

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 March 26, 2015, regarding Detailed Site Plan DSP-14010 for Kiplinger, Phase I, Expedited Transit-Oriented Development Project, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) application proposes development on proposed Lot 1, including a multifamily development of 352 dwelling units and an access road, which provides the main roadway through the development property. The applicant is also proposing to revise the previously approved Conceptual Site Plan, CSP-11002, as part of this process (see Finding 7). The applicant also requests a reduction in the number of loading spaces for the multifamily development through the submission of an application for a departure from the number of parking and loading spaces (DPLS-417) (see Finding 7).
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Residential Multifamily
Acreage	11.68	Lot 1=3.63, Parcel 1=4.95, Parcel 2=1.50, Road Dedication=1.60
Units	0	352
Lots	2	1 lot
Parcels	0	2
Gross Floor Area/Sq. Ft.	205,470 sq. ft. To be demolished	Residential 384,918 sq. ft.
Floor Area Ratio (FAR)	0	0.7

OTHER DEVELOPMENT DATA

Parking Requirements per the TDDP

Uses	Maximum # Spaces
Residential Multifamily	393
Total	393
of which spaces for the physically handicapped	11

Parking Spaces Provided

Standard	405 (Structured Parking)
Regular spaces for the physically handicapped	9
Van-Accessible spaces for the physically handicapped	2
Total	416

Loading Spaces Required (Section 27-582)

Multifamily (1 space / 100–300 DUs plus 1 space each additional 200 DUs or fraction above 300 units)	2
Provided	1*

Bicycle Parking Spaces per the TDDP

Site-by-site analysis	No specific number
Provided	7**

Notes: *Section 27-583 of the Zoning Ordinance governs off-street loading space requirements for development in the Mixed Use–Transportation Oriented Zone. It provides a three-step method of loading space calculation and allows shared loading spaces among different uses. The Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone does not have any standards for loading spaces. See Finding 7(e) below for more discussion of loading space arrangements.

**The Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone does not specify the number of bicycle parking spaces. According to the applicant, only seven bicycle parking spaces will be provided. Given that the development is for multifamily dwellings and is located approximately 1,000 feet away from the Prince George's Plaza Metro Station, the Planning Board finds a minimum of 25 parking spaces plus a minimum of five bicycle lockers is appropriate to serve the future population.

Bedroom Information

Bedroom Type	Size (Sq. Ft.)	Balcony Size	Total Units	Percentage (%)
Studio 1	645	-		
Studio 1	649	-		
			71	20.2
1BR Type A	732	65		
1BR Type B	796	65		
1BR Type C	796	-		
			115	32.6
2BR Type 1	925	65		
2BR Type 2	864	65		
2BR Type A	1,119	65		
2BR Type B	1,012	65		
2BR Type C	1,127	167		
2BR Type D	1,183	61		
			148	42.1
3BR Type A	1,443	60		
3BR Type B	1,492	-		
3BR Type C	1,582	130		
			18	5.1
			352	100

3. **Location:** The subject property is identified as Subarea 7 of the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (Prince George's Plaza TDDP/TDOZ). The overall site consists of approximately 11.68 acres of land in the Mixed Use-Transportation Oriented (M-X-T) Zone and is located on the south side of East-West Highway MD 410), at the southwest corner of the intersection of East-West Highway (MD 410) and Editors Park Drive, within the City of Hyattsville and Planning Area 68. The specific site proposed as Lot 1 for the multifamily development is 3.63 acres in size.
4. **Surrounding Uses:** Proposed Lot 1 is located north of the Nicholas Orem Middle School, west of the Giant grocery store and the Washington Metropolitan Area Transit Authority (WMATA) property, and east of the Home Depot property. To the north of the property, across East-West Highway (MD 410), is the Post Property, which is a multifamily development, also known as Toledo Terrace, a bank, and the Prince George's Plaza Shopping Center.
5. **Previous approvals:** The overall 11.68-acre site was previously occupied by an existing building on the property, which was built in the 1950s and has been used as a printing facility and for a variety of other uses. The 1992 Transit District Development Plan for the Prince George's Plaza Transit District rezoned the property from the Light Industrial (I-1) Zone to the M-X-T Zone. The Prince George's Plaza TDDP/TDOZ rezoned the subject property from the M-X-T Zone to the

Commercial Shopping Center (C-S-C) Zone, at the property owner's request. In accordance with the applicant's testimony at the Prince George's County Planning Board hearing for Conceptual Site Plan CSP-1102, the reason the rezoning occurred in 1998 is that the existing building was designed to contain uses that were not allowed in the M-X-T Zone. Long-term leases of tenants in the building caused difficulty in transforming the structure to uses allowed within the M-X-T Zone.

On June 17, 2013, CSP-11002 was approved by the Prince George's County District Council with 12 conditions and one consideration. That action included a rezoning of the property from the C-S-C Zone to the M-X-T Zone.

6. **Design Features:** The DSP proposes to adjust the current configuration of the existing two parcels for the overall 11.68 acres of land, in order to create a lot to support the proposed multifamily structure and the associated parking garage. The plan also proposes access for the multifamily building through public dedication, in the form of a public street which is located at the rear of the proposed development, parallel to East-West Highway. The street will serve the property and will connect Editors Park Drive with Toledo Terrace extension.

The applicant is proposing a total of 352 multifamily dwellings comprising of 71 studios, 115 one-bedroom, 148 two-bedroom, and 18 three-bedroom units. In addition, a new parking structure and a private access road are proposed. The subject property is approximately 1,000 square feet away from the Prince George's Plaza Metrorail station. The property has frontage along the existing East-West Highway (MD 410), an arterial road with an approximate 120-foot right-of-way. The property also has frontage along Editors Park Drive, which is a local road. Access to this development site is from the proposed building and recreational facilities.

Building and Recreational Facilities

The proposed building is a complex consisting of two courtyards with a parking garage in the west courtyard. The parking garage is wrapped on the east-west sides by multifamily buildings, on the south side by a new street, and on the north side by the west courtyard. Vehicular access to both the building and the garage is provided by the new street to the rear that is connected to Editors Park Drive to the east.

The building complex is five stories high and the parking structure has six levels for 405 spaces. The sixth story of the parking garage is not visible, as it is behind the main building. The building design is of a contemporary style with tower features raised to six stories at the four major corners of the building. The elevation is designed to be divided vertically through employment of vertical sections that are further identified via different projections, materials, and color tones. Additional features, such as recessed balcony, and various material panels are also used to increase the visual interest of the elevations. The building is finished with a combination of various color bricks and cementitious panels.

The building elevations are designed in a prominent three-part composition. The renderings provided by the applicant show a balance of various façade elements that create an interesting

streetscape along both East-West Highway and Editors Park Drive. The rear elevation fronting the proposed new street where the parking structure is located needs additional decoration. The renderings of the courtyards show a similar treatment of building elevations. However, given the size of the renderings, it is difficult to identify the various building materials. A condition has been included the Recommendation section of this report to require the applicant to provide a brick or masonry material percentage for each of the four major elevations, to be reviewed and approved by the Urban Design Section as designee of the Planning Board.

The subject DSP includes private on-site recreational facilities and amenities to be used by the future residents. Each building complex is designed as a self-sufficient unit with recreational facilities and amenities outside (in the two courtyards, east courtyard and west courtyard) and inside the building. In addition, the applicant also agrees to contribute \$150,000, to be applied to meet park needs in the site's vicinity.

The following is a detailed list of the facilities and amenities proposed with this project:

Recreational Facilities Provided					
Kiplinger DSP-14010					
	Square Feet	Quantity	\$/Quantity	Total \$	
East Courtyard					
Main Pool Area w/ Sun Shelf	1,482			62,672	*
Fire Table Seating Area	438			7,500	
Corn Hole / Games		2	250	500	
Outdoor Kitchen	468			10,000	
Furniture- 4-seat Tables		4	700	2,800	
Furniture- Couches		2	1,000	2,000	
Furniture- Chairs		8	200	1,600	
Awnings		6	10,000	60,000	
TOTAL				147,072	
West Courtyard					
Double Sided Fireplace	783			15,000	
Game Table Area	624		30	18,720	
Furniture- Couches / Picnic Tables		3	1,250	3,750	
Furniture- Chairs		8	350	2,800	
TOTAL				40,270	
Clubhouse					
Fitness & Yoga- Mirrors	560		9	5,040	
Fitness & Yoga- Equipment		14	3,250	45,500	
Business Center / Conference- Chairs w/ Tables		8	550	4,400	
Resident Package Room- Parcel Lockers		42		4,200	
Clubroom- Chairs w/ Tables		30	300	9,000	
Clubroom- Computers		4	1,000	4,000	

Recreational Facilities Provided					
Kiplinger DSP-14010					
	Square Feet	Quantity	\$/Quantity	Total \$	
Clubroom- T.V.'s		7	800	5,600	
Clubroom- Pool Table		2	3,000	6,000	
Clubroom- Video Games		1	2,000	2,000	
Clubroom- Warming Ovens		2	400	800	
Clubroom- Coffee / Espresso Bar		1	600	600	
Clubroom- Bar		1	3,000	3,000	
Bar / TV Room- Chairs w/ Tables		10	500	5,000	
Bar / TV Room- Cabinets		30	200	6,000	
Bar / TV Room- TV		1	2,000	2,000	
Bar / TV Room- Bar & Accessories		1	6,000	6,000	
TOTAL				109,140	
Other					
Bike Room & Racks		1	20,000	20,000	
Dog Park		1	10,000	10,000	
TOTAL				30,000	
GRAND TOTAL				326,482	
* Main Pool "Total \$" is approximately 25% of Construction Cost.					

The applicant is committed to implementing green building and sustainable practices in its properties for the benefit of its residents, the community, its lenders, and investors. The applicant has built and operated several LEED projects throughout the country. It is envisioned that the subject project will be constructed to LEED Silver standards. Through the use of sustainable construction techniques and the use of energy efficient appliances, the applicant's typical project reduces the residents' carbon footprint by roughly 280 tons per year. Residents use 900,000 gallons less water per year and save \$1.6 million in energy costs over a 20-year period.

In addition, the site qualifies for many LEED and sustainable practices by virtue of compliance with the State of Maryland and Prince George's County stringent regulations for stormwater management, proximity to mass transit, and redevelopment of an existing site with no removal of substantial green areas. Many of the materials salvaged from the demolition of the building will be recycled on-site or sorted and recycled off-site as permissible.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-X-T Zone, the requirements for Expedited Transit-Oriented Development (ETOD) Projects, and the requirements of the T-D-O Zone of the Zoning Ordinance:

- a. The proposed multifamily residential development is a permitted use.
- b. In accordance with Section 27-107.01(a)(242.2)(B) of the Zoning Ordinance, the DSP is an eligible ETOD project as follows:

(242.2) Transit Oriented Development Project, Expedited: A development proposal, designated for expedited review in accordance with Section 27-290.01 of this Subtitle, where

- (B) for a constructed Washington Metropolitan Area Transit Authority ("WMATA") Metrorail station for which there is no approved TDOZ, the subject property has greater than fifty percent (50%) of its net lot area located within a one-half mile radius of the constructed WMATA Metrorail station as measured from the center of the transit station platform**

The subject site is located within one-half mile of the Metro station.

Section 27-290.01 sets out the requirements for reviewing ETOD projects, including submittal requirements, use restrictions, review procedures, the roles of the Planning Board and District Council, and the time limit for both Planning Board and District Council actions. Specifically, Section 27-290.01(b) provides the requirements for the uses and design of ETOD projects as follows:

- (b) As a condition of site plan approval, an Expedited Transit-Oriented Development Site Plan shall:**
 - (1) Use the best urban design practices and standards, including:**
 - (A) Encouraging a mix of moderate and high density development within walking distance of a transit station to increase transit ridership, with generally the most intense density and highest building heights in closest proximity to the transit station and gradual transition to the adjacent areas;**

The subject application is located within one-half mile of the Prince George's Plaza Metro station. The CSP revision retains the density of the multifamily development at approximately 100 units per acre. This portion of the proposed development would be considered high-density development. The remaining portion of the site is proposed for development at approximately 15–16 units per acre, which is considered moderate development density.

(B) Reducing auto dependency and roadway congestion by:

- (i) Locating multiple destinations and trip purposes within walking distance of one another;**
- (ii) Creating a high quality, active streetscape to encourage walking and transit use;**
- (iii) Minimizing on-site and surface parking; and**
- (iv) Providing facilities to encourage alternative transportation options to single-occupancy vehicles, like walking, bicycling, or public transportation use;**

(C) Minimizing building setbacks from the street;

The DSP provides sidewalks along both sides of all roadways that surround the subject site. Through the proposed high-quality sidewalks, the development will be conveniently integrated into the transit district and the future residents will access many existing destination within walking distance.

