



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2021-122

File No. 4-20040

R E S O L U T I O N

WHEREAS, WHPC Block 3, LLC & WHPC Block 4, LLC is the owner of an 8.1-acre parcel of land known as of Parcels 2 and 3, and part of Parcel 114, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned Mixed Use Transportation Oriented (M-X-T) and Transit District Overlay (T-D-O); and

WHEREAS, on July 8, 2021, WHPC Block 3, LLC & WHPC Block 4, LLC filed an application for approval of a Preliminary Plan of Subdivision for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-20040 for West Hyattsville 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 7, 2021, 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 7, 2021, 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 Type 1 Tree Conservation Plan TCP1-012-2016-01, and further APPROVED Preliminary Plan of Subdivision 4-20040, including a Variation from Sections 24-121(a)(4) and 24-122(a), for 2 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Revise General Note 24 to include prior parkland dedication under Liber 2073 at folio 262 and Liber 42848 at folio 340.
 - b. Show location of conceptual water and sewer connection lines for Parcel 1 and how the proposed development is to be served by public water and sewer.
 - c. Show location of proposed access to Parcel 1.
2. Total development within the subject property shall be limited to uses which generate no more than 318 AM peak-hour trips and 388 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.

3. 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 approval any building permits.
4. Prior to approval of the first building permit for the subject property, the applicant, and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities, as designated below (detailed in the applicant's Bicycle and Pedestrian Impact Statement exhibit), in accordance with Section 24-124.01 of the Prince George's County Subdivision Regulations ("Required Off-Site Facilities"), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:
 - a. Widen a 650 linear-foot portion of the West Hyattsville Metro Connector trail, between Ager Road and the West Hyattsville Metro Station, from 5-feet wide to 8-feet wide.
 - b. Improve trail lighting along the 650-linear-foot portion of the West Hyattsville Metro Connector trail.

In the event that the applicant's submission to fulfill off-site requirements listed in Conditions 4a and 4b cannot be coordinated, prior to approval of the first building permit for the subject property, the applicant, and the applicant's heirs, successors, and/or assignees shall demonstrate that the following alternative adequate pedestrian and bikeway facilities, as designated below (detailed in the applicant's alternative Bicycle and Pedestrian Impact Statement Exhibit), in accordance with Section 24-124.01 of the Subdivision Regulations ("Required Off-Site Facilities"), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:

- c. Provide invasive species control for a 6-acre section along the existing Northwest Branch Trail, as detailed in the applicant's alternative Bicycle and Pedestrian Impact Statement proposal.
- d. Upgrade to continental-style crosswalks along the northern approach at MD 501 and 18th Avenue, the northern approach at MD 501 and Longford Drive, the southern approach at MD 501 and 20th Avenue, the southern approach at MD 501 and 21st Street, the northern approach of Jamestown Road and 29th Avenue, the northern approach of Jamestown Road and 30th Avenue, and the northern and southern approach at Jamestown Road and 31st Avenue.
- e. Upgrade to Americans with Disabilities Act-compliant ramps at the southeast and southwest corners of Nicholson Street and the North Pointe Apartment Complex Western Driveway, the southeast and southwest corners of Nicholson Street and the North Pointe

Apartment Complex Eastern Driveway, the southeast and southwest corners of Nicholson Street and 30th Avenue, and the southwest corner of Nicholson Street and 31st Avenue.

5. Prior to acceptance of a detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, specifications, and details of the off-site pedestrian and bicyclist adequacy facilities approved with Preliminary Plan of Subdivision 4-20040, consistent with Section 24-124.01(f) of the Prince George's County Subdivision Regulations.
6. Prior to approval of any detailed site plan, the applicant shall update plans and provide an exhibit displaying the location, limits, specifications, and details displaying:
 - a. The extension of 5-foot-wide sidewalk along the subject property's frontage of Little Branch Run until the point of vehicle entry for Parcel 2 and to the Northwest Branch Trail.
 - b. Bicycle parking in parking garages for residential uses and on-site or in the right-of-way for nonresidential uses that is consistent with 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* standards.
 - c. Bicycle fix-it station at each garage bicycle parking area.
 - d. Crosswalks crossing the drive aisle at both points of vehicle entry in the proposed garages.
 - e. A pedestrian and bicycle access of adequate width through the property from the western side of the subject site near Emerald Branch Drive to the pedestrian tunnel for the West Hyattsville Metro Station.
7. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-012-2016-01). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-012-2016-01 or most recent revision), or as modified by the Type 2 tree conservation plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of Prince George's County Council Bell CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the

Maryland-National Capital Park and Planning Commission, Prince George's County
Planning Department."

9. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved.
10. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. Revise the net tract area on the TCP1, so it is not less than that of the natural resources inventory and the PPS.
 - b. Show all proposed site improvements consistently between the statement of justification exhibits for primary management area impacts and the TCP1.
 - c. Add the PPS number (4-20040) to the second part of Note 1 of the Standard TCP1 Notes.
 - d. Identify all areas proposed for street tree credit (existing or 10-year canopy coverage) on the TCP1 plan and legend. If any area proposed for street tree credit (existing or 10-year canopy coverage) is located on private land, a woodland conservation easement will be required encompassing the area of canopy coverage.
11. If a woodland conservation easement is required, in accordance with the approved Type 2 tree conservation plan, the following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a woodland conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 tree conservation plan, when approved."
12. Prior to signature approval of the preliminary plan of subdivision (PPS), the natural resources inventory must be revised so that the gross tract area is consistent with the PPS.
13. Prior to signature approval of the preliminary plan of subdivision, an approved stormwater management concept plan shall be submitted. The limits of disturbance shall be consistent between the stormwater concept plan and Type 1 tree conservation plans.
14. Development of this site shall be in conformance with the approved Stormwater Management (SWM) Concept Plan (3816-2021-00) and any subsequent revisions. The final plat shall note the SWM concept plan number and approval date.
15. Prior to approval of building permits for residential buildings located on Parcel 1 and Parcel 2 within the unmitigated 65 dBA Ldn noise contour of the Washington Metropolitan Area Transit Authority Metrorail, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that the building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.

16. Prior to acceptance of a detailed site plan for the multifamily development on Parcels 1 and 2, a Phase II noise report must be submitted to demonstrate that the interior of all buildings can be mitigated to 45 dBA Ldn or less, and that all outdoor activity areas can be mitigated to 65 dBA Ldn or less.
17. Prior to approval of building permits for Parcels 1 and 2, the applicant, and the applicant's heirs, successors, and/or assignees shall submit evidence to the Subdivision Section of the Development Review Division that the vibration study dated May 4, 2021, prepared by Hush Acoustics LLC, Vibration Analysis, has been submitted to the Prince George's County Department of Permitting, Inspections and Enforcement.
18. The following note shall be placed on the final plat for parcels exposed to vibration impacts above the Federal Trade Authority levels for residential buildings and noise levels above state standards:

“This property is located within close proximity to a Metro line and may be subject to ‘feelable vibration’ and noise impacts.”
19. Prior to approval of the final plat, the applicant shall provide a disclosure notice notifying future occupants of the potential exposure to noise and vibration impacts of the adjacent Metro tracks. The draft disclosure notice shall be submitted to the Maryland-National Capital Park and Planning Commission for review and approval. The disclosure shall be included in all lease, rental, or purchase contracts for occupants, and the occupants shall sign an acknowledgement of receipt of the disclosure.
20. Prior to approval of a final plat:
 - a. The final plat shall note the Prince George's County Planning Board's approval of a variation from Section 24-122(a) of the Prince George's County Subdivision Regulations, in accordance with the approving resolution for Preliminary Plan of Subdivision 4-20040, for the location of the public utility easement along Little Branch Run.
 - b. The final plat shall note the Prince George's County Planning Board's approval of a variation from Section 24-121(a)(4) of the Prince George's County Subdivision Regulations, in accordance with the approving resolution for Preliminary Plan of Subdivision 4-20040, for parcels not meeting the minimum lot depth requirement.
21. The applicant, and the applicant's heirs, successors, and/or assignees shall provide adequate and developable areas for private on-site recreational facilities, in accordance with the standards outlined in the Prince George's County Parks and Recreation Facilities Guidelines for development proposed for Parcel 2. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division, of the Prince George's County Planning Department, for adequacy, proper siting, and establishment of triggers for construction with the submittal of the detailed site plan for Parcel 2.

