



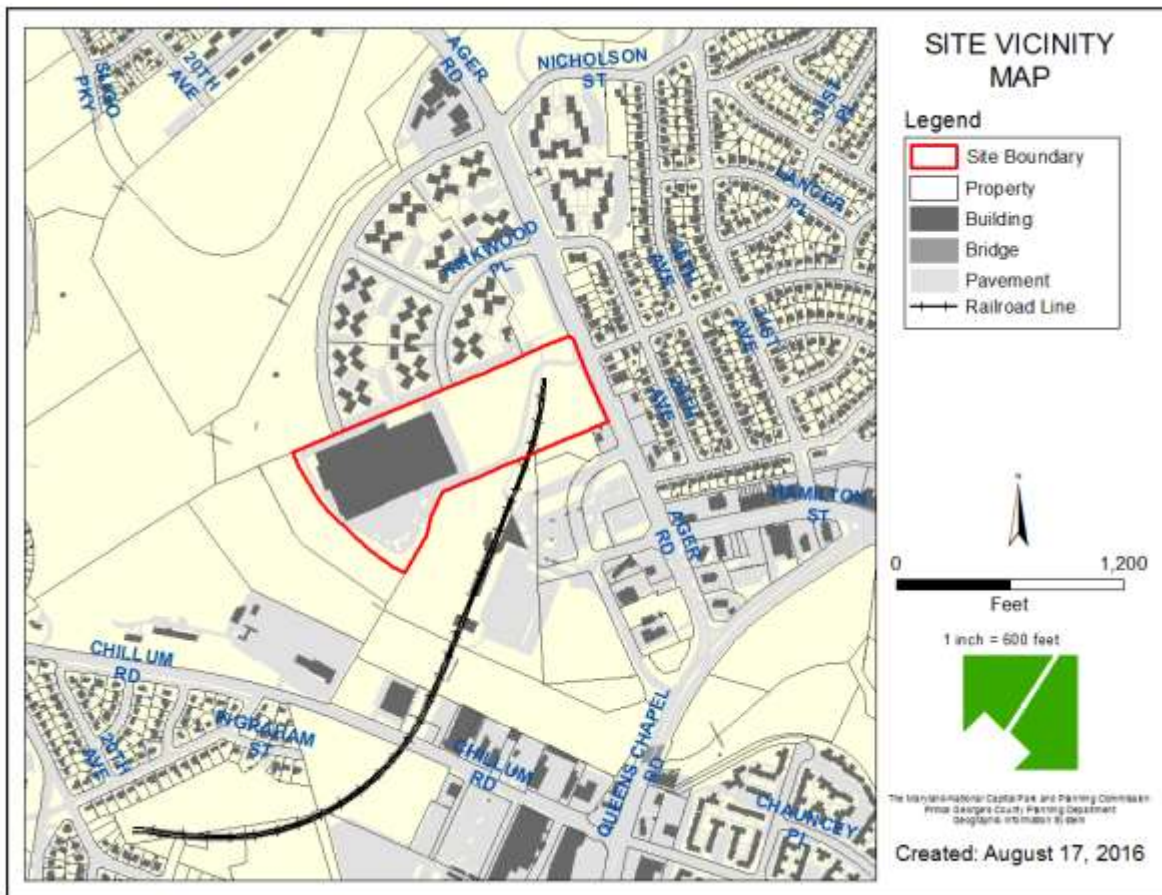
*Note: Staff reports can be accessed at [www.mnccppc.org/pgco/planning/plan.htm](http://www.mnccppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-15020

Application	General Data	
<b>Project Name:</b> Riverfront at West Hyattsville  <b>Location:</b> On the west side of Ager Road, at its intersection with Lancer Drive, north of the West Hyattsville Metro Station  <b>Applicant/Address:</b> Robert Gilbane, Jr. West Hyattsville Property Co. LLC 8245 Boone Blvd. Ste. 690 Vienna, VA 22182  <b>Property Owners:</b> Robert Gilbane, Jr. West Hyattsville Property Co. LLC 8245 Boone Blvd. Ste. 690 Vienna, VA 22182	Planning Board Hearing Date:	03/02/17
	Staff Report Date:	02/27/17
	Date Accepted:	12/09/16
	Planning Board Action Limit:	03/05/17
	Mandatory Action Timeframe:	70 days
	Plan Acreage:	18.45
	Zone:	M-X-T/T-D-O
	Gross Floor Area:	10,000
	Lots:	183
	Parcels:	32
	Planning Area:	68
	Council District:	02
	Election District	17
	Municipality:	Hyattsville
	200-Scale Base Map:	207NE02

Purpose of Application	Notice Dates	
183 Lots and 32 Parcels for mixed-use development including single-family attached, multifamily and commercial.  <b>Variance from Section 27-548(h)</b> <b>Variation(s) to Sections 24-122(a) and 24-121(a)(4)</b>	Informational Mailing	08/23/16
	Acceptance Mailing:	12/01/16
	Sign Posting Deadline:	01/31/17

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Conner, Sherri <b>Phone Number:</b> 301-952-3168 <b>E-mail:</b> Sherri.Conner@ppd.mnccppc.org	
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 4-15020  
Riverfront at West Hyattsville  
Type 1 Tree Conservation Plan TCP1-012-2016

