THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
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Upper Marlboro, Maryland 20772
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PGCPB No. 2020-35

File No. 4-18001

RESOLUTION

WHEREAS, Werrlein WSSC, LLC is the owner of 8.26-acres of land known as Parcels One and Two, located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north and south of the convergence of 40th Place and Gallatin Street, respectively. Said property being in the 16th Election District of Prince George's County, Maryland, and being in the Development District Overlay (D-D-O) Zone; and

WHEREAS, on December 20, 2019, Werrlein WSSC, LLC filed an application for approval of a Preliminary Plan of Subdivision for 30 lots; and

WHEREAS, Werrlein, LLC included in its application a sketch plan showing a 31-lot configuration and a request that, should it obtain additional approvals for its detailed site plan and meet certain standards, it be allowed to plat 31 lots in accordance with its sketch plan;

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-18001 for Magruder Pointe 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 March 12, 2020, 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 March 12, 2020, 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 4-18001, including a Variation from Section 24-122(a), for 31 lots, 2 parcels and 1 outparcel for development of 15 townhouses and 15 single family detached dwelling units with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to provide density information in the general notes, in accordance with the approved Conceptual Site Plan, CSP-18002.

2. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of $1,260.00 to the Prince George's County Department of Public Works and Transportation for the placement of three bikeway signage assemblies, one each along Hamilton Street, Gallatin Street, and 40th Place. A note shall be

placed on the final plat for payment to be received, prior to the issuance of the first building permit.

3. Total development within the subject property shall be limited to uses that would generate no more than 23 AM and 26 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new PPS, with a new determination of adequacy transportation facilities.

4. Prior to signature approval of the preliminary plan of subdivision, the applicant shall provide written verification from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) whether unsafe soils are present on-site. If present, the detailed site plan shall clearly delineate the location of any associated safety factor lines, as well as any accompanying building restriction lines that are required by DPIE.

5. In conformance with the 2004 *Approved Sector Plan for the Prince George's County Gateway Arts District* and 2009 *Master Plan of Transportation,* the applicant and the applicant's heirs, successors, and/or assignees shall provide standard sidewalks along the frontages of Hamilton Street, Gallatin Street, and 41st Avenue Wide sidewalks shall be provided along the frontage of Hamilton Street and Gallatin Street where feasible. Sidewalks shall be shown on the detailed site plan, prior to acceptance.

6. Prior to approval of a final plat, in accordance with Section 24-135(a) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee-in-lieu payment for mandatory park dedication. The fee-in-lieu payment shall be applied to the NB Park Community (Account Code 841205).

7. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (10823-2018-00) and any subsequent revisions.

8. Prior to approval, the final plat of subdivision shall include:

   a. The granting of public utility easements, in accordance with the approved preliminary plan of subdivision and approved variation from Section 24-122(a) of the Prince George's County Subdivision Regulations.

   b. Right-of-way dedication of the alley to public use, in accordance with the approved preliminary plan of subdivision.

   c. Any required building restriction lines associated with unsafe land, unless the Prince George's County Department of Permitting, Inspections and Enforcement approves proposed mitigation that eliminates the need for a building restriction line.

9. Any nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.

10. If, at the time of detailed site plan, an amendment to the development district standards is approved to allow a reduced lot size, 31 lots may be platted pursuant to the applicant's sketch plan, given all other lot and density standards are met.

11. Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

12. Prior to approval of a 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 and Zoning 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.

13. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land as identified on the approved preliminary plan of subdivision or as modified by the 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 and Zoning Section of the Development Review Division, Upper Marlboro.

    b. All waste matter of any kind shall be removed from the property, 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 or soil filling, other than the placement of fill material associated with permitted grading operation that is 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 a homeowners association shall be in accordance with an approved site plan and tree conservation 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 the homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.

    f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

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 in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north and south of the convergence of 40th Place and Gallatin Street. The property consists of 8.26 acres, is within the One-Family Detached Residential (R-55) Zone and is located within the Traditional Residential Neighborhood (TRN) character area of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA) and the Development District Overlay (D-D-O) Zone. This preliminary plan of subdivision (PPS) includes two tracts of land described as Parcels One and Two, recorded in Liber 21981 folio 165, among the Prince George's County Land Records. Parcel One (3.6 acres) is located south of Hamilton Street and north of Gallatin Street, and is proposed for 30 lots and 2 parcels as part of this application. Parcel Two (4.66 acres) is located south of Gallatin Street, on the west side of 40th Place, and is proposed as an outparcel as part of this application. The subject properties are the site of the former Washington Suburban Sanitary Commission (WSSC) headquarters building on Hamilton Street to the north, and the parking lot serving the building to the south, across Gallatin Street.

   The applicant submitted a sketch plan showing 31 lots, in lieu of the 30 lots shown on the PPS, for the land area north of Gallatin Street (existing Parcel One). The applicant intends to apply for an amendment to the standard lot size requirement of the D-D-O Zone standards at the time of detailed site plan (DSP), in accordance with Section 27-548.26 of the Prince George's County Zoning Ordinance and, if approved, may allow for one additional lot. Since this amendment may only be approved at the time of DSP, the 30-lot subdivision satisfies the current lot size standards, however, the adequacy analysis contained herein evaluates the additional lot provided in the applicant's sketch plan in the instance the DSP allows for the lot size amendment. The additional lot poses a de minimis impact to the PPS and is consistent with the findings contained herein. Therefore, if the lot size amendment is approved at the time of DSP, the subdivision may be platted with 31 lots as shown in the applicant's sketch plan, in lieu of the 30 lots shown on the PPS.

   The development is subject to a PPS, in accordance with Section 24-107 of the Subdivision Regulations.

   Section 24-122(a) of the Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along public rights-of-way. The applicant requested approval of a variation for alternative location of the required PUE along a portion of the site's public road frontage on Hamilton Street and Gallatin Street, adjacent to Parcels A-1 and A-2 and Lots 16, 17, and 30, Block A, which is discussed.

