21, 2016 meeting after its review of the subject PPS. This review facilitated the evaluation by the HPC of the orientation, mass, height, materials, and design of the development on the adjacent Hyattsville Armory Historic Site (68-041-09). The HPC voted 6-0-1 (the Chairman voted "present") to recommend to the Planning Board approval of PPS 4-15016, Blue, without conditions.

17. **Environmental**—The subject property was previously reviewed by the Environmental Planning Section for a Natural Resources Inventory Equivalency Letter, NRI-112-15, for which approval was issued on June 12, 2015. The site also has a Standard Letter of Exemption issued June 12, 2015. No other previous environmental reviews have occurred on this site.

#### **Grandfathering**

The project is subject to the current regulations of Subtitles 24 (Subdivision Regulations) and Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance) that came into effect on September 1, 2010 and February 1, 2012 because this is an application for a new PPS.

#### **Site Description**

The site is located on the western side of Baltimore Avenue (US 1); approximately 115 feet south of its intersection with Jefferson Street. The site contains no woodlands. It is located within the Lower Northeast Branch watershed of the Anacostia River Basin. According to the USDA NRCS Web Soil Survey, the predominant soil found to occur on the site is Urban Land. According to available information, Marlboro clay and Christiana complex are not identified on the property and according to the Sensitive Species Project Review Area (SSSPRA) layer prepared by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species found to occur on or in the vicinity of this property. There are no floodplains, wetlands or streams associated with the site. The site has frontage on Baltimore Avenue (US 1) which is a master planned collector roadway. There are no designated scenic or

historic roads adjacent to the site. According to the approved 2005 *Approved Countywide Green Infrastructure Plan*, the site contains no Regulated, Evaluation or Network Gap Areas within the designated network of the plan.

#### **Plan Prince George's 2035 Approved General Plan**

The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

#### **Sector Plan Conformance**

The site is subject to the 2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment, which includes an Environmental Infrastructure section containing goals, objectives and recommendations to be implemented during development application review. The following guidelines have been determined to be applicable to the current project. The **boldface** text is from the sector plan and the plain text is comments on sector plan conformance.

#### **Recommendation 2: Incorporate low-impact development design features and implement green building techniques that include the latest environmental technologies.**

The use of low-impact development design and green building techniques that include the latest environmental technologies should be used as appropriate. The use of alternative energy sources such as solar, wind and hydrogen power is encouraged.

#### **Recommendation 4: Seek opportunities to create new, connected green infrastructure elements. New development or redevelopment project proposals should establish landscaped areas and open space connection, wherever possible.**

The redevelopment of this site established landscaped areas and open space connections, whenever possible and was further reviewed at with the detailed site plan.

#### **Recommendation 5: Require the following tree cover areas based on ten-year tree canopies: 10 percent tree cover on all properties not in the CBCA I-D-O overlay and within the industrial areas, 15 percent tree cover on property containing an L-D-O (limited development overlay), 20 percent tree cover within mixed-use or commercial area, and 26 percent tree cover within residential areas. Establish street trees along main transportation corridors. Count tree planted in the public right-of-way but within 16 feet of a property line toward a development's tree coverage.**

The proposed development is located outside of the CBCA I-D-O overlay. Adherence to tree canopy coverage requirements will be reviewed by the Urban Design Section at the time of review for the detailed site plan.

**Recommendation 6: Decrease impervious surfaces by sharing parking to the fullest extent, constructing green roofs, and following the County's Department of Environmental Resources requirements to the fullest extent.**

The redevelopment of this site should follow the County's Department of the Environment's requirements to the extent possible.

**Recommendation 7: Use micromanagement stormwater treatment methods on new development or redevelopment projects.**

The site has an approved Storm Water Management Concept letter (28196-2015-00) and plan that has been found in conformance with Subtitle 32. Water Quality Resources and Grading Code By the Department of Permitting, Inspection and Enforcement (DPiE). Because this project involves redevelopment of an existing developed site, the site will be designed to treat for 50 percent of the water quality volume (WQv) of the impervious surface within this disturbed area, and 100 percent WQv and Cpv (Channel Protection Storage Volume) for new impervious area using Environmental Site Design (ESD) practices and techniques.

The concept shows the use of a filterterra unit for water quality control on-site. The on-site stormdrain is then shown to connect to the existing stormdrain system at the intersection of Baltimore Avenue and Jefferson Street. DPiE will continue to review the project for technical conformance with Code requirements through the development process, including the use of ESD practices and techniques.

**Recommendation 8: Encourage new development to avoid impact on wetlands. Where feasible, construct new wetlands with the intent of replicating the functions provided by natural wetlands, including pollutant interception, erosion control, and provision of wildlife habitat.**

The subject site is already developed, and does not contain any wetlands. The creation of engineered wetlands does not appear to be a viable option for this site given its urban location and size constraints.

**Recommendation 10: Evaluate noise impacts for proposed development and require that noise levels meet the state standards.**

The site is located along a collector roadway (US 1), which is not generally regulated for transportation noise impacts. Standard construction shell techniques generally reduce exterior noise levels by a minimum of 25 dBA Ldn. State noise standards for interior noise in residential units generally require 45 dBA Ldn.

**2005 Approved Countywide Green Infrastructure Plan Conformance**

According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains no Regulated, Evaluation and Network Gap Areas within the designated network of the plan. No further action is necessary for conformance with the Green Infrastructure Plan.

**Conformance with the 2010 Approved Water Resources Functional Master Plan**

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the county, on a countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, County ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), Prince George's County Department of Health, Prince George's County Department of the Environment (DOE), Prince George's Soil Conservation District, Maryland-National Park and Planning Commission (M-NCPPC) and Washington Suburban Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

**Natural Resources Inventory/Existing Conditions**

A Natural Resource Inventory Equivalency Letter (NRI-112-15) was issued on June 12, 2015. No woodlands or regulated environmental features are located on the site. No revisions are required for conformance to the NRI.

