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Preliminary Plan 4-04192

Application	General Data
Project Name: EYA HYATTSVILLE REDEVELOPMENT, PHASE 1 Location: Southwest quadrant of the intersection of Baltimore Avenue and Madison Street. Applicant/Address: LH Associates Limited Partnership c/o Eakin/Youngentob Associates, Inc. 1000 Wilson Boulevard, Suite #2720 Arlington, VA 22209	Date Accepted: 03/31/05
	Planning Board Action Limit: 09/17/05
	Plan Acreage: 6.8
	Zone: M-U-I
	Lots: 138
	Parcels: 2
	Planning Area: 68
	Tier: Developed
	Council District: 02
	Municipality: Hyattsville
	200-Scale Base Map: 207NE04

Purpose of Application	Notice Dates
MIXED-USE SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed:

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-04192
EYA Hyattsville Redevelopment, Phase I
Lots 1-122 and Parcels A and B

OVERVIEW

The subject property is located on Tax Map 42, Grid C-4, and comprises seven recorded lots and 11 deed parcels:

Lots 5, 6, 8, 9 and 10 of Shepherd's Addition to Hyattsville (Plat Book 02, Plat 13)
Lots 1 and 17 of R.T. Pettit's Addition to Hyattsville (Plat Book A, Plat 18)
Parcels 7, 17, 54-59, 89, 95 and 101

The site is currently vacant but was for many years the location of one of the Lustine family's automotive sales and service lots.

The applicant is proposing to combine these 18 properties and resubdivide them into a mixed-use development of 124 townhouses, 13 live/work units, and 6,610 square feet of community space in an adaptive reuse of the old Lustine showroom. Primary access to the site is provided from US 1 via Longfellow Street. Secondary access is provided via Madison Street to the north and Kennedy Street to the southwest. This network of private streets built to public street standards also shows 20-foot-wide "private alleys" running behind some of the townhouse units. No lot will gain access directly from US 1. Staff would note that the preliminary plan of subdivision does not establish the permitted use on a property, nor approve the improvements on the property. There is a companion Detailed Site Plan, DSP-04076, which is being analyzed concurrently with this application

The property is zoned Mixed-Use-Infill (M-U-I) and is located within the 2004 Gateway Arts District Sector Plan and Sectional Map Amendment (SMA). The SMA also placed the property in the Gateway Arts District Development District Overlay Zone. Development is subject to the requirements of that plan, as discussed further in Finding 3 of this report.

SETTING

The property is located on the west side of US 1 in the City of Hyattsville, just south of Madison Street and opposite Longfellow Street. It is developed with a former vehicle showroom and sales lot. The site is bounded to the north by DeMatha High School, single-family residences, and strip commercial uses along US 1; to the west by multifamily and single-family residences; and to the east and south by a combination of single-family residences and strip-commercial uses along US 1.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	M-U-I	M-U-I
Use(s)	Auto Sales/Service (Vacant)	Mixed/Use 124 townhouses 13 live/work units 6,610 square feet of community space
Acreage	6.77	6.77
Lots	7	138
Parcels	11	2

2. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils or Marlboro clays are not found to occur on this property. Baltimore Avenue is a planned four-lane major collector (MC-200) roadway not generally regulated for noise. The predominant soil type found to occur on the site, according to the Prince George's County Soil Survey, is Sandy and Clayey series. This soil series has limitations with respect to high shrink/swell potential and slow permeability, especially when steep slopes are present, which is not the case on the subject property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this application. This property is located in the Northeast Branch watershed of the Anacostia River basin and in the Developed Tier as reflected in the adopted General Plan.

Woodland Conservation

A forest stand delineation (FSD) was not submitted with this application and is not required. The subject property is predominantly cleared and developed. This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance; although the gross tract area of the subject property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland. A Type I tree conservation plan was not submitted with the review package and is not required. A standard letter of exemption from the Environmental Planning Section will be required as part of the application for any grading or building permit.

This site is within the Gateway Arts District Overlay Zone and is subject to site design requirements for tree cover and stormwater management. The recommendation states that afforestation be provided for a minimum of 10 percent of the gross site area. This coverage is measured by the amount of cover provided by a tree species in 10 years. Street trees planted along abutting rights-of-way may be counted toward meeting this standard. A landscape plan is required to show full compliance and this plan will be reviewed at time of detailed site plan review.