3. **Setting**– The property is located on Tax Map 50 in Grid B1, in Planning Area 68, and is zoned R-55 within a D-D-O Zone. To the north and east of the property, beyond Hamilton Street and 41st Avenue, are existing single-family detached houses in the R-55 Zone; to the west, beyond 40th Avenue, is an existing public park known as Magruder Park, owned by the City of Hyattsville, and Magruder Woods Park, owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC) in the Open Space (O-S) Zone; and between the two parcels are midrise apartment buildings in the Multifamily High Density Residential Zone. All surrounding properties are in the TRN character area and in the D-D-O Zone.

4. **Development Data Summary**—The following information relates to the subject PPS application.

	EXISTING	APPROVED
Zone	R-55/D-D-O	R-55/D-D-O
Use(s)	Vacant	Residential
Acreage	8.26	8.26
Lots	0	31
Parcels	2	2
Outparcels	0	1
Dwelling Units	0	31
Variance	No	No
Variation	No	Yes Section 24-122(a)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on January 10, 2020. The variation requested from Section 24-122(a) was received on December 6, 2019 and also heard at the January 10, 2020 SDRC meeting, as required in accordance with Section 24-113 of the Subdivision Regulations.

5. **Previous Approvals**—The site was previously recorded as Lots 80–93 of Wine and Johnson's Revised 1st Addition to Hyattsville 1882, recorded in Plat Book LIB A-20 on June 12, 1884; and a portion of land west of Lots 88 and 88½, recorded in Liber 21981 folio 165, which comprise 3.6 acres of the subject property known as Parcel 1. Lots 23–33 and Lots 52–61 of Block 1 of Holladay Company's Addition to Hyattsville, MD, recorded in Plat Book LIB A-30 on May 19, 1887, along with a portion of Clover Street, comprise 4.66 acres of the subject property, known as Parcel Two.

The Gateway Arts District Sector Plan and SMA placed a D-D-O Zone over the subject property and retained the R-55 Zone on the 3.6-acre parcel (Parcel 1), but downzoned the 4.66-acre parcel (Parcel 2) to the O-S Zone.

A Conceptual Site Plan (CSP-13010), approved by the Prince George's County Planning Board on July 31, 2014, amended the D-D-O use table to allow a Bed and Breakfast Inn in the Reserved Open Space, O-S, Residential-Agricultural, Residential-Estate, Rural Residential, R-55, and One-Family Detached Residential (R-80) Zones.

The O-S zoning of Parcel 2 was changed by CSP-18002, approved by the Prince George's County District Council on June 10, 2019, subject to three conditions, to the R-55 Zone. An amendment to the D-D-O use table was also approved by CSP-18002, to allow townhouse development on the subject site, including applicable density.

6. **Community Planning**—Conformance with *Plan Prince George's 2035 Approved General Plan* (Plan 2035), the Gateway Arts District Sector Plan and SMA, and the standards of the D-D-O Zone are evaluated, as follows:

General Plan
Plan 2035 classifies this application site in the Established Communities Growth Policy Area. Established Communities are "most appropriate for context-sensitive infill and low- to medium-density development." Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities and recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (page 20).

Sector Plan
The Gateway Arts District Sector Plan and SMA places the subject property in TRN character area. The sector plan states the vision of the TRN is "(i)n many ways, the traditional residential neighborhood character areas suggest a glimpse of small-town Americana. They overlay land zoned for single-family housing (attached and detached). The historic houses and streetcar suburban pattern of inter-connecting narrow streets and shaded sidewalks within easy access to town centers and Metro are assets to be protected from encroachment or significant loss of integrity" (page 14).

The goal for the TRN is "(t)o promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones. To preserve the single-family residential neighborhood character as the anchor of the Arts District, while supporting artists who produce and teach from their homes. To enhance the "built-in" natural surveillance of public areas by active neighbors on porches, in yards, and on the sidewalk" (page 138).

SMA/Zoning
The Gateway Arts District Sector Plan and SMA retained the portion of the subject property between Hamilton and Gallatin streets in the R-55 Zone but reclassified the former parking lot portion of the property between 40th Avenue and 40th Place from the R-55 Zone to the O-S Zone, noting "(r)ezoning to O-S creates the opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area" (page 123). The SMA further superimposed the D-D-O Zone standards, placing the entire property in the TRN character area.

Note that R-55-zoned properties in the TRN character area within the incorporated City of Hyattsville are exempt from the development district standards and abide by the requirements of the R-55 Zone (page 144). The TRN goals and recommendations are still applicable, however, regardless of the zone.

In 2019, the District Council conditionally approved a request to change the portion of the subject property zoned O-S to R-55. This decision also allows the development of single-family attached dwelling units in the R-55 zone. Further, Condition 3 of the approval requires that a DSP for the entire 8.26 acres shall be subject to all D-D-O Zone standards applicable to the TRN character area. This PPS is in conformance with Section 24-121(a)(5).

7. **Stormwater Management/Unsafe Soils**—In accordance with Section 24-120(a)(8) of the Subdivision Regulations, a Stormwater Management (SWM) Concept Approval Letter (10823-2018-00) and associated plan were submitted with this application for this site. The approval of the SWM Concept was issued on March 22, 2019 from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The concept plan shows the entire development (both existing Parcels 1 and 2) and proposes to construct six micro-bioretention facilities and one floodplain compensatory storage area. An existing stormwater outfall will be removed and a new off-site SWM outfall is proposed to the east. No SWM fee for on-site attenuation/quality control measures is required. The concept shows two micro-bioretention facilities on Parcel 1, as well as an outfall through Parcel 2.

The site contains Christiana clays and DPIE may require soil testing for unsafe soils. The applicant will be required by DPIE to follow the guideline for developing over consolidated clays. Gravel, asphalt rubble, and concrete fragments will need to be removed and disposed off-site, as directed by DPIE.

