

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Special Permits pursuant to Part 3, Division 5 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on October 11, 2007, regarding Special Permit SP-060001 for the EYA/Arts District East Village, the Prince George's County Planning Board finds:

1. **Request:** The subject application requests approval of 32 townhome units in the M-U-T-C Zone. Please note that the subject case complements a companion case (DSP-06029 and Special Permit-070003) that requested a mixed use development, including 162 townhome units, including 1 live/work unit, 76 multifamily units, including 11 live/work units, 35,797 square feet of commercial space and attendant recreational facilities immediately south of the subject property in the M-U-I Zone.

2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	M-U-T-C	M-U-T-C
Use(s)	Vacant/residential	Residential
Acreage	1.21	1.21
Parcels	0	2
Lots	7	32

**OTHER DEVELOPMENT DATA**

Total Parking	Required	Provided
For 32 townhomes in the M-U-T-C Zone	40	56-72 depending on the option chosen by the purchasers of the units

3. **Location:** The site is located in Planning Area 68 and Council District 3. More specifically, it is located just east of an automobile repair establishment located in the southeastern quadrant of the intersection of Madison Street and Baltimore Avenue.
4. **Surrounding Uses:** The subject property is bounded to the north by Madison Street with residential and commercial land use beyond, to the west by a vacant lot with Baltimore Avenue and with the West Village of the EYA Hyattsville development beyond, to the south by the M-U-I zoned portion of EYA's East Village, and to the east by the Baltimore and Ohio Railway with industrial land use beyond.
5. **Previous Approvals:** The site is subject to approved Preliminary Plan of Subdivision 4-06050, which was approved by the Planning Board on January 4, 2007. A resolution formalizing that approval was adopted by the Planning Board on February 22, 2001, and mailed out to all parties of

record listed in the case on February 27, 2007. Please see Finding 10 for a more detailed discussion of the requirements of that plan. The site is also the subject of approved stormwater concept 14838-2006-00.

6. **Design Features:** The subject project is sandwiched between Madison Street to the north and Street A to the south. Frontage for the 32 townhomes is provided on Madison Street, 45<sup>th</sup> Avenue and Street. Allies offers service access at the rear. A stormwater management pond, a grassed area and limited surface parking surface is also included in the development. The townhomes are included in four separate buildings identified as Buildings 9, 10, 11 and 12 on the plans.

The townhouse architecture includes a mix of unit types, materials, architectural detail and fenestration patterns creating variety in the architecture and visual interest. The buildings are generally three stories tall with an optional fourth “loft” level. Only units identified as “A” and “B” have front balconies on the third level. The architecture house to house varies. One and two car garages are provided generally on the rear elevations. Materials utilized on the townhome building include brick veneer, corrugated metal, wood, siding, rock face masonry units and precast “accents”. The architecture treatment of the rears, like the other architecture, is markedly less inspired than the other facades. In most cases, enhanced treatment wraps from the side to the corner unit, then ceases. The visual aspect of the rear facades is further degraded by the presence of unadorned garage doors. Additionally, required safety railing is provided across the second story that has an exit door leading to a potential deck. Evaluation of the architecture of the townhomes is complicated by the fact that it will be determined in part by the options chosen by the individual purchasers. Color elevations of the townhome buildings have not been provided to staff, except for the lofts, with details as to materials and colors for the optional 4<sup>th</sup> level.

The loft levels of the townhomes will be sheathed in hardi-panel and the cornice material is proposed as the same color as the wall face, consistent with their treatment in the West Village.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the Town of Riverdale Park Mixed-Use Town Center Zone Development Plan:**

- a. **The Town of Riverdale Park Mixed-Use Town Center Zone Development Plan.**

The Town of Riverdale Park Mixed-Use Town Center Development Plan was approved in January 2004 and established development standards and land use recommendations for the M-U-T-C zoned portion of the site. Specifically, The Plan recommends residential infill development with 4 to 5 story buildings. In a memorandum dated July 25, 2007, the Community Planning Division stated that the 32 townhomes proposed for the M-U-T-C portion of the site conform to the Plan’s recommendation.

The M-U-T-C Zone permits dwelling units in a building containing commercial uses on the first floor as a by-right use, whereas all other residential uses must request that a Special Permit be granted. The intent is to encourage a vertical mix of uses in town centers where a concentration of commercial and retail establishments will activate the street level and encourage pedestrian movement. The subject portion of Madison Street, however, was

particularly identified as appropriate for residential infill, thus the use, though requiring a Special Permit, fulfills the intent of the Plan.