Variation Request for Section 24-121(a)(4)

Section 24-121(a)(4) of the Subdivision Regulations requires residential lots fronting on arterial

roadways (such as US 1) to have a minimum depth of 150 feet, with adequate protection from traffic nuisances being provided by earthen berms, plant materials, fencing, and/or the establishment of building restriction lines. None of the residential lots along US 1 meet this standard, having depths varying from 37 to 50 feet.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The recently approved 2004 Gateway Arts District Sector Plan and Sectional Map Amendment governs development of this site. This property is in the town center character area described below:

Town center character area development standards emphasize the creation of a pedestrian-oriented streetscape that will welcome residents and visitors, establish a build-to line to ensure a common street wall that creates a comfortable sense of enclosure, and minimize total parking requirements while encouraging shared parking. In particular, residential uses above first-floor retail or commercial uses are desired in the town centers to infuse the areas with new residents who can enliven the streets and support commercial retail, middle- to high-end housing with structured parking as is demonstrated in this proposal.

In addition to the above-mentioned build-to line, the sector plan also requires a 20-foot area from curb and building line to include a sidewalk, landscaping and street furniture to create a sense of separation from US 1. The companion detailed site plan to this application shows all of these features. Relaxing this standard would not be injurious to the public or adjoining properties, and is, in fact, the only way this development can be found to be in concert with the sector plan.

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

This site, as discussed previously, is subject to the development standards for the town center contained in the 2004 Gateway Arts District Sector Plan. Thus, the requested variation is not generally applicable to other properties.

- (3) The variation does not constitute a violation of any other applicable law,**

ordinance or regulation; and

Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

The 2004 sector plan envisions a substantial amount of development on this site. Requiring a 150-foot lot depth along US 1 would encumber the front third of this site, thus cutting the development potential for this site well below that envisioned by the plan. Without approval of this variation, the development standards promulgated for the town center could not be met and the application would have to be denied.

Staff supports the variation request for the reasons stated above.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

3. **Community Planning**—The 2002 General Plan places this property in the Developed Tier on the Baltimore Avenue Corridor. The vision for Corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. The vision for the Developed Tier is a network of sustainable transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The property is subject to the recommendations of the 2004 Gateway Arts District Sector Plan and Sectional Map Amendment, as well as the development standards of the Gateway Arts District Development District Overlay Zone. The land use recommendation is for mixed-use residential. The proposed preliminary plan is consistent with the sector plan.

The sector plan sets goals, objectives, and concepts based on the identification of seven character areas: (1) town center, (2) arts production and entertainment, (3) neighborhood arts and production, (4) multifamily residential community, (5) traditional residential neighborhoods, (6) neighborhood commercial, and (7) stream valley park. Each character area has its own set of development district standards with the exception of the stream valley park character area. This property is in the town center character area that is described below:

Town center character area development standards emphasize the creation of a pedestrian-oriented streetscape that will welcome residents and visitors, establish a build-to line to ensure a common street wall that creates a comfortable sense of enclosure, and minimize total parking requirements while encouraging shared parking. In particular, residential uses above first floor retail or commercial uses are desired in the town centers to infuse the areas with new residents who can enliven the streets and support commercial retail and middle- to high-end housing with structured

parking as is demonstrated in this proposal.

This plan meets most of the development standards expressed in the approved 2004 Gateway Arts District Sector Plan and Sectional Map Amendment but several suggestions are recommended that enhance the ability to achieve the goal for the town center character areas. The goal for town center character areas is to enhance the walkability of the town centers by creating a framework for high quality, mixed-use, pedestrian-oriented development incorporating human-scale buildings, an attractive streetscape, landscaping, and small pocket parks.

Sidewalks that are five feet wide allow two people to walk side-by-side, where sidewalks that are four feet wide do not allow two people to walk comfortably side-by-side. Thus, the internal sidewalk width would better serve the community if they were at least five feet in width.

Since this site is heavily developed, the open space tucked at the southern edge and northwest corner of the site does not serve the community well and comes across as an afterthought that could be better designed to provide a central focal point. The play area east of 44th Avenue at the southern edge of the site should be moved to replace units 14 thru 18, which will provide a public space in the center of the development (e.g., a similar green space exists at Avalon of Arlington Square in Arlington, Virginia) and provide a landscaped green space that reflects the new urbanism sensibility more than the tot-lot tucked at the edge of the site adjacent to a car wash. Dwelling units 14 through 18 could be moved to replace the proposed play area and provide an architectural punctuation to the private street in this location.

