



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2022-75

File No. 4-21052

RESOLUTION

WHEREAS, Werrlein WSSC, LLC is the owner of a 4.66-acre parcel of land known as Outparcel 1, said property being in the 16th Election District of Prince George's County, Maryland, and being zoned Residential, Single-Family-65 (RSF-65); and

WHEREAS, on February 11, 2022, Werrlein WSSC, LLC filed an application for approval of a Preliminary Plan of Subdivision for 41 lots and 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-21052 for Suffrage Point 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 May 19, 2022; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1703(a) of the Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, must be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the submission and acceptance of the application; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, on May 19, 2022, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application; however, the Planning Board continued the hearing to a later date for the parties to present additional information on several issues; and

WHEREAS, on June 16, 2022, the Prince George's County Planning Board heard additional testimony and received additional evidence submitted for the record on specific issues, including conveyance of land to the City of Hyattsville, configuration of proposed public alleys, and the width of open space to be provided between Lots 6 and 7, 11 and 12, 17 and 18, 29 and 30, and 36 and 37.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-21052, including a Variation from Section 24-122(a), for 41 lots and 7 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised, as follows:
 - a. Relocate Alley 3 to extend from the dead end of Alley 2 to 40th Place and design the public alleys to meet Urban Street Design Standard STD 100.31, with a minimum 15-foot turning radius. If redesign of the alley is infeasible, as stated herein, the plans shall show the alleys as contained within private alley parcels, which shall conform to the Prince George's County design standards for emergency vehicles.
 - b. Provide minimum 10-foot-wide open spaces on homeowners association parcels between Lots 6 and 7, 11 and 12, 17 and 18, 29 and 30, and 36 and 37. The precise locations of the open spaces may be altered if the positions of any lots are shifted, or any lots removed at the time of detailed site plan (DSP). At the time of DSP, the space between Lots 29 and 30 may be reduced to no less than 8 feet, if the applicant demonstrates that providing a space 10 feet wide is infeasible.
 - c. Revise the General Notes to indicate that the site is zoned Residential, Single-Family-65. Add an item to the General Notes to indicate that the PPS was evaluated according to the One-Family Detached Residential (R-55) Zone and Development District Overlay Zone standards of the prior Prince George's County Zoning Ordinance.
 - d. Correct the dimension shown in between the lot lines of Lots 36 and 37 to ensure the true width of the space is shown on the plan.
 - e. Revise the plan drawing and general notes to reflect additional Parcels B5, C, and D, consistent with Applicant's Exhibit 26.
2. A substantial revision to the proposed uses on-site, which affects Subtitle 24 adequacy findings, including any nonresidential development, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
3. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 10823-2018-00 and any subsequent revisions.
4. Prior to approval, the final plat of subdivision shall include:
 - a. The granting of public utility easements along the public rights-of-way, excluding alleys.
 - b. Any right-of-way dedication of the alley to public use, in accordance with the approved preliminary plan of subdivision.
 - c. The delineation of a parcel or public use easement granted to the City of Hyattsville, if the detailed site plan reflects such a grant. If a public use easement is granted, it shall be approved by the City of Hyattsville and contain the rights thereof, be recorded in the

Prince George's County Land Records, and the Liber/folio shown on the final plat, prior to recordation. If a public use easement is granted, it may be written so as to absolve the applicant and its successors in title of the liabilities associated with public use of the land.

5. Prior to approval of a detailed site plan for architecture, the applicant shall provide a plan for interpretive signage to be erected and public outreach measures for the Washington Suburban Sanitary Commission Headquarters (68-10-082) and the 1913 suffragist rally. The location and wording of the signage and the public outreach measures shall be subject to review and comment by the Historic Preservation Section. The plan shall include the timing for installation of the signage and implementation of public outreach measures.
6. Prior to approval of the final plat of subdivision, in accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee-in-lieu payment for mandatory parkland dedication. The fee collected shall be applied to Service Area 2.
7. At the time of detailed site plan, the applicant shall determine whether there is to be any public use of the subject property. If there is to be any public use, the plans shall show either a parcel(s) to be conveyed to the City of Hyattsville, or a public use easement on homeowners association Parcel B2 to the benefit of the City of Hyattsville, in order to ensure the general public continues to have access to the park facilities on the parcel. If an easement is granted on Parcel B2, the parcel shall primarily serve to provide compensatory storage for the subject property, and the applicant shall determine which areas of the parcel may be used by the public. If no easement is granted or property conveyed for the existing park facilities, the park facilities on the subject site shall be shown to be removed or relocated.
8. Total development within the proposed preliminary plan of subdivision (PPS) shall be limited to uses which generate no more than 29 AM peak-hour trips and 33 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities and a new PPS.
9. The applicant and the applicant's heirs, successors, and/or assignees shall provide and include details of the following, prior to acceptance of the detailed site plan:
 - a. Shared roadway pavement markings along the property frontage of Gallatin Street and 40th Place, unless modified by the City of Hyattsville, with written correspondence.
 - b. Minimum five-foot-wide sidewalks along the frontages of Gallatin Street and 40th Place, unless modified by the City of Hyattsville, with written correspondence. Eight-foot-wide sidewalks shall be provided along Gallatin Street where feasible.
 - c. Minimum five-foot-wide sidewalk connections between Lots 6 and 7, 17 and 18, 29 and 30, 36 and 37, and adjacent to Lots 1 and 41 to create direct and continuous access from Gallatin Street and 40th Place to the townhomes located in the rear of the subdivision and

to Parcel B2. The precise locations of the sidewalks may be altered if the positions of any lots are shifted, or any lots removed.

- d. Crosswalks across all vehicular and pedestrian crossing points, including alleys, in order to provide continuous pedestrian connections.
 - e. A sidewalk connection from 40th Place through the interior of the site to at least the western boundary of Parcel B2, in order to connect with any public uses proposed on or abutting the subject property. Connection of the sidewalk with such public uses shall be subject to approval by the City of Hyattsville.
10. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
11. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
12. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association land, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
- a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.

- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
- 13. Prior to approval of a detailed site plan, the applicant shall demonstrate that adequate access for emergency personnel will be provided to every dwelling unit, either via the sidewalks required by Condition 9c above, or via the alleys. If emergency access is to be provided via the alleys, the building architecture submitted with the DSP shall include such access, which may be in the form of rear personnel doors.
 - 14. Prior to approval of the final plat, the 41 units proposed with this preliminary plan of subdivision shall not exceed the revised maximum net density to be approved by the Prince George's County District Council on the remand of Conceptual Site Plan CSP-18002, as required by the Court of Special Appeals order.
 - 15. Prior to acceptance of a detailed site plan, specifications for the light fixtures in the alleys shall be provided to the City of Hyattsville (if the alleys are to be publicly dedicated) and be included on the detailed site plan.

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 site is located on the west side of 40th Place, at its intersection with Gallatin Street, within the City of Hyattsville. The site consists of one outparcel known as Outparcel 1, which was recorded in Plat Book ME 255 page 83, in December 2020. The 4.66-acre property is in the Residential, Single-Family-65 (RSF-65) Zone. However, this preliminary plan of subdivision (PPS) was reviewed according to the prior applicable One-Family Detached Residential (R-55) Zone and Development District Overlay (D-D-O) zoning standards for the subject property, pursuant to the prior Prince George's County Zoning Ordinance and Subdivision Regulations, as required, in accordance with Section 24-1703(a) of the Subdivision Regulations. The site is subject to the 2004 *Gateway Arts District Approved Sector Plan and Sectional Map Amendment* (sector plan). The site is within the traditional residential neighborhood character area of the sector plan.

This PPS shows subdivision of the property into 41 lots for development of 41 single-family attached homes (townhouse dwelling units). Four parcels are also shown on the submitted PPS; however, according to Applicant's Exhibit 26 presented at the June 16, 2022 Planning Board hearing, seven parcels are to be provided, five of which are to be conveyed to a homeowners association (HOA) and two of which are to be conveyed to the City of Hyattsville. The subject site is currently vacant (with the prior development of the Washington Suburban Sanitary Commission (WSSC)-owned parking lot previously on the site having already been removed), save for certain recreational facilities which encroach the site from the neighboring park, as described below.

The property is the subject of a previous PPS known as Magruder Pointe (now known as Suffrage Point) or PPS 4-18001 (PGCPB Resolution No. 2020-35), approved in March 2020. This PPS was approved principally to develop 31 dwelling units on the block across Gallatin Street to the northeast of the subject property. However, the previous PPS also established the outparcel, which is the subject of the current PPS. A new PPS is required, in order to permit the division of the outparcel into lots and to construct multiple dwelling units.

The site abuts David C. Driskell Community Park (previously known as Magruder Park) to the west. This park is owned and operated by the City of Hyattsville. The City previously built several park facilities on land formerly identified as Clover Street, an unimproved right-of-way which lay in between the former on-site parking lot and the park. The portion of Clover Street which abutted the parking lot has been vacated, and its land incorporated into the subject property. This has put the park facilities previously within the right-of-way within the subject property instead. The PPS was continued from the April 28, 2022 Planning Board hearing date to May 19, 2022, and then continued further to June 16, 2022, in part to resolve this issue. The disposition of these structures is discussed in the Parks and Recreation finding of this resolution. The applicant is also proposing a compensatory storage facility for the 100-year floodplain in the southwest corner of the property, just east of the park facilities, to adjust the boundaries of the floodplain on the site.