22. The applicant, and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of recreational facilities on-site for approval, prior to submission of a final plat for Parcel 2. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber/folio indicated on the final plat, prior to recordation.
23. The applicant, and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the on-site recreational facilities listed in the recreational facilities agreement, prior to issuance of any building permits for development on Parcel 2.

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 site consists of Parcels 2 and 3, shown on a plat for Riverfront at West Hyattsville Metro Station, recorded in Plat Book ME 252 page 14 on June 19, 2019, and part of Parcel 114, recorded in the Prince George's County Land Records in Liber 44201 at folio 571. The subject property is 8.1 acres in the Mixed Use-Transportation Oriented (M-X-T) and Transit District Overlay (T-D-O) Zones and is subject to the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* (TDDP).

This preliminary plan of subdivision (PPS) includes two parcels for mixed-use development consisting of 750 multifamily dwelling units and 15,000 square feet of commercial gross floor area. The approved development conforms to the purpose and intent of the TDDP.

PPS 4-15020 was approved by the Prince George's County Planning Board on March 2, 2017, for 183 lots and 32 parcels, which includes the area of Parcels 2 and 3 of the Riverfront at West Hyattsville Metro Station, for mixed-use development on an overall 18.45-acre property. Parcels 2 and 3 were subsequently platted in accordance with 4-15020. The proposal to change the lot configuration and quantities of land use requires the approval of a new PPS and determination of adequacy. This PPS supersedes 4-15020 for Parcels 2 and 3 and combines them into one parcel. Approximately 5.01 acres of Parcel 114 are also included in the PPS. Parcel 114 is subject to PPS 4-05145, which was approved by the Planning Board on December 21, 2006, for mixed-use development on a gross tract area of 44.56 acres. PPS 4-05145 depicts residential use for the portion of Parcel 114 now included in this PPS. Development, as approved under 4-05145, never came to fruition. This PPS supersedes 4-05145 for a 5.01-acre portion of Parcel 114 and creates one parcel. In total, two parcels (Parcel 1 and Parcel 2) are included in this PPS approval for mixed-use development.

Two variations from the Prince George's County Subdivision Regulations are approved with this PPS. The site abuts the West Hyattsville Metro Station and its train tracks along the southeastern property boundary. Section 24-121(a)(4) of the Subdivision Regulations requires that residential lots adjacent to existing or planned transit right-of-way shall be platted with a minimum depth of 300 feet. The applicant requested approval of a variation to allow the two parcels adjacent to the Metro station to deviate from this requirement, which is discussed further in this report.

The site abuts Little Branch Run to the north and west, an existing variable width public right-of-way. In accordance with Section 24-122(a) of the Subdivision Regulations, the public utility companies require 10-foot-wide public utility easements (PUEs) to be provided along all public rights-of-way. The applicant requested approval of a variation to not provide a 10-foot-wide PUE along the property's frontage with Little Branch Run, which is discussed further in this report.

3. **Setting**—The subject site is located on Tax Map 41 in Grid E4 and is within Planning Area 68. The site is located west of the intersection of Ager Road and Lancer Drive, in the City of Hyattsville. The following development abuts the subject site and is also located within the T-D-O Zone: West Hyattsville Metro Station in the M-X-T Zone is located to the east, the right-of-way of Little Branch Run to the north and west with townhouse development in the M-X-T Zone located beyond, and parkland owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC) in the Reserved Open Space Zone to the south and southwest. The properties located beyond M-NCPPC-owned parkland are also within the T-D-O Zone and are developed with commercial uses in the Commercial Miscellaneous and Commercial Shopping Center Zones.

The entire site has been previously graded, with the northern portion currently being actively used as staging area for construction of townhomes adjoining Little Branch Run.

4. **Development Data Summary**—The following information relates to the subject PPS and the approved development.

	EXISTING	APPROVED
Zone	M-X-T/T-D-O	M-X-T/T-D-O
Use(s)	Vacant	Mixed Use
Acreage	8.1	8.1
Dwelling Units	0	750 Multifamily
Gross Floor Area	0	15,000 sq. ft. Commercial
Parcels	3	2
Lots	0	0
Outlots	0	0
Variance	No	No
Variation	No	Yes Section 24-121(a)(4) Section 24-122(a)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on July 23, 2021. The requested variation from Section 24-122(a) was accepted on July 8, 2021, and heard at the SDRC meeting on July 23, 2021, as required by Section 24-113(b) of the Subdivision Regulations. The requested variation from Section 24-121(a)(4) was accepted on July 28, 2021, and heard at the SDRC meeting on August 6, 2021, as required by Section 24 -113(b).

5. **Previous Approvals**—The site was subject to a previously approved Conceptual Site Plan CSP-05006, approved by the Prince George’s County District Council on August 8, 2008, and PPS 4-05145, approved by the Planning Board on December 21, 2006. Both the CSP and PPS included a larger land area (44.57 acres) of which the subject property was included. The development approved under these plans was never constructed and, therefore, the conditions of these previous approvals do not apply.

On March 7, 2017, the Planning Board approved PPS 4-15020 for mixed-use development, which superseded CSP-05006 and PPS 4-05145 for a portion of the 44.57 acres. PPS 4-15020 for the Riverfront at West Hyattsville Metro Station included the area of Parcels 2 and 3 of the subject property, and approved mixed-use development for this area. Parcels 2 and 3 were subsequently platted, in accordance with 4-15020. This PPS supersedes 4-15020 for Parcels 2 and 3 and 4-05145 for Parcel 114. Approval of this PPS supersedes the previous approvals and provides an adequacy analysis based on the development evaluated herein. A new CSP approval is not required, due to the submittal requirements set forth in Section 27-290.01 of the Prince George’s County Zoning Ordinance, which provides that the elements normally required with a CSP approval shall be incorporated into the detailed site plan (DSP) review.

6. **Community Planning**—The 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the Master Plan are evaluated as follows:

Plan 2035

Plan 2035 designates the subject site in the West Hyattsville local transit center. Local transit centers are focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium- to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available.

Master Plan

The TDDP recommends Greenway: Parks & Open Space, Structured Parking, Townhouses: 2-4 Stories, and Condominiums: 4-6 Stories on Parcel 114 (proposed Parcel 2).

The TDDP, as amended through the approved DSP-16029 by the District Council on April 25, 2017, approved the placement of Parcels 2 and 3 (proposed Parcel 1) in the Multifamily Preferred Land Use category.

In addition, the TDDP recommends “moderate- to higher-density development, located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities, designed for pedestrians without excluding the automobile,” (page 9).

The multifamily with limited ground floor retail and integrated parking uses meets this plan’s vision for transit-oriented development within walking distance of the West Hyattsville Metro Station that will “promote transit ridership” and produce neighborhoods that are “compact, mixed-use, and pedestrian-friendly,” (page 9).

SMA/Zoning

The 2006 *Approved Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* retained the subject property in the M-X-T Zone and superimposed the T-D-O Zone. The M-X-T Zone is intended to encourage transit- and pedestrian-friendly, mixed-residential, and commercial development around transit stations or stops (page 50).