The applicant is proposing to reduce the 40-foot pedestrian zone requirement to 36 feet in width. Since most of the on-site parking is in the parking garage, the reduced setback will result in a compact and pedestrian-friendly development pattern.

(D) Utilizing pedestrian scale blocks and street grids;

In regard to the frontage along East-West Highway (MD 410) and the creation of pedestrian-scale blocks, the Planning Board finds that a block appearance could be created by inserting a linear walkway of 26 feet in width between the pod of development located at the intersection of MD 410 and Toledo Terrace extension and the multifamily development. This will create the appearance of a block, allow for a pedestrian cut through, and create a frontage for the units on either side of the pedestrian space, which will create a lively and attractive connection to the remainder of the development.

(E) Creating pedestrian-friendly public spaces; and

This DSP proposes a building complex on a portion of a larger property as the first phase of a three-phase project. According to the site design as proposed, there are no public spaces, such as a plaza, included in the

DSP. There are two courtyards that are internally located within the complex that will be used by future residents only. However, the DSP does provide sidewalks on both sides of all roadways serving the development that will provide the residents easy access to the existing pedestrian-friendly public spaces within the transit district.

(F) Considering the design standards of Section 27A-209.

The DSP is also consistent with the applicable design principals of Section 27A-209 of the Prince George's County Code regarding all of the following: building façades, complete streets, multimodal transportation options, active street fronts, well-defined street walls, and attractive streetscapes along East-West Highway and Editors Park Drive, if the conditions of approval are adopted relating to the elimination of balconies along the streetscape. The location of parking, loading, and other utility functions are located along the proposed public roadway at the rear of the building.

(2) provide a mix of uses, unless a mix of uses exists or is approved for development in the adjacent areas,

The use shown on the DSP is a multifamily, but the CSP proposes, townhouses, and two-family dwellings on surrounding future parcels. The surrounding area includes a mix of uses of grocery store to the east, a hardware store to the west, a school to the south, and a shopping center across East-West Highway. All of the existing uses are within walking distance of the subject development.

(3) not include the following uses, as defined in Section 27A-106 or, if not defined in Section 27A-106, as otherwise defined in this Subtitle (or otherwise, the normal dictionary meaning):

- (A) Adult entertainment;**
- (B) Check cashing business;**
- (C) Liquor store;**
- (D) Pawnshop or Pawn Dealer;**
- (E) Cemetery;**
- (F) Vehicle and vehicular equipment sales and services (also includes gas station, car wash, towing services, RV mobile home sales, and boat sales);**

- (G) Wholesale trade, warehouse and distribution, or storage (including self-service storage, mini-storage, and any storage or salvage yards);
- (H) Industrial;
- (I) Amusement park;
- (J) Strip commercial development (in this Section, "Strip commercial development" means commercial development characterized by a low density, linear development pattern usually one lot in depth, organized around a common surface parking lot between the building entrance and the street and lacking a defined pedestrian system);
- (K) Sale, rental, or repair of industrial or heavy equipment;
- (L) Any automobile drive-through or drive-up service;
- (M) Secondhand business (in this Section, a "Secondhand business" is an establishment whose regular business includes the sale or rental of tangible personal property (excluding motor vehicles) previously used, rented, owned or leased);
- (N) Nail salon and similar uses designated as North American Industry Classification System (NAICS) No. 812113, except as an ancillary use;
- (O) Beauty supply and accessories store (in this Section, a "Beauty supply and accessories store" is a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail.), except as an ancillary use; or
- (P) Banquet halls, unless accessory to a restaurant, tavern, hotel, or convention center.

None of the above prohibited uses are included in this DSP.

(4) Comply with the use restrictions of Section 27A-802(c), and

Section 27A-802(c) states the following:

- (c) Public utility uses or structures including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages (Building Envelope Standards), subject to the design regulations of this Subtitle. These uses or structures shall be designed to be harmonious to the overall design and character of the Urban Center District. Other public utility uses or structures including major transmission and overhead distribution lines and structures are prohibited within the Urban Centers and Corridor Nodes Districts.**

This section of the County Code speaks about the installation of public utility structures around the perimeter of the development and creating a harmonious design around these necessary elements and the proposed development. Most of the public utilities serving this site are already installed, including the overhead electrical utilities located on poles that are within the proposed streetscape. The applicant proposes to move the building approximately 10 feet back from the originally planned location shown on the DSP and provided Applicant's Exhibit 2 to address the concerns about the relationship of the development proposal and the location of the utility poles.

- (5) Be compatible with any site design practices or standards delineated in any Master Plan, Sector Plan or Overlay Zone applicable to the area of development. To the extent there is a conflict between the site design practices or standards of subsection (b)(1), above, and those of a Master Plan, Sector Plan or Overlay Zone applicable to the area that is proposed for development under this Section, the site design practices and standards of the Master Plan, Sector Plan or Overlay Zone shall apply.**

The application is generally compatible with the governing TDDP requirements, and where the application deviates from the TDOZ standards, the applicant has filed amendment requests. Staff did not originally recommend approval of the amendment to the width of the streetscape because the details of the proposed streetscape conflict with the PUE along the frontage of the property. However, Applicant's Exhibit 2 resolves the conflict. The DSP conforms to all of the applicable standards, except for three standards for which the applicant has requested amendments. The Planning Board finds that the three amendments will

benefit the development and the development district, and will not substantially impair implementation of the TDDP.

- (6) **Nothing in this Section shall be interpreted to preclude projects that include the uses described in subsection (b)(3), above, from proceeding without the use of expedited review prescribed in this Section.**

This requirement is not applicable to this DSP because none of the uses listed in (b)(3) are proposed within this DSP.

In conclusion, the Planning board finds that this DSP is in general conformance with the applicable design guidelines for ETOD projects.

- c. In accordance with Section 27-546 of the Zoning Ordinance, the Planning Board must make the following findings for approval of a DSP and a CSP, as follows:

Section 27-546. Site Plans.

- (d) **In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:**

- (1) **The proposed development is in conformance with the purposes and other provisions of this Division;**

The subarea will provide residential living, an animated streetscape, street trees, planters, and special paving that will be in conformance with the purposes and provisions of the M-X-T Zone. The proposed project will enhance the economic status of the County and provide an expanding source of desirable living opportunities near the WMATA Metro. Conceptual Site Plan CSP-11002 (as revised) and DSP-14010 promotes the effective and optimum use of transit and other major transportation systems.

The proposed development is in conformance with the purposes of the M-X-T Zone as stated in Section 27-542 of the Zoning Ordinance, as follows:

Section 27-542. Purposes.

- (a) **The purposes of the M-X-T Zone are:**

- (1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops,**

and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;

Conceptual Site Plan CSP-11002 (as revised) and DSP-14010 proposes to develop a site within one-half mile of the Prince George's Plaza Metro Station, along East-West Highway, with a residential development consisting of multifamily, two-family dwellings, and townhouses. The property is located in the regional transit center for the Prince George's Plaza metro area as stated in the Prince George's County Growth Policy Map of Plan Prince George's 2035. The vision for the regional transit center is to promote the County's planned growth and mixed-use development around the Prince George's Plaza Metro Station area.

- (2) **To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

Plan Prince George's 2035 identifies the Prince George's Metro Station area as one of three priority investment districts in the County. The Prince George's Plaza TDDP calls for mixed-use development uses at the proposed site location. Conceptual Site Plan CSP-11002 (as revised) proposes various residential use and provides for a public street that will connect Toledo Terrace extension to Editors Park Drive, providing an alternative east/west connection that currently does not exist in this area of the transit district.

- (3) **To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The proposed development plan takes full advantage of the development potential inherent in the M-X-T Zone with a proposed 2.43 floor area ratio (FAR) for the portion of the site included in DSP-14010 (Lot 1). For the overall site, as proposed

by the revised CSP with the variety of dwelling units, the anticipated FAR will be approximately 1.27. This application will conserve the value of the site and maximize the potential inherent in the M-X-T Zone.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**

The subject site is located approximately 1,000 feet away from the metro station. The existing mix of uses in close proximity of the site includes a middle school and an elementary school, a grocery store, and the Prince George's Plaza Shopping Center. This location is so well served with existing opportunities that it is imaginable that a person would not even need an automobile to access the Metro and the other commercial and institutional uses adjacent to the site.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

The proximity of the site to a variety of institutional and commercial uses will encourage activity in the area by the future residents as they conduct their everyday business and leisure activities.

- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;**

Conceptual Site Plan CSP-11002 (as revised) proposes three residential dwelling types for the overall property. The three building types and pods of development blend the horizontal uses together through the common streetscape in a harmonious way. This DSP is the first of the three phase project for the development.

- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

The use included in the first phase of the overall site development is multifamily. The CSP proposes other residential uses that will provide a variety of housing types in the community to create a dynamic functional relationship and a distinctive visual identity.

- (8) **To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**

This DSP represents the first phase of a three-phase development. The site design of the subject DSP features extensive lot coverage to promote optimum land utilization. The Fore Property parcel has stormwater management concept approval (33013-2014-00), as provided at the public hearing, Applicant's Exhibit 1.

- (9) **To permit a flexible response to the market and promote economic vitality and investment; and**

The CSP eliminates the retail component that was previously proposed for the development, partly due to the market in the areas with the shopping center located directly across East-West Highway. Further, the CSP revision proposes attached dwellings for the remainder of the development, which is also in response to the current market conditions. Various housing types will provide desired flexibility for the development. The applicant has suggested that the market will only support the amount of multifamily that is proposed in the DSP for the overall project.

- (10) **To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning. (CB-84-1990; CB-47-1996; CB-78-2006)**

The proposed DSP development proposes architecture that has been reviewed by Urban Design staff and the City of Hyattsville, and has been found to be largely acceptable, except for the balconies at the first floor level and the parking garage on the exposed rear façade of the building. The applicant has been working with the Urban Design Section and the City to provide elevation treatment on the parking garage. The City believes that

additional treatment would benefit the community. The Planning Board finds that the interior courtyards of the development should also include enhancements of the parking garage and includes a condition reporting the approval of the plans.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

This does not apply to this property.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The project has frontage on East-West Highway (MD 410), Editors Park Drive, and the Toledo Terrace extension. In accordance with the Section above, each of these streets should have structures whose front façades are oriented toward the roadways to provide an outward orientation which will integrate and catalyze the adjacent community improvement and rejuvenation. The proposed multifamily project will have an outward orientation with new paving, street furniture, landscaping, and lighting, as the property relates to MD 410 and Editors Park Drive.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

The project is directly adjacent to a new elementary school and a middle school. Across the street is a grocery store. The Prince George's Plaza Shopping Center is on the north side of East-West Highway. The proposal for residential development is ideal in this location.

- (5) **The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The proposed residential use will enlarge the existing selection of residential opportunities in the vicinity and will enhance the quality of and contribute to the vitality of the transit district as this purpose intends, while at the same time

providing key elements to ensure that each building complex is successful. The proposed building complex has a parking garage wrapped by the multifamily building and screened from the existing public roadways. The building also has two interior courtyards with amenities. This portion of the development is capable of sustaining itself.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The DSP is the first of three phases of the overall development. The revision to the CSP proposes the development of residential use and two additional phases. The breakdown of the phases of development is as follows:

Phase 1 (Building 1)	
Multifamily dwellings	352 units
Phase 2 & 3	
Townhouse dwellings	86
Two-family dwellings	40
TOTAL	478

Each of the pods of development is designed as a self-sufficient entity that will allow effective integration of future phases.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

This project is pedestrian-friendly if the conditions relating to the location of sidewalk and street trees are adopted, and will connect to existing streets in order to create convenient access to the Metro station and the transit district as a whole. However, staff does recommend the addition of an interim sidewalk along the East-West Highway frontage to provide for pedestrian movement along the entire frontage until such time as the DSP for the development at the corner is submitted, at which time the 40-foot-wide streetscape will be required, or alternatively a narrow streetscape is permitted if the utility companies approve the revision.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of**

materials, landscaping and screening, street furniture, and lighting (natural and artificial); and

The streetscape is proposed as 36 feet in width and will provide for a varied and interesting pedestrian path in this urban area.