The 41 units conform to the maximum density approved for this property under Conceptual Site Plan CSP-18002, which was approved by the Prince George's County District Council, in June 2019. However, CSP-18002 was appealed to the Court of Special Appeals and, subsequently, remanded to the District Council to restate the approved density, in terms of dwelling units per net acre of net lot or tract area. As of the approval of 4-21052, the District Council has not held a hearing or made a final decision on the remanded CSP. Any substantial modifications to the density approved with CSP-18002 may result in the inability to proceed with final platting of this subdivision and require the approval of a new PPS.

Notwithstanding the density approved, the PPS shows a compact lotting pattern, which may need to be adjusted to provide space for several required and recommended site features. Space should be made for these improvements by shifting the position of lots, or by removing lots if the positions of the lots cannot be adjusted. This issue is discussed further in the Bicycle/Pedestrian and Urban Design findings of this resolution.

The applicant filed a variation request from Section 24-122(a) of the prior Subdivision Regulations, to allow omission or relocation of several public utility easements (PUEs) along the public streets abutting the subdivision. The request is discussed further in the Public Utility Easement finding of this resolution.

It is noted that a previous PPS, 4-19053, was filed in September 2021 for this property. This prior PPS shows the same development depicted on the current PPS. However, that application was withdrawn before being reviewed at a Planning Board hearing because not all prior persons of record were notified of the application, as required by Section 24-119.01(a)(2) of the Subdivision Regulations. All prior parties of record were provided proper notice of the current PPS, in accordance with the law.

3. **Setting**—The subject site is located on Tax Map 50 in Grids A-1 and B-1 and is within Planning Area 68. To the northeast of the property is a five-pointed intersection featuring the following public rights-of-way: Hamilton Street, extending to the northeast and west; Gallatin Street, extending east from the intersection, past the subject site and past its intersection with 40th Place; 40th Avenue, extending north from the intersection; and the entrance road to Driskell Park, extending southwest from the intersection.

North and northeast of the property, between Hamilton Street and Gallatin Street, is the northern portion of the previously approved Suffrage Point subdivision, zoned RSF-65 (formerly zoned R-55). This block features both townhouse and single-family detached dwellings, with the townhouse dwellings oriented to the south and west, and the single-family detached dwellings oriented north and east.

Land further to the north between 40th Avenue and Hamilton Street features single-family detached dwellings zoned RSF-65 (formerly zoned R-55). East of the property between Gallatin Street and 40th Place are multifamily buildings in the Residential, Multifamily-48 Zone (formerly in the Multifamily High Density Residential Zone). Southeast of the property are single-family detached dwellings in the RSF-65 Zone (formerly in the R-55 Zone). Southwest of the property is unimproved Maryland-National Capital Park and Planning Commission (M-NCPPC)-owned parkland known as Magruder Woods Park, zoned Reserved Open Space (ROS). West of the property is Driskell Park, in the Agricultural and Preservation Zone (formerly in the Open Space (O-S) Zone), and further west is the M-NCPPC-owned Hamilton Swimming Pool and Splash Park in the ROS Zone. Northwest of the property between Hamilton Street and 40th Avenue are multifamily buildings in the Residential, Multifamily-20 Zone (formerly in the Multifamily Medium Density Residential Zone), as well as single-family detached dwellings in the RSF-65 Zone (formerly in the R-55 Zone).

Under the prior Zoning Ordinance, the site and its surroundings are all also located in the D-D-O Zone.

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

	EXISTING	APPROVED
Zones	RSF-65	RSF-65 (reviewed per R-55 and D-D-O standards)
Use(s)	Vacant	Residential
Acreage	4.66	4.66
Outparcels	1	0
Parcels	0	7
Lots	0	41
Dwelling Units	0	41
Variance	No	No
Variation	Yes (Section 24-122(a))	Yes (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 February 18, 2022. Along with the PPS, the requested variation from Section 24-122(a) was accepted on February 11, 2022, and also heard at the SDRC meeting on February 18, 2022, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The subdivision of 4.66 acres is part of a larger 8.26-acre development project known as Suffrage Point. The plans listed below all comprise both the 4.66-acre subject site (the southern block) and a 3.6-acre adjacent block bound by Gallatin Street, Hamilton Street, and 41st Avenue (the northern block). The northern block has been approved for 31 lots, 2 parcels, and 31 dwelling units, of which 16 are single-family detached and 15 are single-family attached.

CSP-18002

The Prince George's County Planning Board approved CSP-18002 on July 26, 2018, to recommend rezoning the 4.66-acre southern portion of the property from the O-S Zone to the R-55 Zone, and to recommend amending the list of allowed uses to allow townhouses to be developed on the property, in addition to single-family detached houses. On January 15, 2019, the District Council remanded CSP-18002 to the Planning Board to consider specific issues. On March 14, 2019, the Planning Board reheard the case, but took no position, and provided an amended resolution (PGCPB Resolution No. 18-74(A)). On May 13, 2019, the District Council reheard the CSP and, on June 10, 2019, they issued an order to approve the rezoning from O-S to R-55 with three conditions, and to facilitate R-55 development of the entire 8.26 acres for single-family attached and detached units.

The maximum density of the Suffrage Point development was also determined with the CSP. The Council order approved CSP-18002 with the maximum density for single-family attached development at nine dwelling units per acre, and the maximum density for single-family detached, as permitted in the R-55 Zone, at 6.7 dwelling units per acre. It also approved a total maximum density of 72 units (31 units on the 3.6-acre northern block and 41 units on the 4.66-acre southern block), in accordance with Applicant's Exhibit 1, provided with CSP-18002. For the southern block, the exhibit indicates a density of approximately 8.8 dwelling units per acre, based on the gross acreage of the site (41 units divided by 4.66 acres equals 8.8 units per acre). The 41 units included with this PPS are consistent with the total maximum density approved by the District Council and shown on the CSP. However, as noted in the Background finding of this resolution, the CSP is currently pending a new review before the District Council, to restate the density of the development based on the net acreage of the site. The 41 units included with this PPS must be consistent with the total maximum density ultimately approved by the District Council, or else final platting of this subdivision cannot proceed. Because the density is a standard approved with the CSP, and not the PPS, the Planning Board's approval of this PPS shall not be construed as the Planning Board having approved or endorsed any specific density for the project.

CSP-18002 was approved, subject to three conditions, of which the following are relevant to the review of this PPS:

2. At the time of Detailed Site Plan, as required in PGCC § 27-548.26, Applicant shall:

b. Provide sidewalks on both sides of all internal streets, excluding alleys, as appropriate.

The development lacks internal streets. An internal alley will serve the lots and, in accordance with this condition, sidewalks are not provided alongside the alley. One sidewalk is shown to serve the lots which do not front on Gallatin Street/40th Place; this sidewalk is provided at the front of the units, while the alley is at their rear. The sidewalks are discussed further in the Bicycle/Pedestrian finding of this resolution.

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

This condition requires approval of a detailed site plan (DSP) for the site. Though a DSP was previously approved (DSP-18005, described below), that DSP did not include any proposed development on the southern block, and so a DSP amendment will be required

following approval of this PPS. The last part of this condition also requires approval of any additional standards not included in the D-D-O Zone standards through the DSP process. The submitted PPS includes single-family attached lots, and the D-D-O Zone standards (pages 144–156 of the sector plan) include specific standards for such lots and their dwellings. At this time, the lots appear to meet the previously established standards, without the need for any additional or modified standards to be approved through the forthcoming DSP amendment. The required minimum lot width is 18 feet (see Standard 20 on page 146 of the sector plan), and the required minimum lot size is 1,400 square feet (see D-D-O Zone standards amendment A(1) on page 20 of the District Council final decision for DSP-18005). Further evaluation of the project's conformance to the standards will be provided at the time of DSP.

PPS 4-18001

The Planning Board approved PPS 4-18001 on March 12, 2020. This PPS approved 31 lots, 2 parcels, and 1 outparcel for development of 15 townhouses and 16 single-family detached units. All of the units and parcels were located in the northern block of the development, while the southern block was established as a single outparcel. The current PPS supersedes this prior PPS for the outparcel only.

A variation from Section 24-122(a) was also approved with PPS 4-18001, in order to permit the applicant's proposed PUE network, which provided for the location of PUEs abutting the development lots rather than directly abutting the public rights-of-way. Several alternative locations for PUEs were approved for the northern block, and the southern block was approved without any PUEs, as no lots were proposed on the southern block at the time. Approved variations do not carry forward to new PPS. Therefore, a new variation was approved for the current PPS, in order to provide relief from the requirement to provide PUEs along the public rights-of-way of Gallatin Street, 40th Place, and the Driskell Park entrance road, as discussed further in the Public Utility Easement section of this resolution.

PPS 4-18001 was approved, subject to 13 conditions, and the following conditions are relevant to the review of this PPS:

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

This condition will be evaluated at the time of building permit and is discussed further in the Bicycle/Pedestrian finding of this resolution.

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

The above trip cap was established for the 31 dwelling units in the northern block of the development. A separate trip cap is included in the Transportation finding of this resolution for the 41 units subject to this PPS.