Overlay Zone Conformance

The applicant proposes multifamily buildings with limited ground floor retail and integrated parking uses on proposed Parcels 1 and 2. Parcel 1 was included in DSP-16029, which amended the Preferred Land Use Map to “Condominiums: 4-6 Stories” (Notice of Final Decision of the District Council dated April 25, 2017). The Detailed Use Table in the TDDP permits multifamily dwellings with ground floor retail. The portion of tax Parcel 114 included within the PPS (proposed Parcel 2) was not included in DSP-16029. Proposed Parcel 2 consists of Blocks DD, EE, and a portion of CC. On the Preferred Land Use Plan, Blocks DD and EE on the Block Registration Plan (Map 13 of the TDDP) are designated as “Condominiums: 4-6 Stories”, while Block CC (which is split by the boundary of proposed Parcel 2) is a mix of “structured parking” and “Townhouses: 2-4 stories”. The proposed development of multifamily with structured parking and ground floor retail immediately abutting the Metro station is in conformance with the Preferred Land Use Plan. However, the finding of conformance is not a determination concerning permitted uses which will be addressed at the time of DSP.

Pursuant to Section 24-121(a)(5), this PPS conforms to the purpose and intent of the TDDP because the multifamily with limited ground floor retail and integrated parking uses meets the plan's vision for transit-oriented development within walking distance of the West Hyattsville Metro Station that will "promote transit ridership" and produce neighborhoods that are "compact, mixed-use, and pedestrian-friendly" (page 9).

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Plan (3816-2021-00) for the proposed development on the site is currently being reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). An unapproved copy of the SWM concept plan was submitted by the applicant. However, the grades, limit of disturbance, and impervious areas as shown on the SWM concept plan do not match the Type 1 tree conservation plan (TCP1).

The SWM concept plan shows the use of one large, submerged gravel wetland structure proposed on the southernmost section of the property. A floodplain waiver from DPIE dated November 20, 2020, was submitted with this application granting permission to build within the existing developed 100-year floodplain, subject to nine conditions. Conformance with the provisions of the Prince George's County Code and state regulations with regard to SWM will be reviewed by DPIE and reflected on an approved SWM concept plan. The applicant must submit an approved SWM concept plan prior to signature approval of the PPS, and the limits of disturbance on the SWM concept plan and TCP1 must match.

In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs.

8. **Parks and Recreation**—Per Section 24-134(a) of the Subdivision Regulations, at the time of PPS, residential development is subject to the mandatory dedication of parkland.

Parcel 1 of this PPS was included in PPS 4-15020. Section 24-134(a)(3)(D) states that any resubdivision of property on which land was previously dedicated, or fee-in-lieu paid, the applicant shall be credited to the extent that the land dedication or fee would otherwise be required upon such resubdivision.

The applicant previously donated 4.29 acres of land south of Riverfront West Hyattsville to M-NCPPC in 1957 (this deed of conveyance is recorded in the County Land Records in Liber 2073 at folio 262). As conditioned by approval of PPS 4-15020, an additional 12,263 square feet or 0.28-acre of land adjacent to M-NCPPC parkland was dedicated, to create and maintain a consistent and uniform 48-foot-wide public right-of-way adjacent to the existing parkland.

Given the prior 4.29-acre land dedication, the mandatory dedication of parkland requirement for Parcel 1 has been met. However, Section 24-134(a) requirements are not met for Parcel 2. Based on the density of the project, land dedication of 0.89 acre would be required.

The applicant proposed private on-site recreational facilities to address the mandatory dedication of parkland requirement for Parcel 2. The adequacy of the existing and proffered recreational facilities was evaluated in accordance with the Prince George's County Parks and Recreation Facilities Guidelines, and it was found that the applicant's proposal of private on-site recreational facilities does not meet the requirements of Section 24-134(b). Based on the density of 375 multifamily dwelling units for Parcel 2, this PPS is subject to the requirement of on-site recreational facilities of a minimum value of \$346,369. The applicant is proposing on-site recreational facilities of a \$266,011 value, which does not meet the required dollar amount. On-site recreational facilities are appropriate for the site, however, additional on-site recreational facilities shall be required to meet the minimum value requirement.

Other Considerations

The applicant is proposing to transform a total of 2.55 acres of 100-year floodplain located on the property into a permanent developable area. The remaining 2.18 acres of the 100-year floodplain will serve as a SWM facility and provide compensatory storage. Public recreational facilities and two SWM facilities are under construction in Riverfront West Hyattsville (DSP-17044-01) in the M-NCPPC property located adjacent to the proposed SWM facility on the subject site. As the same owner for these two properties, the applicant has a maintenance agreement with M-NCPPC to provide ongoing maintenance for the two SWM facilities. Given the proximity of the proposed SWM facility in this PPS to the public recreational facilities to the north, the applicant must consider the impact of the overall design, future construction, and maintenance of these facilities to achieve a safe, accessible, and appealing riverfront park.

In the TDDP, one of the most notable natural features of the area is the existing floodplain and stream corridor of the northwest branch of the Anacostia River and two of its tributaries: Sligo Creek and Northwest Tributary 2. These streams are contained within a central public park/open space network that includes several sport and recreational features. The opportunities suggested include, but are not limited to integrated bike and pedestrian facilities, a foot/bike bridge crossing the stream channel and linking the Queenstown neighborhood with the Metro station and surrounding development; ball fields; playgrounds; preserved, created, and/or enhanced wildlife habitat; and seating, picnic, and game areas. Considering the site's southern boundary line abuts the northwest branch of the Anacostia River and Anacostia Tributary Trail, the subject property has an instrumental role in realizing the vision of the TDDP.

Given the subject property's proximate location to the public recreational facilities on the adjoining M-NCPPC parkland, the applicant should collaborate with M-NCPPC closely to ensure that the proposed SWM facility provides a holistic solution for storing floodwater and serves as a safe and well-maintained storage facility.

Given the subject property's significant location abutting North Branch Anacostia River and Anacostia Tributary Trail, the applicant should design and implement a strategy to promote the vision of the TDDP with a safe, environmentally sensitive, and appealing riverfront experience for the West Hyattsville community. These elements will be further evaluated with review of the DSP.

9. **Pedestrian and Bicycle Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the TDDP, and the Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation facilities.

Previous Conditions of Approval

PPS 4-15020 was approved for the Riverfront at West Hyattsville, which includes a portion of the subject property. Conditions 5 and 24 discuss off-site bicycle and pedestrian improvements required by Section 24-104.01 and are copied below:

5. **Prior to approval of any building permits for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities (BPIS), as designated below or as modified by DPW&T/DPIE/DPR, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:**
- a. **Provide trail lighting along the M-NCPPC Stream Valley Trail from the West Hyattsville Metro Station where the Metro rail line intersects with the trail to Queens Chapel Road, in accordance with Condition 24.**
24. **Prior to certification of the detailed site plan, an exhibit shall be submitted showing the location, limits, specifications, and details for the off-site trail lighting and security cameras along the stream valley trail between the West Hyattsville Metro Station (or the limits of the trail improvements required as part of the stormwater management work) and Queens Chapel Road, pursuant to Section 24-124.01(f) of the Subdivision Regulations. A cost estimate shall be provided for the facilities shown on the exhibit. The cost of the off-site facilities shall not exceed the cost cap specified in Section 24-124.01(c).**

The subject property falls within the Plan 2035 West Hyattsville Metro Local Transit Center and the 2002 General Plan West Hyattsville Community Center and is subject to a finding of pedestrian and bikeway adequacy, pursuant to Section 24-124.01.

A portion of the subject property was already evaluated for pedestrian and bikeway adequacy under PPS 4-15020. The improvements associated with Conditions 5 and 24 of 4-15020 have been completed. While a portion of the subject property falls within the bounds of 4-15020 and off-site bicycle and pedestrian improvements have been made, in accordance with the prior conditions of approval of 4-15020, this PPS requires a new finding of bicycle and pedestrian adequacy, and in turn a new Bicycle and Pedestrian Impact Statement (BPIS). A BPIS was

provided and is incorporated by reference herein. The BPIS contains an exhibit displaying proposed off-site improvements (Appendix A14 and A15), as well as a table displaying the costs of the off-site improvements (Appendix B). The applicant proposed to widen a 650-linear-foot portion of the West Hyattsville Metro Connector trail, between Ager Road and the West Hyattsville Metro Station, from 5-feet wide to 8-feet wide, and provide improved trail lighting along this stretch.