- (10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

The DSP proposes 352 multifamily dwellings on a portion of the site included in CSP-11002, which found that the transportation systems were adequate and was approved by the Planning Board on February 28, 2013. The DSP meets this requirement.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The subject site contains a total of 11.5 acres and only proposes to develop a portion of the land area, including proposed Lot 1 and the access roadway on proposed Lot 2.

- d. The DSP application is also in conformance with additional regulations of the M-X-T Zone as follows:

Section 27-544. Regulations.

- (a) Except as provided in Subsection (b), additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The plan has been reviewed in accordance with the above Section of the Zoning Ordinance.

Section 27-548. M-X-T Zone.

(a) Maximum floor area ratio (FAR):

- (1) Without the use of the optional method of development -- 0.40 FAR;
and**
- (2) With the use of the optional method of development -- 8.00 FAR.**

The CSP revision indicates that the estimated FAR for the overall project will be approximately 1.27. Each DSP should provide for the FAR as each is approved in phase. The DSP indicates that the square footage of the proposed structure is 384,918, resulting in a FAR of 0.77 for the multifamily project only. The optional methods of development have been utilized in this DSP to achieve an average density of 1.40 in terms of FAR, which falls into the above density range. However, the density proposed in this DSP is well below the maximum allowed. The density increment factor that has been utilized in this DSP to achieve the proposed FAR is Factor 4 of Section 27-545, Optional Method of Development, as follows:

(4) Residential use.

- (A) Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.**

With the utilization of the factor above, the applicant has achieved a 1.4 FAR because the plan proposes more than 20 more dwelling units, for a total of 1.0 FAR added to the base FAR of 0.4.

- (b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The proposed overall development consists of multifamily, townhouse, and two-family dwellings as allowed by Section 27-290.01 of the Zoning Ordinance and will be implemented in three phases. The DSP satisfies this requirement.

- (c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

The DSP shows a layout for proposed Lot 1 and, once the DSP is approved, it will be the guide for the development of the subject site.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The landscaping, screening, and buffering issues have been reviewed along with this DSP. Finding 11 below provides a detailed discussion on the plan's conformance with the applicable landscaping requirements.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The subject DSP includes two lots, with the multifamily structure proposed on Lot 1. The multifamily structure has frontage on East-West Highway and Editors Park Drive. The DSP shows a roadway with access onto the roadway. The Planning Board finds that the plans shall be revised prior to certification to indicate the proposed width of the roadway and all improvements within the right-of-way. This information should be coordinated with the City of Hyattsville.

- e. **Departure from Parking and Loading Standards DPLS-417:** Section 27-583, Number of spaces required in M-X-T Zone, of the Zoning Ordinance contains requirements for determining the total number of loading spaces, as follows:

- (a) **The number of off-street loading spaces required in the M-X-T Zone are to be calculated by the applicant and submitted to the Planning Board for approval at the time of Detailed Site Plan approval. Prior to approval, the applicant shall submit the methodology, assumptions, and data used in performing the calculations.**
- (b) **The number of off-street loading spaces required shall be calculated using the following procedures:**
 - (1) **Determine the number of loading spaces normally required under Section 27-582.**
 - (2) **Determine the number of loading spaces that may be readily shared by two (2) or more uses, taking into account the location of the spaces, the uses they will serve, and the number of hours and when during the day the spaces will be occupied.**

- (3) The number of loading spaces normally required (paragraph (1)) may be reduced by the number of spaces determined to be unnecessary through the use of shared loading spaces (paragraph (2)).

The applicant has provided one loading space calculation with this DSP by following the above requirements. The off-street loading spaces required by the Zoning Ordinance for the multifamily development are two spaces. The applicant has filed a departure from the number of loading spaces required, DPLS 214, processed concurrent with this application.

8. **1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone:** The applicant has requested two amendments to the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (Prince George's Plaza TDDP/TDOZ) mandatory development requirements and the site design guidelines as follows:

- a. **P1. Unless otherwise stated within the Subarea Specific Requirements, each developer, applicant, and the applicant's heirs, successors and/or assigns, shall be responsible for streetscape improvements along the entire length of the property frontage from the building envelope to face of curb. (See Figures 7, 8 and 9. Toledo Terrace: 20-foot pedestrian zone; East-West Highway: 40-foot pedestrian zone; Belcrest Road: 20-40 foot pedestrian zone.) These improvements shall be included as part of any application for building or grading permits, except for permits for interior alterations which do not constitute redevelopment as defined in the previous chapter. No building or grading permits shall be issued without a Detailed Site Plan which indicates conformance with the streetscape requirements of the WDP. Construction of the streetscaping improvements shall be in phase with development, or the construction schedule shall be determined at the time of Detailed Site Plan.**

Applicant's Justification: The project site plan proposes streetscape improvements along the property frontage from the building envelope to the face of curb of East-West Highway. This will be done through the addition of sidewalk and street trees. These improvements will be in phase with development, or the construction schedule will be determined at the time of DSP. Along East-West Highway (MD 410), a 36-foot pedestrian zone is proposed. Retaining walls, varying in height, will provide interest at the pedestrian scale and relief for the narrower pedestrian zone. The narrower pedestrian zone will benefit the TDOZ as it will create a more urban and walkable feel, while still allowing ample room for landscaping and walls to separate it from MD 410. An amendment from the section is required to provide the proposed design which will provide an attractive alternative that is equal to or better than the originally required streetscape, while still maintaining the site functionality.

The streetscape generally consists of pedestrian areas, street furniture, landscaping, lighting, and signage. Staff believes that the streetscape areas envisioned in the Prince George's Plaza downtown area in the future will be more urban, rather than suburban, in character to foster more pedestrian safety and walkability. The TDDP requires a 40-foot pedestrian zone along East-West Highway (MD 410).

The application is adjacent to properties that have been developed under the TDDP, including a grocery store across Editors Park Drive. The streetscape has been established for this area of the TDDP, and the Planning Board finds that the streetscape for this property should be similar in style and character to the adjacent property, in regard to the sidewalk and the placement of the street trees and the relationship of the pedestrian to MD 410. The overall concept for the TDDP is to create a streetscape that is consistent throughout the area.

The Applicant's Exhibit 2 as submitted proposes a single row of street trees along the edge of the existing curb in a space of five feet in width adjacent to an eight-foot-wide sidewalk. This information is an estimate because the exhibit was not properly labeled. The aerial photographs indicate that there are existing utility poles within the same area. The exhibit indicates the building location approximately 36 feet from the face of curb, which accommodates the existing PEPCO power lines and poles to remain in place. The Planning Board finds that amendment is reasonable considering the existing power lines and the applicant's effort to design around the existing public utilities. . The design of the streetscape is dependent on the existing location of the utility poles remaining in place. Along the eight-foot-wide sidewalk, the plan proposes the 10 wide PUE as required, and then a retaining wall that provides for adjustment of the grades from the sidewalk and the finished floor elevation of the building. Stairways are also shown along East-West Highway (MD 410) outside of the ten-foot-wide PUE. The PUE should be free and clear of any structures, unless otherwise approved by all of the affected utility companies. However, the application shows some minor encroachments that will be required to be approved by PEPCO or the other utility companies. No information has been provided as evidence that the utility companies agree with the encroachments.

- The building expands approximately 500 feet along East-West Highway (MD 410). The retaining wall is a variable-height wall. The architectural elevations indicate that, as part of the architectural design of this project, the applicant is proposing balconies for units located along MD 410 that extend beyond the face of the building.
- The retaining wall, as currently proposed, does not sufficiently provide appropriate public safety and security for pedestrians because it has the potential to create "dead zones" along East-West Highway (MD 410). Therefore, staff recommends the inclusion of flood or accent lighting to provide additional security to pedestrians traveling along the sidewalk areas along the retaining wall

of MD 410. This modification of the proposed lighting plan would encourage improved pedestrian activity, architectural and landscaping design, and prevent expansive retaining wall blank space.

- It should also be noted that the requirement states that **each developer, applicant, and the applicant's heirs, successors and/or assigns, shall be responsible for streetscape improvements along the entire length of the property frontage from the building envelope to face of curb** (*emphasis added*). The application does not propose the development of the streetscape along the entire frontage of East-West Highway (MD 410). It only shows the frontage along Proposed Lot 1. In this case, based on the companion CSP application which has been submitted with the subject application, the proposal for the development of the remaining frontage along MD 410 on proposed parcel should be designed and developed at the time of that the DSP for the development of two-family dwelling units. In the meantime, a simple sidewalk should be constructed along the edge of the frontage so that pedestrians may walk along the frontage.

- b. The applicant also requests approval of an amendment to the following development district standard.

S33. Afforestation of at least 10 percent of the gross tract shall be required on all properties within the Prince George's Plaza Transit District currently exempt from the Woodland Conservation and Tree Preservation Ordinance. Afforestation shall occur on-site or within the Anacostia Watershed in Prince George's County, with priority given to riparian zones and non-tidal wetlands, particularly within the Northwest Branch sub-watershed.

Applicant's Justification: The subject property is exempt from the woodland conservation requirements. The applicant has proposed to meet this criterion via the use of tree canopy coverage, which has been done before on projects within the TDOZ.

The Planning Board agrees that the requirement of S33 has been fulfilled through on-site tree canopy coverage requirements in the past and this application has demonstrated conformance to the tree canopy requirements on Sheet L-6.1 of the plan set.

- c. The Planning Board finds that the following development district standards warrant discussion:

- (1) **G39 All parking structures should be designed as an integral component of the overall site and be architecturally compatible with adjoining buildings; and**

G42 Landscaping elements, where appropriate, should be used to soften the appearance of the parking structure.

The proposed parking structure is intended to accommodate the parking needs of residents and visitors of the multifamily building and leasing center. The current design of the parking structure, however, does not adequately comply with the site design guidelines for parking and loading in the TDDP on pages 38 and 39. The proposed parking structure will be visible and overwhelming to pedestrians and motorists along the road where it is fronted. Therefore, special care should be provided by the applicant to ensure that the parking structure does not detract from the viewshed of the overall site, or become an unattractive feature for pedestrians or motorists at the street level.

The applicant revised the plans to provide for a painted treatment to the concrete previously shown.

The Planning Board finds the proposal to use textured paint on the parking garage exterior to be acceptable and further added language to the condition to have the applicant consider additional attention be given to the interior courtyard facades in order to visually enhance parking garage.

- (2) **S22 All parking structures shall provide a minimum of 5 percent of the total surface area in green space. The green space shall be planted with shade trees and shrubs. Tree planter boxes shall contain a minimum of 500 cubic feet of soil per tree, provide drainage and have an irrigation system.**

The proposed parking structure with this multifamily development is currently not providing five percent of the total surface area in green space. Five percent of the green space must be accommodated at the roof level of the proposed parking structure in order to meet this total surface area requirement. The applicant should comply with this standard in the TDDP prior to certification of the plans.

- (3) **P2 All development/redevelopment shall have a sign plan approved by the Planning Board at the time of Detailed Site Plan. This plan shall provide the sign locations(s), size, color, lettering style, construction details and material specifications including the method of illumination.**

The sign plan proposed only includes a single blade sign at the front entrance of the development at the intersection of East-West Highway (MD 410) and Editors Park Drive. Additional signage is appropriate at the other end of the building, as well as near the intersection of Toledo Terrace extension and MD 410.

- (4) **P5 Small regulatory signs such as signs which direct traffic or identify the location of service entrances or parking areas, shall not exceed 2 square feet in area.**

These signage requirements are all applicable to this proposed multifamily development project and have not been met. The applicant is required to submit a complete signage plan with this DSP that complies with the above signage design standards. This modification to the proposed signage plan will permit staff to review the proposed signage in relationship to the signage standards in the TDDP to ensure that signs are appropriate for this project and compatible with the architectural design of the building and overall site.

The Planning board finds that the applicant should modify the signage plan to include proposed directional or parking signage, prior to certification of the plans.

9. **Revision to Conceptual Site Plan CSP-11002:** On June 17, 2013, the District Council approved Conceptual Site Plan CSP-11002 for the entire Kiplinger property. It was anticipated at the time of the CSP review that the project would be developed as a multifamily project of 580–870 units with a small retail component of 34,000 square feet. The property, as proposed for development at the time of the CSP, would not have been required to file a preliminary plan of subdivision. Subsequent to approval of the CSP, the applicant submitted the subject DSP and a preliminary plan for the purpose of proposing fee-simple townhouses on the portion of the site remaining outside of the development shown on Lot 1 included in this DSP.