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

A condition similar to the one above is included with this PPS, in order to establish standard sidewalks along the frontages of Gallatin Street and 40th Place, and a wide sidewalk along Gallatin Street, where feasible. The condition is discussed further in the Bicycle/Pedestrian finding of this resolution.

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

The applicant submitted approved Stormwater Management (SWM) Concept Plan 10823-2018-00 with this PPS. There have been no changes to the plan since its approval date of March 22, 2019. The SWM concept plan is discussed further in the Stormwater Management finding of this resolution.

DSP-18005

The Planning Board approved DSP-18005 on June 11, 2020, and the approval was affirmed by the District Council on October 13, 2020. Like PPS 4-18001, DSP-18005 included the southern block as an outparcel for future development. The DSP did not show a specific site layout for the southern block. However, the DSP did approve certain infrastructure on the southern block, including the compensatory storage area and associated stormwater piping.

DSP-18005 was approved, subject to seven amendments to the D-D-O Zone standards, one condition, and one consideration. Of the foregoing, the following are relevant to the review of this PPS:

A. Amendments to the Development District Overlay (D-D-O) Zone standards, are as follows:

- 1. Site Design, Building and Streetscape Siting, Standard 12 (page 146): To allow the minimum lot area of Lots 23 and 29 to be smaller than the requirement, at 4,150 and 4,080 square feet, respectively. In addition, to allow the townhouse lots to be a minimum of 1,400 square feet.**

This standard sets the minimum lot size for townhouses on both the northern and southern blocks of the development. Though some of the townhouse lots in the northern block were as small as 1,400 square feet, the PPS shows a minimum lot size of 1,752 square feet for the southern block, which conforms with this standard.

A DSP amendment and a final plat will be required, prior to approval of permits.

- 6. Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) is evaluated, and conformance with the sector plan is evaluated, as follows:

Plan 2035

This PPS is in the Established Communities area. The vision for established communities, as noted in Plan 2035, is to maintain existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development (page 20).

Sector Plan

The sector plan previously recommended O-S zoning on the subject property. However, on June 10, 2019, the District Council conditionally approved, under CSP-18002, a request to reclassify the subject property from the O-S Zone to the R-55 Zone, in accordance with Section 27-548.26(b) of the Zoning Ordinance. This decision also approved an amendment to allow development of single-family attached dwelling units in the R-55 Zone. The subject property constitutes 4.66 acres of the 8.26 acres covered under CSP-18002.

In addition, the sectional map amendment superimposed the D-D-O Zone and placed the entire property in the Traditional Residential Neighborhood Character Area. Condition 3 of CSP-18002 requires approval of a DSP for the entire 8.26 acres, and it also requires that the DSP be subject to all D-D-O standards applicable to the Traditional Residential Neighborhood Character Area.

When the District Council approved CSP-18002, it rezoned the subject property from O-S to R-55. The rezoning is an event which has rendered the relevant land use recommendations in the sector plan no longer appropriate. Furthermore, the District Council has not imposed the zoning recommended by the sector plan. As a result, Section 24-121(a)(5) of the Subdivision Regulations does not require the PPS to conform to the land use recommendations of the sector plan.

7. **Stormwater Management**—A SWM concept plan and letter (10823-2018-00), which was approved on March 22, 2022 and expires on March 22, 2025, was submitted with this PPS. The SWM concept plan covers the overall Suffrage Point development and, within the area of this PPS, the approved SWM concept plan shows the use of four micro-bioretention stormwater devices, a SWM outfall, and other cut and fill grading operations to establish lots, roads, and associated infrastructure on-site. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) granted a Floodplain Fill Waiver (36721-2018) for these improvements, dated September 27, 2018. No further information regarding SWM is required at this time with this PPS.

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

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the sector plan, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreation and facilities.

The development is immediately adjacent to the David C. Driskell Community Park, a City of Hyattsville owned and operated park, which consists of a community building, basketball courts, tennis courts, open fields, a baseball field, playgrounds, and a trail that directly connects with the Northwest Branch Trail, which is part of the Anacostia Tributary Trail System. Other neighborhood parks include the M-NCPPC-owned Hamilton Swimming Pool and Splash Park, located just west of Driskell Park; Magruder Woods Park, an unimproved park located immediately to the south of this site; and the Anacostia Stream Valley Park, located approximately 0.25 mile to the south of this site.

The development is in the Traditional Residential Neighborhood Character Area of the sector plan, which seeks to maintain a traditional neighborhood concept. The goal from the sector plan, with respect to Parks and Recreation, is "To encourage widespread pedestrian and recreational use of the Arts District and vicinity through the improvement of existing public spaces and the addition of new public spaces where appropriate for festivals, events and increased community pride."

In accordance with Section 24-134 of the Subdivision Regulations, in all residential subdivisions, except as stipulated in the subsection, the Planning Board shall require the platting and conveyance to M-NCPPC, or to a municipality located within the Regional District but not within the Maryland-Washington Metropolitan District, upon request of such municipality, of suitable and adequate land for active or passive recreation, the payment of a monetary fee-in-lieu thereof, or the provision of recreational facilities, as otherwise provided.

The site is located within Park Service Area 2. Based on its size, configuration, proposed density, and proximity to area parks, the payment of a fee-in-lieu by the applicant, in accordance with

Section 24-135(a) of the Subdivision Regulations, best meets and serves the needs of the future residents for this community. The fee may then be applied toward improvements to parks in Park Service Area 2.

Future residents would be best served by the provision of a fee-in-lieu, and the fee in lieu will meet the requirements of mandatory parkland dedication. The PPS will be in conformance with the applicable master plans and the requirements of Subtitle 24, as they pertain to parks and recreation facilities.

Adjacency Issues for City Park Facilities

The City of Hyattsville previously built several park facilities on land formerly identified as Clover Street, an unimproved right-of-way, which lay in between the WSSC former parking lot and the main body of Driskell Park. The portion of Clover Street which abutted the parking lot has been vacated, and its land incorporated into the subject property. This has put the park facilities, previously within the right-of-way, within the subject property instead, specifically on Parcel B2 (per the submitted PPS). The park facilities affected by the vacation include the pavement of the entrance road, an associated decorative stone wall, two playgrounds, and a path between the playgrounds. The PPS, as submitted, did not specify whether these facilities are to be removed or to remain. However, if they are to remain, given that they are currently on private property, provisions will have to be made to ensure that members of the public continue to have access to the facilities.

The applicant proposed to the Prince George's County Department of Parks and Recreation (DPR), just prior to the scheduled April 28, 2022 Planning Board hearing for this case, that the applicant convey land to DPR containing these recreation facilities. This would have been one method of ensuring continued public access, and so the case was continued to a May 19, 2022, Planning Board hearing date to give DPR time to consider the applicant's proposal. However, following the hearing, the applicant clarified that the land to be conveyed would be a substitution or partial substitution for the fee-in-lieu required to meet the mandatory dedication of parkland requirement discussed above. A fee-in-lieu continues to be the most appropriate method of meeting the mandatory parkland dedication requirement. Therefore, DPR will not accept land from the applicant as a means of meeting the requirement. The issue of public access to the existing facilities is separate from the mandatory dedication requirement.

Following this determination from DPR, the applicant worked with the City of Hyattsville to determine appropriate land to convey to the City which would contain the recreation facilities. The land the applicant proposes to convey is shown on Applicant's Exhibit 26, which was presented to the Planning Board on June 16, 2022. This exhibit shows a parcel, known as Parcel C, which would contain the pavement of the entrance road and associated decorative stone wall; and a parcel known as Parcel D, which would contain the two playgrounds and the path between the playgrounds. A representative of the City stated, at the hearing, that the two parcels reflected their discussion with the applicant, but that the City Council had not yet acted to approve or disapprove the conveyance.

At the time of DSP, the applicant may revisit the issue of whether there is to be any public use of the property, subject to this PPS. The DSP shall show the parcels shown on Applicant's Exhibit 26, or may adjust the parcels, if there is a need for adjustment based on further discussion with the City or the design of the DSP. The plans may also instead show a public use easement on HOA Parcel B2, to the benefit of the City of Hyattsville. If an easement is granted on Parcel B2, the parcel should primarily serve to provide compensatory flood storage for the subject property, as is shown on the plans, and the applicant should determine which areas of the parcel may be used by the public. If no easement is granted or property conveyed for the existing park facilities, the facilities will need to be removed or relocated. The options available to the applicant are contained in Condition 7 of this resolution.

Note that any additional land to be conveyed to the City following this PPS would be exempt from the need to file a PPS, per Section 24-107(c)(5) of the Subdivision Regulations. Any parcels conveyed, however, should not contain the compensatory storage infrastructure to be installed by the applicant, or any other facilities which should be maintained by the HOA, rather than the City, unless specifically agreed to by the City.

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

Review of Prior Conditions of Approval

The following conditions of approval from prior approved plans are relevant to the review of this PPS:

CSP-18002

2. At the time of detailed site plan, the applicant shall:

- b. Provide sidewalks on both sides of all internal streets, excluding alleys, as appropriate.**

This condition will be evaluated at the time of DSP. However, the PPS shows that the site will be served by internal alleys.