8. **Parks and Recreation**—The above PPS was reviewed and evaluated for conformance with the requirements and recommendations of the Gateway Arts District Sector Plan and SMA, CSP-18002, and Subtitle 24 of the Prince George's County Subdivision Ordinance, as they pertain to public parks and recreational facilities.

The site is divided into two existing parcels, the area fronting on Hamilton Street, the Upper Parcel (Parcel 1) and the Lower Parcel (Parcel 2) south of Gallatin Street. The Lower Parcel is adjacent to Magruder Park (to the west), which is owned and operated by the City of Hyattsville and Magruder Woods Park (M-NCPPC owned parkland) at the southeast corner, which is unimproved.

The subject development is located in the TRN character area of the Gateway Arts District Sector Plan and SMA, which seeks to maintain a traditional neighborhood concept. The goal of the sector plan, with respect to parks and recreation is "(t)o encourage widespread pedestrian and recreational use of the Arts District and vicinity through the improvement of existing public spaces and the addition of new public spaces where appropriate for festivals, events and increased community pride."

As per Section 24-134 of the Subdivision Regulations, mandatory dedication of parkland applies to any residential subdivision, as follows:

> **(a) In all residential subdivisions, except as provided in paragraphs (2), (3), and (4) of this Subsection, the Planning Board shall require the platting and conveyance to the Commission or to a municipality located within the Regional District but not within the Maryland-Washington Metropolitan District, upon request of such municipality, of suitable and adequate land for active or passive recreation, or the payment of a monetary fee in lieu thereof, or the provision of recreational facilities as otherwise provided by this Division.**

Based on the size, configuration, and density of the proposed subdivision, a fee-in-lieu payment by the applicant would best meet and serve the needs of the future residents for this Community. This is permissible per Section 24-135(a) of the Subdivision Regulations. The fee-in-lieu payment shall be applied to the NB Park Community (Account Code 841205).

9. **Trails**—This PPS was reviewed for conformance with prior approvals, the *Approved Countywide Master Plan of Transportation* (MPOT) and the Gateway Arts District Sector Plan and SMA to provide the appropriate pedestrian and bicycle transportation recommendations.

Previous Conditions of Approval
Approved CSP-13010 included no conditions related to bike and pedestrian transportation. Approved CSP-18002 included the following condition related to bike and pedestrian transportation:

> **2. At the time of detailed site plan, the applicant shall:**
>
> **b. Provide sidewalks on both sides of all internal streets, excluding alleys, as appropriate.**
>
> Per Condition 2.b. of CSP-18002, sidewalk access shall be provided and evaluated at time of DSP.

Review of Proposed On-Site Improvements
All internal roads are proposed as alleys and therefore do not require sidewalks. The submitted plans indicate the existing sidewalks along Gallatin Street, Hamilton Street, and 40th Place.

The submitted PPS does not include blocks over 750 feet long and therefore does not need to provide additional walkway facilities and mid-block crossing facilities, pursuant to Section 24-121(a)(9).

Review of Connectivity to Adjacent/Nearby Properties
The subject site is adjacent to residential neighborhoods and Magruder and Hamilton Parks, which are all connected via sidewalk.

Review Master Plan of Transportation Compliance
Three master-planned trails impact the subject site, including planned shared roadways along Hamilton Street, Gallatin Street, and 40th Place. The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk and bikeway construction, and the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

> **Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**
>
> **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.**

Sidewalks shall be provided along all road frontages. This will be evaluated at time of DSP. The proposed development will be subject to a bikeway fee for the placement of signage, in compliance with the MPOT.

Review Area Sector Plan Compliance
The sector plan includes the following recommendations regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (page 46):

5. A variety of routes were identified that are currently used by bicyclists and pedestrians and most efficiently connect the West Hyattsville and Prince George's Plaza Metro Stations with US 1. These routes primarily focus on serving the local neighborhoods. These routes may also be designated as Artways with specific themes or features (such as banners or artwork) unifying the entire corridor.

b. West Hyattsville Metro to 38th Street and US 1

(2) Hamilton Street

(a) Provide standard or wide sidewalks along both sides of Hamilton Street, where feasible and practical.

c. West Hyattsville Metro to Gallatin Street and US 1

(3) Gallatin Street

(a) Widen sidewalks, where feasible.

(b) Provide directional signage where Gallatin Street is not continuous, and users must briefly turn onto 42nd Street.

Per the sector plan, the applicant shall provide standard sidewalks along the frontages of Hamilton Street and Gallatin Street. Wide sidewalks shall be provided, where feasible, as part of the site's frontage improvements.

10. **Transportation**—This PPS was reviewed for conformance with the MPOT and the Gateway Arts District Sector Plan and SMA to provide the appropriate recommendations. Findings related to transportation adequacy are made with this application, along with any determinations related to dedication, access, and general subdivision layout. Circulation is proposed by means of a system of public alleys and driveways. Alley access is proposed from two existing local public roads; one at Gallatin Street west of 41st Avenue and the other at Hamilton Street east of 40th Avenue, along the north and south edges of the site.

In accordance with the "Transportation Review Guidelines, Part 1" (Guidelines) vehicular traffic counts dated November 5, 2019 were provided by the applicant. The traffic impact analysis (TIA), dated November 20, 2019, was referred to the Prince George's County Department of Public Works and Transportation and DPIE.

The TIA for the Magruder Pointe subdivision includes two areas of residential development. Existing Parcel One is the sole focus of this review, as it is proposed for 16 single-family units and 15 townhouse units with this application. A trip cap for this subdivision is listed below. Existing Parcel Two is approved as an outparcel with this PPS, which will require a separate future PPS for any proposed development and will have a separate trip cap.

The subject property is located within Transportation Service Area (TSA) 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections:
Level of Service E.
Operating Critical Lane Volume (CLV) of 1,600 or better in the TSA.
Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any TSA subject to meeting the geographical criteria in the Guidelines.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (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.