Procedurally, a local M-U-T-C Committee reviewed the development proposal as required on February 7, 2007 and determined that the development's proposed use for the site was appropriate, but stated that the proposal must either meet the standards established for the use in the Plan, or obtain departures from those mandatory standards.

The applicant has requested a variation from mandatory standard #2 of the Plan (Page 35) which requires that appropriate screening materials shall be limited to wood, brick, stone, masonry, stucco, or any combination thereof that complements the main structure. Specifically, they requested that landscaping also be included as an appropriate screening measure, particularly in the bio-retention area between the existing auto repair and the internal guest parking lot for building 9. In their memorandum dated July 25, 2007, the Community Planning Section stated that the requested variation would still meet the intent of the Plan as expressed on page 35 therein, to delineate private property without creating security risks by allowing natural surveillance of public and private areas, screen unsightly elements and buffer transitional properties.

The applicant has also requested a variation from mandatory standard #7 of the Plan (Page 36) which requires that decorative fencing and gates (3-4 feet high) shall enclose residential terraces, courtyards and gardens adjacent to a public street sidewalk. Further, it provides that if a residential yard is less than seven feet in depth or contains a porch, no fence is required. In the subject case, most of the yards are less than seven feet deep, and for those that are more than seven feet deep, the applicant requests a variation to allow that those yards not be fenced or gated to create a uniform appearance along the street. In their memorandum dated July 25, 2007, the Community Planning Section stated that the requested variation would still meet the intent of the Plan for the same reasons as for the first variation stated above.

Urban Design staff is supportive of granting these variations and has specifically included such support in the recommendation section of this report.

8. **Requirements of the Zoning Ordinance**

- a. **In the M-U-TC (Mixed-Use Town Center Zone):** Staff has reviewed the project with respect to the general purposes specified for the M-U-TC Zone and finds it to be substantially in compliance.

9. **Preliminary Plan of Subdivision 4-06050:** Preliminary Plan of Subdivision 4-06050 was approved by the Planning Board on January 4, 2007. A resolution formalizing that approval was adopted by the Planning Board on February 22, 2007, and mailed out to all parties of record listed in the case on February 27, 2007. The relevant requirements of the approval are listed in bold face type below, followed by staff comment.

- 2. **The applicant (currently owner of a portion of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property) and the applicant's heirs, successors,**

**and/or assignees shall use its best efforts to acquire the portions of the abandoned trolley right-of-way adjacent to the subject property that it does not currently own, and upon that portion of said right-of-way owned by the applicant, along with that portion of said abandoned right-of-way adjacent to Lots 2 and 3, it shall provide the master plan trail, as indicated on the submitted preliminary plan.**

Staff Comment: Such a trail, including an alternative location should it prove impossible to acquire Parcel 108, are shown on the subject plans.

- 3. For that portion of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property that is now or will be owned by the applicant, the trolley trail shall be placed within a 20-foot wide public use easement that will be marked and labeled on the final plat and detailed site plan.**

Staff Comment: Conditions below would require that the plans be revised to indicate the trails location in a public use easement on the detailed site plan and that it be marked and labeled on the final plat.

- 4. Prior to detailed site plan approval, the applicant shall show that legal action for the purpose of obtaining ownership of those portions of the abandoned trolley right-of-way (Parcel 108) that are adjacent to the subject property (and which are not already owned by applicant), and also those portions of the right-of-way adjacent to Lots 2 and 3, has been filed in the appropriate court. Applicant shall diligently pursue said legal action, and if successful, applicant shall construct the master plan trail upon those portions of said right-of-way adjacent to the subject property.**

Staff Comment: DPR has informed staff that they have the necessary proof that the applicant has taken appropriate legal action to acquire title to the land for the trail.

- 5. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.**

Staff Comment: TCPH/063/07 is recommended for approval subject to a condition in conjunction with the detailed site plan currently under consideration. Therefore, the requirement has been fulfilled.

- 6. The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines, subject to the following:**
  - a. Submission of three original, executed recreational facilities agreements (RFA) to DRD for its approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

- b. Submission to DRD of a performance bond, letter of credit, other suitable financial guarantee, or other guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.**

Staff Comment: Applicant has provided adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. Compliance with subconditions 6a and 6b will be assured at a time subsequent to detailed site plan approval.

- 8. The placement of the recreation facilities reflected on the detailed site plan shall comply with the standards outlined in the Parks and Recreation Facilities Guidelines.**

Staff Comment: The placement of the recreational facilities on the detailed site plan complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.

- 10. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the detailed site plan.**

Staff Comment: The private recreational facilities included in the subject application have been reviewed by the Urban Design Section and determined to be adequate and properly sited.

