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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, Suite 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. This case was continued from the Planning Board hearing of October 30, 2008.	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

This case was continued from the Planning Board hearing date of November 13, 2008. Staff recommended disapproval of the preliminary plan due to issues which related to the layout and viability of the development. At the public hearing, the Planning Board provided the applicant with a specific list of concerns and continued the case to December 4, 2008, to provide the applicant additional time to modify the plan and address the Planning Board's issues.

In Finding 2 below, the required findings for approval of a residential revitalization plan are discussed as it relates to this plan. In Finding 3 below, the specific issues enumerated by the Planning Board at the November 13, 2008 public hearing are listed and discussed. In Finding 4 below, staff is recommending specific revisions to the revised plan submitted by the applicant subsequent to the hearing on November 13, 2008, which would result in a reduction of 22 lots.

The subject property is located on Tax Map 50 in Grid E-4 and is known as Parcel A-E (WWW 17@44); 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 41 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, including private streets and alleys, will be conveyed to a homeowners association (HOA). All but seven dwelling units will be served by rear load garages which require private alleys 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, County Council Bill 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

permitting 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.

Two variations were filed by the applicant pursuant to the Subdivision Regulations. One variation (Section 24-128) is required for the applicant to utilize private streets, and the other variation (Section 24-130) is required for the applicant to impact the expanded buffer. Staff is recommending disapproval of the variation to Section 24-130 for disturbance to the expanded buffer and approval of the variation to Section 24-128 for the use of private streets and alleys, as discussed further in this report.

## SETTING

The property is located on the north and south side 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 the City of Bladensburg and north of the Town of Cheverly. The property is south of the Publick Playhouse which is owned by the Maryland-National Capital Park and Planning Commission (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. ft.)	R-18 (16.87 acres) R-35 (6,969 sq. ft.)
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. **Section 27-445.10(c)**—Section 27-445.10(c) establishes the following six 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 (DSP) 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 “Housing and Community Development 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 subject property is located within the County’s 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 consolidated plan’s initiatives are intended to be a catalyst for neighborhood stabilization and growth. The plan (p. 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 (420 lots), with a significant increase in paving and reduced open space. Staff is recommending revisions to the preliminary plan which will reduce the density proposed (398 lots), while still in excess of the existing density on-site (382 lots). The revisions will result in a more attractive neighborhood.

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 (p. 108). The housing within these communities is older than that within the Developed Tier. The County’s plan, as stated in the consolidated plan, for the next five years is to strengthen the economic base and 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” (p. 108). Due to this observation in the plan, staff recommends that the private infrastructure on-site be reduced to the extent possible. Where public streets and public utilities can be accommodated, they should be provided to reduce the cost to the homeowners association.

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.

The towns of Bladensburg and Cheverly, Council Member Harrison, and residents of the community have indicated that the redevelopment of this site is desirable; and in keeping with most of the guidelines and principles of the *Prince George’s County Approved General Plan* and master plan, and in conformance with the priorities of the “Housing and Community Development Consolidated Plan.”

However, the layout proposed does not adequately improve the livability of the neighborhood. In fact, staff believes that the layout should be revised to create more open space, improve recreation opportunities, and assist in the viability of the natural resources on-site. The applicable Strategic Plan Community Development Strategy Goals (p. 83) are:

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

3. **Planning Board Hearing**—At the Planning Board hearing of November 13, 2008, this case was continued. The Planning Board provided a specific list of issues that should be addressed by the applicant on a revised plan and at the next public hearing on December 4, 2008. The Planning Board specifically advised the applicant that the list of issues was not provided to the applicant as a list in order of priorities, but a list of issues that are to be considered equal in importance. Staff has provided some comments on the revised plan submitted November 26, 2008 as it relates to the Planning Board’s concerns. The list of issues that were identified by the Planning Board is as follows:

1. **Less dense**, the Planning Board clarified that by less dense they did not necessarily mean less dwelling units. The issue was of the spatial relationship between dwellings and the street, stick of units, recreation areas, etc.

**Comment:** The revised preliminary plan is still very dense. Staff is recommending the loss of additional dwelling units (22) to assist in creating a better spatial relationship and improved circulation. Staff expects that, when more detailed grading plans are developed with the DSP, additional modification could be recommended to continue to create a better living environment for future residents.

2. **Too little space between sticks of units.**

**Comment:** The original preliminary plan proposed three feet between sticks of townhouse units. The revised layout shows larger gaps, approximately 12 to 14 feet wide which are large enough to allow pedestrian paths and the placement of utilities between the units, and is generally acceptable. With the review of the DSP, staff may recommend strategically placed open space elements between sticks of units to create views of open space for units that may not front on those elements.