For all-way stop-controlled intersections a two-part process is employed: (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.

The table below summarizes trip generation in each peak hour that will be used in reviewing conformance with the trip cap for the site:

Trip Generation Summary: 4-18001: Magruder Pointe								
Land Use	**Use Quantity**	**Metric**	**AM Peak Hour**			**PM Peak Hour**		
			In	**Out**	**Total**	**In**	**Out**	**Total**
Proposed Development for 4-18001								
Single-Family Detached	16	units	2	10	12	9	5	14
Townhouse	15	units	2	9	11	8	4	12
Total Proposed Trips for 4-18001			**4**	**19**	**23**	**17**	**12**	**26**
Recommended Trip Cap for 4-18001					**23**			**26**

The following tables represent results of the analyses of critical intersections under existing, background, and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
MD 208 & Hamilton Street/38th Street	926	1,061	A	B
Hamilton (Eastbound) & Gallatin Streets/40th Avenue	11.1	15.3*		
Hamilton & Gallatin (Northbound) Streets/40th Avenue	13.0	14.4*		
Gallatin Street (Northbound) & 40th Place	11.9	13.2*		
Jefferson Street & 41st Avenue (Southbound)	12.3	12.8*		
US 1 & 42nd Place/Crittenden Street	1,046	993	B	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

One approved development, Armory Apartments, is identified in the study area for the purpose of developing background traffic. A 0.5 percent annual growth rate for a period of six years has been assumed.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
MD 208 & Hamilton Street/38th Street	1,008	1,361	B	D
Hamilton (Eastbound) & Gallatin Streets/40th Avenue	11.3	16.2*		
Hamilton & Gallatin (Northbound) Streets/40th Avenue	13.4	15.0*		
Gallatin Street (Northbound) & 40th Place	12.2	13.7*		
Jefferson Street & 41st Avenue (Southbound)	12.4	13.0*		
US 1 & 42nd Place/Crittenden Street	1,117	1,047	B	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The total traffic generated by the PPS would impact the intersections, interchanges, and links previously identified. The programmed improvements and total future traffic were developed using the Guidelines, including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
MD 208 & Hamilton Street/38th Street	1,016	1,379	B	D
Hamilton (Eastbound) & Gallatin Streets/40th Avenue	11.6	17.4*		
Hamilton & Gallatin (Northbound) Streets/40th Avenue	14.0	15.7*		
Gallatin Street (Northbound) & 40th Place	12.5	14.3*		
Jefferson Street & 41st Avenue (Southbound)	12.6	12.9*		
US 1 & 42nd Place/Crittenden Street	1,137	1,066	B	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

It has been determined that all critical intersections operate acceptably under total traffic in both peak hours. A trip cap consistent with the trip generation assumed for the site, 23 AM and 26 PM peak-hour vehicle trips, is approved.

Master Plan Roads
The MPOT shows the Hamilton Street/Jefferson Street corridor as a master plan collector; however, this recommendation is only for the section west of 40th Avenue and does not affect the subject property.

Based on the findings presented in this section, adequate transportation facilities will exist to serve the subdivision as required by Section 24-124 of the Subdivision Regulations.

11. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George's County Council Resolution CR-23-200. The analysis and the results are as follows:

Impact on Affected Public School Cluster by Dwelling Units

Affected School Clusters #	Elementary	Middle School	High School
Single-family Detached Dwelling Units	16 DU	16 DU	16 DU
Single-family Attached Dwelling Units	15 DU	15 DU	15 DU
Pupil Yield Factor – Detached	0.177	0.095	0.137
Pupil Yield Factor – Attached	0.145	0.076	0.108
Total Future Subdivision Enrollment	5	3	4
Actual Enrollment in 2018	9,602	4,452	5,514
Total Future Enrollment	9,607	4,455	5,518
State Rated Capacity	8,780	4,032	5,570
Percent Capacity	109%	110%	96%

Section 10-192.01 of the Prince George's County Code establishes school facilities surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is $9,741 per dwelling if a building is located between I-495/I-95 and the District of Columbia. This fee is to be determined by and paid to Prince George's County at the time of issuance of each building permit.

12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated February 7, 2020 (Thompson to Conner), incorporated herein by reference.

Referrals were received from DPIE, the Prince George's County Fire/EMS Department, and the Prince George's County Police Department in regard to water and sewer, fire, and police regulatory requirements, respectively. Site and/or building design for fire suppression and crime prevention will be evaluated further at DSP and permit review.

13. **Use Conversion**—This PPS was analyzed based on the proposal for a residential development with 15 townhouses and 16 single-family detached units in the R-55 Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy

findings, that revision of the mix of uses would require approval of a new PPS, prior to approval of any building permits.

14. **Public Utility Easement (PUE)**—Section 24-122(a) requires that, when utility easements are required by a public utility company, the subdivider shall 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 standard requirement for PUEs is 10 feet wide along both sides of all public rights of way. The subject site fronts on the public rights-of-way of Hamilton Street, Gallatin Street, and 40th Place. However, the PPS provides for the location of PUEs abutting the development lots rather than directly abutting the public rights-of-way. The applicant requested approval of a variation from the standard requirement, in accordance with the findings outlined below.

Variation Request—Section 24-122(a) requires the following (in **BOLD**), followed by review comments:

Section 24-122. Public Facilities Requirements.

(a) When utility easements are required by a public utility company, the subdivider shall include the following state in the dedication document: Utility easements are granted pursuant to a declaration record among the County Land Record in Liber 3703 at Folio 748.

In this instance, all public streets serving the proposed lots are existing and do not currently include PUEs, as all dry utilities are located within the respective rights-of-way. The applicant submitted a request to the Potomac Electric Power Company to confirm that PUEs are not required along the north side of Gallatin Street and provided a utility plan exhibit showing the alternative PUE placement.

