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## Preliminary Plan 4-08022

Application	General Data	
<b>Project Name:</b> Quincy Manor	Date Accepted:	06/18/08
	Planning Board Action Limit:	12/06/08
	Plan Acreage:	17.04
<b>Location:</b> North and south on Newton Street, Madison Way and 54 <sup>th</sup> Avenue, approximately 200 feet from the intersection of Quincy Street and 55 <sup>th</sup> Avenue.  <b>Applicant/Address:</b> Quincy Manor Company, Inc. Monroe Gardens Co., Inc. 8609 Second Avenue, Ste. 502 Silver Spring, MD 20910  <b>Property Owner:</b> Quincy Manor Company, Inc.	Zone:	R-18/R-35
	Gross Floor Area:	N/A
	Lots:	420
	Parcels:	7
	Planning Area:	69
	Tier:	Developed
	Council District:	05
	Municipality:	N/A
	200-Scale Base Map:	205NE05
Purpose of Application	Notice Dates	
Residential Subdivision	Informational Mailing:	03/20/08
	Acceptance Mailing:	06/16/08
	Sign Posting Deadline:	10/07/08

Staff Recommendation		Staff Reviewer: Whitney Chellis	
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 4-08022  
Quincy Manor Lots 1-420 and Parcels A-G

OVERVIEW

The subject property is located on Tax Map 50 in Grid E-4 and is known as Parcel A-E (WWW 17@44), and Lots 19-30, Block F; Lots 43-58; Block E; and Lots 53-56, Block G (WWW 22@96). The property is located within a Revitalization Tax Credit District and is primarily zoned R-18 (16.87 acres), but also includes a small area of R-35 zoned land (6,969 square feet). These properties were subdivided in 1950 and developed as the Quincy Manor Apartments. The property is currently improved with forty-one multifamily buildings that contain a total of 382 rental dwelling units. This portion of Quincy Manor was developed with a density of 22.42 dwelling units per acre. The existing buildings are two and three stories and constructed of brick.

The applicant is proposing to raze all of the existing multifamily buildings and develop 420 single-family attached dwelling units (townhouses) which are to be constructed on fee-simple-lots to provide for individual homeownership. The minimum lot size proposed is 660 square feet with a density of 24.7 dwelling units per acre. The lots range in size from 660 to 1,056 square feet with the average lot size being 700 square feet. The common open space (9.78 acres) that includes private streets and alleys will be conveyed to a homeowners association (HOA). All but 16 dwelling units will be served by rear load garages which require private alley's for vehicular access to the rears of the dwelling unit. The private streets and alleys are 22 feet wide.

The redevelopment density of this site is authorized pursuant to Section 27-445.09 of the Zoning Ordinance, which establishes the requirements for a Residential Revitalization subdivision. In 2001, CB-58-2001 was adopted for the purposes of creating a consolidated review process to encourage residential revitalization within designated Revitalization Tax Credit Districts, and permitted residential revitalization for existing multifamily dwellings and single-family attached dwellings where the renovation or redevelopment meets the standards and criteria in Section 27-445.09.

Section 27-445.09(c) establishes the findings for Planning Board approval of a Residential Revitalization development as follows:

**In approving a Residential Revitalization project, the Planning Board shall find that the project:**

- (1) Improves a deteriorated or obsolete multifamily or attached one-family dwelling unit development by replacing or rehabilitating dwellings, improving structures, or renovating and improving other facilities;"**

**Comment:** The proposed preliminary plan is for the replacement of a deteriorated multifamily apartment complex and is in a designated corridor.

- (2) Maintains or improves the architectural character of the buildings so that**

**they are compatible with surrounding properties;”**

**Comment:** The architectural character of the buildings will be evaluated with the detailed site plan for compatibility.

- (3) Serves a need for housing in the neighborhood or community;**
- (4) Benefits project residents and property owners in the neighborhood;**
- (5) Conforms with the housing goals and priorities as described in the current Housing and Community Development Consolidated Plan,” for Prince George’s County; and**
- (6) Conforms to either specific land use recommendations or principles and guidelines for residential development within the applicable Master Plan.”**

**Comment:** In accordance with 3–6 above staff has reviewed the Housing and Community Development Consolidated Plan FY 2006-2010 and the applicable master plan, and concurs with the applicant that this property is an appropriate site for a residential revitalization development. The property is located within a Revitalization Tax Credit District in the Developed Tier in Planning Area 69. The Consolidated Plan generally described this area, which is located along the Annapolis Road (MD 450) corridor between the municipal boundaries of Bladensburg and Cheverly, as a distressed area with one of the highest concentrations of multifamily housing (75 percent of the housing stock) and with a relatively low medium home value (\$118,900). Over 87 percent of the housing stock in this area was constructed before 1980. The existing development on the subject property was generally constructed in 1950.

The Consolidated Plan calls for redevelopment strategies which will encourage public/private partnerships to replace distressed properties with mixed income and mixed-use properties, and to create aggressive homeownership initiatives. The plan states that encouraging existing homeowners to invest in the housing stock is the key to maintaining healthy neighborhoods. To keep neighborhoods strong, the County has committed to continue to provide rehabilitation assistance to low and low-to-moderate income homebuyers. The plan states that the County will give priority for funding to those cities and neighborhoods inside the Capital Beltway (Developed Tier).

The County’s goals for community revitalization as stated in the plan includes the need for safe and affordable housing which will contribute to the achievement of the county’s goals for growth, development, community preservation and revitalization. The plan initiatives are intended to be a catalyst for neighborhood stabilization and growth. The plan (pg 104) notes “[t]he oversupply of low quality, multifamily housing built in the 1960’s suffer from poor maintenance and are in deteriorating condition. They attract concentrations of low-income households who contribute to a sense of neighborhood blight and generational poverty. In the 1990’s, the County embraced the goal of reducing the number of distressed and low quality housing. While some view this goal as a barrier to affordable housing, the County believes that reducing density will result in safer and more attractive neighborhoods for all residents, including low and moderate income families.” The applicant has proposed a very dense layout, with a significant increase in paving and reduced open space. Staff suggested to the applicant that the dense nature of the development could be relieved if alternative housing types were proposed. Staff suggested that the applicant might consider a combination of townhouses, and multifamily condominiums and two-family dwelling units which could also provide for homeownership opportunities, without significantly reducing the number of dwelling units. The applicant indicated that this was not an option. That any loss of density would render the development not economically viable.

The Consolidated Plan acknowledges that the County’s master plans stress the need to strengthen and preserve existing communities. The County’s adopted growth management policies recommend that

the existing neighborhoods, resources and character must be conserved and enhanced. In general, households of low and moderate income reside in the communities in the Developed Tier (pg 108). The housing within these communities is older than that within the Developing Tier. The County's plan, as stated in the Consolidated Plan, for the next five years is to strengthen the economic base, improve infrastructure and public facilities by providing public services that improve the health, welfare and safety of low-income residents. "The aging public facilities and infrastructure in the low-income areas of the Developed Tier tend to deteriorate faster than those in higher income communities" (pg 108). Staff voiced significant concerns to the applicant of their proposal to privatize so much of the infrastructure of the site, which will require ownership and maintenance by the homeowners association, as discussed further. Staff suggested that by altering housing types and creating a less dense development public infrastructure could be accommodated. Creating a less dense environment would also allow the applicant to preserve more of the existing communities' exceptional qualities, specifically the existing tree canopy as discussed further in the Environmental Planning Section of this report.