3. **Dead end alleys are of concern as it relates to trash pick up, turn-around's, and snow removal.**

**Comment:** The previous layout created 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, where short rows of attached houses were placed on dead-end alleys perpendicular to the public right-of-way. The revised sketch shows a similar arrangement of units west of 54<sup>th</sup> Avenue, but has revised the areas south of Madison Way to provide units facing onto the public street with a common access alley behind them that connect to 55<sup>th</sup> Avenue and to the internal alleys of the proposed townhouses in the western portion of the site. In general, this is a better arrangement because it orients units toward the public street and matches the proposed development on the north side of Madison Way, while eliminating the dead-end alleys in favor of a through connection.

The perpendicular rows of units west of 54<sup>th</sup> Avenue are less problematic than the rows that were formerly proposed along Madison Way because the units are located further from the property line and the grades in the western portion of the site are less severe. In the revised sketch, each alley provides access for no more than 12 units. The alleys are somewhat wider on the revised sketch than in the previous preliminary plan due to the proposed placement of water and sewer easements in the alleys, providing for more maneuvering room. Staff does not object in principle to this arrangement west of 54<sup>th</sup> Avenue, but recommends that each alley should provide a full turnaround hammerhead arrangement at the end of the alley, past the townhouses, rather than locating the hammerhead in front of the end units' garages.

4. **Long walls of townhouse units without breaks.**

**Comment:** Like the original design, the proposed sketch (November 24, 2008) features long rows of townhouses with up to fourteen attached units in a stick and multiple sticks placed in a single line. The layout includes alleys behind the townhouse units that would be visually dominated on both sides by the rears of the long rows of townhouses and by

the garage doors of these units. The original plan proposed functional difficulty, the inability of pedestrians to pass between the sides of the townhouses, and an aesthetic problem.

The aesthetic problem is slightly ameliorated by the gaps that have been created to break up the rows, but the new proposed rows are longer and will still dominate the rear alleys. The layout is very closely spaced and composed of many long groups of townhouse lots. The revised layout also shows unusually long groups of townhouses up to fourteen units long (the previously reviewed plan included groups up to nine units long). These groups are longer than would be permitted by the Zoning Ordinance's regulations for traditional townhouse development in most zones.

However, it is possible that the long rows could be justified if the architecture provides for a varied façade featuring different styles and designs of façades within the same attached stick. Therefore, staff recommends that attached groups longer than eight units (the maximum allowable under the normal townhouse provisions of the Zoning Ordinance) should be contingent upon demonstrating visually attractive and varied architecture at the time of detailed site plan review.

**5. Tree preservation.**

**Comment:** The design, as proposed on the November 24, 2008 plan, is considered environmentally responsible with regard to ensuring the preservation of a significant portion of the existing tree canopy; however, it is still unclear how the existing utility easements for the site will effect the preservation of these trees. The submitted plan only shows a layout of the proposed lots and rights-of-way, along with trees to be preserved and trees to be planted. The associated site plan must ensure the preservation of the trees as proposed on the sketch plan, as discussed further in the environmental planning section of this report, and appropriately conditioned in the recommendation section.

**6. Identifiable HOA areas.**

**Comment:** Staff recommends that additional open space be provided in accordance with Staff Exhibit A, Areas 1–8, as discussed below.

**7. Recreation areas identified.**

**Comment:** The revised layout dated November 24, 2008, increases the open space areas and reduces the amount of paving, however, staff does not believe that the applicant has clearly identified and provided sufficient recreation areas. Staff recommends that an additional open space area be provided in accordance with Staff Exhibit A-Area 1 as discussed below.

**8. HOA expenses, utility location (direct bury vs. conduit system).**

**Comment:** At the Planning Board hearing on November 13, 2008, the Planning Board voiced strong concerns that the applicant was proposing such significant private infrastructure and directed that the applicant evaluate other alternatives. Subsequent to the hearing, staff met with the several utility companies as discussed below and has the agreement for an alternative which will not require a conduit system for dry utilities,

which would have been owned and maintained by the HOA. The preliminary plan should be revised to reflect the alternative which may require additional setbacks and a new utility plan.

The other private infrastructure will include the private streets and alleys which will be maintained by the HOA. Ownership of the private streets will result in the trash and snow removal being the responsibility of the HOA as well as repair and maintenance. In general, the use of private streets is necessary to develop this property with townhouses and maintain a density which the applicant has determined feasible. As discussed further, staff supports the use of private streets in this instance and is recommending approval of a variation to Section 24-128 of the Subdivision Regulations, which will allow the applicant to utilize private streets.

9. **Show the Planning Board the alternative layouts that the applicant advised the Planning Board they have prepared during their planning process.**

**Comment:** The applicant provided staff with several sketches after the November 13, 2008, hearing which were evaluated. Some of the elements of those plans were incorporated into the revised plan. Staff believes that the applicant has improved the layout if the plan is revised in accordance with Staff Exhibit A which recommends the reduction of 22 lots, from the applicant's November 24, 2008 plan.