In order to achieve the proposed multifamily development, the DSP must be found to be in conformance with the approved CSP. To that end, the applicant has also provided, as part of the review of this DSP, a revision to the previously approved CSP, which is allowed by Section 27-290.01 of the Zoning Ordinance to be incorporated into an ETOD DSP application. The original CSP showed a large building of three to six stories on the existing two parcels with proposed access to East-West Highway (MD 410), two access points from Toledo Terrace extension and two access points along Editors Park Drive. The plan indicated a general massing of the main building on the site as residential and secondary buildings as commercial with structured and surface parking. The commercial component was proposed near the intersection of MD 410 and Toledo Road extended. This area is now shown as two-family attached dwellings, commonly known as two-over-two units in the CSP revision. The subject Detailed Site Plan DSP-14010 varies from the original approval in that it reduces multifamily dwellings by half of the original proposed. The revision to the CSP was submitted for review on February 19, 2015 and a second revision to that plan was submitted on February 26, 2015.

Section 27-290.01(a)(1)(B) allows for the following:

- (B) **An application filed pursuant to this Section may amend an existing Conceptual Site Plan applicable to the subject property.**

In this case, the applicant is requesting that the CSP be amended to change the development concept from previously proposed multifamily and retail uses to 352 multifamily units, 86 townhouses, and 40 two-family dwellings. In addition, the applicant is asking that certain

conditions of the original approval be amended as well. The following is taken from the applicant's statement of justification dated February 20, 2015:

"The Applicant hereby requests approval of an amendment to approved Conceptual Site Plan (CSP-1102) to replace the area on the CSP designated for retail use with multifamily 2 over 2 condominium units; and ii) amendment of certain Conditions of Approval on the CSP. The Subject Property is located within Subarea 7 located in the southwest corner of the intersection of Editors Park Drive and East-West Highway with an address of 3401 East-West Highway, Hyattsville, MD 20782 (the 'Subject Property') and was rezoned to the M-X-T zone via CSP-1102 in accordance with the Prince George's County Zoning Ordinance as allowed by the Transit District Development Plan ('TDDP') of the Prince George's Plaza Transit District Overlay Zone ('TDOZ'). Subsequent to the approval of the CSP the Applicant or its contract purchasers has filed (i) a Detailed Site Plan (DSP-14010) for 352 multifamily rental units on a portion of the Subject Property; and (ii) a Preliminary Plan of Subdivision (4-14013) for townhouses proposed for another portion of the Subject Property. Based upon existing conditions in the Transit District; the lack of need for additional retail in the area; the response in the market; and after discussions with the City of Hyattsville, the Applicant determined that it would be a superior planning and market decision to replace the area of the Subject Property designated for retail on the approved CSP with 40 two family dwelling units located in 20 buildings. The addition of the two family dwellings would create a mix of unit types; reduce the percentage of townhouses on site; and provide a better circulation and living environment for residents of the proposed community. Revision of approved Conceptual Site Plans may be achieved through the approval of a Detailed Site Plan under Section 27-290.01 (a)(1)B) (ETOD). DSP-14010 is an ETOD application.

"I. STATEMENT OF PLANNING OBJECTIVES

"The Subject Property is located in part of Subarea 7 of the Prince George's Plaza TDOZ. The site is in the southwest quadrant of the intersection of Editors Park Drive and East-West Highway. The Subject Property is the location of the former Kiplinger printing facility which is being demolished for redevelopment. The present proposal is to revise the approved CSP to add townhouse and condominium uses and remove the retail designation.

"II. JUSTIFICATION FOR REVISION TO CSP-1102

"The Owner hired commercial brokers to help market the Subject Property after the approval of the CSP. After numerous efforts to approach a variety of retail sources it was determined that the only strong interest for at the retail corner designated on the CSP was for pad site for a national drug store chain with a drive through window. Such a use would require access from Toledo Terrace and directly from East-West Highway. The use would also require a circulation drive around the building to access the drive through and parking along the East West

frontage. In discussions with Staff from the City of Hyattsville and MNCCPC it was determined that neither the free standing pad site nor the drive through window would be favorable for this location. Additionally, the State and County transportation Staff has also taken the position that access to East-West Highway would not be allowed consistent with Condition 1.c. of the CSP.

"Additionally, it was determined that the transit district has an excess of adjacent retail locations at the Metro; at the University Town Center; at the Mall site; at the Home Depot site, Belcrest Road and the Giant Shopping Center. Additional retail locations are not needed and the transit district and do not constitute the highest and best use of the Subject Property from either an economic or planning perspective.

"The prospect of converting the designated retail corner to a 2 over 2 condominium use provides a variety of housing choices at the Subject Property and establishes a mixture and hierarchy of massing within the site with the design transitioning from multifamily and condominium uses along East-West Highway to a less intense but urban density townhome product to the rear of the Subject Property. Through this mixture of housing types the plan for the Subject Property establishes an urban neighborhood within the transit district and eliminates the prospect of circulating outside retail traffic through the residential street.

"III. REVISION TO CONDITIONS OF APPROVAL

"In order to implement the proposed design plan set forth in the various submitted plans for the multifamily and the townhouse and the condominium units a certain limited number of the Conditions of Approval set forth in the CSP need to be revised. The modified language is underlined in each of the set forth conditions below.

"Condition 1.a.(2)

"The minimum building height shall be four stories for multifamily apartment residential development.

"Comment: This condition was meant to apply to the multifamily apartment buildings planned for the site. The Townhouse product does not meet the 4 story minimum although there is a fourth floor option which will give a four story appearance."

The Planning Board supports the reduction in the minimum building height for residential development and agrees that the four story minimum should only apply to multifamily development.

“Condition 1.a.(3)

“The first floor frontage of the residential buildings along East-West Highway and Editors Park Drive shall not include the rear of residential units to the extent practicable or garage uses. Commercial uses, residential units with separate front street-side entrances, landscaping, screening, grade changes and/or tenant services and amenities shall be located on the first floor of the residential buildings on-site. Where first floor residential uses are present, design elements focusing on privacy and screening shall be employed.

“Comment: Much attention has been paid to minimizing the degree of first floor residential uses along the road frontages. The lobby and tenant amenity area was relocated to the East-West Highway frontage. Grade changes mean some of the units will be either above or below walking level on the streetscape. In all areas along East-West Highway and Editors Park Drive landscaping and screening has been added to ensure privacy and a positive pedestrian environment.”

The Planning Board supports the revised language above, because the applicant has provided uses along East-West Highway (MD 410), to the extent practicable, that activate the streetscape. Although the companion DSP-14010 does have a few units along the MD 410 streetscape, including at-grade balcony units, the use of grade changes and landscaping has been incorporated into the site design to create privacy for most of the units. Along Editors Park Drive, landscaping has been used along that edge of the property which will also provide for stormwater management purposes. The building edge is set back from the sidewalk approximately 28 feet, so this will provide added privacy for those units.

“Condition 3.f.

“The location of Environmental Site Design (‘ESD’) facilities shall not be the basis for the granting of an alternative compliance application to reduce the required tree canopy or required landscaping. This condition shall not preclude the Applicant from applying for alternative compliance generally at the time of Detailed Site Plan.

“Comment: The Applicant merely wants to clarify that consideration of an application for alternative compliance is not precluded generally at the time of Detailed Site Plan if unrelated to the issue of ESD and tree canopy and landscaping.”

The Planning Board supports the revised language above because the government may not preclude an applicant from requesting relief from regulations.

“IV. JUSTIFICATION FOR ELIMINATING THE RETAIL USE DESIGNATION

“Pursuant to Section 27-290.01 of the Prince George’s County Zoning Ordinance, the Planning Board may revise an existing Conceptual Site Plan through the ETOD process when it reviews an application for a Detailed Site Plan on a specific property. Specifically Section 27-290.01.(b)(2) requires the Site Plan to ‘provide a mix of uses, unless a mix of uses exists or is approved for development in *adjacent* areas’. The use of the term *adjacent* is significant in this instance because it modifies the requirement specified in the MXT regulations generally under Section 27-547(d) which requires that in order to utilize mixture of uses on other properties the thus must i) be in the MXT zone; and ii) abut the subject property. The term abut is much more narrowly defined in the Ordinance than the term adjacent. While ‘abut’ requires the properties to touch at a point, ‘adjacent’ means nearby (See, 27-107.01(a)(1) and(4)).

“The standards of Subtitle 27 apply to ETOD applications except to the extent they are inconsistent with the intent of the ETOD Section 27-290.01 (See Section 27-290.01(a)(3). Thus in this case, since adjacent properties contain retail uses and thus establish a mixture of uses the requirements of the MXT Zone as modified by Section 27-290.01 have been satisfied and the requested revision to the CSP is permissible.

“The Subject Property was designated for retail development through the approval of the CSP. At that time it was envisioned the retail component would be designed to be architecturally compatible with the surrounding residential uses planned for the Subject Property but that otherwise it would be an independent retail site with its own access and circulation. In designing the Subject Property in more detail it has become evident it is impractical for retail use.

“Additionally, discussions with Transportation Staff indicated concern over a separate access point to Toledo Terrace for the retail use. The CSP in Condition 1.c. established that access to East-West Highway is not to be allowed. This would force the retail traffic seeking to visit the site to circulate through the proposed residential neighborhood using the residential access road for access to the retail site. The potential lack of direct access to East-West Highway led the Applicant to conclude the site would be undesirable for retail users.

“With the existing surplus of available retail land in the transit district and the likely restrictions on access and circulation for the retail site caused by its shape and location, forcing the site to provide a mixture of uses on site would constitute a undue hardship on the owner and would not result in the best plan design and uses for the Subject Property.

“The Subject Property is surrounded on three sides by retail uses. Home Depot is located to the west; The Mall of Prince George’s is directly north; and the Giant shopping center is to the east. This satisfies the requirement of the ETOD Section 290.01(b)(2) requirement for a mixture of uses on or adjacent to the subject property.

“V. CONCLUSION

“The proposed revision to the Conceptual Site Plan and the Conditions of Approval is in substantial compliance with the intent and purposes of the Prince George’s Plaza TDOZ and the TDDP. The deletion of the retail designation creates a better plan for the Subject Property and does not impair the integrity of the General Plan or the Master Plan. Applicant requests approval of the revised Conceptual Site Plan (CSP-11002) and Conditions of Approval as part of the application for DSP-14010.”

The Planning Board supports the revisions to the existing conditions as proposed. However, the proposed revision to the conceptual site plan has been reviewed by the staff and there are new issues that warrant discussion in regard to the proposed change of uses and layout.

10. **Required Findings for a Conceptual Site Plan in the Transit District Overlay Zone as stated in the Prince George’s Plaza Transit District Development Plan:**

a. **The Transit District Site Plan is in strict conformance with any Mandatory Development Requirements of the Transit District Development Plan;**

The applicant has not requested any modifications from the development standards for this revision to the CSP.

b. **The Transit District Site Plan is consistent with, and reflects the guidelines and criteria contained in the Transit District Development Plan;**

In regard to the site development, the transit district CSP as revised is consistent with, and reflects the guidelines and criteria contained in, the TDDP.

c. **The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone and applicable regulations of the underlying zones;**

The CSP meets the requirements of the proposed M-X-T Zone, except for Section 27-547(d), which states:

- (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, (no abutting property in the MXT zone) the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**

- (1) Retail businesses;**
- (2) Office, research, or industrial uses;**
- (3) Dwellings, hotel, or motel.**

However, Section 27-290.01(b)(2) for Expedited Transit Oriented Development (ETOD) projects states that as a condition of approval of an ETOD Site Plan, the plan shall:

- (2) provide a mix of uses, unless a mix of uses exists or is approved for development in the adjacent areas,**

The ETOD legislation was designed to override the normal TDOZ/M-X-T requirements. Section 27-290.01(a)(3) was intended to deal with this where it states, "all other applicable requirements and procedures in this subtitle for Detailed Site Plans, combined Comprehensive Design and Specific Design Plans, or Specific Design Plans, including amendments to existing plans, not inconsistent with this Section, shall apply to Detailed Site Plan (*emphasis added*)... for which an applicant seeks expedited review under this Section." Therefore, all other provisions of the Zoning Ordinance which are inconsistent with the ETOD provisions are superseded by Section 27-290.01. Since the CSP revision is companion to DSP-14010 and other future DSPs are within the limits of the boundary of the project, it is reasonable to find that the language of Section 27-290.01(a)(3) applies to this CSP revision application. As such, since a mix of areas exists in the close vicinity of this development, this CSP revision meets this requirement.