The applicant's proposal is consistent with the priorities for revitalization to replace multifamily rental apartments with an opportunity for homeownership in this targeted area. In fact, the applicant has indicated that they are currently working to forge public and private partnerships to assist and support first time home buyers, in furtherance of those priorities.

There has been no question in discussions with the Town of Bladensburg and Cheverly, Council Member Harrison, and residents of the community that the redevelopment of this site is desirable; and in keeping with most of the guidelines and principles of the General Plan and Master Plan, and in conformance with the priorities of the Housing and Community Development Consolidated Plan. However, staff does not believe that the layout proposed adequately addresses the long term stabilization of the community (pg 69) and therefore can not find that the development conforms to all of the housing goals as described in the Consolidated Plan as required by Section 27-445.09(c)(6) of the Zoning Ordinance for approval. Specifically, the Strategic Plan, Community Development Strategy Goals (pg. 83) are:

- “(7) Improve the safety and livability of the neighborhoods; and
- (8) Improve the quality of life by providing needed public services.”

CR-41-2005 which adopted the Consolidated Plan for Housing and Community Development FY-2006-2010 outlines measures which are designed in part to reduce barriers to affordable housing and foreclosure prevention.

The applicant has proposed a density on this site with a housing type that results in the need for a significant private infrastructure requirement that will be owned and maintained by the homeowners association. The potential cost to the homeowners association (HOA) could be significant. The full impact of the cost burden on the homeowner should be understood before moving forward with this application.

In a Residential Revitalization subdivision, the approved detailed site plan (DSP) establishes the standards for the development. The regulations concerning the height of structures, lot sizes, building coverage, frontage, setbacks, density, bedroom percentages and other requirements of the specific zone do not apply to uses and structures. The layout and pattern of development are evaluated on a case-by-case basis and are therefore unique to each individual site.

The preliminary plan of subdivision is required prior to the approval of the detailed site plan (27-270) and establishes the foundation on which the DSP is built. The preliminary plan establishes spatial relationships for public and private streets, and circulation, lotting pattern, recreational and parking areas, including the locations for lots and recreational amenities as well as evaluating for conformance to

the master plan and functional plans including the Green Infrastructure Plan, and determines the adequacy of public facilities.

At the writing of this staff report there are a number of outstanding issues that in total compel staff to recommend disapproval of this application. While staff believes that a preliminary plan could be approved on this site for a Residential Revitalization community, several of the issues as discussed below relate to policy decisions that should be made by the Planning Board. Alone, those decisions could have a rippling effect on the layout of the development. Notwithstanding that, there are urban design issues that must be determined with this preliminary plan, which relate directly to goals established by the Consolidated Plan and improving the livability of neighborhoods.

Two variations were filed by the applicant pursuant to Subdivision Regulations. One variation (24-128) is required for the applicant to utilize private streets, and one variation (24-130) is required for the applicant to impact the expanded buffer. At this time, based on the available information staff is recommending disapproval of the two variations requested by the applicant.

## SETTING

The property is located on the north and south of Newton Street at its intersection with 55<sup>th</sup> Avenue, and south of its intersection with 54<sup>th</sup> Avenue. The property is located within the MD 450 Corridor, south of its intersection with MD 202, south of City of Bladensburg and north of the Town of Cheverly. The property is south of the Public Playhouse (M-NCPPC).

## 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	R-18 (16.87 acres) R-35 (6,969 sq.foot)	R-18 (16.87 acres) R-35 (6,969 sq.foot)
Use(s)	Multifamily	Townhouses
Acreage	17.04	17.04
Lots	32	420
Parcels	5	7
Dwelling Units:		
Multifamily	382	
Townhouse		420
Public Safety Mitigation Fee		No

2. **Variation to Section 24-128 Private Streets:** The applicant is proposing to serve the development by a combination of public and private streets and alleys. The public streets are existing and the private streets and alleys are proposed, and will be conveyed to the homeowners association. Section 24-128 of the Subdivision Regulations controls the use of private streets in the R-18 and R-35 Zones. For the development of townhouses in the R-18 Zone, private streets and alleys are only permitted when the land is developed in accordance with the requirements of the R-T Zone. In this case, the applicant is not developing in conformance to the R-T Zone, but as established by the proposed preliminary plan and detailed site plan, and is not consistent with the R-T standards. For the development of townhouses in the R-35 Zone, private streets and alleys are only permitted to serve one-family and two-family dwellings, not townhouses. Therefore, the

applicant has filed a variation to Section 24-128 of the Subdivision Regulations for the use of private streets to serve townhouses (single-family attached) in the R-18 and R 35 Zones.

The proposed private streets and alleys are 22 feet wide. The alleys are utilized to access the rear load two-car garages. All but 15 of the 420 townhouses will be served by 22-foot-wide private alleys. Because the streets and alleys are not constructed to a public standard (Subtitle 3), the Department of Public Works and Transportation (DPW&T) will not accept the streets into public ownership. The private streets and alleys will therefore be conveyed to the HOA. As a result, the homeowners will not have County services such as trash pick up and snow removal. These services including the maintenance and repair of the private streets and alleys will be the responsibility of the HOA. One of the recommendations of the Housing and Community Development Consolidated Plan FY 2006-2010, is to ensure that redevelopment sites are economically viable. One strategy of the plan (pg 108), a focus on strengthening the economic base, infrastructure, and public facilities by providing public services. Staff advised the applicant of the concerns of the cost to the HOA for the private streets and alleys, and services. Staff also advised the applicant of issues of the layout relating to the use of private streets. The private streets in many instances dead end at retaining walls with out adequate turn around, and in many cases completely encircling islands of townhouses with paving, as discussed further in this report. The applicant indicated that in order to maintain the density proposed and construct townhouses, there were no other alternative layouts. Because of these unresolved issues staff recommends disapproval of the variation to Section 24-128 of the Subdivision Regulations as discussed further in the Transportation Planning Section, but does believe that the use of private streets could be appropriate with modifications to the layout.

3. **Public Utility Easement (PUE):** The applicant has stated that because of the dense nature of the site, the applicant is unable to provide the required 10-foot public utility easement (PUE) along side and contiguous to the 22-foot-wide private streets. In some cases the dwellings are set one to two feet from the drive aisle precluding a 10-foot PUE. The public utility easement is utilized by the “dry utilities” including BGE/PEPCO, Verizon, and Comcast. The “dry utility” easements until recently have been most often in the form of “direct bury” utility installation. Direct bury is located along side the public or private street on the private lot and the utility easement agreement requires that the easement remain free and clear of obstructions such as sidewalks, roads and other hard surfaces, except where crossed for driveways. This enables the utility companies to maintain and repair these facilities. In the case of “direct bury” the utility companies own and maintain the infrastructure.

In this case, because the applicant has indicated they do not have room to move the townhouses 10 feet back from the 22-foot-wide alley and provide the PUE alongside the private street, the applicant has proposed to locate the public utility easement under the 22-foot-wide private alleys. Therefore, instead of a “direct bury” utility installation, the applicant will be required to construct a “conduit system” for utility installation. Because the utilities will be under the street the applicant will be required to construct a concrete “conduit” system which is a load bearing system.

On October 2, 2008, staff attended the first Utility Coordination meeting for this project. This meeting included representatives from Potomac Electric Power Company (PEPCO), Verizon, Comcast, Washington Suburban Sanitary Commission (WSSC) and the applicant. At that meeting staff was advised that if the applicant constructs a conduit system, the utility companies will not take ownership or maintenance responsibilities because the cost of repair and maintenance. Generally, due to the fact that the utilities are under the streets and the utility companies do not want to be responsible for reconstruction and repair of the streets, as well as any maintenance of

the system. Therefore, the ownership and maintenance of the utilities will be the responsibility of the homeowners and will not be the responsibility of the public utility companies, as apposed to a direct bury system where the utility company owns and maintains the system.