OVERVIEW

The subject property is located on the west side of Ager Road, at its intersection with Lancer Drive, north of the West Hyattsville Metro Station and is currently known as Part of Parcel 1 recorded in Prince George's County Land Records in Liber 37453 at folio 103. The site is comprised of two parcels (both part of Parcel 1) that are bisected by the metro rail line. Prior to the division of Parcel 1 by the dedication of land for the crossing of the metrorail line, Parcel 1 was recorded in Plat Book WWW 29-71. The property contains an existing warehouse constructed in 1958 that is currently vacant and proposed to be razed. The overall area of the property is 18.45 acres and is located in the M-X-T (Mixed-Use-Transportation-Oriented) and T-D-O (Transit-District-Overlay) zones. The applicant is proposing 183 lots and 32 parcels for the construction of a mixed-use development including single-family attached and multifamily residential, and 10,000 square feet of gross floor area for commercial development. A detailed site plan will be required for the development of this site in accordance with the requirements of the underlying M-X-T and T-D-O Zones.

The property is located abutting the north side of the West Hyattsville Metro Station and development of the property will include the crossing of property owned by the Washington Metropolitan Area Transit Authority (WMATA) for access to the site. The proposal is consistent with the *Plan Prince George's 2035 Approved General Plan* (General Plan) and the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* (TDDP) as set forth in this technical staff report, with conditions.

The applicant has filed a variance from the requirements of Section 27-548(h) of the Zoning Ordinance, which requires that townhouse lots in the M-X-T Zone be a minimum of 1,800 square feet; that no more than six townhouse units be provided per building group, unless it is demonstrated that more than six townhouse units (but not more than eight) would create a more attractive living environment; and that a minimum building width of 20 feet be provided. This provision further requires that building groups containing more than six units not exceed 20 percent of the total building groups in the development and that the end units of such building groups be a minimum of 24 feet wide. The applicant is proposing to provide lot sizes less than 1,800 square feet; more than six townhouse units in a row, but not more than eight, for approximately 60 percent of the building groups; and lot widths less than 20 feet wide. Staff recommends approval of the variance request, as discussed further.

The lots proposed in this application are to be accessed via a network of internal public streets and alleys. Section 24-122(a) of the Subdivision Regulations requires that when utility easements are required by a public utility company, a subdivider grant the required easement. A 10-foot-wide public utility easement (PUE) is required as a standard, along all public rights-of-way (both sides). Therefore, conformance to Section 24-122(a) is found when the standard PUE is provided. The applicant requests approval of a variation for the width and location of the PUE. Staff recommends approval of the variation, as discussed further.

The subject site has frontage on Ager Road, a master planned arterial right-of-way, and is bisected by the metro rail tracks. Lots are required to be platted with 150-foot lot depth when adjacent to arterial roadway and a 300-foot lot depth when adjacent to a transit right-of-way. The applicant requests approval of a variation for eight of the proposed townhouse lots and three of the proposed parcels (multifamily), which do not meet the required 300-foot lot depth. Staff recommends approval of the variation, as discussed further.

Staff recommends **approval** of the PPS, variance, and variations with conditions based on the findings contained in this technical staff report.

## SETTING

The property is located on Tax Map 41, Grid D-4 and E-4 in Planning Area 68 and is zoned M-X-T and T-D-O. Development surrounding this site are also within the T-D-O Zone and include; multi-family residential to the north, also in the M-X-T Zone; the West Hyattsville Metro Station the south; Ager Road to the east; and M-NCPPC-owned parkland in the R-O-S Zone to the west.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	M-X-T/T-D-O	M-X-T/T-D-O
Use(s)	Warehouse (vacant)	Multifamily Residential (300 units) Single-Family Attached (183 Units) Commercial (10,000 sf)
Acreage	18.45 acres	18.45 acres
Lots	0	183
Outlots	0	0
Parcels	2	32
Dwelling Units:	0	483
Public Safety Mitigation Fee	No	No
Variance(s)	No	Yes
		Section 27-548(h)
Variation	No	Yes
		Section 24-122(a)
		Section 24-121(a)(4)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on December 30, 2016. The requested

variations to Section 24-122(a) and Section 24-121(a)(4) of the Subdivision Regulations was accepted on December 9, 2016 and was heard at the SDRC meeting on December 30, 2016, as required by Section 24-113(b) of the Subdivision Regulations. The variance request was accepted on January 26, 2017.

2. **Previous Approvals**—The site was subject to a previously approved Conceptual Site Plan CSP-05006, approved by the Prince George’s County District Council on August 8, 2008, and Preliminary Plan of Subdivision (PPS) 4-05145, approved by the Planning Board on December 21, 2006. Both the CSP and PPS included a larger land area (44.57 acres) of which the subject property was included. The applicant is not developing the subject site in accordance with the previous approvals and, therefore, the conditions of the previous approval do not apply. Approval of this PPS will supersede the previous approval and provide an adequacy analysis based on the development proposed herein. The development of the remaining properties previously included in CSP-05006 and 4-05145 will be required to file a new PPS to demonstrate adequacy independent of this site. It should be noted that a new CSP approval is not required due to the submittal requirements set forth in Section 27-290.01 of the Zoning Ordinance, which provide that the elements normally required with a CSP approval shall be incorporated into the detailed site plan review. The applicant has filed a Detailed Site Plan DSP-16029, which is currently under review for this site.
3. **Community Planning**—The subject property is located in the West Hyattsville Metro Local Transit Center per the General Plan. Local Transit Centers are smaller-scale, mixed-use centers that are well connected by transit. Many of these areas are integrated with an established street grid and offer local-serving retail and limited office uses. The proposed subdivision conforms to Plan Prince George’s 2035 recommendations for Local Transit Centers.