10. **Provide information to the Planning Board regarding the adequacy of the parking.**

**Comment:** Staff has evaluated the revised plan and made some recommendations for additional surface parking in accordance with Staff Exhibit A.

11. **Provide information to the Planning Board regarding the long term viability of the community.**

**Comment:** The Planning Board voiced concerns that the design, layout, and cost to the HOA for the development could result in the creation of a development that would not be an asset to the community long term. The Planning Board requested that the applicant address their efforts to ensure a sustainable and safe community at the Planning Board hearing of December 4, 2008.

4. **Staff Exhibit A**—The Strategic Plan, Community Development Strategy Goals (p. 83), Goal 7 states that the plan should:

- (7) Improve the safety and livability of the neighborhoods;

Staff recommends revisions to the preliminary plan (Section 27-445.09(c)(5)) to ensure conformance to the goals of the Strategic Plan. The revisions would result in a **reduction of 22 lots** from the revised preliminary plan filed by the applicant dated November 24, 2008. That plan proposes 420 lots, approximately 38 more dwelling units that currently exist on the site. Staff is recommending revisions in accordance with Staff Exhibit A, which would result in a total of 398 lots.

The applicant filed a revised plan on November 24, 2008. The revised plan is a concept plan and provides little information, and does not adequately provide information required on a



preliminary plan. The plan does not provide contours or proposed grades, lot numbers, lot sizes, street dimensions, utility locations, street names or any general notes. If the plan is approved, a revised preliminary plan will be necessary prior to signature approval.

While the plan provides little information, it is drawn to scale and is adequate to evaluate the spatial relationships between lots, streets, open areas, recreation areas, and the environmental features of the site. As discussed in the environmental and urban design sections of this report, additional reductions in the number of lots proposed could occur with the review of the detailed site plan and should be expected by the applicant.

Because the plan does not provide lot numbers, staff describes “areas” of the site and has indicated on the revised plan (November 24, 2008) which lots should be removed to help address the issues identified by the Planning Board at the November 13, 2008 Planning Board hearing.

Staff Exhibit A identifies eight areas of the site where a reduction in lots would result in an improved layout that creates a more livable neighborhood with this preliminary plan (Community Development Strategy Goal 8).

**Area 1** results in a reduction of **9 lots**.

One of the goals 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.**

Area 1 of the site is adjacent to an urbanized stream that is severely degraded due to the high density development that surrounds it. A minimum 50-foot-wide stream buffer is provided; however, additional setbacks for development would assist in the preservation of the stream and allow this degraded system to regenerate into an adequate riparian buffer. This would also provide a unique opportunity for the stream to be a part of the open space recreation amenities while preserving it as a natural asset.

**Area 2** results in a reduction of **3 lots**.

Most of the pods of development provide multiple curb cuts to serve the rear alleys and private streets. There are two proposed exceptions to this. The first is the small pod south of MacBeth Street and east of 54<sup>th</sup> Avenue, where a dead-end alley from 54<sup>th</sup> Avenue serves two sticks of townhouses totaling only eight units. The second exception is the pod of development north of Newton Street and west of 55<sup>th</sup> Avenue, which on the sketch plan is served by only one curb cut on 55<sup>th</sup> Avenue for 49 proposed units. Staff recommends that two lots should be removed in order to allow a second curb cut providing access from the alley onto Newton Street.

In addition, the rows of attached units have been placed back-to-back so that the alleys are enclosed on both sides and the rears of the townhouses are rendered less visible as they are partially screened from oblique views along the public streets by the townhouses on the opposite side of the alley. However, at the edges of the development pods, some of these paired rows are offset as the row of one side of the alley extends beyond the row on the other side. This situation exposes the rear of these units to views along the streets. Staff recommends that six lots on the

sketch plan with exposed rears visible along the streets be removed, in accordance with Staff Exhibit A (the six lots include one in **Area 2**, two in **Area 3**, one in **Area 6**, and two in **Area 7**).

**Area 3** results in a reduction of **2 lots**.

Area 3 is located on the east side of 54<sup>th</sup> Avenue. Staff is recommending the reduction of two lots where direct views in the rear of the units would occur of the garage when driving north on 54<sup>th</sup> Avenue. See comments for Area 2 above.