On October 24, 2008 a representative from PEPCO stated via e-mail:

“PEPCO's policy for residential construction is direct buried. This means we install our cable in grass and /or dirt which we own and maintain. We pay for any emergency or maintenance repairs because we own it. However, if the Developer or Builder, so chooses, he can request a conduit/manhole or splicebox system which he/she, by legal agreement, requests the legal right to build, own, and maintain the equipment. We will own the cable. In emergency or for maintenance situations, the HOA pays for it.”

“We (PEPCO) are completely and totally indemnified. This is a tough decision to make by the Planning Board. One must look to the future and try to see the results 40 to 50 years from now.”

It is important to note that of recent, the Planning Board has approved private streets and alleys with the public utility easement within the right-of-way, which include a number of high density urban environments including the EYA, Westphalia Town Center and Konterra. This phenomenon of placing the public utility easement in the street right-of-way is relatively new and been driven by the spatial needs of an urban environment. It is only recently that the utility companies have found problems with their ownership and maintenance of these facilities and are requiring now that they are owned and maintained by the homeowners. This issue has only recently been brought to the attention of the Planning Department.

Staff would note that the Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) do not permit the public utility easement within the public right-of-way but require the ten-foot public utility along side and abutting the street. However, because the streets are private and will be maintained by the HOA, the developer can propose in most cases to construct private streets and put the public utilities in the streets if they sign an indemnification agreement with PEPCO.

To ensure the viability and stability of a community there should be a strong advocacy for the future homeowners. The public/private partnership must also ensure that the legacy and environment left to the residents will promote and encourage their success. Staff believes in particular that a development which targets first time homebuyers in a distressed community should be served primarily by public services. The success of this community will depend not only on the up-front good intensions of public/private partnership, but on the choices we make today for the residents future.

The applicant has indicated that the layout proposed is the only viable option to obtain the number of dwelling units proposed. Staff has suggested that the applicant should consider a mix of housing types which would allow for a spatially less dense community while retaining the number of dwelling units. This could allow the use of some public streets, and direct bury utility easements which would not be owned and maintained by the homeowners.

4. **Urban Design**—The subject preliminary plan of subdivision proposes to subdivide 17.04 acres of land in the R-18 and R-35 Zones into 420 lots and seven parcels for the development of single-family attached dwellings. The property is composed of parts of seven different blocks, with existing public roads running between the blocks. The property is currently the site of forty-one

existing multifamily buildings, which are proposed to be removed. The site is proposed as a Residential Revitalization project pursuant to Section 27-445.09 of the Zoning Ordinance. The regulations allow for the standards of the development to be determined by an approved detailed site plan. However, there are important design considerations that must be observed at the time of the preliminary plan in order to create a functional and attractive development. The plan raises significant concerns about the character of the proposed development in regard to the proposed density, layout of streets, lots and utilities, lot sizes, recreational facilities, parking and compatibility of the project with the surrounding uses. The Urban Design Section finds that the plan as currently designed is problematic and is unable to recommend approval.

### **Conformance with the *Prince George's County Landscape Manual***

The Residential Revitalization regulations require that the plan should conform to the requirements of the *Prince George's County Landscape Manual* to the extent feasible. The proposed single-family attached townhouses are considered incompatible as defined by Section 4.7 of the Landscape Manual, with the single-family detached houses located to the east of the property and with the multifamily development located to the west of the property. A type "A" bufferyard is required along the property lines on the east and west sides of the property. This would require a 20-foot building setback and a ten-foot landscaped yard along the property line. The applicant should allow enough room on the preliminary plan to provide the entire bufferyard free and clear of utility easements, if possible.

### **Recreational Facilities**

The Department of Parks and Recreation has indicated that they will recommend the provision of private recreational facilities on the site. The preliminary plan should show adequate space for the provision of adequate recreational facilities. Due to the density of dwelling units proposed on the site (in excess of 24 units per acre), the recreational facilities required are significant. Illustrative plans submitted by the applicant show the location of a future community building at the southwest corner of Newton Street and 55<sup>th</sup> Avenue, and an area of common open space east of 54<sup>th</sup> Avenue that could be developed into a community amenity. The applicant should demonstrate whether the high value of facilities to be provided can realistically be concentrated into the small community building shown, which would be owned and operated by the future homeowner's association. The applicant should also identify potential locations for recreational facilities with sufficient size to located appropriate outdoor facilities for active recreation to serve all age groups within the community.

### **Street and Lot Layout**

The fee-simple townhouse layout is very closely-spaced, composed of many long groups of townhouse lots. The proposed layout also shows unusually long groups of townhouses up to nine units long placed very close together, as little as three feet between the sticks of units. These groups are longer than would be permitted by the Zoning Ordinance's regulations for traditional townhouse development in most zones. The majority of the proposed lots are designed to accommodate rear-loaded townhouse units. The closely-spaced arrangement proposed with as little as three feet between sticks of units will result in a very dense concentration of units. Compared to traditional townhouse zoning of six units per acre, the design leaves little green area on the site for use by the future residents. Granted, the Urban Design Section recognizes the minimum 12 units per acre required by the Residential Revitalization legislation would result in a more dense development, but this layout may compromise the quality of future development by negating the provisions of sufficient open space and a green area for a healthy living



environment.

The layout creates numerous dead-end alleys in between parallel groups of townhouses, particularly to the west of 54<sup>th</sup> Avenue and south of Madison Way. The lots are shown as 15 to 18 feet in width and the relationship of proposed lot sizes south of Madison Way to existing duplexes along Macbeth Street may create an incompatible or detrimental relationship.

The proposed design eliminates most of the existing mature trees on the site, and allows for very little green space within the development. The design features long rows of townhouses—up to nine attached units in a stick, with units placed in a single line broken only by narrow gaps. The layout includes alleys behind the townhouse units that would be completely dominated on both sides by the rears of the long rows of townhouses, and by the garage doors of these units. The visual monotony of the long rows is problematic, both along the front of the units and the rear alleys behind the units which provide access to the rear garages. The plans propose very narrow gaps (three feet) between the sides of the rows of attached units that the applicant says will be “landscaped off.” However, staff does not believe that landscaping can survive in these areas. These gaps on the plans are dimensioned as narrow as three feet wide and provide no visual appearance of space for pedestrians to use. Generally, spaces between sticks of townhouses are a minimum of 15–20 feet wide. These corridors provide passage areas for townhouse residents to move equipment such as mowers, bicycles, children’s play equipment, etc. from a front to rear yard or vice versa. There should be much wider gaps between the sides of attached sticks in order to introduce light, air, and visual relief.

## **Parking**

Unlike in many rear-loaded townhouse communities, the design does not propose significant driveways to provide access and parking between the right-of-way and the garage. Instead, the garages are placed directly onto the right-of-way, separated from the right-of-way by only a short distance of turning area. Placing the buildings close to the right-of-way of the alley increases the visual impact of the garages on the right-of-way and results in a very tightly enclosed environment. Large vehicles are unable to maneuver into these spaces as an adequate turning radius is not provided. Furthermore, the design creates a network of narrow spaces with minimal visibility and accessibility from the public rights-of-way, which may pose difficulties for public safety vehicles. Without sufficient parking facilities in pads behind the garages and/or in surface parking compounds or along private streets, the Urban Design Section could not recommend approval of this design.