- 12. If the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property is acquired by the applicant, it shall build an asphalt trail along said right-of-way from the northern boundary to the southern boundary of the subject property. If the applicant is unable to acquire said right-of-way, applicant shall reach an alternative agreement with M-NCPPC. The exact location, timing and applicable DPR and ADA standards for the installation of the trail shall be determined at the time of detailed site plan review.**

Staff Comment: Such potential alternative alignment for the trail has been agreed on between the applicant and the Parks Department.

- 14. At the time of detailed site plan and TCP II approval, the plan shall demonstrate that the minimum requirement (20%) for tree cover of 20 percent of the gross site area has been provided.**

Staff Comment: Applicant has proffered a statement of justification regarding this issue that both the Environmental Planning Section and the Urban Design Section have found acceptable.

- 15. Development of the site shall be in accordance with the approved stormwater management concept plan 14838-2006-00 or any approved revision thereto.**

Staff Comment: At the time of this writing staff had not received comment from the Department of Public Works and Transportation as to conformance of the proposed DSP/SP's with approved stormwater concept 1-4838-2006-00. However, such plan has been received from the applicant and reviewed by the Environmental Planning staff. Please see Finding 14, Environmental, for a more detailed discussion of the Environmental Planning Section's comments.

- 17. At time of detailed site plan review, the landscape plan shall provide a chart using the 10-year tree canopy coverage calculations to state the percentage of tree cover proposed. If the 20 percent tree cover standard cannot be met, a letter of justification must be provided stating why it cannot be met.**

**Staff Comment:** Information regarding the ten-year coverage calculations has been provided on the "Common Space Plant Lot" on Sheet L2.09 of the Landscape set. In addition, since the 20 percent tree cover standards could not be met, the required letter of justification has been submitted.

- 18. At time of detailed site plan review, an analysis shall be provided by the applicant regarding the amount of existing and proposed impervious surfaces and the percentage of green roofs proposed.**

Staff Comment: Such analysis is included on Sheet L2.01D of the Landscape Set. Please note that 10,000 square feet of green roof is included in the project.

- 20. Prior to signature approval of the preliminary plan and at least 45 days prior to any hearing on a detailed site plan, a copy of the stormwater management concept approval letter with associated plans shall be submitted. The concept shall show the use of low-impact development techniques such as underground facilities, bioretention, green streets, and other techniques to micromanage stormwater.**

Staff Comment: Such concept plan has been submitted to staff and demonstrates the employment of low-impact stormwater management techniques.

- 21. At time of detailed site plan review, a revised Phase II noise study shall be submitted that describes the proposed building materials to be used on specific units in the 65, 65-70 and 70-75 dBA Ldn noise contours to ensure that interior noise levels are 45 dBA Ldn or less for interior living spaces. The study should consider the shielding effect of other buildings on the site.**

Staff Comment: In their comments dated September 25, 2007, the Environmental Planning Section stated that they had received the required revised Phase II noise study, reviewed it, and recommended a condition requiring that prior to the approval of building permits for the project, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA(Ldn) or less. Such condition has been included in the recommendation section of this report.

- 22. The abandoned shallow well found within the confines of the subject property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller**

**or witnessed by a representative from the Health Department as part of the raze permit.**

Staff Comment: A condition below would require that this be accomplished prior to issuance of the first building permit for the project.

- 23. A raze permit is required prior to the removal of any structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well properly abandoned/sealed before the approval of any building permit.**

Staff Comment: A condition below would require that this be accomplished prior to the issuance of the first building permit for the project.

- 25. The applicant shall photographically document those buildings identified as contributing resources to the Hyattsville National Register Historic District within the subject property prior to their demolition. In addition, to assist in the recycling of usable historic building materials, staff requests that the applicant salvage any significant materials and details from the buildings to be demolished for reuse elsewhere within the developing property, or for donation to the Newel Post, the architectural salvage depot operated by the Prince George's County Historical and Cultural Trust, a countywide, nonprofit historic preservation organization.**

Staff Comment: A condition below would ensure compliance with this condition.

- 29. The developer must obtain approval for street standards from the City of Hyattsville.**

Staff Comment: A representative of the City of Hyattsville verbally informed staff that the developer has obtained approval of the street standards from the City of Hyattsville.

- 30. Total development within the subject property shall be limited to no more than 321 a.m. peak-hour trips, 509 p.m. hour trips or equivalent uses, for a total development of 470 residential units, of which 246 units will be considered as multi-family condominium units and 38,005 square feet of commercial retail.**

Staff Comment: The proposed design program for the project includes 243 residential units and 35,795 square feet of commercial retail, which is well within the above limits.