This PPS includes 750 dwelling units and 15,000 square feet of commercial use, which results in a cost cap of \$230,250, which was determined by multiplying the number of dwelling units (750) by \$300 per dwelling, and multiplying the square-footage of commercial development (15,000 square feet) by \$0.35, as required by Section 24-104.01. The total cost of the removal and widening of the sidewalk portion (650 linear feet or 5,200 square feet) is estimated to cost \$93,600. The total cost of improved lighting on this stretch is estimated to cost \$76,050. The applicant has included a contingency cost of \$60,600 because these improvements must be coordinated with and approved by the Washington Metropolitan Area Transit Authority (WMATA).

The underlying subdivision, 4-15020, was approved for 10,000 square feet of nonresidential uses and 483 dwelling units and had a BPIS cost cap of \$148,400. Since its approval, DSP-16029 was approved for 183 dwelling units and DSP-20004 was approved for 44,362 square feet of nonresidential development. This represents approximately \$70,426.70 of the previously approved cost cap. The remaining section represents 300 dwelling units minus the 34,362 square feet of nonresidential use that exceeds the originally approved 10,000 square feet. In terms of the cost cap, this is a difference of \$77,973.26, which should be applied to the current application.

The base cost cap for the subject site with the credit included is \$152,276.70. Once this amount is indexed for inflation using the Bureau of Labor Statistics Consumer Price Index inflation calculator to account for inflation between June 2013 (the effective date of the legislation) and today, the cost cap is \$177,183.13.

As stated above, the improvements associated with the applicant's BPIS submission will require coordination and approval with WMATA. In the event that the applicant and WMATA cannot come to an agreement on the design and construction of the sidewalk facilities and improved lighting, the applicant proposed an alternate for BPIS improvements. The alternative proposal, which was provided and incorporated by reference herein, proposes to provide invasive species control along the existing Northwest Branch Trail and pedestrian improvements at nearby intersections. Specifically, the applicant proposes to remove 6-acres worth of the invasive vine commonly known as Chocolate Vine, and the invasive perennial commonly known as Japanese Knotweed. Removal of these species would improve environmental features in the immediate vicinity of the subject property while improving sight lines for pedestrians using the trail. The scope of work and right of access within M-NCPPC-owned property will be subject to approval of the Prince George's County Department of Parks and Recreation. The alternative improvements also include upgrading seven intersections with continental style crosswalks. These locations include the northern approach at MD 501 and 18th Avenue, the northern approach at MD 501 and Longford Drive, the southern approach at MD 501 and 20th Avenue,

the southern approach at MD 501 and 21st Street, the northern approach of Jamestown Road and 29th Avenue, the northern approach of Jamestown Road and 30th Avenue, and the northern and southern approach at Jamestown Road and 31st Avenue. Lastly, the applicant proposed to upgrade ramps to Americans with Disabilities Act-compliance at four intersections.

These locations include the southeast and southwest corners of Nicholson Street and the North Pointe Apartment Complex Western Driveway, the southeast and southwest corners of Nicholson Street and the North Pointe Apartment Complex Eastern Driveway, the southeast and southwest corners of Nicholson Street and 30th Avenue, and the southwest corner of Nicholson Street and 31st Avenue. This proposal for alternative improvements is approved, in order to fulfill the requirements of Section 24-124.01.

Demonstrated Nexus Finding

The applicant has proffered to widen a 650-linear-foot portion of the West Hyattsville Metro Connector, between Ager Road and the West Hyattsville Metro Station, from 5-feet-wide to 8-feet-wide and provide improved trail lighting along this stretch. The applicant's proffer to fulfill the off-site pedestrian and bicycle improvements are all within 0.25 mile of the subject property. The off-site pedestrian and bikeway facilities proffered by the applicant and those required herein will improve pedestrian and bicycle movement in the immediate vicinity of the subject property, while also complementing nearby development.

Pursuant to Section 24-124.01, there is a demonstrated nexus between the proffered and required pedestrian and bikeway facilities for the approved development and nearby destinations.

The proffered and required off-site facilities will contribute to meeting the Pedestrian and Bicycle Adequacy Findings, pursuant to Section 24-124.01(b) and are within the cost cap pursuant to Section 24-124.01(c).

The applicant proposed invasive species control over a 6-acre area and pedestrian improvements at several intersections within the immediate vicinity of the subject property as alternative improvements designed to fulfill the requirements of Section 24-124.01. The removal of invasive species would be located along the existing Northwest Branch Trail, directly south of the subject property. Intersection improvements are located to the north and southwest of the subject property. The location of the alternative improvements meets the requirements as a demonstrated nexus to provide off-site bicycle and pedestrian improvements, in relation to the subject site.

A memorandum dated September 2, 2021, received from the Prince George's County Department of Public Works and Transportation, states the following: "To improve safety and connectivity in the vicinity of the West Hyattsville Metro Station, the developer should extend the existing sidewalk along Jamestown Road to MD 500 (Queens Chapel Road). This recommendation is consistent with the Prince George's County Vision Zero efforts."

The input of outside agencies is appreciated regarding alternative off-site improvements designed to fulfill the applicant's BPIS requirements. In this case, the applicant shall provide the original proffer of widening the West Hyattsville Metro Connector from 5 to 8 feet wide and improving sight lighting along this stretch.

Master Plan of Transportation Compliance

This development case is subject to the MPOT, which recommends the following facilities:

Existing West Hyattsville Metro Connector & Existing Northwest Branch Trail

As previously discussed, the applicant's BPIS proposal includes upgrading a 650-linear-foot portion of the West Hyattsville Metro Connector trail to 8 feet wide, with improved lighting on this stretch.

The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

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.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The MPOT also includes a goal and a series of policies for achieving a continuous network of pedestrian and bicycle facilities (page 7).

Goal: Provide a continuous network of sidewalks, bikeways, and trails that provides opportunities for residents to make some trips by walking or bicycling, particularly to mass transit, schools, employment centers, and other activity centers.

Policy 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.

The vehicular entrance to the subject property is located approximately 250 feet southwest of Ager Road. Access within the subject property will be provided along Little Branch Run, which is located in between the subject property and the townhouse development to the west, which was approved under DSP-17044. Little Branch Run displays an 8-foot-wide sidewalk along its western frontage and a 5-foot-wide sidewalk along a portion of its eastern frontage, which borders the subject property. The sidewalk that fronts the subject property appears to terminate just north of the existing Washington

Suburban Sanitary Commission easement and the existing stormdrain easement. The applicant shall provide a continuous 5-foot-wide sidewalk along the subject property's frontage of Little Branch Way until it reaches the point where vehicles enter the drive aisle to access the parking garage of Parcel 2 and to the Northwest Branch Trail. The applicant shall also provide a pedestrian and bicycle pathway from the west side of the property near Emerald Branch Drive to the tunnel entrance for the Metrorail station. In addition, crosswalks crossing the drive aisle at points of vehicle entry at the proposed garages are required. These facilities will contribute to meeting pedestrian and bikeway adequacy within the subdivision. These facilities shall be shown on a DSP, prior to its approval.

Bicycle and bicycle parking recommendations are displayed on pages 116–118 of the TDDP. Per Section 4–Bicycle Parking Locations:

Parking Structures: Required bicycle parking within a structure shall be located in or near main entrances or elevators to provide for pedestrian safety, visibility, and security of property.

On Site: Bicycle parking (not located within a parking structure) shall be located on site within 50-feet of main building entrance. Bicycle parking shall not obstruct walkways.

Right-of-Way: Bicycle parking may be located in the public right-of-way with the approval of the Maryland State Highway Administration, Prince George's County Department of Public Works and Transportation, and the City of Hyattsville.