The parking provisions assumed by the applicant’s design do not appear to be adequate for the needs of the development. Although the Residential Redevelopment Regulations Section 27-445.10 of the Zoning Ordinance allow for the reduction of parking requirements from the normal standards, the plan should still demonstrate that the parking is adequate for the needs of the development, and the design proposed by the applicant appears to be particularly liable to parking shortages. Dense townhouse developments elsewhere in the County that provide the Zoning Ordinance’s minimum number of required 2.04 parking spaces per dwelling unit have been the subject of frequent complaints due to parking shortages. The preliminary plan proposed by the applicant utilizes primarily 15-foot-wide and 18-foot-wide townhouse lots, which could accommodate one-car garages, possibly two-car garages on the 18-foot-wide units. The applicant has submitted an exhibit showing how parking could be provided in these garages. The 15-foot-wide units, which constitute the majority of the units proposed on the site, are not wide enough to accommodate two cars side-by-side. Instead, the applicant is proposing to create a tandem parking arrangement where one car would be parked behind another within the garage. This

proposal deviates from standard townhouse construction with side-by-side parking spaces and reduces the living space within the units which are already anticipated to be small in size.

On-street parallel parking spaces will probably be provided along the public rights-of-way, but there is no space to provide any additional parking along the private rights-of-way. Furthermore, the preliminary plan does not propose additional surface parking lots. Therefore, it appears that the majority of the townhouses will have one-car garages, and off-street spaces will not be adequate to provide for the parking needs of the households with more than one car, assuming that residents will not use their garages for storage, which is a common occurrence, particularly in small units where lack of storage space can be a problem. Visitors to the site would find parking in the development very difficult. Particularly where the applicant has proposed rows of townhouses perpendicular to the public streets, the number of on-street parallel spaces will be small in proportion to the number of units in the area. Nonresidents may find it difficult to find parking anywhere near the houses they intend to visit. Residents and nonresidents alike might attempt to park illegally along the narrow private alleys, blocking garage entrances and circulation routes, or they might be forced into the surrounding community to find parking, resulting in an unacceptable impact to the neighboring areas.

### **Public Utility Easements (PUE)**

The proposed layout does not provide enough space for the standard ten-foot-wide utility easements to be provided along the public and private rights-of-way. Instead, the applicant's layout will require extensive alternate utility arrangements, including placing the utility lines in conduits underneath the alley pavements throughout the development. It is very expensive to maintain lines through conduits, because the utility companies will not assume ownership of the conduit lines, unlike the traditional townhouse model that places the PUE along a traditional private street, free and clear of the vehicular access to the unit. Because the utility companies will not take ownership of the conduit lines, maintenance of the lines in the private rights-of-way will be the financial responsibility of the homeowners' association. This is an added cost to the homeowner's association responsibilities that is not associated with the traditional townhouse model layout. In traditional townhouse homeowner's associations the typical cost include paying for the common area lawn maintenance, property management fees, electricity fees, legal expenses, insurance expenses associated with the property and liability, as well as insurance for protection of the Board of Director's of the association, audit fees, landscaping, snow removal, and the list goes on. Where utilities are direct buried, the utility company will own and maintain the utilities.

### **Washington Suburban Sanitary Commission (WSSC) Easements**

The applicant has proposed "mews" in the front of the townhouse units. The mews are intended to create a green area with walkways to the individual units, which have rear load garages. In a significant number of blocks the WSSC water and sewer easements, which are 30 feet wide, take up the entire area of the mews. The applicant has presented rendered plans that indicated that the mews areas will be planted with trees. WSSC on October 3, 2008, at the Public Utility Coordination meeting, advised the applicant that tree planting will not be permitted over the water and sewer lines within the mews. This will significantly reduce the tree planting on site.

### **Urban Design Section Recommendation**

In view of the unworkable design proposed, the Urban Design Section recommends disapproval of the proposed Preliminary Plan of Subdivision 4-08022 for all the reasons stated above.

5. **Environmental and Variation to Section 24-130**— The Environmental Planning Section has reviewed the Preliminary Plan of Subdivision for Quincy Manor, 4-08022. Verbal comments were provided at the Subdivision Review Committee on July 11, 2008, and written comments were provided on July 29, 2008. A revised variation request was stamped as received on August 21, 2008, and verbal comments were provided at the Subdivision Review Committee on September 5, 2008, on the request and the case as a whole. A tree survey that addressed comments provided in the July 29, 2008 memo was stamped as received on September 5, 2008, and written comments were provided on September 15, 2008. A Conceptual Grading/Site Utilities Plan and revised preliminary plan were stamped as received on October 2, 2008, and verbal comments were provided in a Utility Coordination meeting on October 8, 2008.

After a detailed review of the submitted information, the Environmental Planning Section recommends DISAPPROVAL of Preliminary Plan of Subdivision because the application fails to conform to the recommendations of the *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* and the *Approved Countywide Green Infrastructure Plan*. The plan also fails to preserve the minimum 50-foot stream buffer in conformance with 24-130 of the Subdivision Regulations.

The site contains an impressive existing tree canopy that is significant to the character of the area. Although the site is exempt from the Woodland Conservation and Tree Preservation Ordinance because it contains less than 10,000 square feet of woodland, the associated Bladensburg-New Carrollton and Vicinity Approved Master Plan and Sectional Map Amendment has specific recommendations with regard to evaluating and preserving existing individual trees where possible. The proposed layout does not address the preservation of the existing trees as recommended by the master plan. The most recent plans submitted proposed to preserve some of the trees; however, in a Utility Coordination Meeting on October 2, 2008, the Maryland Distribution Designer for Potomac Electric Power Company (PEPCO) stated that he was unsure if any of the trees shown to be preserved in or near the public utility easement could be saved due to the area needed for utility installation. This proposal should be designed with a layout that preserves trees in accordance with the vision of the master plan.

### **Background**

No development proposals have been reviewed by the Environmental Planning Section for the subject property. A Natural Resources Inventory (NRI), NRI/024/08, was reviewed and approved as a submission requirement of this application.

The site is subject to CB-58-2001, which allows for “the renovation or redevelopment of any form of existing multifamily or attached single-family dwelling units, in a designated Revitalization Tax Credit District, where the renovation or redevelopment meets the standards and criteria in Section 27-445.09. (Residential Revitalization).” This application proposes 420 single-family attached dwellings in the R-18 Zone.

### **Site Description**

This 17.04-acre site in the R-18 and R-35 Zones is located on the north and south sides of Newton Street at its intersection with 55th Avenue. The site is currently developed with multi-family residential units that are apartments and no regulated woodlands; however, the site contains dozens of large trees that are in extremely good condition for this urban setting. A review of available information indicates there are no streams or wetlands on the property;

however, the site does contain 100-year floodplain and a stream buffer associated with the adjacent off-site stream. Stormwater runoff from the site eventually reaches the Upper Anacostia watershed in the Potomac River Basin. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Christiana and Sunnyside series. Marlboro clay is not found to occur in the vicinity of this site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or adjacent properties. No designated historic or scenic roads will be affected by this development. Landover Road (MD 202) is an arterial roadway and the Baltimore-Washington Parkway (MD 295) is a freeway, both generally regulated for noise impacts. Because of the distance from the subject site to these two roadways, and the existing surrounding development, noise impacts to this site are not anticipated. The property is in the Developed Tier of the 2002 General Plan.