The applicant requested a variation from the standard PUE requirement, in accordance with Section 24-113, which sets forth the following required findings for approval of a variation (in **BOLD**), followed by review comments:

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 granting of the variation will not be detrimental to public safety, health, or welfare, or injurious to other property. The abutting streets are existing rights-of-way which do not currently include PUEs along the abutting platted lots, as all dry utilities are located within the right-of-way. All proposed and existing lots in the vicinity will continue to be adequately served by public utilities without the addition of a designated PUE adjacent to the rights-of-way. Although utilities are currently located in the right-of-way, the PPS includes PUEs for future placement of utilities on-site abutting the proposed lots and the utility exhibit submitted shows that all existing and proposed lots will be adequately served. A variation from the standard requirement for a PUE in this location will have no effect on public safety, health, or welfare of residents and will not be injurious to other properties.

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

As noted above, the condition unique to the property is that dry utilities are existing and are located within the existing right-of-way with no PUE currently in place. Therefore, a PUE is not necessary in order to accommodate utilities adjacent to the right-of-way, as is typical along most proposed roadways. Moreover, existing stormdrain and/or sanitary sewer systems are located outside the right-of-way in some areas and are within the area where a PUE would typically be provided on-site. In addition, many areas adjacent to the right-of-way do not meet PUE standards due to grade and site constraints, such as steep slopes and specimen trees. A PUE has been provided on-site along the abutting rights-of-way where feasible and alternatively located where necessary to best serve the proposed lots.

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

The variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation. This application was also referred to the public utility companies, none which opposed this request. Further coordination with the utility companies will be required at the site planning and permitting stages of the development.

(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;**

Particular physical surroundings include existing utilities within existing rights-of-way, no existing PUEs and grade and site conditions that are not ideal for the provision of PUEs even if they were necessary. Due to the particular physical surroundings, provision of unnecessary PUEs would result in a particular hardship to the applicant. As noted above, the area where the PUE would typically be required is encumbered by stormdrain, steep slopes, specimen trees, etc. Removal and/or disturbance for a utility easement that is not necessary to serve existing or proposed uses would constitute a particular hardship to the applicant.

(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 R-55; therefore, this provision does not apply.

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

Therefore, the variation from Section 24-122(a) for the location of the required PUE, in accordance with the applicant's PUE exhibit dated January 28, 2019, is **approved**.

15. **Historic**—The subject property was the site of WSSC Headquarters (68-10-082), a documented property constructed in 1939. The original building and subsequent additions were architecturally noteworthy as products of their time and exemplified the stylistic evolution from the Art Deco details of the 1939 original building, and the modern influence of the 1953 addition, with the full-blown modernistic expression of the 1964 addition. While all three additions were distinctive in treatment and clearly expressed, the architects endeavored to create a unified and consolidated building that continued to represent the public identity of the WSSC. The building was demolished in 2019.

A Phase I archeology survey is not required on the subject property. As part of the pre-application review, the southern portion of the subject property that was formerly used as a parking lot, was thought to have some potential of containing intact archeological resources. However, the plan shows a sewer line, a gas line, and a drainage channel running through various portions of the

subject site. Installation of these utilities has likely extensively disturbed any intact archeological resources that may have been present. Therefore, a Phase I archeology survey is not required. There are no Prince George's County historic sites or resources on, or adjacent to, the subject property.

16. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan Exemption #	Authority	Status	Action Date	Resolution Number
NRI-047-2018	N/A	Staff	Approved	10/13/2018	N/A
CSP-18002	S-043-2018	District Council	Approved	06/10/2019	District Council Order
4-18001	S-043-2018	Planning Board	Pending	Pending	Pending

Proposed Activity
This PPS proposes to construct 15 townhouses and 16 single-family detached dwellings, interior roadways, and various SWM structures. The overall project area is comprised of two existing parcels (Parcels 1 and 2); however, this PPS is for the residential development on Parcel 1 only, along with some supporting infrastructure (stormdrain pipe and off-site stormwater outfall) on Parcel 2.

Grandfathering
The project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

Site Description
A review of the available information indicates that the site contains regulated environmental features such as a stream buffer, wetlands buffer, and 100-year floodplain. The soil types found on-site according to the United States Department of Agriculture Natural Resources Conservation Services Web Soil Survey are Christiana-Downer-Urban land complex, Codorus-Hatboro-Urban land complex, and Russett-Christiana-Urban land complex soils. Marlboro clay does not occur on-site, but Christiana clays are found on-site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. There is a high spot on Parcel 1 in the northeast and the site drains to the southwest towards Parcel 2 and the off-site stream system. This site is in the Anacostia River watershed, which flows into the Potomac River. The site has frontage on 40th Avenue, which has been identified as an historic roadway. The site is located within the Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map as designated by Plan 2035.

Master Plan Conformance
The site is located within the Gateway Arts District Sector Plan and SMA. The Environmental Infrastructure section of sector plan contains goals, policies, recommendations, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

1.c. **Stormwater Management: Existing regulations require adequate control of stormwater runoff (Subtitle 4, Division2, Prince George's County Code).**

This proposal is for the construction of a residential subdivision on a fully developed site with some open landscaped areas. The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues, in accordance with Subtitle 32, Water Quality Resources and Grading Code. This requires that the environmental site design be implemented to the maximum extent practicable. The site has an approved SWM concept plan. A SWM Concept Approval Letter (10823-2018-00) and associated plan were submitted with the application for this site. The concept plan shows the entire development (Parcels 1 and 2) and proposes to construct six micro-bioretention facilities and one area for floodplain compensatory storage. This proposed development shows Parcel 1 with two micro-bioretention facilities and no stormwater outfalls.

Also, to serve the proposed development on Parcel 1, Parcel 2 will be impacted with one off-site stormwater outfall, which impacts the on-site and off-site wetlands, stream, associated buffers, and 100-year floodplain.