**Woodland Conservation**

This property is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site is less than 40,000 square feet and the site has no previously approved Tree Conservation Plans. The site has been issued a standard exemption letter (S-098-15).

**Soils**

According to the USDA NRCS Web Soil Survey, the predominant soil found to occur on the site is Urban Land. According to available information, Marlboro clay and Christiana complex are not identified on the property. This information is provided for the applicant's benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review.

18. **Urban Design**—This application is being processed concurrently with the detailed site plan for the subject property. The site design requirements are further evaluated with Detailed Site Plan DSP-15016. Any substantial modifications to the DSP may have impacts to the PPS that could affect the lotting pattern and result in the requirement for a new PPS.

19. **City of Hyattsville**—In a memorandum dated August 4, 2016 (Hollingsworth to Hewlett), the City of Hyattsville expressed concerns regarding the proposed development and indicated that they are not in support of this application, further recommending disapproval. The City of Hyattsville cited that the site was too compact for the number of townhomes proposed, lacks any green or recreational space, does not provide on-street or visitor parking, and poses several traffic issues. However, the City of Hyattsville further requested that if the Planning Board were to approve this application that the following five conditions be adopted to help mitigate the issues they believe will be created as a result of this development:

- a. **The applicant to secure a safer means of access to the site. The City requests that the applicant secure shared use/access to the existing fully signalized intersection south of the subject site.**

A signaled intersection exists along US 1 south of the subject site at Hamilton Street. The applicant would need to secure an access easement over Tax Parcel 61, located immediately south of the subject site, to gain access to the network of existing access easements across Tax Parcel 115 and Parcel B, to the public alleys which provide access onto Hamilton Street. However, Tax Parcel 61 abutting to the south, currently contains an existing vacant structure, which precludes connectivity from the subject site to south at this time. The applicant is required to provide a public vehicular access easement through the subject site to the south, abutting Tax Parcel 61, to the benefit of the City of Hyattsville for possible future connectivity as a condition of this approval. Given that the possible future connectivity would serve the limited number of vehicles associated with the subject site and surrounding properties within this block, not for the purpose of a through-street, the private street will adequately serve the development.

- b. **A minimum two proposed townhomes and related subdivision lots be revised to a single, non-buildable subdivision lot.**

This application was originally submitted with 18 townhouse lots proposed and comments from the City of Hyattsville were based on that plan. The purpose of this condition was to provide recreational facilities on-site in lieu of two lots. Two lots were subsequently removed, one lot fronting on US 1 and one lot from the western portion of the site, and the development now provides 16 townhouse lots. Although the lots removed were not contiguous, they provided for a more relaxed layout in order to incorporate better accessibility to the rear and sides of the units, to allow for the location and maintenance of the retaining wall and utilities within the site, and to provide a service vehicle parking space.

- c. **The single-subdivision lot will be dedicated greenspace with sitting area, paved walkway, seating and playground equipment. The issuance of a building permit be subject to the City's approval the recreational space design. The issuance of a Use and Occupancy (U&O) permit is subject to the fulfillment of the park space completion.**

Careful consideration was given to the City of Hyattsville's request to incorporate the recommended amenities. However, the removal of two contiguous lots would only yield additional area of 1,600 square feet, 32 feet wide and 50 feet long. Given the grade change from the front of the lots to the rear of lots along the west, approximately 15 feet, the development of amenities within the potential green space would be further reduced and may require an additional retaining wall. In addition, the *Park and Recreation Facilities Guidelines* of the M-NCPPC Department of Parks and Recreation (DPR) provide that playgrounds be setback 30 feet from buildings, rendering the potential space inappropriate for the siting of a playground. At best, the removal of two contiguous lots to provide on-site recreational amenities may be able to accommodate a sitting area, but not address larger issues constraining the site including the location of utilities, an on-site parking space, and accessibility around the units. The applicant has provided that the architecture proposed with the DSP provides each unit with a rooftop terrace, which will provide the individual homeowners with outdoor space for their individual units. There are nearby public amenities available to serve the residents seeking more active recreational facilities. The Planning Board finds it appropriate to provide a fee-in-lieu payment.

- d. **Any pedestrian street light on Baltimore Avenue & within the development is required to meet Pepco specifications to be accepted by Pepco into the public lighting system prior to issuance of U&O permits.**

The street lighting details and locations, in accordance with PEPCO specifications, are recommended to be provided on the DSP, subject to modification by PEPCO.

- e. **Bike & Pedestrian Impact Statement (BPIS) to include at a minimum the furnishing and installation of bicycle racks on-site, at Centennial Park and City Lot #5. The bicycle rack type will be consistent with the existing model and branding type utilized by the City of Hyattsville.**

The applicant has agreed to provide the BPIS improvement requested by the City of Hyattsville. The requirement to provide the bicycle racks has been incorporated as a condition of approval of this application.

The Planning Board finds that the applicant has adequately addressed the concerns indicated by the City of Hyattsville. The revised plans for a 16-lot layout were provided to the City of Hyattsville on September 6, 2016. At the Planning Board hearing, the City of Hyattsville presented additional comments and conditions based on the 16-lot layout, however, the conditions were not adopted by the Planning Board.

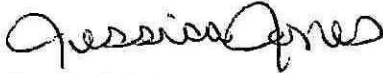
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, October 6, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of October 2016.

Patricia Colihan Barney  
Executive Director

  
By Jessica Jones  
Planning Board Administrator

PCB:JJ:SC:rpg

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NCP&C Legal Department  
Date 10/14/16