PPS 4-18001

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

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

Condition 2 continues to apply to the northern portion of the Suffrage Point development and will be evaluated at the time of building permit. The latest PPS submission includes the existing sidewalk along the frontage of Gallatin Street and 40th Place. Wide sidewalks should still be provided, where feasible.

Analysis of Bicycle and Pedestrian Impacts and MPOT and Sector Plan Conformance

The subject site is along Gallatin Street and 40th Place, which are designated master-planned shared-use roadways. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

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.

The sector plan includes the following goals and objectives which are relevant to pedestrian and bicyclist facilities:

Goals

1. **To provide an integrated multimodal transportation system that is safe, efficient, attractive, and accessible, while reducing dependency on the automobile.**
2. **To provide safe and convenient pedestrian and nonmotorized circulation opportunities in the Arts District for recreation and transportation, with an emphasis on connections to Metro and US 1.**

Objectives

5. **Enhance crosswalks and sidewalks so that the area is recognized as pedestrian-friendly.**

- 6. Identify safe and practical measures to accommodate those who choose to bicycle to and within the sector plan area.**
- 8. To increase the overall usability of the trails and bicycle network by providing additional trail, bicycle, and pedestrian connections.**
- 9. To improve or create pedestrian and bicycle connections along US 1 and to Metro from other areas of community activity.**

The sector plan also includes the following specific recommendations for pedestrian and bicyclist facilities (page 44):

- 2. Implement pedestrian safety measures at road crossings and trail intersections.**
- 3. Provide sidewalk additions and enhancements as necessary and emphasize the continuity of sidewalks.**
- 5. A variety of routes were identified that are currently used by bicyclists and pedestrians and most efficiently connect the West Hyattsville and Prince George's Plaza Metro Stations with US 1. These routes primarily focus on serving the local neighborhoods. These routes may also be designated as Art ways with specific themes or features (such as banners or artwork) unifying the entire corridor.**

c. West Hyattsville Metro to Gallatin Street and US 1

(3) Gallatin Street

- (a) Widen sidewalks, where feasible.**
- (b) Provide directional signage where Gallatin Street is not continuous, and users must briefly turn onto 42nd Street.**

The submitted plans include the existing sidewalk along the property frontages of Gallatin Street and 40th Place. The sidewalk along 40th Place and Gallatin Street, which was installed by the City, measures approximately 5.5 to 5.8 feet in width. However, in front of Lots 2–5, it is approximately 4.2 feet in width. Sidewalks shall be a minimum of 5 feet wide and, along Gallatin Street, a minimum of 8 feet wide where feasible, in order to meet the sector plan recommendation for wide sidewalks.

A five-foot-wide sidewalk is also provided along the southwestern portion of the site, in front of Lots 24–41. However, the plan shows that this sidewalk can only be accessed from a sidewalk connection to 40th Place located south of Lots 23 and 24. The sidewalk dead-ends in front of Lot 41. The applicant shall provide an additional sidewalk connection from this dead end to Gallatin Street, adjacent to Lots 1 and 41, in order to close the loop formed by the public sidewalks on Gallatin Street and 40th Place; the sidewalk adjacent to Lots 23 and 24; and the

sidewalk in front of Lots 24–41. Making a continuous sidewalk loop around all of the lots in the subdivision will ensure easy pedestrian access to all the lots from the public streets.

In addition, the plan shows two connections from the southwestern sidewalk down into the compensatory storage area. These are provided because it is expected that the compensatory storage area will act, in part, as a recreational area. These sidewalk connections shall be extended north through the subdivision to the public streets. This would put sidewalks in between Lots 6 and 7, 17 and 18, 29 and 30, and 36 and 37, where there are open spaces that could accommodate such sidewalks. Extending these sidewalk connections would provide easy pedestrian access from all the lots to the on-site recreation area.

The sidewalks' specific locations may change, should the position of any lots be shifted, or any lots deleted. Crosswalks are also required at all vehicular access points and throughout the site where there will be pedestrian and vehicular conflicts. Providing these sidewalks and crosswalks will help the plan to implement sector plan Objectives 5 and 8 listed above, as well as sector plan Recommendation 3.

A connection shall also be provided to the adjacent Driskell Park, subject to concurrence of the City of Hyattsville. Such a connection would allow easier access to the park for residents of the subdivision seeking to visit it. A public use easement may be needed to cover the connection. The alignment of the connection, and any associated easement, shall be determined at the time of DSP.

Per the MPOT, Gallatin Street and 40th Place are designated as shared roadway facilities. The prior approval, PPS 4-18001, included the provision of bikeway signage along the master plan facilities. Shared road pavement markings shall be provided along the frontages, in addition to the previously required signage.

With the above improvements, the bicycle and pedestrian facilities provided will conform to the recommendations for bicycle and pedestrian facilities given in the MPOT and the sector plan.

Based on the preceding findings, adequate bicycle and pedestrian facilities will exist to serve the subdivision, in accordance with Subtitle 24.

10. **Transportation**—Transportation-related findings for adequacy are made for this PPS, in accordance with the Subdivision Regulations, along with any needed determinations related to dedication, access, and general subdivision layout.

Analysis of Traffic Impacts

The proposal is expected to generate fewer than 50 new peak-hour trips. Therefore, a traffic impact study was not required. However, the applicant was requested to submit recent traffic counts to be used as the basis for a determination of adequacy.

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

Signalized intersections: The critical lane volume method should be used to measure the level-of-service (LOS). LOS E with signalized intersections operating at a critical lane volume 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 critical lane volume is computed, (d) a critical lane volume 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 critical lane volume is computed, (c) a critical lane volume no more than 1,150 will be acceptable.

Trip Generation

The table below summarizes trip generation in each peak hour that is used in reviewing traffic and developing a trip cap for the site:

Trip Generation Summary: PPS 4-21052 Suffrage Point								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Townhouse	41	units	6	23	29	21	12	33
Total Trip Cap Recommendation			29			33		

The traffic generated by the PPS would impact the following intersections and links in the transportation system:

- US 1 / 42nd Place (signalized)
- US 1 / Crittenden Street (signalized)
- 38th Avenue / Hamilton Street (signalized)
- Gallatin Street / 40th Place / future site access (unsignalized)

Existing Traffic

The critical intersections 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 & PM)	
US 1 / 42nd Place	229	360	A	A
US 1 / Crittenden Street	407	571	A	A
38th Avenue / Hamilton Street	519	1,082	A	B
40th Place / Gallatin Street *	8.6*	11.8*	-	-
*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

There are no critical intersections identified above that are programmed for improvements with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." There were no future developments identified that will impact the site's critical intersections.

The critical intersections identified above, when analyzed with total future traffic as developed using the "Transportation Review Guidelines, Part 1" (Guidelines), including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1 / 42nd Place	229	360	A	A
US 1 / Crittenden Street	407	582	A	A
38th Avenue / Hamilton Street	522	1,092	A	B
40th Place / Gallatin Street / future site access*	8.7*	12.1*	-	-
*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.				

Per the Guidelines, adequacy is to be determined with this PPS. Based on the traffic analysis above, all critical intersections will operate at adequate levels of service. The site is planned to have two access points, one along Gallatin Street and the other along 40th Place. The PPS shows the internal roadway to be 22 feet wide and maintained as a public alleyway by the City of Hyattsville. The plan and circulation layout are acceptable, pursuant to Section 24-123 of the Subdivision Regulations, and conform to the MPOT.

Master Plan Conformance

The subject site has frontage along Gallatin Street and 40th Place. Per the MPOT, neither roadway is identified as a master planned facility or within a transportation corridor or center. The sector plan also provides no recommendation for these rights-of-way. There is no additional right-of-way being sought with this PPS.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, in accordance with Subtitle 24.

11. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations, as well as Prince George’s County Council Resolutions CR-23-2001 and CR-38-2002, (*Amended Adequate Public Facilities Regulations for Schools*). The subject property is located within Cluster 2, as identified in the 2020 Update of the *Pupil Yield Factors and Public-School Clusters*. The results of the analysis are, as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Cluster		
	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Townhouse Dwelling Units	41	41	41
Townhouse Pupil Yield Factor (PYF)	0.114	0.073	0.091
TH x PYF = Future Subdivision Enrollment	5	3	4
Adjusted Student Enrollment 9/30/19	22,492	9,262	9,372
Total Future Student Enrollment	22,497	9,265	9,376
State Rated Capacity	19,425	7,121	8,494
Percent Capacity	116%	130%	110%

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. The current amount is \$10,180 per dwelling if a building is located between I-95/495 (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 located between the Capital Beltway and the District of Columbia; thus, the surcharge fee is \$10,180. This fee is to be paid to DPIE at time of issuance of each building permit.

The PPS is found to conform to the sector plan recommendations for schools, as discussed in the Public Facilities finding below.

12. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated February 16, 2022 (Thompson to Diaz-Campbell), incorporated by reference herein.

This PPS was reviewed for conformance to the sector plan in accordance with Sections 24-122 and 24-121(a)(5). The sector plan provides goals and policies related to public facilities (pages 50–63). The development aligns with the master plan intention to provide public facilities designed to support existing development patterns. There are no police, fire and emergency medical service facilities, schools, parks, or libraries proposed on the subject property.