10. ***Landscape Manual:*** The proposed development is subject to the requirements of Sections 4.1, 4.4, and 4.6 of the *Landscape Manual*. Staff has reviewed the submitted plans against the requirements of these sections and found them to be substantially in conformance.
11. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the gross tract

area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Type I Tree Conservation Plan TCPI/034/06 was approved by the Planning Board with Preliminary Plan 4-06050, but is yet to be certified. Signature approval of the TCPI is required prior to signature approval of the Type II tree conservation plan.

The Environmental Planning Section has reviewed the proposed TCPII and is recommending approval subject to a single condition. Therefore, it may be said that the proposed project is designed in accordance with the requirements of the Prince George's County Woodland Conservation Ordinance.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

**Historic Preservation**—In comments received June 29, 2007, the Historic Preservation and Public Facilities Planning Section, noting that the subject property lies within the Riverdale Park National Historic District, stated that the special permit, SP-060001 for 32 townhouse units would have no effect on historic resources in the vicinity of the subject site.

**Archeological Review**—In a memorandum dated July 17, 2007, the staff archeologist stated that a Phase I archeological survey would not be required with respect to the property covered by SP-060001 because a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the boundaries of the subject property is low as modern construction on the site has likely destroyed any archeological sites that may have been present on the property. Additionally, they stated that the applicant should be aware that the Hyattsville Armory (68-041-09), a property listed in the National Register of Historic Places, and a Baltimore & Ohio Switching Tower (68-008), a county historic site, are located adjacent to the property and there are 11 other county historic sites and one National Register property within a one-mile radius of the subject property. In closing, the staff archeologist stated that Section 106 review may require archeological survey for state or federal agencies as Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties to include archeological sites when site or federal monies, or federal permits are required for a project.

**Community Planning**—In a memorandum dated July 25, 2007, with respect to SP-060001, the Community Planning North Division likewise said it conformed to the 2002 General Plan development pattern policies for the Developed Tier, but due to its slightly different location, noted that it conformed to the mixed-use-infill land use recommendations of the approved Town of Riverdale Park Mixed-Use-Town Center Zone development plan.

Please see Finding 7 for a more detailed discussion of conformance with the plan.

**Transportation**—In a memorandum dated September 20, 2007, the Transportation Planning Section stated:

- SP-060001 proposes 32 residential townhouse units, with 56-72 parking spaces (12 surface).



- The proposed development is within the requirements of the relevant preliminary plan for the overall site (including the M-U-I portion), a total of 470 residential dwelling units and 38,005 gross square feet of commercial retail space.
- The relevant approved plans do not require any adequacy determination for transportation facilities as part of any site plan review, and the transportation planning section made a determination of compliance with the approved development standards of the two approved plans as well as the adequacy of on-site circulation patterns.

**Subdivision**—In a memorandum dated October 3, 2007, the Subdivision Section stated the property is subject of Preliminary Plan 4-06050, approved by the Planning Board on September 13, 2007. The resolution, PGCPB Resolution 07-01(A), contains 31 conditions.

Please see Finding 10 for a discussion of compliance with the relevant requirements of that approval.

**Trails**—In a memorandum dated September 19, 2007, the senior trails planner stated that the relevant approved preliminary plan requires pedestrian and trails facilities, including a bikeway and wide sidewalk along US 1 and a network of internal sidewalks. These include the provision of a trail along the abandoned trolley right-of-way (Parcel 108). Specifically, Condition 4 requires that prior to the approval of the detailed site plan for the site, the applicant present proof that legal action has been filed in the appropriate court for the purposes of obtaining ownership of those portions of the abandoned trolley right-of-way (Parcel 108) that are adjacent to the subject property (and which are not already owned by the applicant), and also those portions of the right-of-way adjacent to Lots 2 and 3. The condition goes on to say that the applicant shall diligently pursue said legal action, and if successful, the applicant shall construct the master plan upon those portions of said right-of-way adjacent to the subject property.

Additionally, the senior trails planner, suggested that having bicycle-compatible roadways and pedestrian-friendly streetscapes make it possible for residents and employees to make some trips without using their automobiles. He noted that this is especially important in urban areas and areas around mass transit where higher residential, office and commercial densities make it more feasible for some trips to be made without an automobile.

Further, he noted that pedestrian safety is a priority at road crossings and trail intersections to be ensured at time of detailed site plan. Specifically, he noted that such safety measures could include curb extensions, in-pavement lighting in crosswalks, raised crosswalks, road striping, additional signage and lighting, and contrasting surface materials as deemed appropriate by the communities and road agencies.