**Area 4** results in a reduction of **1 lot**.

Staff recommends the removal of three proposed detached units shown on the sketch plan. Although mixing unit types within the development is a desirable goal that staff has suggested during the review of this plan, the three isolated detached units are oddly placed at right angles within the development on corners between sticks of townhouses. It is unclear whether the detached units are intended to be front-loaded units with their fronts on the alleys or rear-loaded units that face away from the alleys towards the sides of the adjacent townhouses, but their placement in the leftover corners creates an awkward relationship within the townhouses in either case. The space occupied by the proposed unit in Area 4 (at the corner of Newton Street and Madison Way) could be turned into an attractive open corner within the development, while the spaces occupied by the proposed units in **Areas 5 and 8**, inside their respective pods of development, could be utilized to create small surface parking areas for visitors.

**Area 5** results in a reduction of **1 lot**.

See Area 4 comments above.

**Area 6** results in a reduction of **3 lots**.

Staff is recommending the reduction of three lots where direct views in the rear of the units would occur of the garage when driving north on 54<sup>th</sup> Avenue and east on Newton Street. See comments for Area 2 above.

In addition, staff also recommends the removal of two lots fronting on the community center green space in order to open a corridor of space from the community building westward along Newton Street. The green space will continue to be defined by the other townhouses fronting on it, but the open corridor along Newton Street will add to the distinctiveness of the space by creating a contrast with the more rigidly defined streetscapes in the rest of the development. It will also create a diagonal edge in the northwest corner of the green space to match the proposed diagonal edge in the southeast corner of the space along 55<sup>th</sup> Avenue.

**Area 7** results in a reduction of **2 lots**.

Staff is recommending the reduction of two lots where direct views in the rear of the units would occur of the garage when driving north on 54<sup>th</sup> Avenue. See comments for Area 2 above.

**Area 8** results in a reduction of **1 lot**.

See Area 4 comments above.

5. **Public Utility Easement**—The applicant has stated that because of the dense nature of the site, the applicant is unable to provide the required ten-foot public utility easement (PUE) alongside 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 ten-foot PUE. The PUE 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 alongside 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 the previous plan, the applicant indicated they did not have room to move the townhouses ten feet back from the 22-foot-wide alley and provide the PUE alongside the private street. The applicant proposed to locate the PUE under the 22-foot-wide private alleys. Therefore, instead of a direct bury utility installation, the applicant would be required to construct a “conduit system” for utility installation because the utilities were under the street.

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 of the cost of repair and maintenance. Generally, due to the fact that the utilities are under the streets, 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 not 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 PUE 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 has 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.

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. In particular, 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 intentions of public/private partnership, but on the choices made today for the residents' future.

**Revised Plan (November 24, 2008)**

At the Planning Board hearing on November 13, 2008, the Planning Board voiced strong concerns that the applicant was proposing such significant private infrastructure and directed that the applicant evaluate other alternatives to the conduit system.

Subsequent to the hearing, staff contacted WSSC (wet utility) and BGE/Comcast (dry utilities) and discussed the possibility of reversing the location of what the applicant was proposing. In this case, the applicant would locate the 30-foot-wide WSSC easement in the alleys and private streets, and the dry utilities would be located in the "mews." This would allow for a direct bury dry utility installation within a minimum five-foot-wide PUE around the perimeter of the mews and a minimum of ten-foot-wide (or greater) tree planting strip within the mews. The utility companies have stated that they could and would own and maintain this infrastructure. Staff is recommending a condition of approval requiring direct bury utilities.

The 30-foot-wide WSSC easement within the alleys would require that the rear of dwelling units be located a minimum of 30 feet apart. The 30-foot easement could extend onto the private lots within the 22-foot-wide alleys, per WSSC representative. This could also result in additional driveway space for the units.

Staff has discussed this with the applicant who has agreed to provide direct bury. The preliminary plan should be revised to reflect direct bury dry utilities, by the relocation of the WSSC water and sewer lines.

6. **Urban Design**—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 41 existing multifamily buildings, which are proposed to be removed. The standards of the development are 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 spatial 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 originally reviewed earlier versions of this plan and recommended that the plan be disapproved. Since that time, the applicant has developed a sketch plan of a revised layout (November 24, 2008) intended to address some of the spatial concerns that have been raised on this site.

**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. Two open green areas between townhouse sticks have been identified in the eastern and western portions of the site. These areas will provide opportunities for the location of appropriate outdoor recreational facilities. Additional smaller open spaces may be created throughout the development along with coordinated breaks in the rows of attached units creating pedestrian and visual corridors throughout the site. There exists a unique opportunity to locate a passive recreation area along the northeast property line alongside the existing urban stream corridor. This would provide for additional identifiable recreation area while enhancing the stream buffer. Staff recommends that Area 1 be revised in accordance with Staff Exhibit A, Area 1.