4. **Parks and Recreation**— Section 24-134 of the Subdivision Ordinance (mandatory dedication of parkland) requires that one acre of the subject property be dedicated for public parkland. This acreage must be “suitable and adequate for active or passive recreation.” The sector plan envisioned this property as part of an arts district, which would be a focal point for art activities of all types and the place for entertainment, socializing, dining, shopping and living. The sector plan recommends small parks and amenities close to other related uses, for example, tot-lots closer to grocery stores and libraries; that mechanisms for public-private donations and stewardship be created; that partnerships with investors be created; that businesses, municipalities, agencies and organizations work together to fund and strengthen programs and draw on local resources, such as talent from local schools and universities, to program arts events and activities throughout the art district.

The following public parks are within a one-mile radius of the project area:

- a. **Melrose Neighborhood Playground** (three acres) located on the south along the west side of Rhode Island Avenue and improved with basketball court.
- b. **Anacostia River Stream Valley Park** located south of Melrose Park and improved by hiker/biker/equestrian trails.
- c. **Hamilton Aquatic Center** (one acre) and **Hamilton Neighborhood Park** (15 acres) are located 0.8 mile southwest of the property and improved by swimming pool, softball field, playground, picnic shelter, picnic areas and fitness stations.

These parks are very popular and heavily used by Hyattsville area residents. The Capital Improvement Program (CIP) includes funds for conversion of the Melrose Neighborhood Playground basketball court into a skate park, which is very popular sport in the local

community. Hamilton Aquatic Center is also a very popular local attraction; unfortunately, the pool needs a major renovation and no funding is allocated for this project in the CIP.

The applicant proposes to meet mandatory dedication requirements by providing on site private recreational facilities including outdoor tot-lots, plazas, and sitting areas. In addition, the applicant proposes to renovate and make 6,600 square feet of indoor space in the Lustine's showroom available for recreational uses. There will be 2,600 square feet programmed for arts programs. According to the applicant, the City of Hyattsville has expressed an interest in using this space to provide arts programs. The applicant is also proposing a contribution of \$75,000 to the Commission for the improvements or maintenance of the Hamilton Aquatic Center.

The Department of Parks and Recreation (DPR) staff believes that the combination of the private recreational facilities on site, the allocation of indoor recreational space for the Hyattsville area residents in restored Lustine's showroom, and the contribution of the \$75,000 for the renovation of the Hamilton Aquatic Center pool will adequately address the requirements of the approved sector plan and sectional map amendment for the Prince George's County Gateway Arts District and Subdivision Regulations as they pertain to public parks and recreation.

5. **Trails**—The Gateway Arts District Sector Plan identifies pedestrian and bicycle facilities as potential transportation modes for some trips within the study area. Having bicycle-compatible roadways and pedestrian-friendly streetscapes make it possible for residents and employees to make some trips without using their automobiles. 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 (sector plan, page 37).

The sector plan also recognizes that pedestrian safety is a priority for the community and that measures should be taken to ensure that area roads are safe and attractive for pedestrians. Recommendation 2 (sector plan, page 41) requires pedestrian safety measures at road crossings and trail intersections. These improvements can 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. Staff recommends that this issue be addressed at the time of the detailed site plan.

Recommendation 1 (sector plan, page 41) addresses on-road bicycle facilities. It recommends 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. These guidelines outline current “best practices” for accommodating bicycles on roads. The types of facilities addressed include designated bike lanes, wide outside curb lanes, paved shoulders, and shared-use roadways. More specifically, the sector plan recommends on-street bike lanes and continuous sidewalks along US 1.

Sidewalk Connectivity

An extensive network of standard and wide sidewalks is proposed on the subject application. These include standard sidewalks along both sides of all the local, internal roads, and a wide “streetscape” along US 1. The sidewalk along US 1 varies in width from approximately 6 feet to around 12 feet. Staff believes that this width is sufficient. However, staff recommends that the sidewalk width be no less than six feet in any area, including areas with street furniture, planters, or street trees.

6. **Transportation**—The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated March 2005 that was referred for comment. No comments were received from the county Department of Public Works and Transportation (DPW&T), as all identified intersections and roadways are maintained by either the State Highway Administration (SHA) or the City of Hyattsville. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is located within the Developed Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Analysis of Traffic Impacts

The traffic study for this site examined the site impact at six signalized intersections, and six unsignalized intersections.