At the time of the review of PPS 4-19053, the Office of the Fire Marshall offered comments on the site layout depicted on that PPS (a site layout replicated on the subject PPS). Those comments related to the dead end of Alley 2, the addressing of units, the minimum distance between sticks of attached units, and the provision of safe fire access. Specifically, the comments recommended the applicant consult the *National Fire Protection Association Standard 80A: Recommended Practice for Protection of Buildings from Exterior Fire Exposures*, for guidance on recommended fire separation between buildings. The comments also stated concern that the minimum 150-foot distance from fire access roads to personnel doors is not shown to be provided on an all-weather, walkable surface for certain units. The comments recommended additional sidewalks in specific locations. Though these comments were not resubmitted for the subject PPS, because the site layout has not changed between PPS 4-19053 and PPS 4-21052, they are still of concern.

In response to these concerns, the applicant stated that they planned on ensuring adequate access for emergency personnel to every unit by having rear personnel doors for every unit. These rear personnel doors would ensure that emergency personnel would be able to use an all-weather, walkable surface (the alley pavement) to access the units, without having to use the sidewalks to travel more than 150 feet to the fronts of the units. Review of this PPS did not include review of any architecture showing rear personnel doors.

The previously recommended sidewalks are required with the 4-21052 approval, along with additional sidewalks described in the Bicycle/Pedestrian finding of this resolution, for the reasons described in that finding. At the time of DSP, the applicant shall demonstrate that adequate access for emergency personnel will be provided to every dwelling unit, either via the sidewalks or alleys. If emergency access is to be provided via the alleys, the building architecture will need to include such access.

13. **Use Conversion**—The total development included in this PPS is for 41 townhouse dwellings in the former R-55 Zone. If a substantial revision to the mix of uses on the subject property is proposed, including any nonresidential development, that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the existing public rights-of-way of Gallatin Street to the north, 40th Place to the east, and the Driskell Park entrance road to the west. The PPS shows a PUE along most of the frontage of these streets. However, in the southeast corner of the site on Lot 23, the PUE diverges from 40th Place, so that on Parcels B1 and B2 the PUE no longer abuts the street line. The site also lacks PUEs in the northwest corner of the site along the Driskell Park entrance road and part of Gallatin Street. The applicant submitted an exhibit, incorporated by reference herein, which shows where PUEs are proposed to be provided and not provided.

In order to permit the deviation of the PUE from the street line in the southeast corner of the site, and in order to permit the omission of the PUE from the northwest corner of the site, the applicant submitted a statement of justification (SOJ) requesting a variation from Section 24-122(a). On February 24, 2022, a supplemental SOJ was also submitted to clarify the request.

Variation

Section 24-113 of the Subdivision Regulations requires that the following criteria be met for the Planning Board to approve a variation. The criteria are in **bold** text below, while findings for each criterion are in plain text.

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property. There are existing dry utilities within the public rights-of-way abutting this site, which will allow continuity of utility service even if PUEs cannot be provided along all property boundaries. In addition, omission of the PUE in the northwest corner of the site and relocation of the PUE in the southeast corner of the site will not affect the applicant's ability to provide utilities to the site's internal lots (Lots 24–41) which do not front on a public street.

- (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 conditions on which the variation is based are unique to the subject property and are not applicable generally to other properties. The project is an infill development on a site that was previously occupied by WSSC and has existing utilities and utility easements on it already. In the case of the southeast corner of the site, there is an existing WSSC manhole along the street which the PUE cannot overlap. Similarly, in the northwest corner of the site, there is existing street infrastructure, an existing sanitary sewer line, and additional WSSC easements which obstruct placement of the PUE. These unique conditions are the basis of the applicant's request to move/omit the PUE, and they are not applicable generally to other properties.

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

The variation from Section 24-122(a) is unique to, and under the sole authority of, the Planning Board. This PPS and variation request for the location of PUEs was referred to WSSC, Verizon, the Potomac Electric Power Company, Washington Gas, Comcast, and AT&T. No referred agency opposed this request. The proposed utilities will need to be designed in direct coordination with the individual utility companies, in order to meet all requisite requirements and design standards, at the time of permitting. There are no known applicable laws, ordinances, or regulations that will be violated if this variation is granted.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

As noted above, the particular physical surroundings of this site include existing utility infrastructure both on and near the site. Dry utilities are located within the right-of-way, while wet utilities are located on site in the areas where the applicant is requesting a variation. In order to provide PUEs on site in the locations already used by the wet utilities, the applicant would have to relocate the existing wet utilities. However, there is not a practical need to provide the dry utilities in these locations, as the dry utilities are already within the right-of-way. Requiring the applicant to relocate the wet utilities to make way for an easement for the dry utilities, when the dry utilities do not need to occupy that easement, would confer a particular hardship on the owner.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This property is not in any of the above listed zones. Therefore, this section does not apply.

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations. Therefore, the variation from Section 24-122(a) is approved, in order to allow the deviation of the PUE from the street line in the southeast corner of the site, and in order to permit the omission of the PUE from the northwest corner of the site. The variation is approved in accordance with the applicant's exhibit.

The only provided internal circulation is by means of public alleys, which do not require PUEs along their frontages. The plan does show 7-foot-wide PUEs offset from both sides of Alley 2; while these PUEs are in excess of the minimum required by the Subdivision Regulations, they may be necessary to serve the lots. However, these PUEs are not continuous with the PUEs along the public roadways, Provision of these PUEs in this configuration is subject to approval by the utility companies.

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

The subject site is also where a caravan of more than 60 decorated automobiles convened, carrying suffragists assembled in Hyattsville on July 31, 1913, to deliver 85,000 signatures on suffrage petitions gathered from citizens of all 48 states to the U.S. Senate. A rally was held in Hyattsville's ballpark, after which the procession headed towards Pennsylvania Avenue in Washington, DC. Alice Paul, head of the National American Woman Suffrage Association's Congressional Committee, was in the lead car, followed by other officers, and sympathizers of the Senate Woman Suffrage Committee. The petitions were formally presented to the Senate by Senator Robert Owen of Oklahoma, and 10 other senators spoke in favor of the Susan B. Anthony Amendment's passage. Although ratification of the 19th Amendment was still several years away, the rally held at what was then called Zantzinger Park, served as a catalyst for continuing debate on women's suffrage.

The area below the parking lot was shown in previous applications to have been disturbed by construction of a sewer line, a gas line, and a drainage channel running through various portions of the subject site. The installation of these utilities has likely extensively disturbed any intact archeological resources that may have been present. Therefore, a Phase I archeology survey is not required.

There are no Prince George’s County historic sites or resources on or adjacent to the subject property. However, the applicant shall provide interpretive signage, in one of the open space areas, that details the history of the suffragist rally and the WSSC building. At the time of the review of PPS 4-19053, the applicant submitted a plan for an improved area north of Gallatin Street, on the east side of the upper portion of the overall Suffrage Point development. This plan was accepted for informational purposes only and is incorporated by reference herein. This plan includes signage and wording addressing the history of the suffragist rally and the WSSC building. The plan also shows benches provided utilizing materials from the former WSSC building to the extent practical. Should the applicant proceed with this plan, the improvements proposed shall be shown on the next DSP amendment for architecture which is submitted for the overall development, following approval of this PPS.

The sector plan includes a goal, objectives, and recommendations related to historic preservation (pages 81–84). If interpretive signage is provided to address the history of the suffragist rally and the WSSC building, the project will support the goal and objectives of the Historic Preservation section of the sector plan. From the standpoint of historic preservation, the PPS will conform to the sector plan.

16. **Environmental**—The subject PPS was received on February 17, 2022. Revised material relevant to environmental review was not received.

The following applications and associated plans for the subject site applicable to this case were previously reviewed:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
NA	NRI-047-2018	Staff	Approved	10/31/2018	NA
CSP-18002	NA	District Council	Approved	5/13/2019	18-74
4-18001	NA	Planning Board	Approved	3/12/2020	2020-35
NA	S-043-2018	Staff	Approved	3/14/2020	NA
DSP-18005	NA	District Council	Approved	10/21/2020	2020-105
NA	S-193-2020	Staff	Approved	12/15/2020	NA
4-19053	NA	Planning Board	Withdrawn	9/2/2021	NA
DSP-18005-01	NA	--	Pre-Acceptance	NA	NA
4-21052	NA	Planning Board	Pending	Pending	Pending

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 it is a new PPS.

General, Master, and Functional Plan Conformance

Plan 2035

The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and it is within the Employment Area of the Growth Policy Map.

The current PPS is in general conformance with the zoning requirements and the intent of the growth pattern established in Plan 2035.

Sector Plan

In the sector plan, the Environmental Infrastructure section contains goals, policies, recommendations, and strategies. The following recommendations have been determined to be applicable to the current project. The text in **bold** is from the master plan and the plain text provides comments on plan conformance.

1c. Stormwater Management: Existing regulations require adequate control of stormwater runoff (Subtitle 4, Division 2, Prince George's County Code)

This PPS is for construction of a residential subdivision on a previously developed site, with some open landscaped areas. The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues, in accordance with Subtitle 32, Water Quality Resources and Grading Code. This requires that the environmental site design be implemented to the maximum extent practicable. The site has a SWM concept approval letter and associated plan (10823-2018-00), which was submitted with the PPS for this site. The concept plan covers both the northern and southern blocks of the Suffrage Point development and proposes to construct a total of six micro-bioretenion facilities and an area for floodplain compensatory storage. The development associated with this PPS shows Outparcel 1 with four micro-bioretenion facilities and a 100-year flood compensatory storage area, with an outfall into an existing stream that is located off-site.