- d. **The location, size and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency and are adequate to meet the purposes of the Transit District Overlay Zone;**

The proposed application has been designed so that the buildings front along East-West Highway (MD 410), rather than exposing large expanses of parking in front of the buildings, that is consistent with promoting the primacy of pedestrians over automobiles. The pedestrian circulation should be of primary concern at the time of DSP particularly along MD 410 and Editors Park Drive because of the large number of pedestrian trips that

will occur along these two roadways. Loading and trash facilities are located away from both of these primary streets in order to maximize enjoyment of the pedestrian experience passing by the subject development and to maximize the safety of pedestrians.

- e. **Each structure and use, in the manner proposed, is compatible with other structures in the Transit District and with existing and proposed adjacent development;**

The DSP includes a quality design that is compatible with other structures in the Transit District Overlay Zone. Additional improvements needed on the parking garage elevation at the rear. A condition has been included in the approval of the plans.

- f. **The proposed development is in conformance with the purposes and other provisions of this Division;**

The CSP will provide residential living and an animated streetscape with street trees, planters, and special paving that will be in conformance with the purposes and provisions of the M-X-T Zone. The proposed project will enhance the economic status of the County and provide an expanding source of desirable living opportunities near the WMATA Metro. The CSP promotes the effective and optimum use of transit and other major transportation systems.

- g. **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The proposed project will have an outward orientation with new paving, street furniture, landscaping, lighting, and public spaces. Because of the magnitude of the overall proposed development, it also has the potential to catalyze adjacent community improvement and revitalization.

- h. **The proposed development is compatible with existing and proposed development in the vicinity;**

The subject application will provide a development that will complement and enhance the character of the area and promote ridership of transit facilities. The proposed improvements will also upgrade the area by providing a pleasing outdoor environment for those who work in and visit the area.

- i. **The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

Subarea 7, where the site is located, was originally anticipated to be developed with a mix of uses. The revised mix of residential uses should contribute to a stable environment by not competing directly with most of the uses within the nearby Prince George's Plaza Shopping Center. The proposed residential uses will enlarge the existing selection of residential opportunities in the vicinity and will enhance the quality of and contribute to the vitality of the transit district.

- j. **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The subject application is proposed to be developed in three phases, each of which is designed as a self-sufficient entity.

- k. **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

This project is pedestrian-friendly and will connect to existing streets in order to create convenient access to the Metro station and the district as a whole.

In summary, The Planning Board finds the proposed CSP revision meets all of the required findings for approval.

11. **The 2010 Prince George's County Landscape Manual:** The 2010 *Prince George's County Landscape Manual* (Landscape Manual) serves as the requirement for landscaping in the community. Although the CSP is a conceptual plan, it is clear that the plan does not meet the requirements of Section 4.7, Buffering Incompatible Uses, along the WMATA property or the Prince George's County Board of Education property. It is anticipated that the conformance will be established at the later phase of the development review process, no later than the approval of the detailed site plan for that phase of the development. It is also clear that Section 4.10 of the Landscape Manual will not be applicable if the street proposed on Lot 2 becomes a public street. However, the intent of providing street trees in the right-of-way should not be lost whether the roadway is public or private. The plans, as shown, have largely diminished the planting areas of the street trees.

According to the Prince Georges' Plaza TDDP, all properties within the transit district shall satisfy the requirements of the Prince George's County Landscape Manual in addition to the Mandatory Development Requirements and Site Design Guidelines listed on page 30, which is S7 regarding application of landscape screen and buffers. The landscape plan meets this requirement.

The proposed development in the DSP is subject to the requirements of Section 4.1, Residential Requirements for Multifamily Dwellings; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

- a. Section 4.1-4 Residential Requirements for Multifamily: The DSP has a total of 43,508 square feet of green area. A total of 44 shade trees are required. The landscape plan provides a combination of 49 shade trees, 27 ornamental trees and 23 evergreen trees that meets the requirements.
- b. Section 4.9, Sustainable Landscaping Requirements, requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should be native species (or the cultivars of native species). The minimum percentage of plants of each plant type required to be native species and/or native species cultivars is specified below:

Shade trees	50%
Ornamental trees	50%
Evergreen trees	30%
Shrubs	30%

The landscape plan provides 61 percent native shade trees, 89 percent native ornamental trees, 30 percent evergreen trees, and 30 percent shrubs and therefore meets the above requirements.

- 12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because, although the property is greater than 40,000 square feet in size, it contains less than 10,000 square feet of existing woodland and has no previously approved tree conservation plans.
 - a. During the CSP-11002 review, a Type 1 Tree Conservation Plan (TCP1-059-03-01) was submitted, but not required. This plan noted that the site had no on-site requirements per the WCO, but had to plant woodlands as part of the TDDP/TDOZ requirements.
 - b. A Natural Resources Inventory Equivalency Letter (NRI-090-11), in conformance with the environmental regulations, was issued on April 25, 2011 and submitted with the CSP-11002 application. The site has less than 10,000 square feet of woodlands and stream buffer associated with an off-site ephemeral stream to the south of the site.
 - c. The applicant requests an amendment to the approved CSP-11002 to replace the area on the CSP previously designated for retail and multifamily uses with multifamily dwellings, two-over-two condominium units, and fee-simple townhouse units. The revision also requests to amend certain conditions of approval of the CSP. The change in use in the CSP revision does not affect the approved TCP1 or any regulated environmental features. The addition of more residential units expands the evaluation area of noise and vibration impacts on the proposed residential structures. This request is being evaluated concurrently with a preliminary plan associated with this application. A detailed evaluation of noise and vibration impacts on the proposed residential units will be

provided with the preliminary plan. There are no other environmental issues related to this proposed CSP revision request at this time.

- d. The DSP is subject to the Woodland Conservation–Mandatory Development Requirements of the TDDP, specifically Standard S33 as follows:

Afforestation of at least 10 percent of the gross tract shall be required on all properties within the Prince George's Plaza Transit District currently exempt from the Woodland Conservation and Tree Preservation Ordinance. Afforestation shall occur on-site or within the Anacostia watershed in Prince George's County, with priority given to riparian zones and nontidal wetlands, particular within the Northwest Branch Sub-watershed.

As of this writing, the Environmental Planning Section is still reviewing the DSP for conformance with this standard. Additional findings and conditions will be presented to the Planning Board at the time of the public hearing for this DSP.

13. **Prince George's County Tree Canopy Coverage Ordinance:** A ten percent tree canopy coverage (TCC) requirement applies to this M-X-T-zoned site, in accordance with the Prince George's County Tree Canopy Coverage Ordinance. This amounts to approximately 16,422 square feet. The subject application provides a schedule showing that the requirement has been met through the proposed on-site tree plantings.
14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Community Planning**—The Planning Board reviewed Community Planning Division's memorandum dated December 22, 2014, indicating that the DSP application is consistent with the Plan Prince George's 2035 policies that recommend mixed land uses at this site, and conforms to the land use recommendations for mixed-use development as identified in the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (Prince George's Plaza TDDP/TDOZ). The development site is located in a Plan Prince George's 2035 designated regional transit district and a new downtown for Prince George's County. The Plan Prince George's 2035 vision for this area is intensive mixed-use development with excellent transit service. There are two public facilities in close proximity to this property. The Nicholas Orem Middle School and Edward Felegy Elementary School are approximately 700 and 750 feet from the subject property, respectively. Students from both schools traverse East-West Highway (MD 410) and Editors Park Drive to access both schools and would provide additional pedestrian activity to the property and surrounding site.

The Planning Board finds conformance to two requirements of the Prince George's Plaza TDDP/TDOZ and nonconformance to two of the following standards:

- Reduction in the required amount of 40-foot streetscape pedestrian area along East-West Highway (MD 410) to a proposed 36-foot pedestrian zone.
- Compatible architectural design of parking structure with surrounding uses and elements.
- Lack of five percent of required green space on the roof of a parking structure.
- Lack of shown directional, service or parking signage on the site.

The Planning Board also identified concerns related to the treatment of the retaining wall proposed along MD 410. Conditions of approval are recommended to address the concerns of the Community Planning Division.

In summary, The Planning Board finds the proposed development is compatible with existing and proposed development in the near vicinity. If the modifications are included in the detailed site plan for this project by the applicant, the proposed development will provide enhanced human scaled, high-quality urban design and other amenities for future residents in this area. The multifamily development has strong potential to provide a cohesive and improved development for this neighborhood.

- b. **Subdivision**—The property is known as Parcels D-1 and E-1, recorded in Prince George's County Land Records in Plat Book NLP 140-86 in 1988, which was a minor final plat for which no preliminary plan of subdivision was required. The sole purpose of that plat was to recognize the conveyance of land to a governmental agency and incorporate Outlot A and Outlot B into the subject property. The original platting of these parcels was pursuant to Plat Book WWW 34-27 for Parcels D and E recorded in land records in 1959 pursuant to Preliminary Plan of Subdivision 12-2316 (5-59007). The original Plat (WWW 34-27) dedicated Toledo Terrace (60-foot-wide right-of-way), subsequently Preliminary Plan of Subdivision 4-87229 was approved (PGCPB Resolution No. 87-549) for Outlots A and B, which was the result of the vacation (V-87125) of that portion of Toledo Terrace abutting to the east. In order to incorporate the outlots into abutting lots, a minor final plat was approved (NLP 140-86), labeling the two parcels as Parcel D-1 and E-1. The area previously dedicated as Toledo Terrace is currently encumbered by a private joint access easement recorded in land records in Liber 13408/Folio 634, Reciprocal Easement and Cooperative Agreement between Home Depot and Kiplinger Washington Editor Inc. The easement specifically describes that it is not intended to be construed to provide any rights for the benefit of the general public. If this access easement is necessary for a finding of adequate circulation and access for the development, an additional access easement should be required pursuant to Section 24-128(b)(8) of the Subdivision Regulations and be open to the public.

Subsequent to the original 1959 plat, Special Exception applications SE 483 and SE 2122 were approved in 1960 for the property for 177,450 square feet of "industrial plant" use and accessory office (28,000 square feet of gross floor area). Based on available permit information, over 10,000 square feet is shown on previously approved permit plans as "addition not constructed," but aerial photographs show otherwise, that the additions were in fact constructed. The property had never been used for residential purposes. The 1959 preliminary plan file is not available; however, the subsequent use was an industrial plant in the Commercial Shopping Center (C-S-C) Zone.

In 2013, Conceptual Site Plan CSP-11002 was approved on February 28, 2013 (PGCPB Resolution No. 13-20) and adopted on March 21, 2013, for the rezoning of the property to M-X-T and development consisting of multifamily, residential, and retail. The DSP application proposes a lot line adjustment between Parcels D-1 and E-1, pursuant to Section 24-111 of the Subdivision Regulations, in order to construct a multifamily building containing 352 residential units on the resulting Lot 1 (Parcel 1). A Preliminary Plan of Subdivision (4-14013) has been submitted for the development of townhouse and two-family dwelling units for the remaining parcel. Through the review of the preliminary plan, it has been determined that dedication of Public Road A (47-foot-wide right-of-way and 40.5 feet at the garage entrance to the multifamily building) for access to the proposed multifamily development, as well as dedication of Toledo Terrace, is necessary for the overall development of the site. As a result of this right-of-way dedication, which may be accomplished through Section 24-107(c)(5) of the Subdivision Regulations without the need for preliminary plan review, three parcels of land will be created as the remaining parcel will be bisected by the proposed dedication of Public Road A. Parcel 1 will accommodate the proposed multifamily development, and Parcels 2 and 3 will accommodate the townhouse and two-family development currently under review with the preliminary plan, which is tentatively scheduled for the Planning Board hearing on May 14, 2015. All of the proposed parcels on the DSP should be designated as parcels, as opposed to lots, in conformance with the nomenclature used by the Subdivision Review Section in naming parcels and lots. The CSP revision has been submitted in conjunction with the DSP, in accordance with ETOD regulations, in order to reflect the additional uses being reviewed with the preliminary plan, as well as circulation and access for the site.