The TDDP also provides a minimum parking ratio for bicycles on page 116. One bicycle parking space is required for every 20 motor vehicle spaces.

The applicant shall provide bicycle parking on-site or in the right-of-way for any nonresidential uses and within parking garages for residential uses. The applicant shall also provide bicycle parking consistent with the TDDP standards and should provide fewer motor vehicle parking spaces than one space per residential unit, additional bicycle parking shall be provided in the parking garages. Moreover, outdoor bicycle parking shall be provided at a location convenient to the entrances of the nonresidential uses. Lastly, the applicant shall provide bicycle fix-it stations within both garages. At the time of DSP, the amount and location of bicycle parking shall be further evaluated.

An exhibit shall be provided illustrating the pedestrian and bicycle circulation and adequacy throughout the subdivision (on-site facilities). This exhibit shall show all proposed sidewalks, crosswalks, and bicycle parking, consistent with Section 24-124.01.

Based on the preceding findings, adequate pedestrian and bicycle transportation facilities will exist to serve the subdivision, as required, in accordance with Section 24-124.

- 10. Transportation**—The subject property is located within Transportation Service Area 1, as defined in Plan 2035. The applicant proposes 750 multifamily dwelling units and 15,000 square feet of retail use. Transportation-related findings related to adequacy are made with this PPS, along with any determinations related to dedication, access, and general subdivision layout. To evaluate the impact of the proposed development, the applicant provided a traffic impact study (TIS), dated February 23, 2021. The findings and recommendations outlined below are based upon a review of this study and analyses conducted consistent with the “The Transportation Review Guidelines, Part 1” (Guidelines).

Analysis of Traffic Impacts

The table below summarizes trip generation in weekday peak hours that was used in reviewing traffic and developing a trip cap for the site:

Weekday Trip Generation Summary								
Land Use	Use Quantity	Metric	Weekday AM Peak Hour			Weekday PM Peak Hour		
			In	Out	Total	In	Out	Total
Apartments (garden and mid-rise)	750	Unit	62	250	312	234	126	360
Note: residential trips are 20% transit-oriented development credit due to WMATA Metro proximity								
Shopping Center (ITE-820)	15,000	1,000 sq. ft. GFA	4	2	6	13	15	28
Note: pass-by trips per M-NCPPC guidelines (50 percent AM/50 percent PM)								
Recommended Weekday Trip Cap			66	252	318	247	141	388

The traffic study intersections include:

- MD 500 at MD 501 (signalized)
- MD 500 at Ager Road (signalized)
- MD 500 at Hamilton Street (signalized)
- Ager Road at Hamilton Street (signalized)
- Ager Road at Jamestown Road (Jamestown Road is stop-controlled)
- Ager Road at WMATA Bus Loop (WMATA Bus Loop is stop-controlled)
- Ager Road at the proposed medical office building access (the access is stop-controlled)
- Ager Road at Site Access/Lancer Drive (Site Access/Lancer Drive is stop-controlled)
- Ager Road at Nicholson Street (Nicholson Street is stop-controlled)

The subject property is located within the Developed Tier, as defined in Plan 2035. As such, the subject property was evaluated according to the following standard:

Signalized intersections: The critical lane volume (CLV) method should be used to measure the level-of-service (LOS). LOS E, with signalized intersections operating at a CLV of 1,600 or better will be acceptable.

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, and the standards are explained below:

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, (d) a CLV no more than 1,150 will be acceptable.

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, (c) a CLV no more than 1,150 will be acceptable.

Existing Traffic

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM, and PM)	
Ager Road at Hamilton Street (signalized)	421	799	A	A
MD 500 at Ager Road (signalized)	677	855	A	A
MD 500 at Hamilton Street (signalized)	605	1194	A	C
MD 500 at MD 501 (signalized)	651	1232	A	C
Ager Road at Nicholson Street (unsignalized)	18.7*	669	-	A
Ager Road at Site Access/Lancer Drive (unsignalized)	16.6*	20.9*	-	-
Ager Road at WMATA Bus Loop (unsignalized)	N/A	N/A	N/A	N/A
Ager Road at Jamestown Road (unsignalized)	10.5*	11.3*	-	-
Ager Road at Hamilton Street (signalized)	9.3*	11.0*	-	-
*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.				

Background Traffic

The study intersections along MD 500 are programmed for landscaped medians with sidewalk and crosswalk improvements within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program. Ager Road is included in the Prince George's County Capital Improvement Program utilizing the complete street concept. Approved but unbuilt developments were identified within the study area, and background traffic was developed. A 0.5 percent annual growth rate for a period of 6 years was assumed.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM, and PM)	
Ager Road at Hamilton Street (signalized)	514	925	A	A
MD 500 at Ager Road (signalized)	738	935	A	A
MD 500 at Hamilton Street (signalized)	641	1302	A	D
MD 500 at MD 501 (signalized)	695	1301	A	D
Ager Road at Nicholson Street (unsignalized)	21.7*	723	-	A
Ager Road at Site Access/Lancer Drive (unsignalized)	18.1*	620	-	A
Ager Road at the proposed medical office (unsignalized)	10.2*	11.3*	-	-
Ager Road at WMATA Bus Loop (unsignalized)	11.3*	12.6*	-	-
Ager Road at Jamestown Road (unsignalized)	12.1*	11.7*	-	-
*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.				

Total Traffic

The following critical intersections, interchanges and links identified above, when analyzed with total future traffic as 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, and PM)	
Ager Road at Hamilton Street (signalized)	638	1028	A	B
MD 500 at Ager Road (signalized)	814	1010	A	B
MD 500 at Hamilton Street (signalized)	676	1364	A	D
MD 500 at MD 501 (signalized)	737	1342	A	D
Ager Road at Nicholson Street (unsignalized)	24.0*	742	-	A
Ager Road at Site Access/Lancer Drive (unsignalized)	813	1007	A	B
Ager Road at the proposed medical office (unsignalized)	11.1*	11.9*	-	-
Ager Road at WMATA Bus Loop (unsignalized)	12.8*	13.9*	-	-
Ager Road at Jamestown Road (unsignalized)	9.9*	12.9*	-	-
*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.				

Based on the analysis results, all the signalized study intersections will operate at LOS D or better during the weekday peak hours. At the unsignalized intersections, the maximum movement delay will be less than 50.0 seconds or the maximum CLV will be no more than 1,150. Because the analysis results are fewer, in accordance with the Guidelines, the Planning Board deems the site’s impact at this location to be acceptable. A trip cap consistent with the trip generation is assumed for the site.

Plan Comments

The site is not within or adjacent to any master plan facilities identified in the MPOT. The site is adjacent to WMATA Green/Yellow Line. The access is proposed from Little Branch Run. The TIS was referred out to County and State agencies for review and comment. A memo dated September 2, 2021 (Giles to Gupta), provided DPIE’s review of the TIS submitted by the applicant. The memo summarizes the additional analyses, which DPIE will require at the permitting stage of the project. Two letters dated August 11, 2021 and September 16, 2021 from the Maryland State Highway Administration (SHA) to Mike Lenhart, the applicant’s traffic consultant, were also received. In these letters, some of the reviewers within SHA offered no comments, while others stated that the traffic counts used for the analyses needed to be revised. In response, it was determined that the traffic counts were taken and used in accordance with the Guidelines and departmental policy regarding traffic counts affected by the COVID-19 Pandemic.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required, in accordance with Section 24-124.