1g. Protection and Restoration of Woodlands: The Woodland Conservation Ordinance requires the conservation of woodlands through preservation, reforestation and afforestation of woodland and specimen trees by meeting minimum woodland conservation thresholds (Subtitle 25, Division 2, Prince George's County Code)

This property is exempt from the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size, but contains less than 10,000 square feet of

existing woodland. A Standard Woodland Conservation Exemption Letter (S-193-2020) was submitted with the PPS.

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

Any development applications for the subject property that require architectural approval should be encouraged to incorporate green building techniques and environmentally sensitive building techniques. These techniques should be implemented to the greatest extent possible to reduce overall energy consumption.

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

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

The PPS area has been recently graded to remove an existing parking lot and install a stormdrain and outfall, as approved by DSP-18005. No woodlands are located on-site. Previously developed areas with overlapping regulated environmental features such as a 100-year floodplain, stream buffer, wetlands and wetlands buffer are present on Outparcel 1. Although this area is mapped as being within the regulated area of the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), much of this area has already been previously developed. The installation of the bioretention areas and 100-year floodplain compensatory/100-year storage area will lead to reduction of the 100-year floodplain and primary management area (PMA). Open space and landscaped areas are encouraged and will be discussed by the Urban Design Section.

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

The PPS is for a residential use and, as such, the recommended 26 percent tree canopy coverage (TCC) standard should be applied, to the fullest extent practicable. Open space and landscaped areas shall be reviewed at the time of DSP, and are discussed further in the Urban Design finding of this resolution.

6. **Decrease impervious surfaces by sharing parking to the fullest extent, constructing green roofs, and following the County's Department of Environment Resources requirements to the fullest extent.**
7. **Use micromanagement stormwater treatment methods on new development or redevelopment projects.**

This project has an approved SWM concept plan from DPIE, 10823-2018-00, which has 14 conditions of approval that relate to water quality and quantity requirements. DPIE will further review the site for conformance with state and local stormwater standards, at the time of final design.

Conformance with the Green Infrastructure Plan

The site is within the designated network of the Green Infrastructure Plan and is almost entirely mapped as a regulated area associated with an existing regulated 100-year floodplain, small wetland with associated wetland buffer, and stream buffer.

The site was almost entirely cleared, graded, and developed prior to enactment of the WCO. According to PGAtlas imagery, the northern half of the property has been in use as a paved parking lot since approximately 1965, with the parking lot expanded to include much of the southern site between 1968–1977. The area operated continuously as a parking lot until its removal starting around 2020, which was approved as part of DSP-18005.

While the development will impact regulated environmental features, most of these features are located within the limits of previous disturbance and are not currently wooded.

While the elements from the Green Infrastructure Plan mapped on the subject site will be impacted, the overall site has been graded under previous approvals, and the design of the site meets the zoning requirements and the intended growth pattern established in Plan 2035.

Environmental Review

Natural Resources Inventory/Existing Conditions

An approved Natural Resources Inventory (NRI-047-2018) was submitted with this PPS that covers both the northern and southern blocks of the Suffrage Point development. This PPS is composed of one parcel (Outparcel 1), which was almost entirely covered by an existing parking lot, which has recently been removed. Small areas of open grown trees and existing landscaping are located along the southern and western property boundaries. This site slopes to the south toward an off-site stream system. No woodlands or specimen/champion/historic trees exist on-site.

within the PPS area. Regulated environmental features, such as 100-year floodplain, stream buffer, wetland and wetland buffer comprising the PMA exist on-site.

The PPS is consistent with the environmental features identified on the NRI.

Woodland Conservation

The site is exempt from the provisions of the WCO because the property contains less than 10,000 square feet of woodland and has no previous tree conservation plan approvals. A standard letter of exemption from the WCO was issued for this site (S-193-2020), which expires on December 15, 2022. No additional information is required regarding woodland conservation.

Soils

The predominant soils found to occur on-site, according to the United States Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Christiana-Downer-Urban land complex (5–15 percent slopes), Russett-Christiana-Urban land complex (0–5 percent slopes), and Codorus-Hatboro-Urban land complex, frequently flooded.

Marlboro clays have not been identified on or within the immediate vicinity of this property; however, unsafe soils containing Christiana complexes have been mapped across the eastern half of the site.

These soils have been previously disturbed and should not pose an issue to the development because no critical slopes that would cause significant damage or cost are anticipated. No conditions of approval relating to unsafe soils were provided by DPIE with SWM Concept 10823-2018-00.

Correspondence from DPIE demonstrating conformance with Section 24-131 of the Subdivision Regulations for unsafe soils is not required at this time, and no further action is needed as it relates to this PPS. The County may require a soils report, in conformance with Prince George's County Council Bill CB-94-2004, during future phases of development and/or at the time of permit.

Specimen, Champion, or Historic Trees

According to approved NRI-047-2018, no specimen, champion, or historic trees have been identified on the area included in this PPS. No further information is required regarding specimen, champion, or historic trees.

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) of the Subdivision Regulations. The on-site regulated environmental features include a stream buffer, wetlands, wetland buffers, and 100-year floodplain.

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 the 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 the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact.

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

Under PPS 4-18001, one impact was previously approved by the Planning Board within the area of the current PPS 4-21052. This 2.54-acre impact for on-site stormdrain pipe installation and grading for the removal of impervious asphalt for a parking lot has since been implemented subsequently to the approval of DSP-18005 and associated grading permits.

Statement of Justification

An SOJ was received with the current PPS application dated November 22, 2021, for the proposed impacts to the PMA.

The applicant requested 2.88 acres of additional impacts to regulated environmental features for construction of a 100-year flood compensatory storage facility, four proposed micro-bioretenction stormwater devices, a SWM outfall, and other cut and fill grading operations, to establish proposed lots, roads, and associated on-site infrastructure. Much of this request overlaps with the previously approved and implemented impacts on-site.

DPIE granted a Floodplain Fill Waiver (36721-2018) dated September 27, 2018, for impacts to

allow for filling and grading within the floodplain to reduce the area of existing 100-year floodplain and PMA on-site and make Outparcel 1 developable.

Analysis of Impacts

The applicant's revised SOJ and associated exhibits separate the 2.88-acres of requested impacts into three separate impact areas. However, it appears that the total for each of these areas is actually 2.84 acres, as described below:

Impact 1: An impact of 2.82-acres (123,209 square feet) is requested for the proposed floodplain compensatory storage area at the southwest corner of the site, construction of four micro-bioretenment areas, townhouse construction, and all associated infrastructure. Except for the floodplain compensatory storage area, all townhouses, micro-bioretenment areas, and associated infrastructure will be located outside of the adjusted 100-year floodplain and PMA post-construction. Impacts to wetlands (498 square feet), wetland buffers (5,488 square feet), and stream buffers (6,232 square feet) would result from the construction of the floodplain compensatory storage area.

Impacts 2 and 3: Two impacts totaling 0.02 acre (552 square feet) are proposed to allow for proper stormwater drainage along the frontage of 40th Place and for sidewalk access to proposed lots. These areas are within the existing floodplain but will be outside of the floodplain and PMA once the floodplain compensatory storage area is constructed.

Because the site has been previously developed and the proposed redevelopment will require SWM approval, with the required floodplain controls resulting in improved water quality controls over what exists on-site, these proposed impacts are approved.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, based on the limits of disturbance shown on the applicant's SOJ for impacts to regulated environmental features and associated exhibits from Dewberry, dated November 22, 2021, providing for Impacts 1–3.

17. **Urban Design**—The development project will be subject to DSP review.

Conformance with the Requirements of the Prince George's County Zoning Ordinance

The single-family attached homes are a permitted use in the R-55 and D-D-O Zones, in accordance with the approval of CSP-18002, which rezoned the subject site from the O-S Zone to the R-55 Zone and set the maximum density limit for single-family attached development at nine dwelling units per (gross) acre. An illustrative plan showing the proposed layout of the townhouses on this site was submitted with the CSP. However, given the nature and extent of the review of a CSP, which is limited to the density/intensity, location, and relationships of each use, the illustrative plan was submitted for informational purposes only. It is the intent of the CSP to limit the density of the development by capping the total number of units on this site to 41 townhouses. The actual lot yield must be determined at the appropriate stage of review when the relevant requirements of the Subdivision Regulations and the Zoning Ordinance are applied.

The 41 units shown on the PPS are the maximum this development can achieve, rather than the guaranteed total lot yield for the site and, given specific site constraints and restrictions, the total lot yield may be reduced.

DSP review is required for the project by the D-D-O Zone standards (page 139 of the sector plan). DSP-18005 was approved by the Planning Board on June 11, 2020 and affirmed by the District Council on October 13, 2020; this DSP covered the entire Suffrage Point project, and included the subject site as an outparcel for future development with approval for infrastructure only. The previous DSP did not show a specific site layout for the subject property. The SWM concept plan (10823-2018-0) submitted with the PPS does show a development scheme for the site. The layout of 41 lots as shown on the PPS may not provide enough area to meet some site design requirements and objectives established by the D-D-O Zone, and therefore relocation or reduction of lots may occur when the site design is submitted for review and approval. Conformance with these applicable D-D-O Zone standards and other regulations will be evaluated at the time of DSP review.