He also noted that all new roads and all retrofit road projects be developed in accordance with the AASHTO Guide for the Development of Bicycle Facilities, where feasible, including identified current “best practices” for accommodating bicycles on roads including designated bike lanes, wide outside curb lanes, paved shoulders, and shared-use roadways. Specifically with respect to US 1, he noted the sector plan recommends on-street bike lanes, continuous sidewalks, and suitable pavement markings to accommodate bicyclists.

In closing, with respect to sidewalk connectivity, the senior trails planner noted that an extensive

network of standard and wide sidewalks is proposed including standard sidewalks along both sides of all local, internal roads and a wide 20+-foot-wide “streetscape” along US 1, Jefferson and Ingraham Streets. While stating that the wide sidewalks would accommodate the high pedestrian volumes anticipated in the vicinity and fulfill the intent of the master plan, he expressed concern about the width of the sidewalks along the other streets in the development. Particularly, he indicated that the four-foot sidewalks along Longfellow Street, 45<sup>th</sup> Avenue and Ingraham Street are insufficient. He said that a four-foot width is only acceptable in low-density, single-family areas. In areas such as this, urban areas with a mix of multifamily and single-family dwellings developed in an urban context, the proposed sidewalks are too narrow to adequately accommodate pedestrians and thereby encourage walking over vehicle trips. He noted that this notion is supported by the Federal Highway Administration’s guide “Designing Sidewalks and Trails for Access.” Therefore, the senior trails planner recommended six-foot sidewalk along 45<sup>th</sup> Avenue and Longfellow Street.

The senior trails planner’s suggestions have been incorporated as recommended conditions below.

**Parks**—In a memorandum dated September 25, 2007, the Department of Parks and Recreation (DPR) reviewed Preliminary Plan of Subdivision Conditions 2, 3, 4 and 12 and recommended that five conditions be attached to the approval. The conditions recommended by DPR relate to the construction a trail along the eastern edge of the property and the need for assurances that the private recreational facilities be completed as planned for the subdivision. Those suggested conditions have been included in the recommendation section of this report, because should the alternative alignment for the trail be utilized, it would traverse the subject M-U-T-C portion of the EYA project.

**Permits**—At the time of this writing, the Permit Review Section has not offered comment on SP-060001, which covers the M-U-TC portion of the site.

**Environmental Planning**—In a memorandum dated September 25, 2007, the Environmental Planning Section offered the following: There are specific recommendations pertaining to the environmental elements of the sector plan that relate to the subject property. This site is currently partially developed and predominantly paved. The environmental elements pertaining to the subject property are reduction of impervious surfaces, noise pollution, stormwater management and woodland conservation. The respective environmental conditions are in **bold** typeface; the associated comments are in standard typeface.

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

A stormwater management concept approval letter and plan (CSD# 14838-2006-00) dated July 17, 2006 has been submitted.

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

The subject property is mostly cleared and developed in places but contains some woodland areas that are regulated. The property is subject to the provisions of the Prince Georges County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are

more than 10,000 square feet of existing woodlands on-site. A Type II Tree Conservation Plan has been submitted with the application, which uses a threshold calculation of 15 percent as required by the zone. The site has a Type I Tree Conservation Plan (TCPI/034/06) approved by the Planning Board and is pending signature approval.

The site is located in the Development Tier at a location where development potential should be maximized. In addition, the woodlands that do exist on-site are of low retention priority because of the high percentage of invasive plant species and low species diversity. The emphasis on this site should be placed on the provision of extensive streetscapes and the planting of the shade trees throughout the site. The street trees and other landscaped areas may be used to meet the requirements if certain design parameters are met. Comments regarding tree canopy cover for the site are provided in the Environmental Review section below.

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

The submitted approved Stormwater Management Concept plan shows the use low-impact development design features, which includes bio-retention structures and sand filters that will provide water quality for some runoff on the site. The landscape plan provides tree canopy cover to the extent possible for the proposed layout. The proposed retail building on the southern portion of the site will be designed with green roof technology.

With regard to green building techniques, this will be applied through the renovation and rehabilitation of the existing Lustine Showroom, which will be used as a community center. Rehabilitation of this building includes the abatement of toxic materials such as lead paint and asbestos. Renovation efforts will include recycled cement for the exterior, energy efficient insulated glass, and recycled rubber flooring for the fitness center. The proposed townhomes on-site will also include recycled cement for the exterior, high efficiency appliances, and insulated garage doors.

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

The site does not contain any green infrastructure elements and it is not located in the green infrastructure network of the Countywide Green Infrastructure Plan.

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

The subject property is not adjacent to a designated green corridor and does not contain woodlands, wetlands or sensitive species habitat. The tree cover requirements in #5 below will serve to address the landscaping provisions above.