1.g. **Protection and Restoration of Woodlands: The Woodland Conservation Ordinance requires the conservation of woodlands through preservation, reforestation and afforestation of woodland and specimen trees by meeting minimum woodland conservation thresholds (Subtitle 25, Prince George's County Code).**

This property is exempt from the provisions of the 2010 Prince George's County Woodland and Wildlife Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size but contains less than 10,000 square feet of existing woodland. A Standard Woodland Conservation Exemption Letter (S-043-2018) was submitted with the PPS.

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

The development applications for the subject property that will require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy

consumption. The use of green building techniques and energy conservation techniques are encouraged to be implemented to the greatest extent possible.

3. **Affirm county and state Smart Growth initiatives and the policies and strategies of the General Plan. New development and redevelopment should enhance existing green infrastructure elements such as wetlands. woodlands, open space, landscaped areas, street tree corridors, and sensitive species habitats. It should also establish open space linkages where they do not currently exist.**

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

   The application area is currently developed with paved parking areas and a building with small open maintained landscaped areas. No woodlands are located on-site. Only paved parking areas with overlapping regulated environmental features such as a 100-year floodplain, stream buffer, and wetlands buffer are present only on Parcel 2. The SWM concept plan shows development on Parcel 2; however, the current PPS only includes infrastructure on Parcel 2. Opportunities for restoration exist on Parcel 2 and will be evaluated when development is proposed in this area. Open space and landscaped areas are further discussed by the Urban Design finding.

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 areas, and 26 percent tree cover within residential areas. Establish street trees along main transportation corridors. Count trees planted in the public right-of-way but within 16 feet of a property line toward a development's tree coverage.**

   This application includes a residential use, and as such the 26 percent tree cover requirement standard applies. Open space and landscaped areas are further discussed within the Urban Design finding.

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

   The application area contains two parcel areas (Parcels 1 and 2), which are mostly developed with impervious surfaces. The submitted PPS shows development on Parcel 1 only; however, the approved SWM concept plan shows proposed development on Parcel 2 that is not approved with the current PPS

application. This application proposes to remove impervious surfaces and to treat and convey the stormwater associated with the development of Parcel 1, in accordance with an approved SWM concept.

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

The SWM concept plan approved by DPIE shows the entire development (Parcels 1 and 2) and proposes to construct six micro-bioretention facilities and one area for floodplain compensatory storage.

Conformance with the *Green Infrastructure Plan*

According to the *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), Parcel 1 contains no network areas, but Parcel 2 contains a regulated area within the designated network of the plan. The regulated area is within the 100-year floodplain, stream buffer, and wetlands buffer. Both Parcel 1 and 2 have already been impacted with parking areas and buildings with small areas of open landscaped areas. This application includes that Parcel 2 and the regulated area will be impacted for installation of a new stormdrain pipe system and an off-site stormwater outfall.

The following policies support the stated measurable objectives of the Green Infrastructure Plan:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

Parcel 2 contains a regulated area that contains existing paved parking areas and a stormdrain pipe system. The impacts on Parcel 2 are for the installation of a new stormdrain pipe system and an off-site stormwater outfall. The current application does not show final development on Parcel 2. Future applications for development of Parcel 2 must be evaluated for opportunities for restoration of regulated environmental features.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

As discussed in previous sections, the site has an approved stormwater concept, which addresses surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code. The primary management areas (PMA) associated with this application are located within Parcel 2.

This application includes regulated environmental feature impacts for a stormdrain pipe system (100-year floodplain, stream buffer, and wetlands buffer) and an off-site stormdrain outfall (100-year floodplain, stream wetlands, and associated buffers). No PMA woodlands are located within the application area.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The 2002 *General Plan* has been superseded by Plan 2035. The property is subject to the WCO. No woodlands are located on-site and a woodland conservation exemption letter has been submitted with this application.

Environmental Review

Natural Resource Inventory Plan/Existing Features
An approved Natural Resources Inventory, NRI-013-11 was submitted with the application. The site is comprised of two parcels (Parcels 1 and 2) with existing parking areas and buildings with small areas of open landscaped areas. This site slopes to the south toward an off-site stream system. No woodlands are found on the parcels, but Parcel 1 has four specimen trees. Parcel 2 contains 100-year floodplain, stream buffer, and wetlands buffer, which comprise the PMA.

No additional information is required with regard to the NRI.

Woodland Conservation Plan
This property is exempt from the provisions of the WCO because the property is greater than 40,000 square feet in size but contains less than 10,000 square feet of existing woodland. A Standard Woodland Conservation Exemption Letter (S-043-2018) was submitted with this PPS.

Specimen Trees
The removal of four on-site specimen trees is a component of the proposed development. Since the site is exempt from woodland conservation requirements, no variance request for specimen tree removal is required.

Preservation of Regulated Environmental Features/Primary Management Area
Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities.

Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the

outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

Impacts to the PMA are proposed for stormdrain pipe and outfall installation and grading activities associated with removal of pavement. A statement of justification (SOJ) was received with the application on February 6, 2020 and a revised SOJ was received on February 19, 2020 for the proposed impacts to the PMA.

Statement of Justification
The SOJ includes a request to impact 2.54 acres of on-site PMA and 0.02 acre of off-site PMA for removal of impervious asphalt paving and the installation of a stormdrain pipe and outfall to serve the development proposed on Parcel 1. All of the on-site PMA is located on Parcel 2, which is currently paved parking areas and an existing stormdrain outfall. There is an existing stormdrain outfall system on-site, but this stormdrain system needs to be upgraded to meet current storm water design requirements due to the proposed development. While there is proposed removal of asphalt paving that is to occur on Parcel 2, the removal of the impervious surfaces is credited, in part, to serve the SWM requirements for the development of Parcel 1.

Analysis of Impacts
A total of two impacts (1 on-site and 1A off-site) are described below:

Impact 1—2.54 acres for on-site stormdrain pipe installation and grading for the removal of impervious asphalt.