11. **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 September 1, 2021 (Perry to Gupta), incorporated by reference herein.
12. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 and Prince George’s County Council Resolution CR-23-2001. The subject property is located within Cluster 2, which is located inside I-95/I-495 (Capital Beltway). An analysis was conducted, and the results of the analysis are as follows:

Impact on Affected Public School Cluster by Dwelling Units

	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Multifamily (MF) Dwelling Units	750 DU	750 DU	750 DU
Pupil Yield Factor (PYF) – Multifamily	0.162	0.089	0.101
MF x PY=Future Subdivision Enrollment	122	67	76
Adjusted Student Enrollment 9/30/2019	22,492	9,262	9,372
Total Future Student Enrollment	22,614	9,329	9,448
State Rated Capacity	19,425	7,121	8,494
Percent Capacity	116 percent	131 percent	111 percent

Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24 of the County Code. The current amount is \$10,180 per dwelling if a building is located between I-95/I-495 (Capital Beltway) and the District of Columbia; \$10,180 per dwelling if the building is included within a basic plan or CSP that abuts an existing or planned mass transit rail station site operated by WMATA; or \$17,451 per dwelling for all other buildings. This project is between I-95/I-495 and the District of Columbia; thus, the surcharge fee is \$10,180. Per Section 10-192.01(c)(1)(A), this project proposes multifamily units within the approved West Hyattsville T-D-O Zone, therefore the school facilities surcharge fee may be reduced by 50 percent to \$5,090. This fee is to be paid to DPIE, at time of issuance of each building permit.

13. **Use Conversion**—The total development included in this PPS is approved for 750 multifamily dwelling units and up to 15,000 square feet of commercial gross floor area in the M-X-T Zone. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings will require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement**—Section 24-122(a) requires PUEs along public streets. The standard requirement for PUEs is 10-foot-wide along both sides of all public rights-of-way. The subject site fronts on public right-of-way Little Branch Run to the west. The applicant filed a variation

request from Section 24-122(a) for provision of PUE along Little Branch Run and is further discussed below.

Variation from Section 24-122(a)

The PPS does not provide a PUE contiguous to Little Branch Run. Section 24-122(a) states the following:

- (a) When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.**

The standard requirement of the public utility companies is to provide a 10-foot-wide PUE along all public roadways. Section 24-113(a) sets forth the required findings for approval of variation requests, as follows:

- (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 further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**
 - (1) The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

The location, alignment and width of Little Branch Run Road was approved as part of PPS 4-15020, which also granted a variation from Section 24-122(a) to allow nonstandard PUEs along this road. Specifically, the PUEs along Little Branch Run (west to east) are 6 to 10 feet wide, toward the eastern end, and are set back from the right-of-way. The properties located west of Little Branch Run are currently being developed as townhouses, while the east side of this road fronts only the subject property. The road will not be extended in either the north or south direction in future, since Little Branch Run intersects with Ager Road in the north, and truncates in the south at M-NCPPC-owned parkland. The PUE located along the west side of Little Branch Run was approved with PPS 4-15020, in order to serve the townhouse development, and will be utilized to serve the multifamily buildings proposed in this PPS. The omission of the PUE along the east side of Little Branch Run will have no impact on the PUEs already provided and available for this development, and to surrounding

developments. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to others or 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 subject property is adjacent to the West Hyattsville Metro Station to the east. Little Branch Run delineates the western boundary of the property, and the southern boundary is defined by M-NCPPC property which includes the northwest branch of the Anacostia River. The right-of-way for Little Branch Run Road is recorded with a 10-foot-wide PUE along the west side, and existing utilities are available to serve the townhouse community to the west. In addition, the development of this site is guided by Plan 2035 and the West Hyattsville TDDP, which contain site specific design criteria. This site is envisioned to be designed for walkable medium- to high-density residential development, which orients buildings along street frontages. The site will be designed in accordance with these design criteria with building fronts oriented toward the public streets. However, the location of buildings, streetscape requirements, and sidewalks along street frontages limits the available area for PUEs. Therefore, the utilities required to serve the proposed development will be extended from their location within the PUE along the west side of the road. Given the site design criteria generated by Plan 2035 and TDDP, the conditions on which the variation is based are unique to this property.

A Dry Utilities Plan submitted as an exhibit, incorporated by reference herein, shows the location of existing PUEs and dry utilities for the proposed development. In the exhibit, the existing utilities running within the variable-width PUE along the west side of Little Branch Run will be extended to serve the subject site.

The subject property fronts on a public right-of-way for which utilities have already been established, and will not serve any additional properties in future; these factors are unique to the subject property and not generally applicable to other properties.

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

No other known law, ordinance, or regulation is violated if this variation is approved. The approval of a variation is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board.

Further, this request was referred to the affected utility companies and none have opposed the variation.

- (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 strict letter of these regulations is carried out;**

The physical conditions of the site are such that the site is oblong, bounded by the West Hyattsville Metro Station to its east, Little Branch Run to its west, and the Northwest Branch Stream Valley Park to its south side. The property's frontage along Little Branch Run is approximately 1,500 linear feet, which contains all required utilities within a PUE along its west side. Strict adherence to this regulation will require placing a 10-foot-wide PUE along the east side of the public street on which the parcels front, which would require modifying the street standards of the TDDP, and consequently providing a layout that is at odds with the TDDP.

The existing subdivision approvals, which have formed the development pattern in the neighborhood, and the existing utility locations available to the subject site constitute the particular physical surroundings applicable to this property. The requirement to provide an additional 10-foot-wide PUE along Little Branch Run would impede on the ability to provide the streetscape along Little Branch Run as envisioned by the TDDP while serving no additional purpose since utilities have already been established, which would be a particular hardship to the owner.

- (5) **In the R-30, R-30C, R-18, R-18c, R-10, R-10, and R-H Zones, where multi-family 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 site is not located in any of the listed zones. Therefore, this finding does not apply.

Based on the proceeding findings, the Planning Board **approved** the variation from Section 24-122(a).

15. **Historic**—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. The subject property does not contain and is not adjacent to any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites.

16. **Environmental**—This PPS application (4-20040) and TCP1-012-2016-01 were accepted on July 8, 2021, with additional information submitted by the applicant on July 28, 2021 and July 30, 2021. Comments were provided to the applicant at the SDRC meeting on August 6, 2021, and revised plans received on August 24, 2021. The following applications have been previously reviewed for the subject site:

For area included in Parcel 1:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
NA	NRI-108-05	Staff	Approved	12/14/2005	NA
CSP-05006	TCP1-019-06	Planning Board	Approved	2/28/2008	No. 06-218(A)
NA	NRI-108-05-01	Staff	Approved	7/5/2006	NA
4-05145	TCP1-019-06-01	Planning Board	Approved	11/16/2006	No. 06-262
NA	NRI-002-2016	Staff	Approved	3/31/2016	NA
NA	NRI-002-2016-01	Staff	Approved	6/19/2017	NA
4-15020	TCP1-012-2016	Planning Board	Approved	3/2/2017	No. 17-42
NA	NRI-090-2020-01	Staff	Approved	8/12/2021	NA
MR-1700F	NA	Planning Board	Transmitted	3/27/2017	NA
DSP-16029	TCP2-001-2017	District Council	Approved	4/24/2017	No. 17-43
DSP-20004	TCP2-001-2017-01	District Council	Approved	7/27/2020	No. 2020-88
4-20040	TCP1-012-2016-01	Planning Board	Approved	10/7/2021	No. 2021-122

For area included in Parcel 2:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
NA	NRI-108-05	Staff	Approved	12/14/2005	NA
CSP-05006	TCP1-019-06	Planning Board	Approved	2/28/2008	No. 06-218(A)
NA	NRI-108-05-01	Staff	Approved	7/5/2006	NA
4-05145	TCP1-019-06-01	Planning Board	Approved	11/16/2006	No. 06-262
NA	NRI-090-2020	Staff	Approved	9/8/2020	NA
NA	NRI-090-2020-01	Staff	Approved	8/12/2021	NA
4-20040	TCP1-012-2016-01	Planning Board	Approved	10/7/2021	No. 2021-122

Proposed Activity

The current application is a PPS and revised TCP1 for the subdivision of an 8.1-acre site to two parcels for development of 750 multifamily dwellings and 15,000 square feet of commercial gross floor area.