Conformance with Prior Approvals

CSP-18002 was approved by the District Council on June 10, 2019, with three conditions, to rezone the subject property (4.66 acres) from the O-S Zone to the R-55 Zone and revise the list of allowed uses in the Development District to permit development of single-family attached dwellings (townhomes) on the property. Conformance with all applicable conditions attached to CSP-18002 will be evaluated at time of DSP review.

The last part of Condition 3 of CSP-18002 is relevant to the review of this PPS because it requires the approval of any additional standards not included in the D-D-O Zone standards, through the DSP process, as follows:

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

In addition, CSP-18002 has been the subject of judicial review hearings before the Circuit Court and the Court of Special Appeals of Maryland. In a ruling dated February 23, 2022, the Court of Special Appeals of Maryland remanded this CSP to the District Council to restate densities for single-family detached residences and townhouses, expressed as a number of dwelling units per acres of the net, rather than gross, lot or tract area. The subject PPS shows 41 total townhouse lots, based on the existing approved CSP-18002. The restated density required by the Court of Special Appeals, using the net acreage, is not expected to result in a different townhouse lot yield. However, in the instance that it does, this PPS may no longer be consistent with the approved

CSP, and a new PPS would be required showing no greater density than the District Council approves with the CSP.

Conformance with the D-D-O Zone Standards of the Sector Plan

The development of single-family attached units will be subject to DSP approval. The site's conformance with the applicable D-D-O Zone standards will be further evaluated at time of DSP review. Review of the design may require the applicant to relocate lots or reduce the total number of lots on the subject site in order to be able to meet the applicable standards.

The following discussion on the D-D-O Zone parking and loading standard is for informational purposes only:

b. Parking and Loading:

- 5. Parking for residential and live/work use shall consist of a minimum of 1 and a maximum of 2 on-site spaces per lot. If the dwelling lot fronts on a street with on-street residential parking, each 20 feet of linear frontage may be substituted for 1 space.**

The applicant has indicated that each unit will have a garage and tandem parking space on an 18-foot by 18-foot driveway at the time of DSP. However, it is noted that the D-D-O Zone does not specify a minimum standard parking space size, and therefore, parking spaces should meet the requirements of the underlying zone. The driveways, as described by the applicant, do not meet the minimum size of a parking space. Therefore, they should be modified at the time of DSP to meet the required minimum, which is 19 feet by 9.5 feet, as required by Section 27-558 of the Zoning Ordinance.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of TCC on projects that disturb more than 5,000 square feet. The site is required to provide a minimum of 15 percent of the gross tract area in TCC, based on the Tree Canopy Coverage Ordinance, and the total area of the property is 4.66 acres, which results in 0.69 acre (or 30,448 square feet) of required TCC for the site. In addition, the sector plan indicates that properties located in residential areas shall provide a higher amount of TCC than required by the Tree Canopy Coverage Ordinance and recommends that a 26 percent TCC be applied (page 37 of the sector plan). The requirements set forth in Subtitle 25 and the recommendations provided in the sector plan for TCC will be evaluated at the time of DSP to determine the appropriate TCC for the site.

Conformance with the Requirements of the Prince George's County Landscape Manual

The D-D-O Zone standards of the sector plan replace the requirements of the 2010 *Prince George's County Landscape Manual*. Conformance with these standards will be evaluated at the time of DSP.

Lotting Pattern

The following issues were identified with the lotting pattern shown on the submitted PPS, which shall be addressed prior to signature approval of the PPS. The continuous lotting pattern shown on the PPS will create a monotonous vista when buildings are added to the lots, and the spacing between end unit lots will restrict space to provide landscaping and sidewalk connections. At their narrowest, these open spaces are a minimum of 8 feet wide, and 8 feet may inappropriately narrow for the design of this subdivision. These open spaces shall be provided a minimum width of 10 feet, to provide a change in the vista, allow views into the site, and create sufficient areas for plant growth and yard maintenance without trespassing. In addition, sidewalks are required on most of the open spaces, in between the end unit lots, as discussed in the Bicycle/Pedestrian finding of this resolution. However, the 8-foot width provided at the narrowest locations may not provide sufficient room between the end unit lots for landscaping, sidewalks, and their maintenance. A 10-foot minimum width would provide more adequate space for inclusion of the sidewalks and landscaping design, to be provided at the time of DSP, and ensure additional space for maintenance of these features within the HOA parcel.

In response to these concerns, the applicant submitted Applicant's Exhibit 26 which shows the 8-foot-wide open spaces widened to a minimum of 10 feet. Specifically, 10-foot-wide open spaces are shown to be provided on HOA parcels between the lot lines of Lots 6 and 7, 29 and 30, and 36 and 37, where sidewalks are required. Minimum 10-foot-wide open spaces are also shown between Lots 11 and 12, where an additional sidewalk is shown on the exhibit, and between Lots 17 and 18, where an alley was previously located and a sidewalk is still required. The specific locations of the open spaces will be evaluated again at the time of DSP and may require revision or reduction in the number of townhome units, in order to provide adequate space between the lots. The space between Lots 29 and 30 may also be further evaluated at the time of DSP, to determine if providing a minimum 10-foot-wide space is as feasible as the PPS shows it to be and, if the applicant demonstrates that 10 feet is infeasible, the space may be reduced to no less than 8 feet wide.

Other Urban Design Considerations

The following issues are not being considered with this PPS, but will be applicable to the review of the future DSP. Inability to meet the requirements at that time may result in the reduction of townhome units and lots to show conformance with applicable regulations. A discussion of those issues has been provided, as follows:

- The PPS shows no additional parking in the townhome development for visitors and the applicant may be required to provide additional parking for visitors.
- A utilitarian compensatory storage SWM facility is located in the southern portion of the property abutting the existing park, which is a popular recreational location that is heavily used by the surrounding communities. Consideration should be given to the design of this facility to allow a spatial transition to the park to the west, and the existing single-family houses to the south. Given the facility's close proximity to the park, this area should be attractive, and propose a compensatory storage stormwater basin that is not only functional, but is also an amenity for the community and blends seamlessly with the park.

This area should include attractive landscaping, connecting trails, public art, a sitting area, or plaza.

- This project proposes redevelopment of the former parking lot of the WSSC Headquarters, that is largely encumbered by 100-year floodplain. The applicant has obtained approval to modify the existing floodplain and indicated that they have installed SWM on the site, which would be better than the previously existing 3.55-acre impervious parking lot that included no SWM. Based on the development shown on the SWM concept plan, the impervious surface created by this development is reduced to approximately 1.53 acres. To control water runoff, the applicant is proposing to raise the site out of the floodplain and construct a series of SWM facilities and a large compensatory storage basin on the property, as discussed above, which has been approved by DPIE, in accordance with the County Code. Though the following improvements would exceed what is required by the SWM concept plan for the site, at the time of DSP, consideration should be given to providing, to the extent possible, an additional 10 percent pervious surface on-site to implement green building techniques and sustainable site practices. Nearby examples include the rain gardens that have been installed along 40th Place, Gallatin Street, and in the parking lot of Driskell Park.

18. **City of Hyattsville**—The Hyattsville City Council reviewed the subject PPS on April 4, 2022, and submitted a letter dated April 6, 2022, containing their recommendations regarding the project (Croslin to Shapiro, incorporated by reference herein). The City of Hyattsville requested the Planning Board deny the PPS application; requested the Planning Board continue the case, rescheduling it a minimum of 30 calendar days after the adoption of the District Council’s revised resolution of CSP-18002; and, in the event the Planning Board does not consent to a delay in the hearing and moves to approve the PPS, adopt five conditions of approval which they recommend in their letter.

The PPS will meet all of the applicable requirements of the prior Subdivision Regulations for approval of a PPS and, therefore, it was not disapproved. The PPS was continued twice (first to May 19, 2022 and then to June 16, 2022) in part to allow time for the District Council to act on the remanded CSP. However, at the time of the final Planning Board hearing on June 16, 2022, the District Council had not scheduled a hearing to revise CSP-18002. It was determined that 30 days after the adoption of the Council’s revised resolution would not be within the mandatory action limit of this PPS, which ends June 30, 2022. It is noted that the Court of Special Appeals did not issue a stay preventing the applicant from moving forward with further development applications related to the Suffrage Point development.

The City’s recommended conditions of approval are listed in **bold** below, and responses to the recommendations are given in plain text.

1. **The Preliminary Plan of Subdivision (PPS) application be revised, or resolution be conditioned as Urban Street Design Standard Alley, STD 100.31. The internal alleyway shall be designed and constructed to a public standard and dedicated to**

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

- 2. Per Urban Street Standards, turning radius from any roadway connecting to City roadway shall have a Minimum Turning Radius of 15'.**
- 3. The internal alleyway shall include an adequate turnaround space for emergency vehicles. The City is greatly concerned that the omission of a vehicle turnaround will limit access for emergency and safety vehicles to the interior townhouses abutting Driskell Park. This vehicle turnaround can be achieved through the elimination of lots 23 and 24.**

In response to the City's above recommended conditions, the applicant agreed to use the urban street standards requested by the City, including the STD 100.31 design standard and minimum turning radii of 15 feet. The applicant also submitted Applicant's Exhibit 26, which shows a revision to the site layout relocating Alley 3 south of Lot 23, so that it becomes an extension of Alley 2, connecting it southeast to 40th Place. The revision eliminates the previously shown dead end of Alley 2 and, with it, the need for a turnaround.