The 2006 *Approved Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* (TDDP) retained the subject property in the Transit District Overlay/Mixed Use Transportation-Oriented (T-D-O/M-X-T) Zone. The subject property is located in the North Park Character Area; Map 13 of the TDDP categorizes the subject property completely in Development Blocks Y, Z, and AA, and partially in Blocks G, L, BB and CC. The T-D-O Zone permits and prohibits uses based upon Map 14, the Preferred Land Use Plan. Pursuant to Map 14, the TDDP recommends the following mix of uses on the subject property:

- Block G: Townhouses, 2-4 stories
- Block L: Townhouses, 2-4 stories, with structured parking abutting the west side of the metro tracks and mixed-use residential on Kirkwood Place at the northern property line.
- Block Y and BB: Multifamily Condominiums, 4-6 stories
- Block Z and AA: Townhouses, 2-4 stories
- Block CC: A greenway and Tower Residential: 10-12 stories

The subject application proposes lots for townhouses on Blocks L, Y, Z, AA, BB, and CC, a lot for future multifamily on Block L and mixed use on Block G. Table 2, Detailed Use Table, of the TDDP prohibits single-family dwellings in the Structured Parking (Block L) and Multifamily, Tower and Condo (Blocks Y, BB, and CC) Preferred Land Use Categories. Given the prohibition of single-family housing in these areas, the proposed lot sizes and lot pattern does not conform to the TDDP. However, pursuant to Section 27-548.09.01 of the Zoning Ordinance, at the time of Detailed Site Plan, the District Council may approve an amendment to the Transit District development requirements to permit the proposed use, which has been requested with pending Detailed Site Plan DSP-16029. If the use amendment is approved, the lot pattern as part of this

PPS will conform to the TDDP. The TDDP identifies the subject property as part of the “North Park” Neighborhood, described as follows:

“Located just north of the Metro tracks, this will be a primarily residential neighborhood with a diverse mix of housing types. Its residents will enjoy a direct connection to the Metro station and convenient access to the Northwest Branch stream valley park. It will contain several LID streets designed to contain and minimize stormwater runoff into the adjacent Northwest Branch. North Park will also contain a number of neighborhood and smaller “pocket” parks --one acre or less in size --that will be designed for active use by younger children and their parents. Small, neighborhood-focused retail will be at the intersection of the primary internal streets, within two blocks of the Metro station. Three taller residential buildings at the edge of North Park will offer outstanding views and surveillance of the stream valley park, increasing the safety of the park.” [pg. 10-11]

Other design elements identified in the TDDP for this area include:

- The proposal to extend Nicholson Street and Kirkwood Place through the property conforms to, and implements a key recommendation of, the TDDP. The subject application proposes dedication of all internal streets to public use, under the operating authority of the City of Hyattsville. The City of Hyattsville has indicated their concurrence with the proposed plan as further discussed. The proposed sidewalks meet the DPW&T/City of Hyattsville public street standards and TDDP standards for width. The public street sections, including sidewalks, are further discussed in the Transportation and Trails Findings of this technical staff report.
- The TDDP requires the provision of pocket parks within the North Park neighborhood, located within Low-Impact Development (LID) street rights-of-way. The application does not address the LID street type, but provides pocket parks in other acceptable locations consistent with the goals of the TDDP.

Conformance of the proposed subdivision with the West Hyattsville TDDP standards is contingent on District Council approval of a Detailed Site Plan amending the TDDP Preferred Land-Use Plan to permit the proposed uses on the subject property. The lot layout proposed with this PPS is consistent with the amendment requested with DSP-16029. The approval of final plats is conditioned on the amendment approval. In general, the proposed application reflects the recommendations of the TDDP and Plan Prince George’s 2035. The land uses reflect the desired walkable urban scale and a mix of uses.

4. **Stormwater Management**—An approved Stormwater Management Concept plan (11905-2016-01) and approval letter were submitted with the subject application. Floodplain compensatory storage has been provided abutting the site to the west. A condition of concept approval requires a floodplain waiver approval prior to technical approval. According to staff discussions with the Prince George’s County Department of Permitting, Inspection and Enforcement (DPIE), the approval of a floodplain waiver is likely.

The proposed stormwater management features include numerous micro-bioretenion facilities on-site. The SWM concept approval expires December 8, 2019. The approval requires a stormwater management fee towards providing on-site attenuation/quality control measures. No further information pertaining to stormwater management is required. Development shall conform with the SWM Concept approval and any subsequent revisions, to ensure no on-site or downstream stream flooding.

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements of the West Hyattsville TDDP, the Land Preservation and Recreation Program for Prince George’s County, the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space, the Subdivision Regulations as they pertain to public parks and recreation facilities.