### **Plan Comments**

It should be noted that the significant grades on the property, between the existing public rights-of-way, pose a very difficult site planning problem. The closely-spaced development provides few opportunities to accommodate the change in grade and it would be difficult to integrate retaining walls into the design without completely disrupting the arrangement. Although previous versions of the preliminary plan and tree conservation plan provided estimated grades for the development, the proposed sketch plan does not include that information. Without knowing what grades are proposed, it is difficult to determine whether the applicant’s layout is feasible as proposed or whether it would create unforeseen difficulties. If the grades can be accommodated in a relatively sensitive manner, as such incorporating the grade change into the house elevation and placing the front door and garage on different levels, the layout should be acceptable. However, the Urban Design Section will not recommend approval at the time of detailed site plan review of any arrangement where large retaining walls are placed between the fronts of houses and the public rights-of-way, or other similarly unjustified grade-driven situations.

The Urban Design Section has recommended that the detailed site plan should conform to a set of minimum standards as listed in the recommendations section. Because the plan that is being reviewed at this time is a sketched layout of units rather than an actual preliminary plan and because many of the issues upon which the development’s success will depend will require a fine-detailed analysis, not all issues of the layout can be finally approved at this time. The dense development on the site means that any adjustments to the layout that must be done at the time of detailed site plan review, based upon detailed grading, architecture, and functional analysis, may result in a reduction of buildable units shown on the plan.

In general, the sketch plan shows more units fronting onto the public rights-of-way than the previous design. However, both designs also feature numerous situations where the sides of units face toward the public rights-of-way. In order to maintain the outward orientation of the townhouses and enliven the streetscape in those areas, the Urban Design Section recommends that units whose side faces a public right-of-way should be side-entry units.

### **Parking**

The parking provisions assumed by the applicant's design do not appear to be adequate for the needs of the development. Although Section 27-445.10 of the Zoning Ordinance, Residential Redevelopment Regulations, allows for the reduction of parking requirements from the normal standards of the Zoning Ordinance, the plan should still demonstrate that parking is adequate for the needs of the development. 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 amount of parking (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; the smaller lots could accommodate traditional one-car garages and the larger lots could possibly accommodate standard two-car garages. 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. The applicant should provide floor plans to demonstrate that there is adequate space within the garage to provide both parking spaces on the lot.

On-street parallel parking spaces will probably be provided along the public rights-of-way (subject to the approval of the Department of Public Works and Transportation), but there is no space to provide any additional parking along the private rights-of-way. The sketch plan provides very few additional surface parking lots (a total of six for the entire development). 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 parking spaces on the public road will be very small in proportion to the number of units in the area. Non-residents may find it nearly impossible to find parking anywhere near the houses they intend to visit. Residents and non-residents 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. The Urban Design Section recommends that some additional areas for visitor parking should be identified in each area of the development, to provide a minimum of one off-street surface parking space per ten townhouses, and as further supported in Staff Exhibit A, Areas 5 and 8.

### **Urban Design Section Recommendation**

In view of staff concerns over the design proposed, the Urban Design Section recommends approval of proposed Preliminary Plan of Subdivision 4-08022 with conditions.

7. **Environmental and Variation to Section 24-130**—The Environmental Planning Section has reviewed Preliminary Plan of Subdivision 4-08022 for Quincy Manor. Verbal comments were provided at the Subdivision Review Committee meeting 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 meeting 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, verbal comments were provided at the utility coordination meeting on October 8, 2008, and written comments were provided in a memorandum dated October 20, 2008.

Subsequent to the Planning Board hearing on November 13, 2008, staff met with the applicant to discuss issues raised at that hearing. The outstanding environmental issue raised was the preservation of individual trees as recommended by the *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*. 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 previously proposed layout did not address the preservation of the existing trees as recommended by the master plan.

A sketch plan dated November 24, 2008, has been submitted to address this issue. The proposed plan shows the preservation of more of the on-site trees as recommended by staff in a previous memorandum; however, it is still not clear how the infrastructure and grading will effect this proposal.

After a review of the submitted information, the Environmental Planning Section recommends approval of Preliminary Plan of Subdivision 4-08022 subject to conditions.

### **Background**

No development proposals have been reviewed by the Environmental Planning Section for the subject property. A Natural Resources Inventory, 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 multi-family or attached one-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 20 single-family attached dwellings in the R-18 Zone.

### **Site Description**

The site is currently developed with multifamily 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 that 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 section 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.**

**Comment:** 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 reasonable 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 (p. 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 was submitted and reviewed for this site. Based on previous comments by staff, a revised layout in the form of a sketch plan has also been submitted and reviewed. The sketch plan, as proposed, shows the preservation of 31 of the 140



existing significant trees; however, only approximately ten would be preserved if utility conflicts cannot be resolved. A detailed discussion is provided in the Environmental Review section below.

The following are the development guidelines from the master plan (pp. 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, Environmental Planning Section staff identified 17 trees that should be considered for preservation.

A sketch plan dated November 24, 2008, addressing the preservation of existing trees has been submitted. Comments and recommended revisions to the plan are provided under comment 3 of the Environmental Review section below.