### **Environmental Issues Addressed in the Bladensburg-New Carrollton and Vicinity Approved Master Plan and Sectional Map Amendment**

The site is subject to the Bladensburg-New Carrollton and Vicinity Master Plan. The “Environmental Envelope” section of the master plan contains goals, objectives and recommendations to preserve, enhance, and where appropriate, restore environmentally sensitive features. The Environmental Envelope recognizes the interconnected system of public and private lands that contain significant areas of woodlands, wetlands, wildlife habitat, and other sensitive areas with minimal intrusions from land development, light and noise pollution. The text in **BOLD** is the text from the Sector Plan and the plain text provides comments on plan conformance.

The goal of the master plan with respect to the Environmental Envelope is:

**To protect and enhance the environmental quality of the Planning Area by preserving natural environmental assets as an integral part of the community.**

The existing apartment community on the subject site contains valuable urban tree canopy consisting of many large individual trees, including specimen trees, which serve as natural environmental assets to the community, both aesthetically and biologically. These trees should be strongly considered for preservation as part of the design of the new community.

Because of the urban location, the existing tree cover on the site is extremely valuable. There are many large trees existing on-site that provide shade and reduce the urban heat island effect within the community. They serve to reduce overall energy costs by reducing the temperature of the micro-climate of the community. These trees reduce air pollution by absorbing carbon dioxide and releasing oxygen. Every effort should be expended to preserve the existing tree canopy through the preservation of trees that are of a size, species, condition and location that will ensure their long-term survival. The identification of the trees to be preserved is addressed below.

Page 16 of the master plan provides comments regarding urban forests and individual trees:

**In addition to woodlands, there is a significant urban forest component within PA 69. The urban forest can be described as those areas with trees that do not include the multiple canopy layers associated with woodland, such as street trees, yard trees, landscape trees, specimen trees and champion trees. This area, although similar to woodland, must be evaluated separately since it consists of individual trees or small groups of trees in yards or along streets.**

The following is a recommendation of the master plan (Page 22) pertaining to this site:

**Develop detailed inventories for street trees, champion trees and yard trees. This information can then be used to establish maintenance programs for those trees in poor health or needing removal.**

**Comment:** A tree survey has been submitted and reviewed for this site. The design proposed would preserve six of the 140 existing significant trees if utility conflicts cannot be resolved. Staff cannot find that the proposed design is in conformance with the provisions of the master plan. A detailed discussion is provided in the Environmental Review Section.

The following are the development guidelines from the master plan (Pages 24 and 25) that pertain to this site:

- 1. Developers shall be encouraged to utilize the Comprehensive Design Zones, the cluster, and site plan review provisions of the Zoning Ordinance and other innovative techniques that ensure environmentally responsible development.**

**Comment:** The primary environmental assets of this application are the on-site expanded buffer, adjacent stream valley, specimen trees, and several other large individual trees that exist throughout the site. The site is 17.04 acres in size and is envisioned to have high density development. Given the acreage of the site, and the fact that the existing streets will remain, it is possible to create a design with a layout and housing type that allows for an open space network that preserves individual trees that are healthy enough to survive the construction process. In a memo dated September 15, 2008, the Environmental Planning Section staff identified 17 trees that should be considered for preservation. Six of the trees on the list are shown to be preserved, and two of the undesirable trees (No. 87, ash and No. 107, hawthorne) are shown to be preserved. Twelve of the trees shown to be preserved are in the public utility easement, making them difficult to preserve. Because of the limited area shown on the plan as a result of the design and layout, the preservation of these trees may be compromised at the time of final design.

In addition, the submitted Conceptual Grading and Site Utilities Plan shows the majority of the selected trees are in only two localized areas: Newton Street and the community open space in the vicinity of specimen tree 16.

The design, as proposed, is not considered environmentally responsible with regard to ensuring the preservation of a significant portion of the existing tree canopy.

- 2. Land dedicated in accordance with the Subdivision Regulations for the provision of needed recreational facilities should not consist solely of floodplains or other parts of the Natural Reserve Areas.**

**Comment:** Land dedication for recreational facilities should utilize the existing resources on the site to develop an open space network that allows for the preservation of the existing trees where possible.

- 3. The responsibility of environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental**

**considerations.**

- 4. Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams, and other ecological features.**

**Comment:** In previous memoranda, staff provided a list of existing trees (17) to be considered for preservation based on their size, species, and condition. The plans were revised to show the preservation of some of the individual trees; however, because of the locations of some of the trees, their preservation is still questionable. In a meeting held with the applicant and various representatives of utility companies, including PEPCO, Comcast, WSSC, and Verizon, it was unclear if any of the trees could be saved due to the limited area available for utility installation. The dense development of the site has resulted in a significant loss of land area needed for the installation of necessary infrastructure. The layout should be designed in a manner that (1) allows for the adequate placement of necessary infrastructure, and (2) serves to retain the existing large trees, which will preserve the character of the existing neighborhoods as well as the adjacent communities.

The protection of regulated features of the site is discussed in the Environmental Review section.

- 5. Woodland associated floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**

**Comment:** There are no regulated woodlands on this site; however, a stream corridor is located to the north of the subject property. The submitted plan shows grading into the minimum 50-foot stream buffer for utility installation and the creation of lots. These types of impacts can be avoided and the entire on-site expanded buffer can be preserved. Conservation efforts should also focus on the preservation of the existing large trees as noted above. Impacts are discussed in the Environmental Review section below.

- 6. The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for recreational and other nonstructural uses. Grading and filling are discouraged.**
- 7. Development proposals shall provide shall provide effective means for the preservation and protection of Natural Reserve Areas, and development plans for the lands containing open space and conservation areas should specify how and by whom these area will be maintained.**
- 8. Limited Development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.**

**Comments:** The on-site expanded buffer is a designated Natural Reserve Area in the plan. The Natural Reserve Areas and Conditional Reserve Areas as described in the master plan have been superseded by the designations in the Countywide Green Infrastructure Plan. See comments below the Countywide Green Infrastructure Plan.

### ***Approved Countywide Green Infrastructure Plan***

The site contains a Regulated Area, Evaluation Area, and Network Gaps within the designated network of the *Approved Countywide Green Infrastructure Plan*. These features are associated with a stream valley on the adjacent property to the north of the subject site. The stream buffer and 100-year floodplain associated with this stream valley extends onto the north portion of subject site. This urban stream is highly eroded, with banks higher than 10 feet in some areas. It was the subject of a stream restoration project in recent years.

The Conceptual Grading and Site Utilities Plan received on October 2, 2008, shows encroachment into the Regulated Area, Evaluation Area and Network Gaps for proposed lots and utility lines. The valuable assets in the Network Gap areas are the existing large trees. Impacts to the expanded buffer are discussed in the Environmental Review Section below. While it is not possible to fully implement the recommendations of the Green Infrastructure Plan because of the urban setting, the plan should provide effective protection to the stream valley through tree buffering within the on-site expanded buffer.

As submitted, the proposed development fails to conform to the recommendations of the Countywide Green Infrastructure Plan because the existing natural assets of the site are not being preserved.

### **Environmental Review**

A signed Natural Resources Inventory (NRI), NRI/024/08, was submitted with the application. The site contains stream buffer and 100-year floodplain associated with a stream valley on the adjacent properties to the north of the site. The NRI shows that the property does not contain any regulated woodlands.

There are 23 specimen trees on the site. On May 27, 2008, a standard letter of exemption from the requirements of the Woodland Conservation and Tree Preservation Ordinance was issued for the subject site. No additional information is required with regard to the NRI.

This site is not subject to the provisions of the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved Tree Conservation Plan. No further action regarding woodland conservation is required.