The applicant requested the specific language contained in Condition 1a of this resolution, which provides that if redesign of the alley to meet the City's standards proves to be infeasible, the plans shall show the alleys as contained within private alley parcels. In this event, the alleys would need to conform to the County's design standards for emergency vehicles, and the alleys may remain in their original configuration because the standards establish that a turnaround would be needed if the dead end of Alley 2 is more than 150 feet deep. The dead end is approximately 140 feet deep on the current plan.

If the alleys are to be publicly dedicated, dedication will be required at the time of final plat. If the alleys are to remain private, HOA parcels must be established to contain the alleys, and the parcels must be conveyed to the HOA prior to approval of building permits. Though the applicant has proposed seven parcels with Applicant's Exhibit 26, an additional two parcels could be approved for the purpose of establishing private HOA parcels for the alleys. A determination on whether the alleys will be public or private shall be made prior to signature approval of the PPS.

- 4. Overhead lighting shall be designed and constructed to Pepco standards for acceptance into the public utility system. The lighting shall be placed at the entrance/exit of the site at Gallatin Street, entrance/exit of the site on Alley 3, and at the terminus of the alley.**

The review of lighting details is applicable at the time of DSP review. If the lighting is within the public right-of-way, it is further subject to the approval of the operating

agency (the City of Hyattsville). The applicant submitted a letter dated April 25, 2022 (Rivera to Diaz-Campbell, incorporated by reference herein), which suggested a condition to this effect. A similar condition (Condition 15) is included in this resolution.

5. **The applicant shall dedicate Parcel B2 for a Public Use Easement (PUE) in which the applicant shall maintain ownership of Parcel B2, but access of the parcel shall be granted to the general public. Parcel B2 shall primarily serve to provide compensatory storage for the subject parcel, but shall be used by the public, and permitted at the City's discretion, under a separate Memorandum of Understanding.**

As discussed in the Parks and Recreation finding of this resolution, the applicant has proposed two parcels (C and D shown on Applicant's Exhibit 26), in order to preserve access to the existing recreation facilities on-site. At the time of DSP, the applicant may revisit the issue of whether there is to be any public use of the property, subject to this PPS. If there is to be any public use, the plans shall show either one or more parcels to be conveyed to the City of Hyattsville (Parcels C and D, with any necessary adjustments), or a public use easement on HOA Parcel B2 to the benefit of the City of Hyattsville, in order to ensure the general public continues to have access to the park facilities, which are currently located on Parcel B2. Allowing continued public access would have clear public benefits, as the park facilities would not have to be relocated off private property, and some of Parcel B2 would act as an extension of Driskell Park. The applicant previously proposed that the mandatory dedication of parkland requirement be met with a fee-in-lieu, and this is the most appropriate way to meet mandatory dedication for the reasons given in the Parks and Recreation finding. The use of land area to support the existing Driskell Park existing facilities is outside of the mandatory parkland dedication requirement. The applicant shall make the decision on whether they will allow any public use of their private property under separate agreement with the City of Hyattsville.

19. **Originally Scheduled Planning Board Hearing Date of April 28, 2022**—The Planning Board did not hold a public hearing for the PPS on April 28, 2022. Instead, the applicant requested a continuance of the case to May 19, 2022, in order to allow the applicant additional time to discuss the recommended conditions of approval with staff; time to obtain information from the District Council and/or the Court of Special Appeals as to the length of time needed to process the remand of CSP-18002 to the District Council; and time to discuss a proposal with DPR to convey some land to DPR for public use, in order to preserve public access to the existing recreational facilities on-site. The Planning Board granted the request for continuance.
20. **Planning Board Hearing of May 19, 2022**—At the hearing held on May 19, 2022, the Planning Board considered all evidence and testimony received into the record (in addition to further testimony and evidence submitted later for the June 16, 2022 hearing) to reach the findings and conclusions memorialized in this resolution. The Planning Board heard testimony from the applicant in favor of the application, testimony from citizens opposed to the application, and testimony from the City of Hyattsville.

The City offered written and oral testimony conveying its opposition to the application and request for continuance, on the basis of needing to first resolve the approved density for the site with the remand of CSP-18002 to the District Council. The City did offer limited concurrence with the applicant on the specific issue of the alley standards and stated that they were not interested in a conveyance of land that incorporated any part of the compensatory storage facility. The citizens provided a combination of written and oral testimony, and raised issues including the appropriateness of the density proposed for the development; opposition to the prior rezoning from the O-S Zone to the R-55 Zone; opposition to building in the floodplain; concerns about the development's visual and environmental effect on Driskell Park; concerns about the accuracy of the recommended trip cap, with regard to the overall development; concerns about whether the applicant obtained appropriate permits for demolition and construction work on the site; concerns about the length of time given for opposition testimony and limitations on providing written testimony; and concerns about access to public records on the project.

In response to the concerns about the density of the development and whether the Board's action on the PPS should be delayed until after the District Council holds a new hearing on the CSP, the Board noted that the subject PPS application had a 140-day action limit and that action was required by June 30, 2022, or else the PPS application would be deemed approved without any conditions imposed.

Regarding the opposition to the prior rezoning, this resolution notes (in the Previous Approvals finding) that the rezoning was previously approved by the District Council with CSP-18002 and is currently the law; the Court of Special Appeals affirmed the rezoning and did not remand the issue to the District Council. With respect to the opposition to building in the floodplain, this resolution notes (in the Environmental finding) that lawful approval to build in the floodplain has been issued by DPIE, subject to the applicant providing compensatory storage for the 100-year flood. In response to concerns about the effects of the development on Driskell Park, the applicant stated that the development would provide superior stormwater and flood control, compared to the previous parking lot on the site, as the development would provide SWM facilities designed for those purposes. This resolution also notes (in the Stormwater Management finding) that conformance with the approved SWM concept plan is required to ensure downstream flooding does not occur, and it offers several considerations which should be addressed at the time of DSP (in the Urban Design finding) that will help address the development's visual impact. With respect to concerns about the accuracy of the trip cap, the northern and southern parts of the Suffrage Point development have separate trip caps (established with 4-18001 and 4-21052, respectively), but these trip caps exist simultaneously, and together show the total traffic impact of the development. Neither trip cap would act to obscure the other or cause the overall development to have an inappropriately low trip cap.

In response to concerns about whether the applicant had obtained appropriate permits for demolition and construction work on the site, the applicant stated they had obtained all required permits for the work conducted, so far. These permits would have been issued following approval of 4-18001 and DSP-18005. Approval of permits is subject to the various County, state, and federal agencies that issue them, and not a requirement for approval of this PPS. Regarding the exhibits that were submitted after the Board's deadline, the Board noted its procedures for virtual

hearings in effect since 2020, that all written testimony and exhibits be received by staff prior to noon on the Tuesday before the public hearing. With regard to the objections to limitations on oral testimony, the Board's Rules of Procedure allow the Chairman to set reasonable limits on the length of testimony given. Regarding the concerns raised about access to public records, the Board's counsel noted that staff had followed all requirements of the Maryland Public Information Act, regarding both provision of and withholding of public records, and that the process for providing public records was not part of the Board's review of the application.

At the conclusion of the public hearing, the Board voted to continue the case to June 16, 2022. The Board expressed that, at the June 16, 2022 hearing, deliberation and testimony should be limited to several issues which were not fully resolved between the applicant, the City of Hyattsville, and staff. These issues are discussed in the finding below.

21. **Planning Board Hearing of June 16, 2022**—Following the Planning Board's action on May 19, 2022, the Board reconvened for a limited public hearing to discuss specific issues, including the results of the applicant's further discussions with the City of Hyattsville, covering both land to be conveyed to the City for the existing recreational facilities on the property and the design of the public alleys; and the issue of whether the applicant would be able to provide a minimum of 10 feet of open space in between the end lots of each townhouse group. The Board considered additional evidence and testimony received into the record to reach the findings and conclusions memorialized in this resolution on the specific issues under discussion. The additional evidence includes an exhibit marked as Applicant's Exhibit 26, which shows several updates to the site design. These updates are discussed throughout the prior findings of this resolution. Specifically, the land proposed to be conveyed to the City is discussed in the Parks and Recreation finding, the redesigned public alley is discussed in the City of Hyattsville finding, and the open spaces between the end lots are discussed in the Urban Design finding. At the conclusion of the public hearing, the Board voted to approve the application, with revisions to Conditions 1a and 1b and addition of Condition 1e. These conditions address the changes shown on Applicant's Exhibit 26, and it is expected that the PPS and DSP will be modified to reflect the changes on the exhibit, unless the applicant demonstrates the changes are infeasible, at the time of and in the manner specified in those conditions.

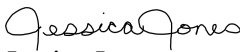
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, June 16, 2022, in Upper Marlboro, Maryland.

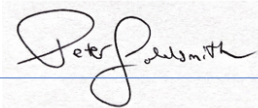
Adopted by the Prince George's County Planning Board this 30th day of June 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:rpg

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: June 27, 2022