

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 14-53

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. DSP-04076-04

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 12, 2014, regarding Detailed Site Plan DSP-04076-04 for EYA Hyattsville Redevelopment, Phase 1, the Planning Board finds:

1. **Request:** The subject approval is for the following amendments to the previously approved plans: convert three live/work units to residential units with resulting architectural changes; revise the layout of the tot lot; add 156 square feet of land to the application; revise the Lot 129/130 courtyard, building footprint, lot line, and trash enclosure; add a privacy fence to Lot 127; and revise all sheets and tables that reference the total number of live/work units or identify Lots 127-129 as live/work units.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	Mixed-Use (under construction)	Mixed-Use
Acreage	6.77	6.77
Parcels	2	2
Lots	133	133
Building Square Footage/GFA	6,610	6,610

OTHER DEVELOPMENT DATA

SUMMARY OF PROVIDED PARKING					
Type of parking space	Regular	Compact	Nonstandard	Handicap	Total
A. Surface Parking Structures	25	3	0	3	31
B. Garage parking spaces*	75	161*/93	0	0	236*/168
Subtotal*	100	164*96	0	3	264*/196
C. Parallel parking spaces	3	0	33	0	36
Total Parking Provided	103	164*/96	33	3	303*235
(176*108) First number = all optional unit types / second number = all standard unit types					
Parking Required					
Note: The Lustine Community Center will include approximately 6,000 square feet of museum, art gallery, cultural center, library or similar facility. The sector plan allows 2.5 spaces per 2,000 sq. ft. for these uses, requiring 7.5 (8 rounded up) total spaces.					
Parking required: 1*122 units + 1.5* 10 live/work units + 8 spaces for the Lustine Community Center.					
Handicap: 3 spaces total required by ADA, 1 being van accessible (garage parking not considered in calculation).					
Additional Parking Information					
Type of Parking Space	Regular	Compact	Nonstandard	Handicap	Total
D. Lustine Community Center parking	4	3	0	1	8
E. Surface parking for live/work units	17	0	0	2	19
F. Unassigned surface/on-street parking	7	0	33	0	40
G. Garage parking in unit type A	24	24*	0	0	48*/24
H. Garage parking in unit type B	44	44*	0	0	88*/44
I. Garage parking in unit type C	0	66	0	0	66
J. Garage parking in unit type D	0	24	0	0	24
K. Garage parking in unit type E	3	3	0	0	6
L. Garage parking in unit type F	4	0	0	0	4
Total Parking					303*/235
Notes: 1. Regular parking space (PS) is 9.5' x 19' (parallel 8.0' x 22.0') 2. Compact parking space (PS) is 8.0 x 16.5 (parallel 7.0 x 19.0') 3. Nonstandard parking spaces are parallel 7' x 22'. *Occurs only when optional ground floor is selected. Max total is 303 spaces. Minimum total is 235 spaces.					

3. **Location:** The site is in Planning Area 68, Council District 2. More specifically, it is located on the west side of Baltimore Avenue (US 1), south of its intersection with Madison Street.
4. **Surrounding Uses:** The subject property is bounded to the north by DeMatha High School, single-family residential land use, and commercial retail land use along Baltimore Avenue (US 1); to the west by multifamily and single-family residential land use; to the east by commercial retail and residential land use; and to the south by residential and commercial retail land use.