The six signalized intersections reviewed are:

US 1/MD 410 Addison Road
US 1/ Queensbury Road
US 1/Oglethorpe Street
US 1/Madison Street
US 1/ Jefferson Street
US 1/Hamilton Street/ Alt. US 1

The six unsignalized intersections studied are:

US 1 with Longfellow Street
US 1 with Kennedy Street
Cleveland Avenue with Madison Street
43rd Avenue with Ogethorpe Street
43rd Avenue with Kennedy Street
43rd with Jefferson Street

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1 & MD 410	1,842	1,720	F	F
US 1/ Queensbury Road	888	1,011	A	B
US 1/Oglethorpe Street	875	650	A	A
US 1/Madison Street	946	717	A	A
US 1/ Jefferson Street	751	724	A	A
US 1/Hamilton Street/ Alt. US 1	747	870	A	A

The existing conditions of the six unsignalized intersections are determined to be at acceptable levels of service during both the morning and afternoon peak hours, with average vehicle delay for various movements through these intersections well below the acceptable range of 50.0 seconds, as required by the guidelines.

While there is no other approved but not yet built development within the study area, a background traffic growth of two percent per year was assumed for US 1. There are no programmed improvements in the county Capital Improvement Program (CIP) or the state Consolidation Transportation Program (CTP). Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1 & MD 410	1,956	1,825	F	F
US 1/ Queensbury Road	942	1,073	A	B
US 1/Oglethorpe Street	928	690	A	A
US 1/Madison Street	1,003	763	B	A
US 1/ Jefferson Street	797	769	A	A
US 1/Hamilton Street/ Alt. US 1	792	923	A	A

The results of the capacity analysis with the background traffic show that all six unsignalized intersections are projected to continue to operate with acceptable levels of service during both the morning and afternoon peak hours, with average vehicle delay for various movements through these intersections well below the acceptable range of 50.0 seconds, as required by the guidelines.

The site is proposed for development of only 137 residential townhomes as well as ancillary community space. The traffic study assumes 425 units, which includes units in the areas that are not part of this application. It is important to note that at the Subdivision Review Committee meeting staff informed the applicant that there is no assurance that similar findings can be made when the 2nd

phase of the proposed development is submitted. Using the 425 units, the submitted study indicates that the proposed development would generate 298 (60 in, 238 out) AM peak-hour vehicle trips and 340 (221 in, 119 out) PM peak-hour vehicle trips. With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1 & MD 410	1,972	1,858	F	F
US 1/ Queensbury Road	958	1,119	A	B
US 1/Oglethorpe Street	944	723	A	A
US 1/Madison Street	1,063	831	B	A
US 1/ Jefferson Street	863	802	A	A
US 1/Hamilton Street/Alt. US 1	853	1213	A	C

The results of the capacity analysis with the projected 2008 total traffic show that all six unsignalized intersections are projected to continue to operate with acceptable levels of service during both the morning and afternoon peak hours, with average vehicle delay for various movements through these intersections below the acceptable range of 50.0 seconds, as required by the guidelines.

As indicated above and reported by the traffic study, inadequacy exists at the existing signalized intersection of US 1/MD 410 intersection. The needed findings and/or improvements under consideration are further discussed below:

As summarized above, the traffic study reports that the proposed development will result in the addition of 119 northbound and 30 southbound vehicle trips along US 1 at this intersection, which equates to 16 additional critical movements during the weekday morning peak hour. During the evening peak hour the proposed development will result in the addition of 60 northbound and 111 southbound vehicle trips along US 1, or 33 additional critical movements. In contrast, the development of 137 units proposed by the submitted plan will result in the addition of only 5 critical movements to this intersection during the weekday morning peak hour and 10 additional critical movements during the evening peak hour.