This site contains 23 specimen trees and many other large trees, which were planted as part of the landscaping when the existing apartment complex was constructed. Specimen trees are defined as trees that have a diameter of 30 inches or greater at breast height (4.5 feet), or trees having 75 percent or more of the diameter of the current county champion for that species. Specimen trees have a historical significance and are noted for their size, longevity and unique presence among other trees. The original documents showed the locations of the specimen trees and showed none of the on-site specimen trees to be preserved. At the first Subdivision Review Committee meeting and in a subsequent memorandum, staff provided guidance on how to conduct a tree survey for the site to ensure that the best trees, in the healthiest condition, are shown to be preserved.

A tree survey in accordance with “A Guide to Plant Appraisal” was submitted as requested. The tree survey was well executed and accurately described the condition and overall health of 140 trees on the property. Staff has evaluated the survey and identified 17 trees consisting of pin oak, white oak, red maple, and sycamore that are potential candidates for on-site preservation. These trees received a rating of 70 percent or greater based on the structure and health of their roots,

trunks, foliage, and branches. The identified trees are primarily located along the rights-of-way. Staff also identified trees located within the interior areas of the site that should be considered for relocation to other open areas on the site. This information is provided as an attachment to this memo.

An 8x11 inch aerial photograph identifying the 140 surveyed trees was provided. Additionally, a Conceptual Grading and Site Utilities Plan was also submitted. The purpose of the plan was to illustrate the proposed utility easements, open space areas, and the individual trees proposed for preservation as part of the development.

According to the plan, six of the 17 trees that staff recommended for preservation are proposed to be preserved. Additionally, the plan proposes to preserve 15 other trees not recommended by staff, most of which are localized along Newton Street, and also in the southwest quadrant of Newton Street and 55<sup>th</sup> Avenue where a community center is proposed. Staff also recommended that some trees be considered for on-site relocation. The submitted plan does not propose any trees for on-site relocation.

While the efforts to preserve individual trees are recognized, it may not be possible to implement the proposal because the proposed layout has significantly limited the area needed for the infrastructure for the site. Because the final delineation of the easements needed for utilities cannot be determined, there are no assurances of the preservation of any of the existing trees at this time. When staff met with various representatives from utility agencies on October 8, 2008, to identify the areas needed for utility installation, it was clear that the proposed layout was conflicting with the necessary infrastructure of the site. Because any building type is possible on this property, a building type should be selected to provide the smallest footprint with the largest floor area.

### **Variation to Section 24-130 of the Subdivision Regulations**

Impacts to the expanded buffers are restricted by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit.

A variation request, stamped as received on August 21, 2008, has been reviewed. The request proposes the disturbance of 2,241 square feet of stream buffer primarily for a water line. A small area of this disturbance will also be for a sanitary sewer line. The exhibit shows these impacts parallel with the stream, and inside the minimum 50-foot-wide expanded stream buffer.

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:**



**Comment:** The approval of the applicant's request does have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 would not result in practical difficulties to the applicant and would not preclude the applicant from the reasonable development of this property.

**The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

**Comment:** If the variation were granted it would not be detrimental to the public safety, health but could be injurious to other properties. The continued degradation of the stream buffer could cause further deterioration of the stream channel which affects the velocity and course of the stream which could have impact other properties which abut the stream channel.

**The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

**Comment:** The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. The property is not unique to the surrounding properties, and in fact the surrounding properties share the proximity to the expanded buffer.

**The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

**Comment:** There are no other regulations that regulate the expanded buffer (24-130) and therefore if the Planning board were to approve the variation it would not violate any other applicable law, ordinance or regulation.

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

**Comment:** The site is adjacent to an urbanized stream that is severely degraded due to the high density development that surrounds it, and is not unique. At a minimum, the 50-foot-wide stream buffer should be preserved in its natural state and allowed to regenerate into an adequate riparian buffer. It appears as though the impact is proposed in this location only because of the placement of the proposed lots. Impacts such as this could be avoided by redesigning the layout to allow adequate area outside the buffer to provide the necessary utilities.

Staff recommends DISAPPROVAL of the variation to Section 24-130.

A Stormwater Management Concept Plan and Letter, CSD #33617-2007-00, approved by the Prince George's County Department of Public Works and Transportation (DPW&T), was submitted with this application. The letter allows for the payment of a fee-in-lieu of on-site attenuation, and also requires a filter system to address some quality control of the on-site run-off. Neither the conceptual grading and utility plan nor the preliminary plan show the 25-foot-wide required building setback from the 100-year floodplain. One of the buildings is shown to be built within this required setback, and cannot without the approval of a variation to Section 24-129 of

the Subdivision Regulations. No such variation has been filed by the applicant.

The stormwater management approval letter contains a comment: "Stream valley mitigation work is to be permitted prior to issuance of grading permit." It is not clear from the information submitted if stream mitigation work will be done as part of this application. Detailed comments from DPW&T regarding this statement should be provided. It should state if mitigation is required, by whom, where the mitigation will occur, and what type of work is needed. Impact for this work should be approved by the Planning Board.

### **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, and the site will therefore be served by public systems.

4. **Community Planning**—The 2002 General Plan locates this property within the Developed Tier. One of the visions for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium to high-density neighborhoods. The site is located within the designated Annapolis Road Corridor. The vision for Corridors is mixed residential and nonresidential uses at moderate to high densities, 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 intersection or transit stops along the corridor. The proposed preliminary plan is consistent with the vision for high density residential neighborhoods that are transit serviceable within a designated Corridor.

The property is located within the limits of the 1994 Approved Master Plan and Sectional map Amendment for Bladensburg-New Carrollton and Vicinity in Planning Area 69. The master plan land use recommendation for the property is high urban residential development. The 1994 Approved Sectional Map Amendment retained this property in the R-18 and R-35 Zones.

In review of the master plan staff has identified a number of planning issues, and reviewed those issues with the applicant.

The applicant fails to preserve mature trees and applying Crime Prevention Through Environmental Design (CPTED) techniques applicable to the preliminary plan. There are a number of references in the 1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69) which apply to this application. Specifically:

Guidelines (p. 55–56)

- **Developers shall be encouraged to preserve natural amenities (streams, floodplains, wooded areas) and to incorporate these natural features into the environmental pattern of residential areas to serve as open space and to define and/or link together the living areas.**
- **Visual attractiveness and recreational amenities for residential areas should be increased through the provision of open space, public and private maintenance programs, and other private actions to ensure an interesting, varied and harmonious appearance.**

Recommendations (p. 93–95)

1. **Construct and maintain a system of concrete walks and lightening [sic] through neighborhoods to connect with nearby bus stops, Metro stations and walks/trails.**
2. **Plant and maintain large, deciduous street trees along the streets which will provide a continuous canopy at maturity. Implement a street tree survey, planting and maintenance program.**
3. **Require developers of new housing to build several house variations that will give variety but are compatible to each other to ensure visual cohesion.**

Guidelines—General (p. 105–106)

*Street*

- **Locate crosswalks and pedestrian crossing signals at all traffic signals.**

*Utilities*

- **Place utility wires underground where possible. If not possible, relocate overhead wires to the rear of the buffer strips.**
- **Consolidate utility pole usage.**

*Streetlights*

- **Streetlights should light both street and sidewalks.**
- **The poles, fixtures, light color and intensity should be consistent.”**

Guidelines—Residential (p. 108–111)

*Streetscape/ Street*

1. **Sidewalks should be continuous through neighborhoods and multi-family complexes and connect to walks, bus stops, Metro stations and trails outside of the neighborhood or complex.**
2. **Sidewalks of concrete or durable pavers should be a minimum of four feet wide, preferable separated from the street by a tree lawn six feet wide along residential streets and preferable seven feet wide along arterials (See Figure 7).**

*Site/ Layout*

1. **People in parking areas should be visible from the dwelling units or the street.**
2. **In multifamily complexes, avoid creating hidden areas that are accessible from more than one point to discourage loitering and other illegal activities.**
3. **A coordinated landscaping plan should be designed for multifamily complexes to provide shade; to screen incompatible views, to highlight entryways; to define streets, walks and open spaces; to partially screen parking areas; and to integrate the development into the neighborhood.**

*Building/ Proportions, Materials and Details*

- **Building endwalls that can be seen from the street should incorporate windows, doors or other architectural details to eliminate blank walls along the street.**

Staff does not believe that the plan is in conformance with the master plan recommendations as it relates to the specific principles and guidelines for residential development as required by Section 27-445.09(c)(6) for the Residential Revitalization (CB-58-2001).