Impact 1A—0.02 acre for off-site stormdrain outfall, stormdrain pipe installation, and grading. This proposed impact is not within the area of this application but is needed to adequately discharge stormwater to the stream. Final review and approval of this impact will be addressed at time of permit review.

Approval of impact 1, associated with the stormdrain pipe and outfall installation and grading activities associated with removal of pavement, is approved. Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible.

17. **Urban Design**—Conformance with CSP-18002, the D-D-O Zone standards, and the Prince George's County Zoning Ordinance are evaluated, as follows:

Conformance with the Requirements of Previous Approval
CSP-18002 was approved by the District Council on June 10, 2019, with three conditions, to rezone a portion of the property (4.66 acres) from the O-S Zone to the R-55 Zone and revise the list of allowed uses in the development district to permit development of single-family attached dwellings (townhomes) on the property. The CSP also approves the maximum density for

single-family attached development at 9 dwelling units per acre and the maximum density for single-family detached, as permitted in the R-55 Zone, at 6.7 dwelling units per acre, and indicates a total density of 72 units (31 units on Parcel 1 and 41 units on Parcel 2). Conformance with all applicable conditions attached to CSP-18002 will be evaluated at time of DSP review.

The last part of Condition 3 of the CSP is relevant to the review of this PPS because it requires the approval of any additional standards not included in the D-D-O Zone standards, through the DSP process, as follows:

3. **Prior to issuance of any building permit, Applicant shall, pursuant to PGCC §27-548.26, obtain approval of a Detailed Site Plan (DSP) for the entire 8.26 acres. The DSP shall be subject to all Development District Overlay (D-D-O) Zone standards applicable to the Traditional Residential Neighborhood Character Area. Additional bulk requirements shall be established with the approval of the DSP to implement the applicable goals and recommendations of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District, to achieve context-sensitive, high-quality, single-family residential development.**

   This PPS includes both single-family detached and attached lots. The D-D-O Zone standards (pages 144–156) have specific requirements for Site Design, Building Design, and Public Space that have specific standards for lot size for the single-family detached units, as follows:

   a. **Building and Streetscape Siting:**

      12. **On properties zoned R-55, the minimum lot area for new dwellings shall be 5,000 square feet. Where the depth of the lot is less than 100 feet, the minimum net lot area shall be 4,800 square feet (page 146).**

          The single-family detached homes proposed have been revised to meet this standard, however, the minimum lot size for single-family attached lots in the R-55 zone is not specified by the D-D-O Zone and should be approved with the DSP as stated and required by Condition 3 of CSP-18002.

   In addition, the D-D-O Zone also has standards for lot width for both single-family detached and attached units, as follows:

      19. **On properties zoned R-55, R-35 or R-20, the minimum lot frontage and minimum lot width shall be 20 feet. Lots with a smaller lot width that predate the approval of the Arts District SMA may be developed if it is documented that more than one dwelling exists on the street on a lot with a similar or lesser frontage (page 146).**

The single-family detached and attached lots have been revised to meet this standard.

20. **Townhouses shall have a minimum lot width of 18 feet and shall not front a parking lot (page 146).**

The single-family attached lots have been revised to meet this standard.

The District Council's final decision for CSP-18002 included in the analysis that density be 6.7 dwelling units per acre for single-family detached and 9 dwelling units per acre for single-family attached dwellings. However, the District Council's final decision also contains a footnote indicating an overall density of 72 units (31 units on Parcel 1 and 41 units on Parcel 2) for the property, in accordance with Applicant's Exhibit 1 provided with CSP-18002.

The exhibit indicates that, when combining the dwelling unit types on Parcel 1, the density would result in approximately 8.6 dwelling units per acre on Parcel 1 and approximately 8.8 dwelling units per acre on Parcel 2, based on the gross acreages. The PPS is consistent with the CSP approval and will be further evaluated at the time of DSP for bulk standards, in accordance with Condition 3 of CSP-18002. The applicant shall provide the proposed density on the PPS, in accordance with the approved CSP.

Conformance with the Development District Overlay (D-D-O) Zone Standards of the *2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment*
The development of single-family detached and attached units will be subject to DSP approval. The site's conformance with the appliable D-D-O Zone standards of the Gateway Arts District Sector Plan and SMA will be fully evaluated at time of DSP review.

Conformance with 2010 Prince George's County Landscape Manual
The D-D-O Zone standards and the Gateway Arts District Sector Plan and SMA (page 142), replace the requirements of the 2010 *Prince George's County Landscape Manual*. Conformance with these standards will be evaluated at the time of DSP.

Conformance with the Prince George's County Tree Canopy Coverage Ordinance
Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that disturb more than 5,000 square feet. The site is required to provide a minimum of 15 percent of the gross tract area in TCC. This total area of the property is 8.26 acres, which results in 1.23 acres (or 53,578 square feet) of required TCC for the site. Conformance with this requirement will be evaluated at time of DSP.

18. **City of Hyattsville**—In a correspondence dated February 19, 2020, (Hollingsworth to Hewlett), incorporated by reference herein, the City of Hyattsville stated that the City Council requests the public hearing associated with this application be postponed until judicial review regarding CSP-18002 has concluded.

The City indicates that as an issue of practicality, if the District Council's decision regarding CSP-18002 is overturned, PPS-18001 will be greatly affected in the standards and density requirements that are applied. Delaying the application until resolution has been reached can help avoid significant future time resources and effort to repeat the application process for this PPS.

It is the City's opinion that all parties would be best served waiting a short period of time to reach resolution regarding the parent case to this application and that the Planning Board would be doing itself a disservice in considering this application, though the City understands and respects that this decision is at the discretion of the Board.