**“5. Require the following tree cover areas based on ten-year tree canopies: 10 percent**

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

The site has a condition of approval for a 20 percent tree canopy cover requirement. See Condition 14 of PGCPB No. 07-01, File No. 4-06050 below. Tree canopy cover is discussed in Condition 17 of the preliminary plan below.

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

Based on Landscaping map, sheet # L2.01D as submitted, the existing impervious area on the site is 13.20 acres or 79.9 percent. The proposed impervious surface is 12.21 acres or 73.9 percent. The decrease in impervious area is a result of the creation of shared parking with open spaces (grassed) in the parking lot area. The plan also provides 1.7 percent of green roofs on-site.

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

According to the stormwater management concept approval letter, conditions for the use of sand filters, bio-retention, and reduction in impervious coverage will be implemented on this site

**Prince George's County Fire/EMS Department**—In a memorandum dated July 18, 2007, the Fire/EMS Department offered comment with respect to SP-060001 on required access for fire apparatuses from public streets, private road design, the need for the demarcation of fire lanes, and the location and performance of fire hydrants.

**Department of Public Works and Transportation (DPW&T)**—In a memorandum dated July 13, 2007, with respect to SP-60001, DPW&T noted the following: With respect to permit requirements and required frontage improvements along that project periphery, the Maryland State Highway Administration has jurisdiction. Additionally, DPW&T noted that the remainder of the streets providing frontage to the development are maintained by the City of Hyattsville; therefore, frontage improvements and right-of-way dedication requirements will be determined by the city. Lastly, they stated that the site development has an approved Stormwater Concept Plan #14838, dated July 17, 2006. DPW&T did not express an opinion, however, as to whether or not the subject plans conformed to the requirements of that approval.

**Prince George's County Health Department Division of Environment Health**— In a memorandum dated July 23, 2007, the Health Department made the following comment with respect to SP-060001: A raze permit is required prior to the removal of any of the structures on-site. A raze permit can be obtained through the Department of Environmental Resources, Offices of Licenses and Permits. Any hazardous materials located in any structures on the site must be removed and properly stored or discarded prior to the structures being razed.

- a. The abandoned shallow well found within the confines of the above referenced property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit.
- b. A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the plan that requires that the structures are to be razed and the well properly abandoned before the release of the building permit.

**Washington Suburban Sanitary Commission (WSSC)**—At the time of this writing, Staff has not received comment from WSSC regarding this project, although the WSSC did comment on the companion application.

**Maryland State Highway Administration (SHA)**— At the time of this writing, Staff has not received comment from SHA regarding this project, although the SHA did comment on the companion application.

**PEPCO**—In two separate undated sets of comments, citing subdivision regulations CB-48-1981, Subtitle 24, Section 24-122, paragraph 3, CB-48-122 paragraph 3, and Section 24-128, Private roads and easements, paragraph 12, PEPCO stated the following with respect to DSP-06029 and SP-070003 and SP-060001:

“PEPCO requires the applicant to show a suitable 10-foot public utility easement parallel, adjacent and contiguous to all public and private roads and alley right of ways free and clear of any permanent structures, buildings, sidewalks, curbs, paving, trees, shrubs, retaining walls, landscape buffers and trails.”

**Verizon**—In verbal comments to staff, a representative of Verizon reiterated PEPCO’s above comments. In fact, he suggested requiring the applicant, prior to signature approval of the plans, to present a letter stating that Verizon had agreed to provide the subject development with communications services and that the applicant had granted them suitable easements.

**City of Hyattsville**—Please note that Staff did not receive separate comment from the applicant regarding SP-060001. However, the City of Hyattsville, in a formal motion, supported the East Village Detailed Site Plan. They stated that they were excited and pleased with the construction of the applicant’s West Village and are looking forward to the development of this phase. They then acknowledged that the applicant had made some revisions in their plans over time in response to their comments. The City, however, still found the following outstanding with respect to the EYA East Village project (including the M-U-I zoned portion of the site):

- The entire first level of the condominium building closest to Jefferson Street should be commercial use only;
- No live/work units or residential condos should be permitted on the first level closest to

Jefferson Street;

Urban Design Comment: While the developer has partially conceded on this issue, live-work units remain in the front and residential units remain on the back. Recommended conditions 1(n) and 1(p) below would ensure that the units (both on the front and rear of the building) be designated to be used in perpetuity exclusively for commercial use and so not be designated as live/work.

- Appropriate parking should be provided behind the commercial space included in the project.

Urban Design Comment: Such parking has been provided on the project's plan.