5. **Previous Approvals:** The site is the subject of Preliminary Plan of Subdivision 4-04192, which was approved by the Planning Board on September 8, 2005, and formalized in PGCPB Resolution No. 05-191, adopted by the Planning Board on September 29, 2005. The site is also the subject of Detailed Site Plan DSP-04076 approved by the Planning Board on September 8, 2005 and formalized in PGCPB Resolution No. 05-188, adopted by the Planning Board on September 29, 2005. The site is also subject to the requirements of three revisions of that DSP as follows: DSP-04076/01 approved by the Planning Board on February 12, 2006 and formalized in PGCPB Resolution No. 06-271, adopted by the Planning Board on December 21, 2006; DSP-04076/02 approved by the Planning Board on June 21, 2007 and formalized in PGCPB Resolution No. 07-133, adopted by the Planning Board on July 12, 2007; and DSP-04076/03 approved by the Planning Director on July 23, 2009. The site is also subject to the requirements of Final Plats 5-06041 and 5-06042, approved by the Planning Board on March 9, 2006, which were recorded in the Prince George's County Land Records on April 20, 2006 as Arts District Hyattsville, West Village, Plats 1 and 2, for 82 and 55 attached units, respectively. The site is also subject to approved Stormwater Management Concept Plan 9124-2005.
6. **Design Features:** The approval is of the following revisions to the DSP and landscape plans, and to the architectural elevations:
 - The addition of a triangle of land measuring 156 square feet partially adjacent to Lot 126 of the development;
 - Minor revisions to the design and grading of the courtyard to meet accessibility requirements;
 - Building 14A shifted six inches to the south and the interior lot lines were adjusted commensurately;
 - The trash enclosure was reduced in size to accommodate six instead of nine trash cans;
 - Privacy fence was added between the townhome on Lot 139 and the property line to discourage access from the sidewalk along the Baltimore Avenue (US 1) frontage;
 - Revision of all sheets and tables that reference the total number of live/work units or identify Lots 127 through 129 as live/work units;
 - A striped crosswalk has been provided for handicapped accessibility and pedestrian safety between Lot 124, Building 13, and the ramp in the courtyard located between townhomes 141 and 130;
 - Added more picket fencing and a gate around the tot lot located in the southeastern corner of the development;
 - Relocated the benches and chess tables outside the play structure fall zone; and

- The conversion of townhomes on Lots 139, 140, and 141 along Baltimore Avenue (US 1) in the northwestern corner of Phase 1, also known as the West Village of the EYA Hyattsville Redevelopment, from live/work to purely residential units, with resultant modifications to the architecture.

The Planning Board agrees with the applicant's justification for the conversion of the three live/work units located on Lots 127–129 to residential units and a resultant change to the architecture of the building which follows:

“The conversion of the three live/work units on Lots 127–129 to residential units, including a conforming change to the architecture of this building, is the result of my client's experience with other live/work units within this development. In short, my client has found, through its experience in this development that live/work units cannot be financed and there is no demand for these units. If the building on Lots 127–129 were to be built as currently approved, these three units would simply remain vacant, which would obviously have an extremely negative impact upon both my client and the community. Given this scenario, my client is now proposing to convert these units to residential only, with a conforming change to the architecture of the building. The remaining proposed revisions are very minor in nature and self-explanatory.

“With regard to the conversion of the proposed live/work units to residential units, I would respectfully suggest that this ‘represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of a proposed development for its intended use.’ In fact, given the certainty of failure for live/work units at this point in time, I would suggest that failing to approve the requested amendment in this regard would require unreasonable costs, and would detract substantially from the utility of the proposed development for its intended use. The other minor amendments all quite clearly meet the above-described finding for this application as well.”

The Planning Board hereby approves all requested revisions.

7. **2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District:** The subject revision approval does not alter the previous findings of conformance made at the time of approval of the underlying DSP.
8. **Prince George's County Zoning Ordinance in the Mixed Use–Infill (M-U-I) and Development District Overlay (D-D-O) Zones:** The subject revision approval does not affect the findings made during the approval of the underlying DSP-04076 for EYA Hyattsville regarding compliance with the requirements of the Zoning Ordinance in the M-U-I and D-D-O Zones.
9. **2010 Prince George's County Landscape Manual:** The revision approval is not subject to the requirements of the 2010 *Prince George's County Landscape Manual*, per County Council Bill

CB-17-2013, because it is located in a Mixed-Use Zone subject to a DSP approved before December 13, 2010.

10. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The approval is not subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because, although the gross tract area of the subject property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland. A standard Letter of Exemption (S-096-05) from the ordinance was issued by the Planning Board dated March 30, 2005.
11. **The Prince George's County Tree Canopy Coverage Ordinance:** This revision approval is not subject to the requirements of the Tree Canopy Coverage Ordinance, as it is located in a mixed-use zone and was subject to a DSP prior to September 1, 2010, per County Council Bill CB-19-2013.
12. **Preliminary Plan of Subdivision 4-04192:** Preliminary Plan of Subdivision 4-04192 was approved by the Planning Board on September 8, 2005 and formalized in PGCPB Resolution No. 05-191, adopted by the Planning Board on September 29, 2005, subject to nine conditions. The subject approval does not affect previous findings of conformance to these requirements.
13. **Detailed Site Plan DSP-04076 and its revisions:** The site is the subject of Detailed Site Plan DSP-04076 for 151 residential units including 30 condominiums, 109 townhouses, and 6,619 square feet of commercial retail land use approved by the Planning Board subject to five conditions. The site is also subject to the requirements of three revisions to the DSPs as follows: DSP-04076-01 for architectural façade and other miscellaneous revisions; DSP-04076-02 to delete five lots, add signage guidelines, architecture for the loft units, and miscellaneous plan revisions; and DSP-04076-03 for the addition of a sidewalk necessary for compliance with the requirements of the Americans with Disabilities Act and revisions to the architectural elevations. The Planning Board has reviewed the subject project against the relevant requirements of these previous approvals and found it in compliance.
14. **Further Planning Board Findings and Comments from Other Entities:** The subject approval was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Subdivision Review—** The Planning Board stated that this 6.77-acre subdivision, found on Tax Map 42 in Grid C-4, was approved through Preliminary Plan of Subdivision 4-04192 for the EYA Hyattsville Redevelopment, Phase I and formalized in PGCPB Resolution No. 05-191, adopted by the Planning Board on September 29, 2005. The DSP approval includes a lot line adjustment between Outlot A (recorded by plat PM 217-73 on February 20, 2007) and Outlot C (recorded by plat MMB 235-50 on February 28, 2012). PGCPB Resolution No. 05-191 contains nine conditions and the following conditions in [bold text] relate to this approval:

Outlot C shall be, by condition of this approval, included in the limits of this DSP as a part of this revision as it was not originally.

5. Development of the site shall be in accordance with the approved stormwater management concept plan (9124-2005-00) or any approved revision thereto.

Condition 5 is reflected in General Note 13 of the DSP, which also provides the approval date for the stormwater management concept plan. As the Department of Permitting, Inspections and Enforcement (DPIE) has not yet provided a confirmation that the subject project conforms to the requirements of Stormwater Management Concept Plan No. 9124-2005-00, a condition of this approval requires that the applicant provide, prior to signature approval, written confirmation from the Department of Permitting, Inspections and Enforcement stating that development of the site is in accordance with the requirements of approved Stormwater Management Concept Plan 9124-2005-00 or any approved revision thereto.

7. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 3.8± acres of land (Parcel A). Land to be conveyed shall be subject the following...

The land designated as Parcel A in the Preliminary Plan of Subdivision 4-04192 and has been conveyed to the Arts District Hyattsville West Homeowner's Association, Inc., per a deed recorded in Liber 25862 at Folio 644. Outlot A was approved on February 12, 2007 and recorded in Plat Book PM 217-73. Outlot C was approved on February 23, 2012 and recorded in Plat MMB-235-50. The record plats contain nine notes and two notes, respectively; and the following notes in **[bold text]** from Plat PM 217-73 relate to this approval:

- 1. This plat is subject to Declaration of Covenants, Conditions and Restrictions recorded in Liber 24556 at Folio 612.**
- 2. This plat is subject to Recreational Facilities Agreement recorded in Liber 24707 at Folio 075.**

By condition of this approval Notes 1 and 2 shall be reflected in the general notes of the DSP.

The Planning Board also offered the following observations:

The lot line adjustment between Outlot A (446 square feet) and Outlot C (478 square feet) will require a minor final plat, pursuant to Section 24-108(a)(2) of the Subdivision Regulations. This resubdivision will result in the creation of Parcel A-3 and Outlot D. An exhibit provided by the applicant on May 28, 2014 indicates that

Parcel A-3 is to be conveyed to the HOA, and will include 156 square feet of existing Outlot C. The remaining 322 square feet of Outlot C, along with Outlot A, will be consolidated to create Outlot D, which is to be retained by the applicant and conveyed to the owner of the adjacent property to the southeast, identified under Tax ID #1827575. At the time of final plat, the applicant should submit an executed deed for the conveyance of Outlot D. The site plan should be revised to show and label the proposed Outlot D and Parcel A-3, and provide the proposed bearings and distances, and lot sizes. An inset should be provided on the plan to clarify the amount of square-footage being adjusted between existing Outlots A and C. If the applicant should no longer intend to convey Outlot D to the owner of the adjacent property, a DSP revision shall be submitted for the conversion of the outlot into a parcel that will be conveyed to the HOA.