Section 24-134 of the Prince George’s County Subdivision Regulations requires the mandatory dedication of 2.77 acres of land suitable for active and passive recreation to serve the proposed development. However, Section 24-134(a)(3)(D) of the Subdivision Ordinance also states that any re-subdivision of property on which land was previously dedicated or fee in lieu paid, the applicant shall be credited to the extent that the land dedication or fee would otherwise be required upon such resubdivision. The mandatory dedication requirements for this site has been met. The applicant previously donated 4.29 acres from the subject property to M-NCPPC in 1957 (Liber 2073 folio 262).

The applicant also proposes to dedicate an additional 12,263 square feet of land adjacent to M-NCPPC parkland, as shown on the PPS, in order to create and maintain a consistent and uniform 48-foot-wide public right-of-way adjacent to the existing parkland. The provisions of the additional land dedication are over and above the mandatory dedication requirements for (Section 24-134 of the Subdivision Regulations).

6. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the West Hyattsville TDDP in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is located in the West Hyattsville Transit District and is adjacent to the West Hyattsville Metro Station. Due to the site’s location within the West Hyattsville Metro Center, it is subject to Section 24-124.01 and the “Transportation Review Guidelines, Part 2, 2013” at the time of Preliminary Plan of Subdivision.

Two master plan trail/bikeway recommendations are in the vicinity of the subject site. The subject property is adjacent to the existing M-NCPPC parkland that includes the Northwest Branch Trail and an existing master plan sidewalk has been constructed from Ager Road to the West Hyattsville Metro Station. This sidewalk is adjacent to the green line and has been constructed at approximately six feet in width. This sidewalk will connect the subject site with the tunnel to the West Hyattsville Metro Station.

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

The TDDP included a number of standards related to bicycle and pedestrian facilities which are copied below. General streetscape standards are copied, as are the specific standards related to sidewalks.

## **General Streetscape Standards**

### **Streetscape**

- 1. Streetscape Paving:** All primary walkways shall be constructed using decorative paving materials. Crosswalks may be constructed with tinted and stamped asphalt. Sidewalk and crosswalk paving materials may include concrete.
- 2. Permitted Materials:** Brick, precast pavers, Belgium block, or granite pavers are permitted materials. Samples of proposed paving materials shall be submitted with the detailed site plan for review and approval by M-NCPPC staff and County/ municipal public space maintenance agencies.
- 3. Streetscape Construction:** All streetscape improvements shall be completed prior to the issuance of use and occupancy permits for the first building. Construction of streetscape improvements shall not be phased.
- 4. Streetscape Elements:** Streetscape elements of street trees, street furniture, landscaping and planters, shelters shall be provided on the streetscape plan. All streetscape elements shall include information of location, spacing, quantity, construction details, and method of illumination and shall be required for all streets in accordance with the West Hyattsville TDDP conceptual site plan streetscape sections and public realm elements. Advertisements and signage shall be prohibited on all streetscape elements with the exceptions of bus shelter advertisements approved by the appropriate public transit authority (WMATA or The BUS) and appropriate transit service-related notices at other locations within the Est Hyattsville TDOZ public realm subject to the approval of DWP&T and the appropriate municipality.

#### **Streetscape elements shall include:**

- **Street trees (located in the tree grates along urban streets and planting beds along residential streets)**
- **Street furniture (benches, trash receptacles, lighting and bus shelters)**
- **Landscaping and planters**
- **Decorative paving**
- **Sculpture/artwork**
- **Bus shelters**

**No street furniture or public works of art, other than publicly maintained streetlights and street trees, shall be installed within public rights-of-way without the permission of DPW&T and/or the City of Hyattsville expressed through an executed memorandum of understanding (MOU) with the developer/applicant. All street furniture on private rights-of-way within the TDOZ shall be maintained by the property owner/developer.**

(TDDP, pages 83-84)



## **Sidewalks**

1. **TDDP Designated Sidewalks:** All sidewalks designated in the TDDP shall be constructed according to the streetscape requirements listed in this section and shall be specified to meet the sidewalk width delineated in the streetscape sections in the TDDP. Streetscape sections shall specify the width and placement of the required sidewalk for all TDDP building street types: Boulevards, Main Street, Park Drive, Residential Street, LID Street, and Local access Streets.
2. **TDDP Non-Designated Sidewalks:** Sidewalks not designated in the TDDP shall be specified as a minimum of five feet wide and shall meet County specifications.
3. **Paving Materials for Primary Sidewalks:** All primary sidewalks shall be constructed using special decorative paving materials. Concrete and asphalt paving shall be prohibited.
4. **Americans with Disabilities Act (ADA):** All sidewalks shall be constructed to meet ADA federal standards to comply with accessible design. (TDDP, page 92)

## **Proposed On-Site Bicycle and Pedestrian Improvements**

Sidewalks are provided along both sides of all internal roads, consistent with MPOT guidance and TDDP requirements, saving an approximate 460-foot-long portion of sidewalk along the southeast side of Little Branch Run, a public street which provides entry to the site from Ager Road and continues along the abutting vacant WMATA property. An eight-foot-wide sidewalk (or sidepath) is reflected on the north side of Little Branch Run, which will serve as a trail connection between Ager Road and the stream valley trail along Northwest Branch to the west. The TDDP recommends a “boulevard” cross section for Ager Road. However, it should be noted that DPW&T has a “complete and green street” design complete for Ager Road, any frontage improvements along this road will be consistent with the completed DPW&T designs as part of street construction permits.