The applicant proposes restriping of eastbound and westbound approaches of MD 410, removal of the existing traffic island in northwest quadrant of the intersection, and the necessary traffic signal and pavement marking changes. These improvements are proposed as mitigation in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of criterion (1) in the Guidelines for Mitigation Action, which were approved by the District Council as CR-29-1994 (the site also meets criterion (3), and may also meet criterion (2)). The impact of the proposed mitigating improvement at this intersection is summarized as follows:

IMPACT OF MITIGATION		
Intersection	LOS and CLV (AM & PM)	CLV Difference (AM & PM)

US 1/MD 410				
Background Conditions	F/1,956	F/1,825		
Total Traffic Conditions	F/1,972	F/1,858	+16	+33
Total Traffic Conditions w/Mitigation	F/1,808	F/1,696	-164	-162

As the total CLV at US 1/MD 410 exceeds 1,813 during both peak hours, the proposed mitigation action must mitigate at least 100 percent of the trips generated by the subject property, and the resulting CLV can be no greater than 1,813, according to the guidelines. The above table indicates that the proposed mitigation action would mitigate in excess of 500 percent of site-generated trips during both peak hours. Therefore, the proposed mitigation at US 1/MD 410 meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

As required, the proposed mitigation plan was reviewed by SHA. SHA review has concluded that the proposed improvements are not acceptable. The SHA memo indicates that since the US 1/ MD 410 intersection is severely congested, the proposed improvements will have marginal overall benefits to US 1 and significant negative impacts for the eastbound and westbound MD 410 right-turn movements. Instead of the proposed improvements, SHA recommends, in addition to any required signing/pavement markings and signal modifications, an 88-foot-wide section (curb-to-curb) be provided along MD 410. This, based on the SHA memo, will allow a 10-foot left turn lane, three 11-foot through lanes, a 10-foot right-turn lane, and a 2-foot median along both sides of MD 410.

The guidelines require that any recommended improvements strategy proposed as part of a mitigation plan must be in accordance with the standards or requirements of the appropriate operating agency (i.e., SHA). Therefore, unless a written indication is received from SHA expressing acceptance of the mitigation proposed at this location prior to the Planning Board hearing, the transportation staff cannot recommend approval based on this mitigation action.

Finally, the study proposes the utilization and reconfiguration of the existing two-way left-turn lane along US 1 at the two proposed main access points for the site's generated left-turn movements. In response to this, SHA is requiring the applicant to prepare sight distance evaluation for the site generated inbound and outbound turning movements at access points, as well as traffic queue projection analysis along US 1 at Kennedy, Longfellow, Hamilton, Jefferson, Madison and Oglethorpe Streets.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would not exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code. This is accordance with District Council guidelines on the use of mitigation, which require a written indication from SHA expressing acceptance of the mitigation.

Comment: The improvements proffered by the applicant as part of their mitigation plan far exceed the percentage reduction required under Section 24-124(a)(6). However, the *Guidelines for Mitigation* clearly call for some level of concurrence by the operating agency (i.e., SHA). Staff is aware of ongoing negotiations between the applicant and SHA that may lead to either acceptance of

the applicant's proffer or a compromise that is agreeable to both parties. As such, and in recognition of the desirability of this type of development on the part of Prince George's County and the City of Hyattsville, staff is recommending to the Planning Board that the applicant's proffer be accepted, but with a caveat: The applicant will still need to gain a positive response from the SHA for either their existing proffer or a mutually agreeable compromise that still fulfills the minimum requirement for the approval of mitigation.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Commercial Uses

Portions of the above subdivision are exempt from a review for schools because they propose a commercial use.

Residential Uses

Impact on Affected Public School Clusters			
Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	137 sfd	137 sfd	137 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	29.28	7.32	14.64
Actual Enrollment	36,283	10,786	16,960
Completion Enrollment	268.56	67.50	135.60
Cumulative Enrollment	61.20	15.30	30.60
Total Enrollment	36,642.04	10,876.12	17,140.84
State-Rated Capacity	39,607	10375	14,191
Percent Capacity	92.51	104.83	120.79

Source: Prince George's County Planning Department, M-NCPPC, December 2004

These figures are correct on the day this memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,161 per dwelling if a building is located between I-495 and the District of Columbia; \$7,161 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,276 per dwelling for all other buildings. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Riverdale Company 7, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 98.99 percent, which is within the standards stated in CB-56-2005.

The Fire Chief has reported by letter, dated 08/01/05 that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in District I. The Prince George's County Police Department reports that the average yearly response times for that District are 17.59 minutes for nonemergency calls, which meets the standard of 25.00 minutes, and 9.19 minutes for emergency calls, which meets the standard of 10.00 minutes.

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers.

10. **Health Department**—The Health Department reviewed the application and reminds the applicant that raze permits are required prior to demolition of any structure on the site.