- 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 existing trees where possible. Staff is recommending the reduction of nine lots (Area 1) adjacent to the stream corridor as an identifiable recreational area that will also benefit the stream corridor by pulling back development.

- 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 allows for the adequate placement of necessary infrastructure, and serves to retain the existing large trees, which will preserve the character of the existing neighborhoods as well as the adjacent communities.

Staff is also recommending that the applicant could capitalize on the existing natural asset of the expanded buffer adjacent to the urban stream by creating a passive recreation area while reducing the impact of development on the stream.

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

**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. It is not clear from the sketch plan if the buffer will be preserved based on the proposed design because it does not show the proposed grading. A previous grading plan did propose to grade 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 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 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.**

**Comment:** The on-site expanded buffer is a designated natural reserve area in the plan. Natural reserve areas and conditional reserve areas as described in the master plan have been superseded by the designations in the *Approved Countywide Green Infrastructure Plan*. See Countywide Green Infrastructure Plan comments below.

**Countywide Green Infrastructure Plan**

The site contains a regulated area, evaluation area, and network gaps within the designated network of the 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 ten feet in some areas. It was the subject of a stream restoration project in recent years.

The conceptual grading and site utilities plan stamped as received on October 2, 2008, shows encroachment into the regulated area, evaluation area, and network gaps for proposed lots and utility lines. The submitted sketch plan does not provide enough information to evaluate proposed impacts. 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.

**Comment:** Recommended revisions are summarized under comment 4 of the Environmental Review section below.

### **Environmental Review**

A signed Natural Resources Inventory, NRI/024/08, was submitted with the application. The site contains a 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 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 location, condition, and overall health of 140 trees on the property. Staff 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 and within the existing public utility easement. 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.

### **Revised Plan Dated November 24, 2008**

A sketch plan dated November 24, 2008, was submitted to address Planning Board comments with regard to preservation of individual trees in accordance with the master plan. The submitted sketch plan proposes to preserve a total of 31 of the 140 existing trees, which includes 14 of 17 that were recommended by staff. Of those not recommended by staff, seven undesirable trees (No. 37–39, 87, 88, and 90, Ash; No. 86, Hawthorn) are shown to be preserved. Hawthorn trees

are easily susceptible to a number of diseases and pests, while the Ash tree in Prince George's County has been part of a program to eradicate the emerald ash borer that has spread within the county.

Eighteen of the trees shown to be preserved appear to be within the existing PUE, which may make them difficult to preserve. In order to ensure the survivability of the trees during development, the critical root zones of all interior trees proposed for preservation should be avoided during the root pruning process. It is assumed that the essential roots of trees within the existing PUE right-of-way will remain undisturbed. The critical roots of these trees should be avoided to the extent possible to ensure their survival. It is not clear how grading will affect the existing trees because the proposed grading is not reflected on the submitted plan, and a TCPI was not submitted with this information.

The design, as proposed, is considered environmentally responsible with regard to ensuring the preservation of a significant portion of the existing tree canopy; however, it is still unclear how the existing utility easements for the site will effect the preservation of these trees. The submitted plan only shows a layout of the proposed lots and rights-of-way, along with trees to be preserved, and trees to be planted. The associated site plan must ensure the preservation of the trees as proposed on the sketch plan.

The sketch plan did not include a legend. The plan shows some trees with shading around the edge and others without. A clarification of these two types of symbols should be provided. The site plan must provide clarification of all significant symbols used on the plan.

At the time of detailed site plan, the DSP should show conformance with the sketch plan with regard to the preservation of all trees outside the existing PUE. The limits of disturbance should be evaluated to ensure that critical root disturbance has been minimized. For all trees proposed for preservation within the existing public utility easement, the DSP should show a design that ensures the preservation of those trees. If any trees cannot be preserved due to necessary utilities, justification with supporting documentation will be required.

#### **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 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. However, the applicant has indicated that impacts to the expanded stream buffer can be avoided. Notwithstanding, staff has not seen a preliminary plan revised which demonstrates that the variation is not required and recommends disapproval of any impact to the expanded stream buffer.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests as follows:

- (a) **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.

- (1) 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 and health, but could be injurious to other properties. The continued degradation of the stream buffer could cause further deterioration of the stream channel, affecting the velocity and course of the stream, which could impact other properties that abut the stream channel.

- (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 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.

- (3) 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 stream buffer (Section 24-130) and therefore, if the Planning Board were to approve the variation, it would not violate any other applicable 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:** The site is adjacent to an urbanized stream that is severely degraded due to the high-density development that surrounds it. 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 accommodate the necessary utilities.

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

A Stormwater Management Concept Plan approval letter, CSD 33617-2007-00, approved by 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 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 preliminary plan should demonstrate the required setback.