5. **Department of Parks and Recreation (DPR)**—The site currently contains 382 multifamily dwelling units, the applicant is proposing 420 townhouses. There are several tot lots currently on the site that are utilized by the residents. The Department of Parks and Recreation (DPR) analysis shows that there is a “high need” for both acreage and recreational facilities in this area. Using current occupancy statistics for single-family dwelling units, the development will have approximately 1,299 residents.

There are several public facilities within a mile of this site. Directly to the north is the Public Playhouse, and to the west is Bladensburg Marina and Colmar Manor Community Park containing football, soccer and multiple softball fields, playgrounds, a basketball and a tennis court. Staff believes that the addition of private recreational facilities on-site will complement the nearby parkland and provide needed recreation opportunities for the new residents of this subdivision. The applicant has proposed a community building in the southwest quadrant of the intersection of 55<sup>th</sup> Avenue and Newton Street. The applicant has indicated that they are considering the conversion of the existing multifamily building at this location. This would help to ensure the retention of the existing trees in this area.

While staff acknowledges that these residents will be in high need for indoor recreational opportunities and meeting space for the HOA, the cost to own and maintain a community building in addition to the other HOA costs discussed could be a burden on the HOA. Staff suggested that the applicant consider creating a central park in this area that could help to establish a sense of place for the residents. Meeting spaces could be available in other public spaces and facilities in the general area.

6. **Trails**—This site is outside of the Bladensburg Town Center Sector Plan area. The Sector Plan goal to create trail connections that join the Anacostia River trails, the neighborhoods to the east, and Annapolis Road, can be implemented during the development process. The Sector Plan recommends that 55<sup>th</sup> Avenue become a pedestrian way that provides access to the town center.

North-south and east-west connectivity to the subject site is desired. Wide sidewalks and shared road bike facilities will join the site to the Anacostia River trails and area parks, the Bladensburg town- center, the Bladensburg Waterfront Park, the Publick Playhouse, and the Bladensburg High School. Quincy Run is no longer a suitable park-trail corridor since staff explored the feasibility of the plan during a 2006 planning charrette for the town center discovering that the steep and severe slopes would prevent construction of the trail.

7. **Transportation**—Based on the size of the proposed redevelopment a traffic study was required. In response, the applicant submitted a traffic study dated July 2008. 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 *Prince George's County Approved General Plan*. 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.

**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.

### Staff Analysis of Traffic Impacts

The traffic generated by the proposed preliminary plan would impact six intersections (four signalized and two unsignalized). The four signalized intersections include MD 450/MD 202, MD 202/SB MD 295 Ramps, MD 201/SB 52<sup>nd</sup> Ave./ and MD 201/NB 52<sup>nd</sup> Ave. The two unsignalized intersections are MD 202/55<sup>th</sup> Ave. and Newton St/52<sup>nd</sup> Ave.

This is a redevelopment site. Currently there are 382 apartment units on the site. The applicant is proposing to replace the apartment units with 420 townhouse units because the townhouses generate more trips per unit than multifamily discounting for the existing trips associated with the apartment units, the net increase from the proposed development would generate 146 AM (28 in, 118 out) and 166 PM (108 in, 58 out) peak-hour vehicle trips as determined using the *Guidelines*.

The existing conditions at the critical intersections identified for review and study are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 450 and MD 202	1,022	1,124	B	B
MD 202 and 55 <sup>th</sup> Ave.*	49.2	111.0	--	--
MD 202 and SB MD 295 Ramps	1,278	1,050	C	B
Newton St. and 52 <sup>nd</sup> Ave.*	15.6	11.2	--	--
MD 201 and SB 52 <sup>nd</sup> Ave.	935	830	A	A
MD 201 and NB 52 <sup>nd</sup> Ave.	975	825	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is noted that the applicant's traffic consultant adjusted the count at Newton St. and 52<sup>nd</sup> Ave. since it was taken a day after Labor Day. With this increase the intersection is still far below

approach delays exceeding 50.0 seconds. However, the intersection of MD 202 and 55<sup>th</sup> Ave. does exceed 50.0 seconds of delay during the PM peak hour.

Also in terms of existing conditions SHA commented that the August 30, 2007, traffic count at MD 202 and MD 450 appeared to be low based on historical data. Based on staff review of SHA's traffic count website no recent traffic counts could be found, there were none during the last five years. The lane configuration also appears to have changed since 2001, based on an April 26, 2001 SHA traffic count. Today there are fewer opposing turns, and this results in the low critical lane volume and level of service.

The submitted traffic study provides an analysis for assessing the background traffic situation. This study considered the following:

- A 1.0% annual growth factor for through traffic along MD 450, MD 202, and MD 201 was used.
- Background development in the area, including 244 condo units, 5,580 square feet of office space, 450,000 square feet of heavy industrial space, 78 senior housing units, and 30 vacant apartments at Quincy Manor. Trips from these developments were included in the analysis.
- It should be noted that at the time of the traffic counts in September 2007 approximately 30 apartment units were vacant; therefore these 30 units were added back into background traffic to account for them.

Background conditions are summarized as follows:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 450 and MD 202	1,066	1,175	B	C
MD 202 and 55 <sup>th</sup> Ave.*	57.4	154.0	--	--
MD 202 and SB MD 295 Ramps	1,368	1,090	D	B
Newton St. and 52 <sup>nd</sup> Ave.*	16.7	11.5	--	--
MD 201 and SB 52 <sup>nd</sup> Ave.	997	891	A	A
MD 201 and NB 52 <sup>nd</sup> Ave.	1,257	1,034	C	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

As noted above under existing conditions, the intersection of MD 202 and 55<sup>th</sup> Ave. operates above 50.0 seconds of delay under background conditions as well, indicating inadequate traffic operations. In terms of total traffic conditions the net increase from the proposed development would generate 146 AM (28 in, 118 out) and 166 PM (108 in, 58 out) peak hour vehicle trips.

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 450 and MD 202	1,072	1,178	B	C
MD 202 and 55 <sup>th</sup> Ave.*	199.0	348.0	--	--
MD 202 and SB MD 295 Ramps	1,382	1,098	D	B
Newton St. and 52 <sup>nd</sup> Ave.*	20.0	12.1	--	--
MD 201 and SB 52 <sup>nd</sup> Ave.	1,028	905	B	A
MD 201 and NB 52 <sup>nd</sup> Ave.	1,286	1,049	C	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Under total traffic conditions without improvements, delays at the intersection of MD 202 and 55<sup>th</sup> Avenue exceed 50.0 seconds indicating inadequate traffic operations. All other critical lane volumes and levels of service are acceptable at the other critical intersections. In response to total traffic conditions, the applicant's traffic consultant concluded that a traffic signal would not be justified at the intersection of MD 202 and 55<sup>th</sup> Avenue.