There is an existing six-or seven-foot-wide concrete sidewalk linking Ager Road with the West Hyattsville metro. This connection has adequate lighting and is heavily used by surrounding communities when accessing the station. Staff recommends an “interim” pedestrian connection linking the subject site to this sidewalk through Parcel ‘EE’ or ‘DD;’ if necessary, in phase with development to promote additional pedestrian connectivity. Upon development of the multifamily units on this portion of the site, this connection may be replaced by a sidewalk and/or trail connection incorporated into the development that makes this same connection. There are issues related to this interim scenario that need to be fully vetted at the time of DSP for the multifamily units if this connection is desirable at that time.

M-NCPPC and DPW&T recently completed a ‘bike share’ feasibility study that recommended the expansion of the Capital Bike Share system into Prince George’s County. The County is hopeful of having funding in FY 2018 for the initial phase of this expansion, which will include the City of Hyattsville. Based on discussion with the City of Hyattsville and DPW&T, staff believes that two stations may be appropriate on the subject site. Staff is recommending conditions of approval relative to these stations related to location and feasibility.

A coordination meeting was held with the M-NCPPC, DPW&T, DPIE and the City of Hyattsville on February 6, 2017. The road connections between the subject site and the adjacent Kirkwood Village multifamily to the north were discussed. It was determined that both Kirkwood Place and Nicholson Street, both dedicated public streets which terminate along the north property line, should connect to and continue through the subject site as proposed internal public streets. Fencing is currently in place along the entire southern boundary of Kirkwood Village to prevent circulation through the subject site, given its vacant status, which was coordinated and constructed by the City of Hyattsville in 2001. The City of Hyattsville supports the removal of the existing fence to make the street connections. Grade establishment plans were submitted to demonstrate how the grading will accommodate these two connections on-site. Both public road extensions should be constructed to the property line, however the timing of the opening and ultimate construction of the two roads will be determined by DPIE and the City of Hyattsville.

### **Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements**

Due to the location of the subject site within a designated center, the application is subject to Section 24-124.01 of the Subdivision Regulations, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

County Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the improvements is calculated according to Section 24-124.01(c).

**The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.**

Based on the proposed 10,000 square feet of retail and 483 dwelling units proposed, the site has a cost cap of \$148,400.

Section 24-124.01 of the Subdivision Regulations also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**

1. installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;
2. installing or improving streetlights;
3. building multi-use trails, bike paths, and/or pedestrian pathways and crossings;
4. providing sidewalks or designated walkways through large expanses of surface parking;
5. installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and
6. installing street trees.

As part of the stormwater management package for the site, the applicant is proposing to utilize the adjacent M-NCPPC parkland for stormwater management (SWM). This work includes the reconstruction of the stream valley trail, a “riverwalk” or promenade and other amenities such as trail lighting on M-NCPPC property to the west. Some of the improvements included in the bicycle pedestrian impact statement (BPIS) exhibit are part of that stormwater management agreement with M-NCPPC and cannot be counted towards meeting the BPIS (Section 24-124.01) requirements. After discussion with the City of Hyattsville and the Department of Parks and Recreation, it was determined that the BPIS off-site improvements should complement what is being provided by the applicant on M-NCPPC park property. The trail lighting recommended as the BPIS improvement will extend from the existing lighting at the West Hyattsville Metro, where the metro tracks cross the stream valley trail, south to Queens Chapel Road, a distance of approximately 1,200 linear feet, and will complement the improvements required as a part of the agreement with the applicant for SWM compensatory storage.

Section 24-124.01(f) of the Subdivision Regulations further specifies that at the time of Detailed Site Plan that an exhibit should be provided that shows the limits, locations and specifications and/or details for all off-site improvements.

- (f) If a conceptual or detailed site plan approval is required for any development within the subdivision, the developer/property owner shall include, in addition to all other required information in the site plan, a pedestrian and bikeway facilities plan showing the exact location, size, dimensions, type, and description of all existing and proposed easements and rights-of-way and the appurtenant existing and proposed pedestrian and bikeway facilities throughout the subdivision and within the designated walking or biking distance of the subdivision specified in Subsection (c ) of this Section, along with the location, types, and description of major improvements, property/lot lines, and owners that are within fifty (50) feet of the subject easements and rights-of-way.**

Prior to signature approval of the Detailed Site Plan, a BPIS exhibit will be provided showing the location, limits, specifications and details for the off-site trail lighting required between the West Hyattsville Metro Track and Queens Chapel Road on M-NCPPC park property.

As part of the BPIS review, staff evaluated improvements for public safety and accessibility at the pedestrian tunnel between the subject site and the West Hyattsville Metro during a February 6, 2017, site visit and identified no obvious safety improvements that were needed. Trail lighting is provided throughout the short (30 or 40-foot-long) tunnel and closed spaced lighting is provided along both approaches to the tunnel. Staff concludes that the off-site BPIS improvements are better focused on the trail lighting needed along the stream valley trail.