The stormwater management (SWM) approval letter contains the 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.

8. **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 intersections 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 (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 (pp. 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 (pp. 93–95)

1. **Construct and maintain a system of concrete walks and lighting 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 (pp. 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 (pp. 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 believes 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 27-445.10(c)(6) for residential revitalization (CB-58-2001).

- 9. Department of Parks and Recreation—**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 Publick Playhouse and to the west is Bladensburg Marina and Colmar Manor Community Park containing football, soccer and multiple softball fields, playgrounds, and basketball and tennis courts. Staff believes that the addition of private recreational facilities on-site, strategically located, will complement the nearby parkland and provide needed recreation opportunities for the new residents of this subdivision.

As further discussed in the Environmental Planning section of this report an important additional recreation area should be provided in the northeast quadrant of the intersection of Newton Street and 55<sup>th</sup> Avenue along the stream corridor. This area of the site does not provide for any meaningful active open space areas as currently proposed. This area (Area 1) provides a unique opportunity to locate an active or passive recreation area along an urban stream corridor while serving as an additional buffer for this already degraded stream system.

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.

10. **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 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.

11. **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> Avenue, and MD 201/NB 52<sup>nd</sup> Avenue. The two unsignalized intersections are MD 202/55<sup>th</sup> Avenue and Newton Street/52<sup>nd</sup> Avenue.

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 dwellings, 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> Avenue*	49.2	111.0	--	--
MD 202 and SB MD 295 Ramps	1,278	1,050	C	B
Newton Street and 52 <sup>nd</sup> Avenue*	15.6	11.2	--	--
MD 201 and SB 52 <sup>nd</sup> Avenue	935	830	A	A
MD 201 and NB 52 <sup>nd</sup> Avenue	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 Street and 52<sup>nd</sup> Avenue 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> Avenue does exceed 50.0 seconds of delay during the PM peak hour.

Also in terms of existing conditions, the Maryland State Highway Administration (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 which 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 percent annual growth factor for through traffic along MD 450, MD 202, and MD 201 was used.
- Background development in the area, including 244 condominium 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> Avenue*	57.4	154.0	--	--
MD 202 and SB MD 295 Ramps	1,368	1,090	D	B
Newton Street and 52 <sup>nd</sup> Avenue*	16.7	11.5	--	--
MD 201 and SB 52 <sup>nd</sup> Avenue	997	891	A	A
MD 201 and NB 52 <sup>nd</sup> Avenue	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> Avenue 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.

<b>TOTAL TRAFFIC CONDITIONS</b>				
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> Avenue*	199.0	348.0	--	--
MD 202 and SB MD 295 Ramps	1,382	1,098	D	B
Newton Street and 52 <sup>nd</sup> Avenue*	20.0	12.1	--	--
MD 201 and SB 52 <sup>nd</sup> Avenue	1,028	905	B	A
MD 201 and NB 52 <sup>nd</sup> Avenue	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 and 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 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, which 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 22-foot-wide private streets and alleys to serve townhouses (single-family attached) in the R-18 and R-35 Zones.

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."

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests as follows:

- (a) **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:** Staff acknowledges that practical difficulties may result from the strict application of Section 24-128 in this case. In general, private streets are utilized in townhouse developments.

- (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. The plan should be revised to increase circulation and provide turnaround capabilities as described in Staff Exhibit A. Staff Exhibit A may reduce the need for motorists backing out of the alleys, parked vehicles creating blockages, etc.

- (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 layout. 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 without revisions to the plan as discussed in the Staff Exhibit A findings of this report.

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

The Transportation Planning Section finds that the proposed development meets the requirements of Section 24-124 of the Subdivision Regulations and recommends approval of the variation to Section 24-128 for the use of private streets with conditions.

12. **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 Regulations 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.

13. **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.

14. **Police Facilities**—The subject property is located in Police District I, Hyattsville. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 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	Nonemergency 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 emergency calls and 25 minutes for nonemergency 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.

15. **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.
16. **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, CSD 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 bioretention facility and outfall proposed along the northern property line shown on the approved stormwater 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.

17. **Historic**—A 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 an 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.

18. **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 should be revised to ensure the provision of a direct bury utility plan.