A new preliminary plan is not required for the proposed multifamily development on Lot 1 (Parcel 1), due to an exemption in the Subdivision Regulations for the grandfathering of specific development sites. Section 24-111(c)(4) states:

- (c) **A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless:**
 - (4) **The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of a site that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, has been**

**constructed pursuant to a building permit issued on or before
December 31, 1991.**

The applicable plat relating to this exemption for this property is WWW 34-27 for Parcels D and E, recorded in land records in 1959 pursuant to Preliminary Plan of Subdivision 12-2316 (5-59007). The subsequent plats were minor and approved as administrative plats to make minor adjustments as described above. This site is 11.68 acres; ten percent of the total site area is 50,878 square feet of gross floor area. This site (Parcel 1) has an existing building that was constructed prior to 1991, based on aerial photographs and permit history, and the existing building is 205,470 square feet. Therefore, Parcel 1 is exempt from the Subdivision Regulations (Subtitle 24 of the County Code). Furthermore, the proposed multifamily development is not subject to the adequate public facilities regulations and will not be subject to police, fire, or rescue response times, nor will it be subject to pay the public safety surcharge (Subtitle 24), unless further subdivided.

The subject site has frontage on public streets East-West Highway (MD 410) (an arterial right-of-way), Editors Park Drive, and an existing reciprocal easement from East-West Highway along the western boundary of the property. The site is also adjacent to a WMATA property that is used for the Green Line Metro. Section 24-121(a)(3) of the Subdivision Regulations provides the following requirements regarding lots adjacent to an arterial or higher classified roadway or and existing transit right-of-way:

- (a) **The Planning Board shall require that proposed subdivisions conform to the following:**
 - (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

Existing Parcel D-1 (proposed Parcel 1) is located in the south east quadrant of the intersection of East-West Highway and the vacated Toledo Terrace access easement. As previously discussed, the DSP proposes to shift Parcel D-1 to the east to be located in the southwest quadrant of the intersection of East-West Highway and Editors Park Drive, fronting on both dedicated public streets, and no longer fronting on the access easement. The approval of a minor final plat will be required to make this adjustment in accordance with Section 24-111 of the Subdivision Regulations, and the approval of this DSP, as the applicant is proposing to change the relationship of the parcel to the street. With this

adjustment direct access will be denied to East-West Highway because it is an arterial roadway. Access for the proposed multi-family development will be accommodated via the east-west right-of-way dedication which will connect Toledo Terrace and Editors Park Drive. Once the DSP is approved for the development on Parcel 1, the final plat can be approved by the Planning Board consistent with the layout and findings of the DSP and will include Parcels 1 through 3 and the proposed right-of-way dedication for Toledo Terrace and the connector between Toledo Terrace and Editors Park Drive. It should be noted on the DSP that the extent of the dedication of Toledo Terrace south of its intersection with Public Road A will be determined with the preliminary plan review. If the proposed right-of-way for Toledo Terrace and Public Road A has not been dedicated pursuant Section 24-111 at the time of preliminary plan approval, the dedication will be conditioned through the preliminary plan approval.

Although conceptual, the CSP demonstrates co-location of a number of public utility easement (PUE). In addition, several structures are proposed within the easements and must be removed unless the applicant provides evidence of the consent from all of the affected utility companies. While individual lots are shown on the CSP, the lotting pattern will be determined with the preliminary plan. With the final plat for Parcels 1 through 3 and the right-of-way dedication, the Subdivision Regulations requires the granting of a ten-foot-wide public utility easement along all public rights-of-way, and one side of private streets including the 24-128(b)(8) easement.

Subdivision Comments:

- (1) Failure of the DSP and building or grading permits to match the record plat will result in permits being placed on hold until they are corrected.
- (2) Prior to approval of building permits the applicant shall obtain approval of a final plat of subdivision in accordance with Section 24-111 of the Subdivision Regulations, and the approved DSP. The final plat should provide dedication of Toledo Terrace (currently vacated) and an east-west connection from Toledo Terrace to Editors Park Drive.
- (3) Re-label Lot 1 as Parcel 1, and Parcels 1 and 2 as Parcels 2 and 3.
- (4) Provide a note on the DSP stating that "the extent of right-of-way dedication for Toledo Terrace will be determined with Preliminary Plan of Subdivision 4-14013."

There are no other subdivision issues associated with this application.

The site is a combination of two parcels (Parcel D-1 3.71-acres and Parcel E-1 7.96-acres) that are comprised of 11.68-acres. These M-X-T zoned parcels were previously approved as Conceptual Site Plan CSP-11002, which proposed to rezone the property from C-S-C to

M-X-T and construct a mixed-use site containing residential and retail/commercial buildings. The Environmental Planning Section previously issued a Natural Resource Inventory Equivalency Letter (NRI-090-11), which expires April 25, 2016. During the CSP review a Type 1 Tree Conservation Plan (TCP1-059-03-01) was submitted but not required. This plan noted that the site had no on-site requirements per the Woodland and Wildlife Habitat Conservation Ordinance, but had to plant woodlands as part of the master plan overlay zone requirement. The subject property is located in the Prince George's Plaza Transit District Overlay Zone.

The current application proposes a 352 unit multifamily building and structured parking on Lot with an access road on the south side of the building from Editors Park Drive to abandoned Toledo Terrace. No development is proposed for Lot 2 at this time.

Grandfathering

The site is subject to the environmental regulations in Subtitles 24, 25 and 27 that became effective on September 1, 2010 because it is associated with development plans approved under the same environmental regulations.

Site Description

The 11.68 acre Kiplinger Property site is located on the south side of East-West Highway where it intersects with Toledo Terrace. A review of the available information indicates that no wetlands, streams or floodplain are found to occur on the subject project area. The predominant soils found to occur according to the USDA NRCS Web Soil Survey are Codorus and Hatboro soils, Codorus-Hatboro-Urban land complex, Russett-Christian-Urban land complex, and Urban land soils series. According to available information, Marlboro clay does not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area (SSSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The site drains to the south towards an adjacent off-site unnamed stream, which drains to the Northwest Branch and is part of Anacostia watershed. According to PGAtlas.com, this site is not within the designated network of the Approved Countywide Green Infrastructure Plan. The site has frontage on East-West Highway, a master planned arterial road. This roadway is evaluated for traffic-generated noise when residential uses are proposed. East-West Highway is not designated a scenic or historic road.

Plan Prince George's 2035 Approved General Plan (2014): Prior to the current application submitted, a new General Plan was adopted by the District Council. The site is now located within the Established Communities area of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Master Plan Conformance

The approved Transit District Development Plan (TDDP) for Prince George's Plaza (June 1998) for this area contains Mandatory Development requirements and guidelines that are required to be evaluated with this application. The mandatory requirements in the TDDP are indicated by a "P" or an "S." The requirements must be completely reflected by and incorporated into this CSP. The site design guidelines are criteria for development to be used in the review of this application. The text in **BOLD** is the text from the transit district development plan that are environmental nature and the plain text provides comments on the plan conformance.

Stormwater – Mandatory Development Requirements

P25 – Any Development shall provide for water quality and quantity control in accordance with all Federal, State and County regulations. Bio-retention or other innovative water quantity or quality methods shall be used where deemed appropriate.

P26 – Where stormwater management cannot be provided for existing developed properties, a mandatory 15 percent green space requirement shall be provided. The green space can be incorporated into the mandatory 10 percent afforestation required if it occurs on the actual property.

The site had a previously approved Stormwater Management Concept approval letter (Concept approval # 28828-2011-00) and plan that showed 14 micro-bioretenention ponds throughout the development. These ponds drained into the county storm drain system. This concept plan had no fee for required on-site attenuation/quality control measures.

Currently, the project has been revised and placed in two phases. Phase I has received a Stormwater Management Concept approval letter (Concept approval # 31085-2014-00), which is only for proposed Lot 1. The approved plan shows four micro-bioretenention ponds (two on west side of building and two on east side of building) within the project area. Two of these ponds drain into the on-site storm drain system and then drain towards Phase II's storm drain system and finally into the County's storm drain system. This existing County storm drain system is located on-site along the southern property line. This concept plan had no fee for required on-site attenuation/quality control measures.

Phase II has pending approval Stormwater Management Concept Plan (31085-2014-00), which is for Lot 2.

S31 - At the time of Detail Site Plan, the number of trash cans and locations shall be shown on the plan. Trash receptacles should be placed in strategic locations to prevent litter from accumulating in and around the proposed development.

This requirement has not been met with this submission. Trash receptacles must strategically be located to prevent litter accumulation. Only one trash receptacle was located near the dog park area. The building area that fronts along access road requires more trash receptacles. A revised Landscape plan shall be provided showing the additional locations of the proposed trash receptacles.

Recommended Condition: Prior to certification of the detailed site plan, the landscape plan and/or hardscape plan shall show the locations of the additional trash receptacles on-site in accordance with the requirements of S31 of the Transit District Development Plan.

S32 – Prior to the final inspection and sign off of permits by the Sediment/Stormwater or Building Inspector, and storm drain inlet associated with the development and all inlets on the subject subarea shall be stenciled with “Do Not Dump, Chesapeake Bay Drainage.” The Detailed Site Plan and the Sediment Control Plan (in the sequence of construction) shall contain this information.

No note or detail with stenciled with “Do Not Dump, Chesapeake Bay Drainage” on inlets was shown on the DSP. Revise the DSP to include the required inlet labeling and detail.

Recommended Condition: Prior to certification of the detailed site plan, the DSP shall include notes and a detail regarding the stenciling of storm drain inlets with “Do Not Dump – Chesapeake Bay Drainage” with the submission. Prior to the issuance of the first grading permit, a copy of the sediment and erosion control plan containing notes and details regarding the same stenciling shall be submitted.

Woodland Conservation - Mandatory Development Requirements

S33 – Afforestation of at least 10 percent of the gross tract shall be required on all properties within the Prince George’s Plaza Transit District currently exempt from the Woodland Conservation and Tree Preservation Ordinance. Afforestation shall occur on-site or within the Anacostia watershed in Prince George’s County, with priority given to riparian zones and nontidal wetlands, particular within the Northwest Branch Sub-watershed.

This property is not subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it contains less than 10,000 square feet of existing woodland and has no previously approved tree conservation plans. A Type 1 Tree Conservation Plan (TCP1-059-03-01) was submitted with the CSP application, but is not required.

As such, the site is required to provide 10 percent afforestation either on-site or within the Anacostia watershed. The gross tract area of the site, as stated on the submitted TCP2, is

11.68 acres. The requirement for afforestation for the subject site is 1.17 acres. The intent of this requirement was to increase the tree canopy coverage within the Anacostia Watershed by planting additional trees. In the majority of past cases in the TDDP, S33 has been addressed through the provision of woodland conservation at off-site locations. In the majority of those cases, the applicants were not able to meet the requirement within the Anacostia watershed because of the absence of viable planting sites. Before being allowed to meet the requirement elsewhere in the county, these applicants were required to show due diligence in seeking sites within the Anacostia watershed. In other cases, particularly within the vicinity of the subject site, the Planning Board and County Council have accepted the on-site tree canopy through the landscaping of trees as an accepted method of meeting this requirement. This requirement has been recently codified in the new tree canopy coverage regulations contained in Subtitle 25, Division 3, which requires a 10 percent tree canopy coverage for sites zoned M-X-T.

The applicant has requested an amendment to this requirement to allow for the afforestation requirement to be met using on-site landscaping. Lot 1 will use a percentage of the required afforestation as landscaping and the remaining afforestation will be met on Lot 2 as landscaping. Staff supports this request.

100 Year Floodplain - Mandatory Development Requirements

P28 – Any new development or reconstruction of existing development shall be in conformance with the Prince George’s County Floodplain Ordinance.

P29 – No development within the 100 year floodplain shall be permitted without the express written consent of the Prince George’s County Department of Environmental Resources.

P30 – If the development is undergoing subdivision, approval of a variation request shall be obtained for proposed impacts to the floodplain.

The site does not contain areas of 100 year floodplain.

Nontidal Wetlands - Mandatory Development Requirements

P31 – If impacts to nontidal wetlands are proposed, a Maryland Corps of Engineers Joint Permit Application shall be required and, where required, issuance of the permit.

P32 – If impacts to nontidal wetlands are proposed, a State Water Quality Certification pursuant to Section 401 of the Clean Water Act shall be required from the Maryland Department of the Environment.

The site does not contain areas of wetlands.

Noise Impacts - Mandatory Development Requirements

P33 – Each Preliminary Plat, Conceptual and/or Detailed Site Plan shall show a 65 dBA (Ldn) noise contour based upon average daily traffic volumes at LOS E. Upon plan submitted, the Natural Resource Division shall determine if a noise study is required based on the delineation of the noise contour.