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010, because the application is for a new PPS.

Previously Approved Conditions

There are no relevant environmental conditions of approval associated with the previously approved CSP-05006.

MASTER PLAN CONFORMANCE

Plan 2035

The site is located within the West Hyattsville Metro Local Transit Center of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and the Established Communities of the General Plan Growth Policy (2035).

TDDP

While the TDDP for this area does focus on sensitive areas and restoration of some natural areas, the primary vision for the subject site is high-density development containing a mix of retail and residential units within walking distance of the Metro station. Current environmental regulations incorporate the TDDP concepts into the regulatory framework.

It should be noted that roughly 58 percent of the site is within the 100-year floodplain. This application proposes to fill the floodplain while providing compensatory floodplain storage on the southernmost portion of Parcel 2. Principles of low impact development or environmental site design are incorporated into the stormwater design.

Countywide Green Infrastructure Plan

The site contains regulated areas within the designated network of the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan). The mapped regulated areas are located along the southern portion of the property, which according to the approved NRI, contain previously impacted floodplain associated with the northwest branch of the Anacostia. Because the site is located adjacent to a Metro station and is zoned M-X-T, the site has been designed to maximize density, in accordance with Plan 2035. The floodplain is proposed to be filled to raise the proposed development out of the floodplain. Compensatory floodplain storage is proposed to be provided on the southern portion of the site. No woodlands exist on-site. While the green infrastructure elements mapped on the subject site will be impacted, the overall design of the site meets the zoning requirements and the intent of the growth pattern established in Plan 2035. The compensatory floodplain mitigation will be met on-site.

Based on the proposed layout, the PPS demonstrates substantial conformance with the applicable policies and strategies of the Green Infrastructure Plan.

ENVIRONMENTAL REVIEW

Natural Resources Inventory/Existing Conditions

The site has an approved Natural Resources Inventory Plan (NRI-090-2020-01), which correctly shows the existing conditions of the property. No specimen or historic trees are associated with this site. This site is not associated with any regulated environmental features, such as streams, wetlands, or associated buffers. The site is associated with an area of previously developed 100-year floodplain along the southern portion of the site. According to aerial imagery provided by PGAtlas, the site was fully developed in the 1960s as a drive-in movie theatre, then redeveloped in the late 1980s for the installation of the West Hyattsville Metro Station located directly east of the site. The primary management area (PMA) located and delineated on-site is entirely within the previously developed 100-year floodplain.

It was noted that there is an acreage inconsistency between the NRI Statistics Table and the General Notes of the PPS. Specifically, the gross tract area on the NRI is listed as being 8.01 acres while it is 8.10 acres on the PPS. The NRI must be revised to be consistent with the PPS. There are no other issues regarding the NRI.

Woodland Conservation

This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual (ETM) because the application is for a new PPS. TCP1-012-2016-01 was submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

The previously approved TCP1-012-2016 only included the area associated with Parcel 1 of this PPS application, as well as additional property located to the west of the site. A revised TCP1 was submitted to include the additional area associated with Parcel 2 to include the total land area associated with this PPS. The woodland conservation threshold for this 23.84-acre area is 15 percent of the net tract area or 0.49 acre. The total woodland conservation requirement based on the amount of clearing proposed is 0.91 acre. This requirement is proposed to be satisfied with 0.03 acre of street tree credit (existing or 10-year canopy coverage), as permitted as an option under Section 25-122, Methods for Meeting the Woodland and Wildlife Conservation Requirements. The remainder of the requirement (0.88 acre) is proposed to be met with off-site woodland conservation credits (previously recorded with Type 2 Tree Conservation Plan TCP2-001-2017-01 under Off-Site Woodland Conservation Acreage Transfer Certificate No. 11, for Tower Preserve Woodland Conservation Bank). Although off-site mitigation is considered a priority over the use of street tree credit; given the small amount of additional preservation required (0.03 acre), it is reasonable for the applicant to meet the remaining woodland preservation requirement by receiving credit for street trees located on or adjacent to the site. However, the locations of the street tree credit area must be identified at time of DSP review on the TCP2. If credit is taken for street trees located outside of rights-of-way for public or private streets, the applicant shall be required to place the area of tree canopy cover under a woodland conservation easement to guarantee that the trees are protected and are replaced if they die or are removed.

There is an inconsistency between the net tract area of the TCP1 with what is shown on the PPS and NRI. The net tract area is listed as being 3.28 acres on both the NRI and the PPS; however, it is only 3.26 acres on the TCP1 worksheet, despite the TCP1 covering a greater area than the PPS or NRI. The net tract area on the TCP1 should be equal to or greater than what is shown on the NRI and PPS, not less. This discrepancy must be accounted for and resolved, prior to signature approval of the TCP1 and PPS.

It appears that not all the proposed development, as reflected in the exhibits associated with the statement of justification (SOJ) for Parcel 2 are reflected on the TCP1. The proposed site improvements of the SOJ exhibits must match that of the TCP1.

Technical revisions to the TCP1 are required and included in the conditions of approval.

Soils

The predominant soils found to occur on the property, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Cororus-Hatboro-Urban land complex, Elsinboro-Urban land complex, and Urban land-Elsinboro complex. No unsafe soils containing Marlboro clay or Christiana complexes have been identified on or within the immediate vicinity of this property.

Preservation of Regulated Environmental Features

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5). The on-site regulated environmental features include 100-year floodplain associated with PMA located adjacent to the northwest branch of the Anacostia.

Section 24-130(b)(5) states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

Impacts to regulated environmental features should be limited to those that are necessary for 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 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 development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code.

An SOJ and impact exhibit for the proposed impact were received on July 1, 2021. The applicant proposes to impact the entire PMA on-site, which covers 4.73 acres.

Because the site is located adjacent to a Metro station and is zoned M-X-T, the site has been designed to maximize density in accordance with Plan 2035. The previously impacted floodplain is proposed to be filled, in order to raise the proposed development out of the floodplain. Compensatory floodplain storage is proposed to be provided on the southern portion of the property. No woodlands exist on-site, and the PMA has been previously developed twice, first for the construction of a drive-in movie theatre, and later for the construction of the West Hyattsville Metro Station. While the entire PMA on the subject site will be impacted, the overall design of the site meets the zoning requirements and the intent of the growth pattern established in Plan 2035. The compensatory floodplain mitigation will be on-site, and DPIE has also issued a floodplain waiver (Case No. 17692-2020) dated November 20, 2020, for construction of the proposed mixed-use development and parking.

Based on the level of design information available at the present time, the limits of disturbance shown on the impact exhibit, and after evaluating the applicant's SOJ for impacts to regulated environmental features, the PMA impacts are approved.

Specimen, Champion, or Historic Trees

In accordance with approved NRI-090-2020-01, no specimen, champion, or historic trees have been identified on the subject property. No further information is required regarding specimen, champion, or historic trees.

17. Urban Design—Conformance with the Zoning Ordinance is evaluated, as follows:

Conformance with Zoning Ordinance and the West Hyattsville Transit District Overlay Zone Standards

In accordance with the TDDP, new development in the West Hyattsville T-D-O Zone is subject to DSP review. New development must show compliance with the West Hyattsville T-D-O Zone standards in the site plan review process. For development standards not covered by the TDDP, the Zoning Ordinance and the 2010 *Prince George's County Landscape Manual* (Landscape Manual) shall serve as the requirements, as stated in Section 27-548.04. The site's conformance with the applicable T-D-O Zone standards will be evaluated at time of DSP approval.

Conformance with Prior Approvals

The site has a previously approved CSP-05006, which was approved by the Planning Board on February 28, 2008. The District Council affirmed the Planning Board approval by issuing Zoning Ordinance No. 15-2008 on May 19, 2008, that approved the project with 34 conditions. The development approved under this CSP never proceeded to fruition, therefore the conditions of this previous approval do not apply. A new CSP approval is not required for the current proposed development, due to the submittal requirements set forth in Section 27-290.01, which provide that the elements normally required with a CSP approval shall be incorporated into the DSP review.