- The facades of the condominium buildings and the retail buildings should have more brick and architectural detailing on all sides;

Urban Design Comment: Though the architecture for the project has been improved through the development review process, the rear façades remain lacking. Recommended condition I (u) below would ensure that they be further improved.

- The configuration of the townhouses backing up to the parking lot and the fronts of residential units facing the backs of residential units is not desirable (Buildings 3 and 5);

Urban Design Comment: Recommended condition I (p) would remove the residential units fronting on the parking lot and facing the back of the townhouse stick located on the western side of 45th Avenue opposite its intersection with Kennedy Street.

- The removal of the units opposite the end of Kennedy Street would improve the parking circulation and the delineation of residential and commercial areas;

Urban Design Comment: The Urban Design Section views the units opposite the end of Kennedy Street as buffering the negative visual impact of the parking lot. Therefore, staff does not support the removal of these units.

- The fourth level facades and the backs of the townhouses should utilize a variety of materials and colors, including brick veneer, hardi-planks (not just the hardi-panels on the lofts);

Urban Design Comment: Staff supports the applicant's preferred treatment of the optional fourth level lofts, which is consistent with and has been utilized by EYA in its West Village project.

- Townhouse backs visible to parking lots and streets (such as those of Buildings 6, 7, 8, and 28) should be brick like the backs of the live/work units in the West Village;

Urban Design Comment: A condition below requires that architectural treatment be wrapped to the rear on units visible from streets and parking lots.

- The sidewalks along main roads should be at least five feet wide, and the sidewalk areas along 45<sup>th</sup> Avenue adjacent to the parking lots should have landscaping.

Urban Design Comment: A recommended condition below requires that sidewalks measure a minimum of five feet wide. Additionally, staff has found that parking lots have been landscaped in accordance with Section 4.3 of the Prince George's County *Landscape Manual*.

- In this motion, the City stated that the project encompassed 15 acres on the east side of Baltimore Avenue, that the development included 163 townhouses (including one live/work unit), 76 condominium units, 35,797 square feet of retail, and 6,655 square feet of retail live/work. Further, they stated that the condominium units are to be located in two three-story buildings located along Baltimore Avenue, with units ranging from 650 to 1,000 square feet. The townhouses are arranged on a grid pattern as approved by the preliminary plan. A community pool and park, along with a trail are located at the back of the site near the railroad tracks. In closing, the City stated that they understood this application to be the second of three phases of a 20-acre town center project; that in December 2005, prior to acquiring some additional parcels, the total residential unit count was approximately 450 whereas the estimated total unit count would now become 600, with a concomitant increase in commercial square footage, with the proposed residential/commercial mix for this phase 88 percent residential to 12 percent commercial and the proposed mix for the entire project 93 percent residential and 7 percent commercial.

Staff Comment: Staff would like to note that since the EYA Hyattsville project is not technically a phased project, each detailed site plan should be considered on its own merits independent of prior and future applications. With respect to the details of the City's comments, while the Urban Design Section is supportive of the majority of the comments, we feel the units opposite the end of Kennedy Street provide a visual buffer from the commercial parking lot and so should be retained where they are located.

**Town of College Park**—At the time of this writing, staff has not received comment from the Town of College Park.

**Town of Cottage City**—At the time of this writing, staff has not received comment from the Town of Cottage City.

**Town of North Brentwood**—At the time of this writing, staff has not received comment from the Town of North Brentwood.

**Town of Bladensburg**—At the time of this writing, staff has not received comment from the Town of Bladensburg.

**Town of Brentwood**—On September 26, 2007, a representative of the Town of Brentwood stated that they did not care to comment on the subject project.

**Town of Edmonston**—In a telephone conversation held with a member of the Urban Design staff, a representative of the Town of Edmonston stated that they had no comment on the proposed project.

**Town of Riverdale Park**—In a special legislative meeting held by the Town of Riverdale Park, the Town Council formalized their support of Special Permit Application #SP-060001 in a resolution approved unanimously. Specifically, the resolution stated that the town recommended approval of the special permit including departures for residential use only on Madison Street, to allow the applicant not to install fences on the lots that exceed seven feet in depth to create visual continuity and to allow landscaping to qualify as appropriate screening to meet the M-U-T-C guidelines. Staff has been provided with copy of the above resolution in lieu of comments.

**Town of University Park**—At the time of this writing, comment has not been received from the Town of University Park.

15. As required by Section 27-239.02(a)(1)(7)(B) of the Zoning Ordinance, the special permit is in conformance with the approved Town Center Development Plan and its guidelines and specific criteria for the particular use.