#### **State Highway Administration (SHA) and Department of Public Works and Transportation (DPW&T) Comments**

The SHA recommended that the applicant design and construct a westbound MD 202 left-turn lane at 55<sup>th</sup> Avenue and also widen the northbound approach of 55<sup>th</sup> Avenue at MD 202 to accommodate two lanes of traffic. Staff at DPW&T recommended that the applicant conduct a field gap study to determine the number of adequate gaps in traffic available for left and right - turning traffic on the northbound approach of 55<sup>th</sup> Avenue at MD 202.

Normally a traffic signal warrant study is recommended when delays exceed 50.0 during the AM or PM peak hour. In some instances physical improvements and geometric changes to an intersection will improve the intersection's operation and reduce delays. Minor changes at the intersection of MD 202 and 55<sup>th</sup> Avenue will reduce delays during the AM and PM peak hour to 10.7 seconds and 14.0 seconds respectively. These include restricting northbound left turns from 55<sup>th</sup> Avenue to MD 202, restriping the westbound approach of MD 202 at 55<sup>th</sup> Avenue to provide an exclusive left-turn lane, and preventing through movements from northbound 55<sup>th</sup> Avenue across MD 202.

#### **Transportation Staff Comments**

The *Approved Bladensburg Town Center Sector Plan and Sectional Map Amendment* [June 2007] shows a possible roundabout at the intersection of MD 202 and MD 450 just to the west of 55<sup>th</sup> Avenue. In addition there has been some discussion about constructing a new T-intersection and realigning MD 202 at MD 450. These changes would impact the intersection of MD 202/55<sup>th</sup> Avenue. However, they are part of a future study for the area, and there is currently no timetable for their consideration. They would also have to be approved by SHA. Staff would recommend conditions for improvements to the MD 202 and 55<sup>th</sup> Avenue intersection if this application is

approved.

### **Variation Request to Section 24-128 of the Subdivision Regulation**

Section 24-128(a) of the Subdivision Regulations stipulates that “No subdivision plat or plan of development (however designated) shall be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except as hereinafter provided.”

The applicant is requesting a variation to allow private streets and alleys of 22 feet to serve the proposed development. The pavement width of private roads may be reduced to twenty-two feet when it is determined that the minimum width is consistent with a safe, efficient, hierarchical street system for the development.

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:**

Staff acknowledges that practical difficulties may result from the strict application of 24-128 in this case. In generally, private streets are utilized in townhouse developments. However, in this case alternative layouts may result in a more efficient design that have not yet been explored by the applicant and should be.

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

**Comment:** The current configuration of the proposed private streets and alleys do not provide a safe, efficient, hierarchical street system for the development. There is no connectivity in the proposed street system. There are twelve private streets or alleys that do not connect to another street or alley and simply end near the property line. Motorists may have to back out of the alleys; parked vehicles may create blockages, etc. These are located on the west side of 54<sup>th</sup> Avenue, on the south side of Madison Way, and on the north side of Newton Street. This situation occurs in Blocks A, E, G, and F. Blocks B, C, and D are acceptable.

- 2. The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

**Comment:** The redevelopment of this site as a Residential Revitalization community is unique to other properties in the immediate vicinity, and is not shared by the surrounding properties. No



abutting properties have been developed utilizing the Residential Revitalization provisions of the Zoning Ordinance.

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

**Comment:** The variation to Section 24-128 is not regulated by any other law, ordinance or regulation and therefore, can not violate any other law ordinance or regulation.

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

**Comment:** Staff acknowledges that the severe topography of the site is a restriction on the development layouts. The applicant is also preserving the existing public street system. These two conditions of the site result in the need to develop the site utilizing private streets if the applicant desires to build townhouses. If private streets are not permitted, a reduction in the number of dwelling units could result which the applicant has indicated as a hardship.

Based on the above findings, the requirements needed to recommend approval of the proposed development as currently configured are not in place. This is a safety issue that results in a recommendation of disapproval of the variation under Section 24-113(a)(1). While the other three findings for approving the variation appear to be met, the safety issue must be addressed.

#### **Transportation Staff Conclusions and Recommendations**

Although the applicant has met the requirements of Section 24-124, the Transportation Planning Section disagrees with the applicant's request for variation from Section 24-128(a) concerning private roads and alleys and therefore recommends denial of the preliminary plan. The configuration of the proposed private streets/alleys do not provide a safe, efficient, hierarchical street system, and prevent making the finding required by Section 24-113(a)(1) for the approval of the variation.

8. **Schools**—The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulation and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	433 DU	433 DU	433 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	103.92	25.98	51.96
Actual Enrollment	40,283	12,185	16,243
Completion Enrollment	100.08	25.08	50.04
Cumulative Enrollment	.72	0	0
Total Enrollment	40,383.80	9,290.06	16,345.00
State Rated Capacity	39,187	11,256	16,332
Percent Capacity	103.05%	82.53%	100.08%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

At the writing of the referral for this staff report the applicant had proposed 433 dwelling units.

County Council bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$7,000 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 (WMATA); or \$12,000 per dwelling for all other buildings. CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit.

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 Special Projects Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-31-2003 and CR-23-2003.

9. **Fire and Rescue**—The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B) thru (E) of the Subdivision Regulations.

Special Projects staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station Bladensburg Company 9, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

10. **Police Facilities**—The subject property is located in Police District I, Hyattsville. The response time standard is 10 minutes for priority calls and 25 minutes for nonpriority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on June 18, 2008.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Non-Emergency Calls
Acceptance Date June 18, 2008	5/07–5/08	9 minutes	11 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met June 24, 2008. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

11. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Quincy Manor and notes that a raze permit must be obtained through the Department of Environmental Resources (DER) prior to the removal of any existing buildings. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.
12. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 33617-2007-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. However, the bio-retention facility and outfall proposed along the north property line shown on the approved storm water management plan is not reflected on the preliminary plan or TCPI. In fact the applicant has proposed dwellings where the facility is located on the approved SWM concept plan.
13. **Historic**—Phase I archeological survey is not recommended on the above-referenced 17.04-acre property located along Quincy Manor Road and Newton Street at 55<sup>th</sup> and 56<sup>th</sup> Avenues in Hyattsville, Maryland. This plan proposes single-family attached dwelling units. 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 subject property is low. A 1950s apartment complex and parking lots cover the entire area. However, the applicant should be aware that there are nine County Historic Sites and three Historic Resources located within a one-mile radius of the subject property. In addition, there is one previously identified archeological site, 18PR96–Indian Queen Tavern (an early 18<sup>th</sup> to early 20<sup>th</sup> century inn/tavern), within a one-mile radius of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take

into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or state or federal permits are required for a project.

14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the record plat:

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

The preliminary plan of subdivision delineates a public utility easement within the private streets and not along private rights-of-way as required by Liber 3703 at Folio 748. The applicant must provide evidence from each utility company of their agreement with this arrangement.

The existing ten-foot public utility easement is correctly shown abutting and contiguous with the public rights-of-way.

#### RECOMMENDATION

**DISSAPPROVAL OF VARIATIONS TO SECTION 24-130 AND 24-128 OF THE SUBDIVISION REGULATIONS, AND FINDINGS OF SECTIONS 27-445.09(c)(5) AND SECTION 27-445.09(c)(6) OF THE ZONING ORDINANCE HAVE NOT BEEN FOUND.**