A condition of this approval requires that the applicant, the applicant's heirs, successors, and/or assignees submit an executed deed of conveyance for Outlot D to the owner of the adjacent property identified under Tax ID No. 1827575 prior to approval of the final plat and that, if it is no longer intended to convey Outlot D, a DSP revision shall be submitted for the conversion of the outlot into a parcel that will be conveyed to the HOA.

Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected.

- b. **Trails**—The Planning Board has reviewed the subject DSP for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The Planning Board reviewed the trails-related conditions of the approval of Preliminary Plan of Subdivision 4-04076 (PGCPB Resolution No. 05-188) and concluded that conformance to their requirements was not impacted or amended by the subject approval. The Planning Board supports the improvements to handicapped accessibility approved herein.
- c. **Permit Review**—The approval meets all of the applicable zoning standards.
- d. **The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—A condition of this approval requires that a writing from DPIE finding conformance of the subject plan to the approved stormwater concept plan be submitted prior to signature approval of the plans for the project.
- e. **The Prince George's County Police Department**—In a memorandum dated April 3, 2014, the Police Department indicated that they had reviewed the plans for the project and found no crime prevention through environmental design (CPTED) issues connected with the project.

- f. **The Prince George's County Health Department**—In a memorandum dated May 16, 2014, the Health Department stated that the Environmental Engineering Program has completed a health impact assessment review of the DSP submission for the '-04' revision of the EYA Arts District, and has the following comment:

- There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. The applicant should be required to indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. It is recommended that light levels at residential property lines should not exceed 0.05 footcandles.

As the subject revision application does not involve any new site lighting, the Prince George's County Health Department's above recommendation has no application to the subject project at this time.

- g. **The Maryland State Highway Administration (SHA)**—SHA stated that, as the work is outside the SHA right-of-way, they would have no comment on the subject project.
- h. **City of Hyattsville**—In an e-mail dated May 28, 2014, a representative of the City of Hyattsville stated that the City had no comments on the subject project.
15. Based on the foregoing and as required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
16. Section 27-285(b)(4) of the Zoning Ordinance requires that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. As the site does not contain any regulated environmental features, this normally required finding need not be made.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-04076-04, subject to the following conditions:

1. Prior to certification of the subject revision to the detailed site plan, the following corrections shall be made or additional materials submitted:
 - a. Outlot C shall be included in the limits of this DSP and the new DSP boundary shall be clearly identified.

- b. The applicant shall provide to staff written confirmation from the Department of Permitting, Inspections and Enforcement (DPIE) stating that the proposed development of the site is in accordance with the requirements of approved Stormwater Management Concept Plan 9124-2005-00 or any approved revision thereto.
 - c. The following Notes 1 and 2 of Record Plat PM 217-73 shall be included in the General Notes of the DSP:
 - (1) This plat is subject to Declaration of Covenants, Conditions and Restrictions recorded in Liber 24556 at Folio 612.
 - (2) This plat is subject to Recreational Facilities Agreement recorded in Liber 24707 at Folio 075.
 - d. The proposed Parcel A-3 and Outlot D shall be shown and labeled with new bearings, distances and square footage calculations on the plan. Parcel A-3 shall be labeled as "To Be Conveyed to the HOA" and Outlot D shall be labeled as "To Be Conveyed to the Owner of Adjacent Property Identified Under Tax ID No. 1827575."
 - e. The applicant shall provide an inset on Sheet C3.00 of the DSP, detailing the proposed lot line adjustment of Outlots A and C.
2. Prior to approval of the final plat, the applicant, the applicant's heirs, successors, and/or assignees shall submit an executed deed of conveyance for Outlot D to the owner of the adjacent property identified under Tax ID No. 1827575. If the applicant should no longer intend to convey Outlot D, a DSP revision shall be submitted for the conversion of the outlot into a parcel that will be conveyed to the HOA.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington and Hewlett voting in favor of the motion, and with Commissioners Geraldo and Shoaff absent at its regular meeting held on Thursday, June 12, 2014, in Upper Marlboro, Maryland.

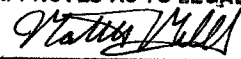
Adopted by the Prince George's County Planning Board this 19th day of June 2014.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 6/13/14