**Demonstrated nexus between the subject application and the off-site improvements**

Section 24-124.01(c) requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

**Demonstrated Nexus Finding:** The trail lighting recommended for the off-site BPIS improvements will supplement the improvements being completed by the applicant by agreement with M-NCPPC for SWM and will provide for a lit trail connection for the future residents of the subject site to the nearby West Hyattsville Metro Station and to Queens Chapel Road. The stream valley trail is heavily used by nearby residents to get to Metro and the nearby commercial uses and apartment complexes. The lighting will directly benefit the future residents and guests of the subject site by ensuring that the trail can continue to function as a safe and visible transportation connection to the metro and other nearby uses.

**Finding of Adequate Bicycle and Pedestrian Facilities**

Section 24-124.01 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. More specifically, Section 24-124.01(b)(1) and (2) includes the following criteria for determining adequacy:

- (b) **Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
  - 1. **The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**

- a. **the degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**
- b. **the presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, “bulb out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

Standard or wide sidewalks are provided along both sides of all internal roads. Improvements along Ager Road, east of the subject site, will be consistent with the DPW&T complete and green street designs. This designs included enhanced sidewalks and designated bike lanes along Ager Road. A sidepath is included along Little Branch Run, a street which provides access to the subject site from Ager Road and runs to the western boundary, will accommodate bicyclists and pedestrians traveling from Ager Road to the stream valley trail. River Terrace Road, a street along the west boundary of this site, will also include a “promenade” or wide sidewalk overlooking the stream valley. The off-site improvements along the stream valley will improve the safety and utility of the trail by including trail lighting from the site to both the Metro and Queens Chapel Road. The internal improvements are consistent with complete street principles and will facilitate pedestrian and bicycle trips to the stream valley trail network. Furthermore, the connections from the site to the north to Nicholson Street and Kirkwood Place will better accommodate pedestrian movement on and off-site by providing a more interconnected street network for the subject site and the overall community. The off-site improvements will make the stream valley trail more functional as a “transportation” corridor by providing trail lighting along this heavily travelled bicycle and pedestrian route to the metro. Staff finds that the internal roadways and off-site improvements along the stream valley meet the required findings for adequate pedestrian facilities.

- 2. **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
  - a. **the degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented**

**in the area;**

- b. the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
- c. the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**
- d. the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

Improvements along the site's frontage of Ager Road will be consistent with the DPW&T complete and green street designs. These designs include enhanced sidewalks and designated bike lanes along Ager Road. A sidepath is included along Little Branch Run which will accommodate bicyclists and pedestrians traveling from Ager Road to the stream valley trail. River Terrace Road will also include a "promenade" or wide sidewalk overlooking the stream valley. The off-site improvements along the stream valley will improve the safety and utility of the trail by including trail lighting from the site to both the Metro and Queen Chapel Road. Furthermore, two bike share stations are recommended on-site, including one along or near the stream valley and another at a location closer to Ager Road, which shall be reviewed with the DSP. The internal improvements are consistent with complete street principles and will facilitate bicycle trips to the stream valley trail network. The off-site improvements will make the stream valley trail more functional as a "transportation" corridor by providing trail lighting along this heavily travelled bicycle and pedestrian route to metro.

Staff finds that the internal roadways and off-site improvements along the stream valley meet the intent of the required findings for adequate pedestrian and bicycle facilities with conditions

7. **Transportation**—The property is located on the southwest quadrant of Ager Road and Lancer Drive and is generally surrounded by the West Hyattsville Metro Station, the existing Kirkwood Village residential complex, and the Northwest Branch of the Anacostia River. Due to the site's location, the submitted plan must conform to the recommended development standards and guidelines outlined in the West Hyattsville TDDP. The submitted plan proposes to subdivide the subject property into 183 lots and 32 parcels. The submitted traffic study evaluated the impact of up to 483 (183 townhouse, and 300 multifamily) residential units, and 10,000 square feet of commercial retail space for the proposed subdivided parcels and lots. The subject site is developed with a large warehouse building that is to be razed.

#### **Growth Policy—Service Level Standards**

The subject property is located within the West Hyattsville Local Center in the Transportation Service Area (TSA) 1, as defined in the *Plan Prince George's 2035 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 procedure for un-signalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has 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.

#### **The Site's Projected AM/PM Peak-Hour Traffic**

The required adequacy findings for transportation facilities for this PPS are based on the projected number of AM and PM weekday peak-hour vehicle trips. Using the applicable trip generation rates contained in the "Guidelines" and the recommended rates contained in the latest edition of the *Trip Generation Manual* (Institute of Transportation Engineers), the net buildout peak-hour vehicle-trips for each phase are presented in the table below:

Proposed Use	AM Peak Hour		PM Peak Hour	
	IN	OUT	IN	OUT
<b><i>Residential New Trips</i></b>				
183 townhouse units	26	102	95	51
300 multifamily units	31	125	117	63
Less transit discount *	-11	-45	-42	-22
<b>Subtotal</b>	<b>46</b>	<b>182</b>	<b>170</b>	<b>92</b>
<b><i>Retail New Trips</i></b>				
10,000 sq. ft. retail	24	14	61	67
Less pass-by trips @ 50% **	-12	-7	-30	-34
<b>Subtotal</b>	<b>12</b>	<b>7</b>	<b>31</b>	<b>33</b>
<b><i>Total Net New Trips</i></b>	<b>58</b>	<b>189</b>	<b>201</b>	<b>125</b>
<b>Notes:</b>				
* Eligible trip credits for Transit Oriented Development in identified Centers.				
**Pass-by trip reduction refers to credit reduction for trip made to a commercial site, from already "passing by" that site on an adjacent street that contains direct access to the site.				