Conformance with the 2010 Prince George's County Landscape Manual

The T-D-O Zone standards have some landscaping elements that govern the development of the proposed project. For those landscaping standards not covered by the TDDP, the Landscape Manual shall serve as the requirement. This project's conformance with the landscape standards will be evaluated at the time of DSP review.

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 the site to be covered by tree canopy on development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. There are no specific tree canopy coverage (TCC) requirements in the T-D-O Zone. Since this property is zoned M-X-T and is required to provide a minimum of 10 percent of the gross tract area in TCC, the subject 8.1-acre site is required to provide a minimum of 0.81 acre of the tract area in TCC. Conformance with TCC requirement will be evaluated at the time of DSP review.

- 18. Noise**—The subject site is located on the northwestern side of the West Hyattsville Metro Station and the Green Line Metro tracks, which is a transit facility and a transportation-related noise generator. A study titled “Metrorail Noise and Vibration Analysis,” dated May 4, 2021, was received for review. The study addresses outdoor noise from railway noise sources and considers mitigation in the form of shielding from the proposed buildings based on a preliminary site design.

No outdoor recreation areas are permitted within the area of 65+ dBA day-night average sound level (Ldn), as mitigated, and interior noise levels must be reduced to 45 dBA Ldn or less. Per the noise study, the location of the unmitigated 65 dBA Ldn contour is 195 feet from the centerline of the Metrorail tracks. The study predicts that with the shielding provided by the proposed buildings, the Ldn will not exceed 65 dBA for any proposed outdoor activity, such as the pool or courtyard, and therefore no engineered noise barriers are required. To mitigate interior noise levels for the proposed buildings, ungraded windows, balcony doors, and exterior walls will be required. A Phase 2 noise report must be provided at time of DSP for the multifamily development (Parcels 1 and 2) to determine what specific mitigation is required to ensure that interior noise is mitigated to 45 dBA Ldn or less, and that all outdoor activity areas are mitigated to 65 dBA Ldn or less. The building materials for the multifamily buildings on Parcels 1 and 2 must be certified, at time of permit, by an acoustical engineer to state that interior noise levels have been mitigated to 45 dBA Ldn.

Vibration measurements were taken at four locations on the west side of the tracks. The report assumes vibration levels are mirrored on the opposite side of the tracks. The results of the report conclude that one measurement, from a single train, exceed the Federal Trade Authority (FTA) standard on the northeastern portion of Parcel 1 closest to the Metrorail tracks. It is important to note that the measurements were based on the existing soft surface of the site. Vibration levels could increase on hard and/or compact surfaces subsequent to development. No recommendations were provided by the study. It is noted that the only mitigation that could be done would be to increase the setback of the buildings, which would result in the loss of buildable area. The FTA criteria for feelable vibration is 72 vibration decibels for residences and buildings where people normally sleep for frequent events, which include more than 70 trains per day. The FTA criteria should be strongly considered for development and placement of buildings, however, neither the State of Maryland nor the County Code have established regulations for development as it pertains to vibration impacts. A note shall be added to the final plat to acknowledge the proximity to the Metro tracks and the potential for vibration impacts on buildings and occupants.

- 19. Variation from Section 24-121(a)(4)**—Section 24-121(a)(4) sets forth lot depth requirements for lots adjacent to noise generating transit, as follows:

- (4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided**

by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

The applicant filed a variation request from Section 24-121(a)(4), for lot depth. The PPS provides a minimum lot depth of less than 300 feet for Parcels 1 and 2, which are adjacent to the West Hyattsville Metro Station. Section 24-113(a) sets forth the required findings for approval of variation requests, as follows:

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

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

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. As previously discussed in the Noise finding, adequate shielding will be provided by the proposed buildings for proposed outdoor activities, pursuant to the noise study provided.

Conditions pertaining to the structural design of the multifamily units for the mitigation of interior noise, at time of building permit are required. Notification to potential purchasers and tenants by the placement of notes on the final plats, and the requirement to provide property disclosure notices to purchasers and tenants, of the potential noise and vibration impacts are also required. Because the State and County have no regulations specific to vibration, it is incumbent upon the developer to ensure that no structural damage will occur as a result of proximity to the Metro line. The purpose of the lot depth requirement is to ensure adequate protection from nuisances. With upgraded construction materials, the adverse impacts from train lines are adequately mitigated in this case.

Strict compliance with the requirements of Section 24-121 of the will not be detrimental to the public safety, health, welfare or injurious to other property.

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

This property is directly abutting the Metrorail tracks and is a long, narrow parcel. The property is located on the southeast side of Little Branch Run, approximately 250 feet west of Ager Road. The lower half of the property is located within the 100-year floodplain, with the southern property line bound by the Northwest Branch stream valley. A portion of the property will be removed from the 100-year floodplain and the remainder, abutting the stream valley, will be utilized for compensatory storage. The only access to the property is from Little Branch Run, constructed by the applicant as part of the larger Riverfront at West Hyattsville development. The property, at its widest point, is approximately 293 feet, and therefore no area of the property meets the 300-foot lot depth requirement as it currently exists. Consistent with the recommendations of the West Hyattsville TDDP, the property is to be constructed with medium- to high-density multifamily residential development with ground floor retail. These conditions, including the unusual shape of the property, are unique to the property and not a situation or configuration generally shared by other properties. These conditions result in the need for the variation, in order to develop the property.

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

The only regulation applicable to the variation being discussed is Section 24-121(a)(4). The approval of a variation is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. Certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less, prior to issuance of building permits, and notes shall be placed on the final plat indicating that the property is subject to noise and vibration impacts from the Metro tracks. There are no County or State regulations applicable with the review of this PPS related to vibration, therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation.

- (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 strict letter of these regulations is carried out;**

The property has unique existing physical surroundings, when compared to abutting properties and located within an area with an established framework of development and roadways. These unique physical surroundings include the abutting Metrorail line, location of 100-year floodplain on the property, and prior approval of public right-of-way of Little Branch Run along the western property line, which resulted in the site's existing narrow width. The location of the rail line in the eastern part of the site and location of Little Branch Run creates an unavoidable conflict with the lot depth requirement. Adherence to the requirements of Section 24-121(a)(4) in this case would result in the loss of 750 multifamily dwelling units and 15,000 gross floor area of commercial use, which is the entire development included in this PPS. This would result in a particular hardship to the applicant, as they would be incapable of developing the property with its intended use if the strict regulations were carried out.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family 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 site is not located in any of the listed zones.
Therefore, this finding does not apply.

Based on the proceeding findings, the Planning Board **approved** the requested variation from Section 24-121(a)(4) for Parcel 1 and Parcel 2.

20. **City of Hyattsville**—The subject property is located within geographical boundary of the City of Hyattsville. The PPS application was referred to the City for review and comments on July 8, 2021. The City notified staff (via an email from Powers to Gupta) that the applicant would be presenting this application to the City Council at their August 2, 2021 meeting. The case came back to City Council for discussion and action at their September 20, 2021 meeting, after which City Council comments were provided. In a memorandum dated September 22, 2021 (Ward to

Hewlett), incorporated by reference herein, the City Council expressed support for the PPS and the applicant's variation request so long as conditions that address the impact of noise and vibration on the dwellings are included. The findings and conditions included in this resolution address both noise and vibration.

- 21. Washington Metropolitan Area Transit Authority**—The subject property is located adjacent to the West Hyattsville Metro Station, which is owned and operated by WMATA. This PPS application was referred to WMATA for review and comments on July 19, 2021. No referral or correspondence was received from WMATA.


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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, October 7, 2021, in Upper Marlboro, Maryland.

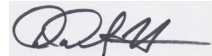
Adopted by the Prince George's County Planning Board this 28th day of October 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:MG:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: October 21, 2021