P34 – If it is determined by the Natural Resource Division that a noise study is required, it shall be reviewed and approved by the Natural Resource Division prior to approval of any Preliminary Plat of Subdivision, Conceptual and/or Detailed Site Plan. The study shall use Traffic volumes at LOS E and include examination of appropriate mitigation techniques and the use of acoustical design techniques. Furthermore, a typical cross-section profile of noise emission from the road to the nearest habitable structure is required.

Policies contained in the General Plan call for the reduction of adverse noise impacts to meet State of Maryland noise standards. Noise is generally regulated along roads with a classification of arterial or higher, and for residential uses.

The project proposes to construct a mixed use development with retail/commercial and residential. These uses will generate noise from added vehicular traffic. The north is bounded by East-West Highway which is identified as an arterial roadway that has enough traffic to produce noise levels above 65 dBA Ldn.

This area is located in a heavily used and growing commercial area along East-West Highway. It should be noted that the Subdivision Ordinance requires that residential development adjacent to an arterial roadway requires a minimum lot depth of 150 feet, in part to address noise-related concerns. Retail and commercial uses would not generally be regulated for noise impacts, however; noise impacts on residential uses are regulated during preliminary plan review.

Using the EPS Noise Model and applying an average daily traffic (ADT) count at build-out of 26,771, as indicated on the Maryland State Highway traffic volume map, and a posted traffic speed of 40 mph, the unmitigated 65 dBA Ldn noise contour is located approximately 168 feet from the center line of East-West Highway. The DSP submitted on November 12, 2014 does show a noise contour; however it is located at approximately 168 feet.

According to the submitted plans, multifamily residential structures will be exposed to transportation noise levels of at least 65 dBA Ldn. Acceptable interior noise levels of 45 dBA Ldn or less may be achieved with appropriate shell construction methods. The acceptable noise level in outdoor activity areas is 65 dBA Ldn or less; however, it does not appear that any outdoor activity areas are proposed within the noise impact area, therefore

only interior noise levels will need to be mitigated.

This project is also adjacent to a Metro commuter rail line that is both aboveground and underground. The commuter service will generate noise and vibration impacts. The General Plan addresses noise, but it does not address vibrations caused by commuter rail lines. Vibration impacts should be measured using the Federal Transit Administration's (FTA) manual "Transit Noise and Vibration Impact Assessment" of May 2006. Vibration impacts for commuter trains are determined to have a frequency of 8 to 80 HZ with vibration events lasting approximately 10 seconds. Impacts are very subjective and can vary by each individual.

A study was provided by Phoenix Noise and Vibration on January 13, 2015. Vibration readings were collected using three PCB low noise accelerometers and a Sinus Harmonie multichannel frequency analyzer coupled with a laptop computer. Samples readings were collected at 5 locations on-site. It was determined that a train passes the Kiplinger site every 6 minutes, which is considered an "event".

The noise and vibration report concluded that Lot 1 would not be affected by the adjacent Metro rail line. As such mitigation for vibration impacts for this request is not required at this time; however interior noise mitigation is required at the time of building permits.

Conformance with the Countywide Green Infrastructure Plan

The *Approved Countywide Green Infrastructure Plan* indicates that none of the property is within or near the designated network.

Environmental Review

1. A Natural Resource Inventory Equivalency letter, NRI-090-11, in conformance with the environmental regulations was issued on April 25, 2011 and submitted with the current application. The site has less than 10,000 square feet of woodlands and stream buffer associated with an off-site ephemeral stream to the south of the site. No further information concerning the NRI is needed at this time.
2. The site is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because although the property is greater than 40,000 square feet in size, it contains less than 10,000 square feet of existing woodland, and has no previously approved tree conservation plans. During the CSP review a Type 1 Tree Conservation Plan (TCP1-059-03-01) was submitted but not required. This plan noted that the site had no on-site requirements per the Woodland and Wildlife Habitat Conservation Ordinance, but had to plant woodlands as part of the master plan requirement (See S33). No further information concerning the Woodland Conservation

Ordinance is needed at this time.

3. This site is undeveloped and does not contain any regulated environmental features that are required to be protected under Section 27-285(b)(4) of the Zoning Regulations. No further information concerning the regulated environmental features is needed at this time.

The Planning Board finds that the recommended conditions of the Environmental Planning section are appropriate conditions in the approval of the subject plans.

- d. **Transportation**—The Planning Board finds that the proposed amendment to the approved conceptual site plan, the request from departure from the required parking and loading requirements, and the proposed detailed site plan will meet the circulation requirements of the Prince George's Plaza TDDP/TDOZ, and Sections 27-548(c)(1)(D) and 27-290.01(a)(1)(B) of the Zoning Ordinance.

Review Comments for the Proposed Revisions to the Approved CSP

The proposed amendments to replace the area on the approved CSP designated for retail use with two-family dwellings (two-over-two), and related approved conditions.

The application by proposing a mix of moderate-and high-density residential uses within the entire subject site, which within a quarter-mile from a heavy rail metro station, would help to reduce auto dependency and roadway congestion if the submitted CSP is revised to include:

- (1) A direct high quality pedestrian walkway with active streetscape that would extend from East-West Highway (MD 410) to the proposed internal east-west roadway (depicted on submitted DSP as "Public Road A"), between the proposed boundary of the multifamily (DSP-14010) and proposed two-family dwellings. The exact configuration and alignment of this walkway must be included for review in the DSP for that part of development.
- (2) Provision of pedestrian walkways (at minimum on the side with minimum driveway conflicts), along all alley ways/ private streets with townhouse frontages. The exact configuration and location of these walkways must be included for review in the DSP in the proposed townhouse units.

Review Comments for the Request from Parking and Loading Requirements

The application as a companion to the proposed DSP, has submitted a departure from parking and loading standards application (DPLS-417), and proposes to provide only one loading space as opposed to the two loading spaces required for the proposed 352 multifamily units per Section 27-582 of the Zoning Ordinance.

A detailed review of the proposed multifamily building layout, its proposed access

configuration, and since the first floor frontage of the proposed building along East-West Highway and Editors Park Drive do not include any access to these roadways, The Planning Board concurs with applicant's assertion that granting of the requested departure is consistent with the required proposes and sufficiently address the required findings of Section 27-588(b)(7).

The DSP shows 0.98 acre of dedicated to public, as the proposed right-of-way for Public Road A extending in a westerly direction from Editors Park Drive to Toledo Terrace. DSP depicts this roadway as a two-lane undivided street with on-road parking, and street tree banks separating sidewalks on either side.

The Prince George's Plaza TDDP/TDOZ guides the use and development of all properties within its boundaries. The findings and recommendations outlined below are based upon evaluation of the submitted site plan and the way in which the proposed development conforms to transportation and parking MDRs and Guidelines outlined in the TDDP.

One of the purposes of this TDDP is to ensure a balanced transportation and transit facilities network. Therefore, and for the purpose of assessing transportation needs, staff performed an analysis of all transportation facilities serving the District. This analysis indicated that the primary constraint to development in the District is vehicular congestion. To this end, the plan identified and required ways to reduce the number of vehicle trips to and from the transit district, particularly the congestion caused by the Single-Occupant Vehicle (SOV) trips that should be converted to trips taken on the available transit service. As a result, the TDDP addresses transportation adequacy by managing the surface parking supply by recommending a number of policies and the establishment of maximum surface parking ratios and maximum surface parking caps, while providing full exemption to the amount of structure parking in any of the related TDDP's mandatory requirements associated with the parking and transportation adequacy.

Among the most consequential of these policies are: (1) the establishment of a District-wide cap on the number of additional surface parking spaces (3,000 Preferred, plus 1,000 Premium) that can be constructed in the Transit District, (2) the implementation of developer contributions based on total number of Preferred and Premium surface parking spaces proposed for any planned development, to be applied toward the funding of the recommended transportation improvements, and (3) the establishment of the authorized mandatory Transportation Demand Management District (TDMD), when deemed appropriate by the District Council in accordance with the requirements of Subtitle 20A of the County Code.

Status of Surface Parking in the Transit District

Pursuant to the Planning Board's previous approvals of detailed site plans in the Transit

District, the unallocated and still available Preferred and Premium surface parking spaces in the Transit District for each class of land use are:

	RESIDENTIAL		OFFICE/RESEARCH		RETAIL		TOTAL	
	PREF.	PREM	PREF.	PREM	PREF.	PREM	PREF.	PREM
TDDP Caps	920	310	1,170	390	910	300	3,000	1,000
Subarea 1	(178)						(178)	
Subarea 4					(121)		(121)	
Subarea 6					(72)		(72)	
Subarea 9					(321)		(321)	
Subarea 10A			(82)		(191)	(15)	(273)	(15)
Unallocated	742	310	1,080	390	205	285	2,035	985

Note: The allocation or availability of preferred and premium surface parking spaces does not change in the transit district by any subsequent amendments to an approved detailed site, provided the requested amendment is not proposing an increase in the number of approved or exempt surface parking in each subarea. The figures shown above does not include the number of structure parking spaces that are built, or are planned to be constructed in each subarea, as they are deemed exempt pursuant to the requirements of MDR P6.

Detailed Site Plan Findings

The PG-TDDP identifies the subject property as Subarea 7 of the TDOZ. There are 15 subareas in the TDOZ, two of which are designated as open-space and will remain undeveloped. The applicant proposes to construct 352 dwelling units with a parking structure with 416 garage spaces and provision of 11 surface parking spaces. Since the proposed 11 surface parking spaces is substantially less than the 382 exempt surface parking spaces that existed on the subarea at the time of TDDP approval, the review of the submitted plan will be limited to the adequacy determination of access points, and compliance to the transportation related requirements of the approved CSP. Approval of this plan would not result in any changes to the unallocated preferred and premium surface parking spaces stated in the table above.

Vehicular access to the proposed multifamily development will be provided from the proposed Public Road A. The submitted plan lacks sufficient dimensions to identify the exact limits of dedicated right-of-way. The Planning Board finds the provision of a complete street constructed per county standards within a dedicated 47 feet of total right-of-way, as was mutually agreed at a meeting with city staff and applicant's representatives. In conformance to the TDDP recommendations and per Maryland State Highway Administration (SHA) and/or DPW&T requirements, the DSP correctly shows no direct vehicular access driveways along the property's frontage onto East-West Highway or Editors Park Drive.

Among the TDDP required findings for detailed site plans is the provision of pedestrian and vehicular circulation systems, and parking and loading areas that, "Maximize safety

and efficiency and are adequate to meet the purposes of the TDOZ.” The TDDP transportation objectives require modifications to the street and road network to “improve the flow of traffic within and through the transit district and the surrounding areas”, that includes existing commercial retail to the west, and residential neighborhoods to the north and west of the site generating many school-age pedestrian commuters that would be using proposed “Road A” to gain safe access to the existing schools south of the site. For these reasons, the Planning Board finds that the entire proposed “Road A” should be permitted for construction in such a way that ensures this roadway is open to traffic and pedestrian concurrent with the completion of the multifamily residential units.

Transportation Conclusion

Based on the preceding findings, the Planning Board concludes that the proposed amendment to the approved conceptual site plan, the request from departure from the required parking and loading requirements, and the proposed detailed site plan as submitted will meet the circulation requirements of the Prince George’s Plaza Transit District Development Plan, and Sections 27-548(c)(1)(D) and 27-290.01(a)(1)(B) of the Zoning Ordinance, provided that:

- (1) Prior to the issuance of any building permits for the proposed multifamily building the following improvements shall (a) have full financial assurances through either private money or full funding in the Prince George’s County or the City of Hyattsville Capital Improvement Program, (b) have been permitted for construction through the operating agency’s permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - (a) Provision of Road ‘A’ with two travel lanes, on-road parking, and wide sidewalks separated by landscape buffers on both sides of the roadway within a minimum of 47 feet of continuous dedicated right-of-way such that the approved construction time table ensures the road is fully constructed and open to traffic prior to release of occupancy permit for any multifamily units.
 - (b) Conversion of existing flashing signal to a complete traffic signal with pedestrian phasing and count down displays on all three approaches for the intersection of Editors Park Drive and East-West Highway, if deemed necessary by SHA and/or DPW&T.
- e. **Trails**—The Planning Board finds that in terms of pedestrian and bicycle facilities, access, and circulation, the applicant’s plan proposal does not conflict with the TDDP. The TDDP describes a primary, secondary, and tertiary pedestrian system that is part of comprehensive, well-coordinated pedestrian network that promotes transit ridership and provides numerous direct connections to the Metro station and transit district services.

The proposal includes these pedestrian systems on MD 410 and along the new roadway, as

applicable, and they appear to be adequate for the intended use (described below in the context of the Mandatory Development Requirements).