As indicated, the proposed development at full buildout with eligible transit credits is projected to generate 247 (58 inbound, 189 outbound) and 326 (201 inbound, 125 outbound) vehicle trips during the AM and PM peak hours, respectively.

#### **Traffic Study Review and Findings**

The submitted traffic study report (October 13, 2016) includes analysis of all critical intersections

as outlined on the scoping agreement. Following the preliminary review for sufficiency, the revised study was referred to the Maryland State Highway Administration(SHA), The County (DPIE and DPW&T), and the City of Hyattsville for review and comments.

The findings and recommendations outlined below are based upon a review of the revised study and written comments provided by the reviewing agencies, as well as additional analyses conducted by staff, consistent with the “Guidelines.”

### Existing Conditions

Pursuant to the scoping agreement, the traffic impact study identified the following intersections as the critical intersections, with existing traffic conditions for each analysis period which is summarized within the table below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Ager Road and Hamilton Street	590	963	A	A
MD 500 (Queen’s Chapel Road) and Ager Road	1,011	1,039	B	B
MD 500 and Hamilton Street	874	1,346	A	D
MD 500 and MD 501 (Chillum Road)	1,207	1,301	C	D
Ager Road and Nicholson Street	140.5*	+999*	--	--
Ager Road and Lancer Drive /Future Site Access	20.7*	20.2*	--	--
*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 “Guidelines,” 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.				

### Background Conditions

As required, the background condition evaluates the anticipated background traffic with existing and programmed transportation infrastructure and improvements that are 100 percent funded, or bonded and permitted for construction. The background traffic combines growth in existing traffic volumes attributable to development outside the study area with traffic that would be generated by approved but not yet built developments within the study area. A review of the historical SHA traffic volume maps indicates that major roadways in the immediate vicinity of the site have experienced less than one percent growth per year over the last nine years. Therefore, staff concurs with the conservative use of one half percent per year growth rate for six years applied to the existing traffic counts along Ager Road, Hamilton Street, MD 500 and MD 501.

The traffic study also identified only one approved and vested background development (Avondale) within the study area whose impact would affect some or all the study intersections.

The results of background traffic conditions for each analysis period is summarized within the following table:



BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Ager Road and Hamilton Street	613	995	A	A
MD 500 (Queen's Chapel Road) and Ager Road	1,048	1,092	B	B
MD 500 and Hamilton Street	902	1,391	A	D
MD 500 and MD 501 (Chillum Road)	1,249	1,347	C	D
Ager Road and Nicholson Street	191.0*	+999*	--	--
Ager Road and Lancer Drive /Future Site Access	21.8*	21.3*	--	--
*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 "Guidelines," 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.				

### Future Conditions

The full build-out traffic condition represents a combination of background traffic and the projected traffic for proposed development at build out, as presented earlier. Using the site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Ager Road and Hamilton Street	708	1,133	A	B
MD 500 (Queen's Chapel Road) and Ager Road	1,111	1,168	B	C
MD 500 and Hamilton Street	956	1,448	A	D
MD 500 and MD 501 (Chillum Road)	1,284	1,388	C	D
Ager Road and Nicholson Street				
Maximum Vehicle Delay (seconds)	+999*	+999*	Not OK	Not OK
Minor Street Approach Volume	157**	152**	Not OK	Not OK
Critical Lane Volume	639	804	OK	OK
Ager Road and Lancer Drive /Future Site Access				
Maximum Vehicle Delay (seconds)	51.8*	132.3*	Not OK	Not OK
Minor Street Approach Volume	192**	119**	Not OK	Not OK
Critical Lane Volume	651	772	OK	OK
*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. Per the "Guidelines," 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.				
**The second step of analyzing unsignalized intersections is to compute the maximum minor street approach volume. Traffic volumes of 100 vehicles or less are deemed to be acceptable because, outside of exceptional conditions, such an intersection will never warrant a signal.				

The results shown in the tables above indicates that all locations would operate acceptably under existing, background and total traffic conditions.

### **On-Site Circulation and Referral Agencies 'Review Comments**

Pages 21 and 24 of the TDDP include Illustrative Circulation and Street Hierarchy Plans which identify a “secondary route”/ “major collector right-of-way” (Page 25) providing access to the subject site from Ager Road. However, this access route appears to be located north of the subject site and, therefore, is unable to be dedicated in the location reflected in the TDDP with this PPS. The PPS proposes one access to Ager Road, opposite of existing Lancer Drive in lieu of the “secondary route” (Page 25) as depicted on the West Hyattsville TDDP illustrative concepts. The submitted plans show adequate rights-of-way for access and internal streets that will accommodate all identified street elements required by the West Hyattsville TDDP.