11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been approved (9124-2005-00, approved April 5, 2005). To ensure that development of this site does not result in on-site or downstream flooding, development must be in accordance with this approved plan.

13. **Historic Preservation**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law. The subject preliminary plan of subdivision includes 6.77 acres near the southwest corner of the intersection of Madison Street and Baltimore Avenue within the City of Hyattsville. The subject property does not include any buildings or properties regulated as historic sites or historic resources or contributing resources within a locally designated historic district regulated by the Prince George's County *Historic Sites and Districts Plan*. No identified archeological resources are located within the subject property.

The entirety of the subject property is located within the Hyattsville Historic District, listed in the National Register of Historic Places in 1982. The documentation and boundaries of the Hyattsville

Historic District nomination were amended and expanded in 2004. The developing property includes large expanses of pavement and two mid-twentieth-century automobile showrooms/repair shops. Both buildings, 5710 and 5720 Baltimore Avenue, are identified as contributing resources within the National Register Historic District. As contributing resources, restoration or rehabilitation expenses associated with these properties are eligible for both the Maryland Heritage Structure Rehabilitation Tax Credit Program (up to 20 percent of approved expenses) and the Federal Historic Preservation Tax Incentive Program (up to 20 percent of approved expenses).

Archeology

Phase I archeological survey is not recommended on the above-referenced property. Section 106 review may require archeological survey for state or federal agencies, however.

14. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be recorded on the final plat.
15. **City of Hyattsville**—In a letter dated August 10, 2005, the City of Hyattsville stated that the city and applicant have reached an agreement on contested issues described in an earlier letter dated June 27, 2005. The city has withdrawn its requests to connect Kennedy Street to US 1 and to place underground utilities along US 1. The applicant has agreed to retain the Lustine showroom (not including the garage portion) and renovate the exterior and interior in a way that preserves its historic, aesthetic, and cultural character and appearance.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. In conformance with the adopted and approved Gateway Arts District Sector Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. The adopted and approved Gateway Arts District Sector Plan recommends that Baltimore Avenue (US 1) be designated as a Class III bikeway with appropriate signage. Because US 1 is a state right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. However, prior to the Planning Board conditioning the placement of the signs, SHA should have the opportunity to review the proposed locations to ensure they are acceptable. The developer would purchase the signs from the state and install them in accordance with the state's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities. A note shall be placed on the final record plat that installation will take place prior to the issuance of the first building permit.
 - b. Provide a wide sidewalk along the entire length of the subject site's frontage of US 1. This sidewalk should be at least six feet wide in all areas, including those with street furniture, planters, and street trees.
 - c. Provide standard sidewalks along both sides of all internal roads.
 - d. Appropriate pedestrian safety measures will be incorporated into the development at the time of detailed site plan.

2. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.
3. 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.
4. The developer, his heirs, successor, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
5. 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.
6. At the time of detailed site plan and TCP II approval, the plan shall demonstrate that the minimum requirement for tree cover of ten percent of the gross site area has been provided.
7. Development of the site shall be in accordance with the approved stormwater management concept plan (9124-2005-00) or any approved revision thereto.
8. Prior to approval of the final plat, the applicant shall provide evidence of a contribution to the M-NCPPC Department of Parks and Recreation in the amount of \$75,000 for the development and/or maintenance of the Hamilton Aquatic Center.
9. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 3.8± acres of land (Parcel A). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall

include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.

- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
10. **MD 410 and US 1:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have the concurrence of and an agreed-upon timetable for construction with the appropriate operating agency:
- a. Restripe the existing right-turn lanes along both approaches of MD 410 to provide a combination through lane and right-turn lane.
 - b. Along eastbound MD 410, widen to the east of US 1 to provide a third receiving lane.
 - c. Along westbound MD 410, remove the triangular channelization island in the northwest quadrant of the intersection. This will allow westbound through traffic to utilize the third through lane west of US 1.

These improvements shall include all necessary modifications to traffic signals, signage and pavement markings.

11. In the event that the applicant and SHA agree to alternative road improvements, upon concurrence of the Transportation Planning Section staff that said improvements fulfill the requirements for the use of mitigation, the improvements shall take the place of Condition 10 above and shall be noted on the preliminary plan prior to signature approval.

STAFF RECOMMENDS APPROVAL OF A VARIATION TO SECTION 24-121(a)(4).