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 above-noted application, subject to the following conditions:

1. Prior to certificate approval of this special permit, the applicant shall revise the plans as follows:
  - a. The applicant shall provide sidewalks on both sides of all streets at least 4-feet in width.
  - b. The applicant shall provide striped or decorative crosswalks across 45th Avenue at Street A unless modified by either DPW&T or the City of Hyattsville. Such design modification shall be approved by the Urban Design Section as designee of the Planning Board.
  - c. The applicant shall include information on all building heights.
  - d. The applicant shall revise the plans to replace all fencing specified as wood with a durable non-wood material. Such material change shall be approved by the Urban Design Section as designee of the Planning Board.
  - e. Applicant shall submit detailed construction drawings for the master planned trail to the Department of Parks and Recreation for review and approval. Requirements for this trail include the following:
    - (i) The applicant shall revise the plans to show a twenty-foot-wide public-use easement along the trail alignment shown in the detailed site plan.
    - (ii) Plans shall be revised to show a two-foot shoulder on both sides of the ten-foot-wide master planned trail throughout the entire length of the trail. This shoulder may be paved or natural surface and shall be cleared of all obstructions.
    - (iii) The trails shall be designed in accordance with the applicable standards in the *Parks*



*and Recreation Facilities Guidelines.* The construction drawings for the hiker/biker trails shall include typical sections and details for any structures necessary to assure dry passage such as a bridge, boardwalk or retaining wall.

- (iv) When trails are constructed through wooded areas, all trees shall be removed that are within two feet of the edge of the trail. Within 20 feet of the trail, 1) All trees shall be cleared of branches to allow 12-foot clearance; and 2) Other vegetation obstructing the view from the trail shall be removed (e.g. shrubs, fallen trees).
  - (v) Shallow rooted species (e.g. maples) shall be located a minimum of 10 feet from the edge of the pavement.
  - (vi) The location of the trail shall be staked in the field and approved by the Department of Parks and Recreation prior to its construction.
  - (vii) The trail shall be designed to meet handicapped accessibility design standards. The Department of Parks and Recreation shall review and approve the trail layout and slopes to ensure it meets recommended design standards prior to certification of the detailed site plan.
  - (viii) In addition to the trail alignment shown on the current detailed site plan, the applicant shall include an additional ten-foot-wide trail alignment, as an alternative in case that Parcel 108 cannot be acquired as shown in the Department of Public Works and Recreation Exhibit "A". This trail shall include a public-use easement along the trail right-of-way in the event that it is built.
2. Prior to approval of the final plat for the project, applicant shall mark and label on the final plat a 20-foot-wide public use easement over the portion of the Master Planned trail that runs through the M-U-T-C portion of the EYA development should the alternative alignment be utilized.
  3. Prior to issuance of the first building permit, the applicant shall procure the required raze permit prior to the removal of any structures on the site.
  4. Applicant shall present a certification by a professional engineer with competency in acoustical analysis, which shall be placed on the building permits, stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.
  5. Prior to the issuance of the first grading permit for the project, the applicant shall photographically document those buildings identified as contributing resources to the Hyattsville National Register Historic District within the subject property prior to their demolition.
  6. Applicant shall make a good-faith effort to salvage any significant materials and details from the buildings to be demolished on the site for reuse elsewhere within the developing property, or for donation to the Newel Post, the architectural salvage depot operated by the Prince George's County Historical and Cultural Trust, a countywide, nonprofit historic preservation organization.

7. Three original, executed Recreational Facilities Agreements (RFA) shall be submitted to the DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
8. A performance bond, letter of credit or other suitable financial guarantee, shall be submitted to DRD in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits.
9. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
10. In the event that the applicant, his heirs, successors and/or assignees cannot acquire Parcel 108, the applicant shall file a revision to SP-060001 together with a revision of DSP-06029 to incorporate the ten-foot-wide master-planned trail on-site and make any changes necessary, including adjustments to lotting patterns, if necessary, as a result of incorporating the trail on the plan.
11. The applicant shall build the preferred or alternative trail as shown on Exhibit "A" provided by the Department of Parks and Recreation and attached to and made part of the technical staff report for the subject project.
12. Recreational Amenities for the development shall be completed in accordance with a schedule setting forth the triggers for bonding and completion of the various amenities, said schedule to be reviewed and approved prior to signature approval by the Urban Design Section as designee of the Planning Board. Should the applicant and staff be unable to agree on such schedule, the matter will be returned to the Planning Board for resolution.
13. This approval is conditioned on the issuance of a building or use and occupancy permit by the Department of Environmental Resources, Permits and Review Division.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Vaughns and Clark absent at its regular meeting held on Thursday, October 11, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of November 2007.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:RG:bjs