- (1) The TDDP's Urban Design Goals (page 28) are related to pedestrian and bicycle access and circulation, and related to the overall design character throughout the Prince George's Plaza Transit District. The goals encourage placement of buildings along East West Highway so that they "define the space" to create a "pedestrian-friendly" environment, while minimizing views of parking areas. The goals encourage the use of structured parking and the linking up of residential neighborhoods to the Metro station and other uses with a "strong pedestrian network."
- (2) The proposal shows a primary walkway system on the plan that contains sidewalks and sidewalk amenities that are consistent with the TDDP. Wide sidewalks with streetscape amenities in amounts that are prescribed by the TDDP are provided on East-West Highway, new roads, and Toledo Terrace.
- (3) The applicant is also proposing a trail that would run along the subject property and the WMATA tracks. This trail could ultimately connect to the Northwest Branch Trail.
- (4) There are no walkways on the proposal that would extend through any proposed parking lots. The sidewalk locations provided appear to be adequate for the intended use and they do not conflict with this Mandatory Development Requirement.
- (5) The application states that all walkways will be lighted to a minimum 1.25 foot candles.
- (6) Special paving materials will be provided.
- (7) The proposal minimizes vehicular and pedestrian conflicts by providing sidewalks that surround the buildings and on both sides of all proposed streets. The proposal minimizes the number of curb cuts along roadways.
- (8) The proposal indicates that barrier-free pedestrian walkways will be provided.
- (9) The proposal does not appear to contain any landscape screens or buffers that would lessen the safety of pedestrian walkways.
- (10) Staff has encouraged the applicant to widen the public space between the proposed two family dwellings and the multifamily building and parking structure. Urban Design staff is the lead.

- (11) Bicycle parking is proposed. Details of the bicycle parking have been provided. A suggestion is recommended that bicycle parking be placed within the parking garage and also along MD 410, and the new road.
- (12) Bicycle parking is proposed near the main entrance of the building on East-West Highway and within the parking garage where bicycle parking will be well illuminated.
- (13) No new curb cuts are proposed along MD 410. The proposed building is located along East-West Highway (MD 410). The proposal includes a vehicular access via the existing MD 410 access drive at the Home Depot. A direct sidewalk connection to the existing sidewalks and streetscape along East-West Highway is shown on the plans. The sidewalks and the pedestrian zone appear to be adequate to meet the purposes of the Transit District Overlay Zone as required by Section 27-548.08(c). The streetscape contains pedestrian-scaled lighting and other amenities.

Trails Conclusion

Based on the preceding analysis, and in terms of pedestrian and bicycle use, the Planning Board concludes that the proposal is consistent with the purposes of the M-X-T Zone. The development will be conveniently located along East-West Highway and will be accessible to the Prince George's Plaza Metro Station and the Northwest Branch Trail. The projects submitted generally fulfill the intent of the TDDP and provides pedestrian and bicycle facilities on the property.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In an e-mail dated March 10, 2015, DPR agreed with the applicant's proffer to allow the applicant to fulfill the obligation of this development project by a combination of paying a fee of \$150,000 and provision of on-site private recreational facilities.
- g. **Prince George's County Health Department**—The Environmental Engineering/Policy Program of the Prince George's County Health Department has completed a health impact assessment review of the detailed site plan submission for Kiplinger and has the following comments/recommendations:
 - (1) Health Department permit records indicate there are five-to-ten existing carry-out/convenience store food facilities within a one-half mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.
 - (2) There is presently one market/grocery store with a one-half mile radius of this location. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and

vegetable consumption and a reduced prevalence of overweight and obesity.

It should be noted that a Safeway grocery store is also under construction within one-half mile of the subject site and will open prior to the construction of the proposed multifamily building.

- (3) Indicate the noise control procedures to be implemented during the construction phase of this project. No construction noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
- (4) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

The two suggestions above will be added as notes to the subject DSP application.

- (5) The Kiplinger project is located adjacent to East-West Highway (MD 410). Published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving, and performance on standardized tests. There is an emerging body of scientific evidence indicating that fine particulate air pollution from traffic is associated with childhood asthma.

The Planning Board has no authority to impose conditions relating to air quality.

- (6) Several large-scale studies demonstrate that increased exposure to fine particulate air pollution is associated with detrimental cardiovascular outcomes, including increased risk of death from ischemic heart disease, higher blood pressure, and coronary artery calcification. This office looks forward to receipt of a landscape plan depicting elements of the project that will help to mitigate the above noted potential adverse impacts due to its proximity to East-West Highway.

A landscape plan has been submitted and indicates street trees along the frontage of MD 410.

- h. **Prince George's County Fire/EMS Department**—In a memorandum dated December 17, 2014, the Fire/EMS Department offered standard comments on needed fire engine accessibility, private road/fire lane design, and the location and performance of fire hydrants.

- i. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated February 11, 2015, comments of DPIE are provided for the applicant and will be enforced at the time of building permit.
 - j. **Prince George's County Police Department**—In a memorandum dated November 21, 2014, the Police Department concluded that, there is conflict between the proposed lighting and proposed placement of trees, the plans should be revised to address these issues prior to signature approval of the plans.
 - k. **Washington Metropolitan Transit Authority (WMATA)**—At the time of the writing of this technical staff report, WMATA had not offered official comments on the subject application.
 - l. **Maryland State Highway Administration (SHA)**—SHA has requested a traffic Impact study.
 - m. **Washington Suburban Sanitary Commission (WSSC)**—WSSC stated that no structures or utilities or landscaping are allowed within their easements. They have also asked for a utility plan to ensure that all existing and proposed site utilizes have been properly coordinated. This is recommended as a condition of approval.
 - n. **Verizon**—At the time of the writing of this technical staff report, Verizon has not offered comments on the subject application.
 - o. **Potomac Electric Power Company (PEPCO)**—At the time of the writing of this technical staff report, PEPCO has not offered comments on the subject application. However, staff is very concerned about the proximity of the building to the existing utility poles.
15. Section 27-285(b)(4) of the Zoning Ordinance requires that a DSP demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. Because the development site does not contain any regulated environmental features or woodlands that need to be protected, this required finding does not apply to the review of this DSP.

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 following amendments:

- 1. P1 – Amending the East-West Highway 40 foot pedestrian zone to allow a pedestrian zone not less than 36 foot minimum.
- 2. S33 – Amending the ten percent on site woodland conservation requirement and allow this requirement to be met through on-site tree canopy as provided on the plans.

3. S8 – Amending the required streetscape per figures 7, 8 and 9 to allow modification of the pedestrian zone for East-West Highway as shown on Applicant's Exhibit #2.

The Planning Board further APPROVED Detailed Site Plan DSP-14010 subject to the following conditions:

1. Prior to certification, the following revisions shall be made, or information be submitted:
 - a. The building location shall be revised so that a minimum 36-foot-wide streetscape (from face of curb to the façade of the building) shall be provided subject to approval of the Potomac Electric Power Company (PEPCO) of the location of the building in relation to the existing power lines and poles along East-West Highway.
 - b. The plan shall be revised to clearly show the location of the existing utility poles along East-West Highway (MD 410).
 - c. Remove all retaining walls and stairwells from the ten-foot-wide public utility easement (PUE) along the East-West Highway frontage of the property.
 - d. Remove the balconies which do not meet minimum setback requirements of PEPCO or OSHA from the front façade of the building along East-West Highway (MD 410) and provide windows of a scale appropriate to the surrounding façade treatment.
 - e. The plans shall be revised to provide an interim sidewalk along the frontage of the property from the west side of the streetscape to the intersection of East-West Highway (MD 410) and Toledo Terrace extension.
 - f. Dimension the sidewalk along MD 410 as a minimum of eight feet in width, and the details and specifications should be revised to reflect the same paving patterns as exist on the adjacent shopping center to the east of the subject property.
 - g. Provide details and specifications for all of the retaining walls and railings for approval by the Urban Design Section. The walls shall be less than three feet in height to avoid railings and provide terracing, where possible, and any wall over six feet in height shall include accent lightning along the wall to avoid dark spaces at night.
 - h. Revise the architectural elevations of the parking garage to diversify the appearance of the exterior elevation through the use of textured paint to match the color and pattern of the multifamily building, including additional considerations, such as art work, vegetation, or screening on the interior elevation of the parking garage.
 - i. Revise the plans to provide a minimum of five percent of green space at the roof level of the parking garage in accordance with S22 within the 1998 *Approved Transit District*

Development Plan for the Prince George's Plaza Transit District Overlay Zone.

- j. Revise the signage plan to include building-mounted signage at the west end of the building, as visible from East-West Highway (MD 410), and include directional and parking signage.
 - k. Provide notes on the plans in accordance with the Prince George's County Health Department's recommendations by adding notes to the plans as follows:
 - (1) Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
 - (2) Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - l. Adjust the lighting pole and street tree locations to avoid a conflict between the two features.
 - m. Re-label Lot 1 as Parcel 1, and Parcels 1 and 2 as Parcels 2 and 3.
 - n. Provide a note on the detailed site plan stating that the extent of the right-of-way dedication for Toledo Terrace will be determined with Preliminary Plan of Subdivision 4-14013.
 - o. Provide the details and specifications of the public road, to be determined by the City of Hyattsville and in accordance with Condition 2(a) below, with a street tree bank, sidewalks and two travel lanes, with on-street parallel parking in some locations.
 - p. Provide a minimum of five bicycle lockers and bicycle racks accommodating a minimum of 25 bicycle parking spaces.
 - q. Provide a brick or masonry material percentage for each of the four major elevations, to be reviewed and approved by the Urban Design Section as designee of the Planning Board.
2. Prior to issuance of any building permits for the proposed multifamily building, the following improvements shall (a) have full financial assurances through either private money or full funding in the Prince George's County or the City of Hyattsville Capital Improvement Program, (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
- a. Subject to the approval of DPIE and the City of Hyattsville, provision of Road A with two travel lanes, on-road parking, and sidewalks with street trees and lighting within a variable width of 40 - 47 feet of continuous dedicated right-of-way such that the approved

construction time table ensures the road is fully constructed and open to traffic prior to release of an occupancy permit for any multifamily units.

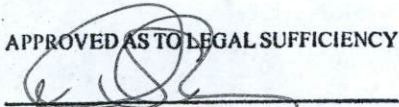
- b. Conversion of the existing flashing signal to a complete traffic signal with pedestrian phasing and count down displays on all three approaches for the intersection of Editors Park Drive and East-West Highway (MD 410), if deemed necessary by the Maryland State Highway Administration (SHA) and/or the Prince George's County Department of Public Works and Transportation (DPW&T).
3. Prior to approval of building permits, the applicant shall obtain approval of a final plat of subdivision in accordance with Section 24-111 of the Subdivision Regulations and the approved detailed site plan. The final plat should provide dedication of a portion of Toledo Terrace (currently vacated) and an east-west connection from Toledo Terrace to Editors Park Drive.
4. Prior to issuance of a use and occupancy permit, the interim sidewalk along the frontage of the property from the west side of the streetscape to the intersection of East-West Highway (MD 410) and Toledo Terrace extension shall be completed.
5. Prior to signature approval of the detail site plan the DSP should be revised as follows:
 - a. The DSP shall demonstrate on the Landscape Plan what percentage of afforestation requirement is being met on Lot 1.
 - b. The landscape plan and/or hardscape plan shall show the locations of the additional trash receptacles on-site in accordance with the requirements of S31 of the Transit District Development Plan.
 - c. The DSP shall include notes and a detail regarding the stenciling of stormdrain inlets with "Do Not Dump – Chesapeake Bay Drainage" with the submission. Prior to the issuance of the first grading permit, a copy of the sediment and erosion control plan containing notes and details regarding the same stenciling shall be submitted.
6. At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65 dBA Ldn or higher noise impact area.
7. Prior to the issuance of a building permit, the applicant shall make a contribution of \$150,000 to M-NCPPC for future recreational facilities, within the City of Hyattsville.
8. The applicant shall revise the site plan to include additional enhancements at the corner of Editors Park Drive, which may include public art or more traditional streetscape elements.

* * * * *

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 Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Washington temporarily absent at its regular meeting held on Thursday, March 26, 2015, in Upper Marlboro, Maryland.

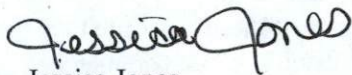
Adopted by the Prince George's County Planning Board this 16th day of April 2015.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 4/7/2015

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SHL:arj