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

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following revisions shall be made:
  - a. Conform to Staff Exhibit A, Areas 1–8 (22 lot reduction in total) resulting in a 398 lot subdivision, and the purposes as set forth in the findings:
    - (1) Area 1 (9 lot reduction)
    - (2) Area 2 (3 lot reduction)
    - (3) Area 3 (2 lot reduction)
    - (4) Area 4 (1 lot reduction)



- (5) Area 5 (1 lot reduction)
  - (6) Area 6 (3 lot reduction)
  - (7) Area 7 (2 lot reduction)
  - (8) Area 8 (1 lot reduction)
- b. Demonstrate utility easements for WSSC and PUE to provide for direct bury dry utilities.
- c. Provide vehicular turnarounds at the end of the alleys located to the west of 54<sup>th</sup> Avenue (not on lots) extending west of the last units in the stick.
- d. Delineate the 25-foot building restriction line from the 100-year floodplain.
- e. Show no disturbance to the 50-foot-wide stream buffer.
- 2. Development of this site shall be in conformance with Stormwater Management Concept Plan CSD 33617-2007-00 and any subsequent revisions.
- 3. The applicant and the applicant's heirs, successors and/or assignees shall provide wide sidewalks, a minimum of eight feet in width, along the subject site's entire frontage on both sides of Newton Street, unless modified by DPW&T.
- 4. Prior to the approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall convey to the homeowners association 9.78± acres of open space land (Parcels A, in Blocks A–G). 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 the unrecorded special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Prince George's County Planning Department, Development Review Division (DRD), Upper Marlboro, Maryland 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.
5. Prior to the issuance any building permit, the applicant and the applicant's heirs, successors and/or assignees shall restripe the westbound approach of MD 202 at 55<sup>th</sup> Avenue to provide a separate left turn lane. Prohibit northbound left turns and through movements from 55<sup>th</sup> Avenue to MD 202 through signage or physical improvements. The applicant will be responsible for all improvements to the MD 202 and 55<sup>th</sup> Avenue intersection.
  6. Prior to the approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
  7. The applicant and the applicant's heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners association land for approval prior to the submission of final plats. Upon approval by the DRD, the RFAs shall be recorded among the County Land Records.
  8. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners association land, prior to the issuance of building permits.
  9. At the time of detailed site plan, the DSP shall show conformance with the sketch plan with regard to the preservation of trees. The limits of disturbance shall be evaluated to ensure that critical root disturbance has been minimized. In order to protect the critical root zone, a reduction in lots may be required. For all trees proposed for preservation within the existing public utility easement, the DSP shall show a design that ensures the preservation of those trees. If any trees cannot be preserved due to necessary utility installation, the applicant shall demonstrate that the preservation of the tree(s) is not feasible. Supporting documentation from the utility company shall be provided and reviewed by the Environmental Planning Section for concurrence.
  10. At the time of detailed site plan, all plans shall show no disturbance to the 50-foot-wide stream buffer.
  11. At the time of detailed site plan, detailed comments regarding any stream mitigation requirements to the adjacent stream valley shall be submitted. Comments must specify if mitigation is required, by whom, where the mitigation will occur, and what type of work is needed.
  12. The submission of the detailed site plan shall include floor plans of the proposed units to demonstrate that each parking space within a garage is a standard-sized space (at least 9.5 feet wide by 19 feet long).
  13. At the time of detailed site plan review, further evaluation of the proposed parking, circulation, grading, utility location, and appearance shall occur in order to allow for an acceptable development that provides a functional and attractive quality environment.

14. The detailed site plan shall demonstrate the following standards:
- a. All houses shall be set back at least 15 feet from the public rights-of-way to provide the required 10-foot-wide public utility easement and space for the stoop of the units.
  - b. The attached sticks of units shall be spaced a minimum of 15 feet apart from each other.
  - c. Where the sides of townhouses are oriented toward the public right-of-way, the end unit shall be a side-entry unit with a symmetrically balanced endwall elevation. The end elevation shall be constructed of material and detailing comparable to the fronts of the townhouses.
  - d. In general, fronts of units shall be oriented to public and private streets, and shall not front on alleyways or towards the rear of other units.
  - e. Consideration shall be given to the use of units at least 18 feet wide at ends of attached sticks in highly visible locations.
  - f. Dead end streets or alleys shall not be used to serve more than twelve dwelling units each.
  - g. In addition to on-street parking that may be permitted along public streets by DPW&T, the plan shall demonstrate that each pod of development provides a minimum of one independent surface parking space for each ten townhouse units within that pod (required parking spaces rounded up). The boundaries between the seven pods of development are defined by the public rights-of-way.
  - h. Attached sticks of units greater than eight units in length shall only be utilized if the applicant can demonstrate, to the satisfaction of the Planning Board, that the proposed townhouse architecture will be sufficiently attractive and varied within each stick of units to create a pleasant streetscape. If this cannot be demonstrated, the sticks shall be no longer than eight units and shall be separated by 15-foot-wide gaps as per (b) above.
  - i. Gaps between sticks of attached units should be coordinated between different rows to the fullest extent possible to create pedestrian and visual corridors throughout the development.

STAFF RECOMMENDS:

APPROVAL OF A VARIATION TO SECTION 24-128 AND  
DISSAPPROVAL OF A VARIATION TO SECTION 24-130