The Hyattsville City Council asked the Planning Board to not consider this PPS application until the City's legal appeal of the parent CSP application has been resolved. At the Planning Board hearing, the Planning Board informed the City and other opponents of the application that mandatory action requirements prevent the Planning Board from delaying consideration of this application. The City requested the Planning Board consider the following revisions to the application, as conditions for approval, which were evaluated as follows:

"1. The applicant shall eliminate Lot 26 from the application, reducing the number of proposed single-family homes from sixteen to fifteen. All lots shall meet the minimum lot size standard of 5,000 SF."

The current 30-lot PPS plan demonstrates compliance with the minimum lot size requirement. The ability to achieve 31 lots as shown on the applicant's sketch plan will be further determined at DSP review.

"2. The applicant shall align the property borders of Lots 21 and 22 and the property borders of Lots 19 and 20 to allow for a more uniform lotting pattern."

The lotting pattern, as shown on the PPS, includes a jog in the property lines of these lots to accommodate the curvature of the proposed alley providing access to these lots. However, the jog is not indicative of an irregularity in the placement of future dwelling units and would not be distinguishable given the concept development, as shown on the approved SWM concept plan. Minor adjustment to the lots will be further evaluated at time of DSP when dwellings are proposed to ensure adequate circulation and a consistent development pattern.

"3. The applicant shall use Lots 11 & 12 for open green space and/or supplemental stormwater management. Lots 11 & 12 shall not contain townhouse units."

At this time, the need for additional open space or SWM areas has not been demonstrated. However, site constraints and possible conflicts of dwellings with necessary infrastructure should be evaluated further at time of DSP, when buildings are proposed, which may result in the loss of lots. The orientation and architecture of the proposed units will also be evaluated at time of DSP to ensure the most beneficial relationship for the placement of dwellings.

"4. All townhouse units shall front Parcel A1 without obstruction."

The reduction of townhouse units fronting on Parcel A1 may open views into the alley and rears of the lots along the alley. The orientation of dwellings will be evaluated further at the time of DSP to ensure the most beneficial relationship for the placement of dwellings.

"5. The upper parcel of the Magruder Pointe project shall contain no more than ten (10) single-family attached (townhouse) units total. The reduction in unit count will bring the development into compliance with the District Council's decision, as well as allow for wider townhouses and increased interior parking. The applicant's proposed townhouse density exceeds that which has been approved by the District Council. Staff's calculations were derived using the density calculation methodology based on discussions with M-NCPPC staff. Staff calculated density as part of their analysis as the applicant did not provide this calculation as part of their application, as required. Further complicating this matter are a) the presence of two-unit types on the subject property, and b) the lack of standards or guidance—by code or resolution—regarding the size of the townhomes as they are not typically allowed in R-55."

The lots' widths have been designed to meet the minimum 20-foot width as required, in accordance with the D-D-O Zone standards. The requirements for density, as approved for this site with CPS-18002, are further the discussed in the Urban Design. The PPS is consistent with the CSP approval.

"6. The internal alleyway shall be designed and constructed to a public standard and dedicated to the City as a public right-of-way. The site plans and any future dedication of plat shall incorporate language stating that the alleyway shall be publicly dedicated to the City of Hyattsville."

The alley shown on the PPS is proposed for public right-of-way dedication and conforms to the Prince George's County Urban Street Standard minimum for alleys. The public dedication of the alley will be required at the time of final plat, pursuant to the approved PPS. It is noted that dedication is to public use, and since the City of Hyattsville maintains jurisdiction over the public roads in this area, the same will be true of this public right-of-way dedication.

"7. Overhead lighting shall be designed and constructed to Pepco standards for acceptance into the public utility system. The lighting shall be placed at the entrance/exit of the site at Hamilton Street, at the corner closest to lot 11, and at the entrance/exit of the site on Gallatin Street."

The review of lighting details is applicable at the time of DSP review. Lighting within the right-of-way is further subject to the approval of the operating agency.

"8. The applicant shall provide adequate Public Utility Easements (PUEs) for the provision of public utilities to ensure all proposed lots receive both wet and dry utility services. If public utility services can be provided through the existing utility systems and/or within the existing public utility easement, no additional land dedication or easement is required."

A utility plan and proposal for the location of PUEs has been provided with this application and is further discussed in Finding 11.

"9. The stormwater management plan for the upper parcel of the Magruder Pointe Project shall be limited to the boundaries of the upper parcel and not reliant upon compensatory storage on the lower parcel, limiting the applicant's ability to dispose of the individual parcels to new owners for separate and distinct projects or uses."

The approval of the SWM concept plan is under the authority of DPIE, which has been approved for all land area included in this PPS. Although no lots are being approved for the lower parcel with this PPS, any future development must be in conformance with the SWM approval or subsequent revisions.

"10. The applicant shall include the replacement of a current Magruder Park bridge as an off-site facility improvement within their Bicycle and Pedestrian Impact Statement."

This site is not located within a center or corridor and is therefore not subject to the requirement to provide off-site bicycle and pedestrian improvements. However, at the Planning Board hearing, the applicant agreed to consider this improvement.

19. Planning Board Hearing—At the Planning Board meeting on March 12, 2020, exhibits were entered into the record consisting of letters of opposition (Exhibits 1.a-g.). Opponents of the application who were present also provided verbal testimony expressing concerns regarding the underlying CSP approval and pending judicial review, stormwater and floodplain impacts, density and questions as to how density is calculated, transportation and impacts to the neighboring Magruder Park. Exhibits to the verbal testimony was entered as Exhibits 2 and 3. Response to the testimony was provided from the Planning Board's Legal Counsel, technical staff, the Applicant's Legal Counsel and addressed as part of the findings of this resolution. Specifically, this PPS does not set forth the zoning parameters but it is found that this PPS conforms to the approved CSP, all public notices were provided in accordance with applicable law, documents of this application were provided to the public when requested and public hearings were held for this application and the CSP in order to allow public participation.

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 Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 12, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of April 2020.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date: March 20, 2020