Staff finds that the depicted “secondary route” north of the subject site is not a master plan road as this roadway is not mentioned either specifically or conceptually in the West Hyattsville TDDP’s transportation text on pages 19-23. Further pages 24 and 25 of the TDDP include an illustrative map and a table that is presented only to describe the TDDP’s street hierarchy. While all master plan roadways include some level of feasibility analysis in the associated plans, the depicted “secondary route” appears to be located off-site from the subject property and therefore, is not a feasible as an access to the subject site. For these reasons, and since the approved TDDP preceeded the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) by several years and does not include “secondary route” as a master plan major collector facility, staff finds that this roadway is not a master plan roadway and that any future proposed development plans adjacent to the subject site will confirm the alignment of the access roadway relocated and constructed pursuant to this approval.

Following several coordination meetings between the applicant’s team, City of Hyattsville, DPIE, DPW&T and M-NCPPC, it was determined that vehicular and pedestrian connections between the subject site and Nicholson Street and Kirkwood Place to the north were appropriate. The submitted plans correctly show right-of-way dedication to the property line for both Nicholson Street and Kirkwood Place. This action along with submission of street centerline profiles adequately demonstrate safe and acceptable connections to both facilities, can be made per the County and City standards, and as recommended by the West Hyattsville TDDP.

Ager Road is an existing master plan collector right-of-way for which no additional right-of-way dedication is necessary for the subject site.

Based on the preceding findings, adequate transportation facilities will exit to serve the proposed subdivision as required in accordance with Section 24-124 of the Subdivision Regulations if the application is approved with conditions.

9. **Schools**—The following evaluation for impact on school facilities is based on a review of the residential and nonresidential uses proposed.

#### **Residential**

This preliminary plan reviewed 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  
Attached Single-Family Units**

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	183 DU	183 DU	183 DU
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	27	14	20
Actual Enrollment	20,414	4,349	8,318
Total Enrollment	20,441	4,363	8,338
State Rated Capacity	17,570	4,334	8,125
Percent Capacity	116%	101%	103%

**Multifamily Units**

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	300 DU	300 DU	300 DU
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	36	16	22
Actual Enrollment	20,414	4,349	8,318
Total Enrollment	20,450	4,365	8,340
State Rated Capacity	17,570	4,334	8,125
Percent Capacity	116%	101%	103%

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; 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 \$9,017 and \$15,458 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a one-quarter mile of a metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State Marc Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the county urban centers and corridors as defined in Section 27A-106 of the County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within a one-quarter mile of a metro station. This act is in effect from October 1, 2013 through September 30, 2018.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

#### **Nonresidential**

The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded that the non-residential portion of the development will have no impact on the County school system.

10. **Fire and Rescue**—This PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month”.

The proposed project is served by Hyattsville Fire/EMS Co. 801, a first due response station (a maximum of seven (7) minutes travel time), is located at 6200 Belcrest Road.

“In the Fire/EMS Department’s Statement of Adequate Apparatus, as of July 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County.”

#### **Capital Improvement Program (CIP)**

The Prince George’s County FY 2016-2021 Approved CIP provides funding for replacing the existing station with a new four-bay Fire/EMS station.

11. **Police Facilities**—The following evaluation for impact on police facilities is based on a review of the residential and non-residential uses proposed.

#### **Residential**

The subject property is located in Police District I, Hyattsville. The response time standard is 10 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 December 9, 2016.

Based on the most recent available information provided by the Police Department as of December 2015, the police response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls are met.

#### **Nonresidential**

The proposed development is within the service area of Police District I, Hyattsville. There is 267,660 square feet of space in all the facilities used by the Prince George’s County Police Department and the July 1, 2015 (U.S. Census Bureau) county population estimate is 909,535. Using the 141 square feet per 1,000 residents, it calculates to 128,244 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

12. **Water and Sewer**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat

approval.”

The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Categories 3, Community System. The property is within Tier 1 under the Sustainable Growth Act and will therefore, be served by public systems.

13. **Use Conversion**—The total development included in this PPS is 183 single-family attached residential units, 300-multifamily-residential units, 10,000 square feet of commercial development in the M-X-T and T-D-O Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings as set forth in the resolution of approval, and on the approved preliminary plan that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is ten-foot-wide along all both sides of all public rights-of-way. This subdivision provides internal circulation through a network of public streets and alleys. The applicant proposes to provide five to 10-foot-wide PUEs throughout the development, some of which are located in the alleys and HOA space rather than along the public street in order to best serve the lots that are proposed. The applicant has requested approval of a variation to Section 24-122(a) to provide variable width and location for PUEs as discussed further.

**Variation**—Section 24-122(a) of the Subdivision Regulations requires that, when utility easements are required by a public utility company, a subdivider grant the required easement. It is a long-held understanding between the Planning Department and the public utility providers that a 10-foot wide public utility easement is required, as a standard, along all public rights-of-way (both sides). The applicant requests approval of a variation for the width and location for the proposed PUEs.

#### **Section 24-122. Public facilities requirements.**

- (a) **When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.**

The subject site proposes a network of five public streets which extend north from the main entry street (Little Branch Run), which is also a public street. The PUEs proposed along the public streets are 6 feet wide for those streets which run south to north. The PUEs along Little Branch Run (west to east) are six to 10 feet wide and, toward the eastern end, are setback from the right-of-way so that they are adjacent to the townhouse lots which are also setback from the right-of-way. The townhouse lots are all alley loaded and a five-foot-wide PUE has been provided along and/or within all alleys. The combination of the six-10-foot-wide PUEs along the public streets and the five-foot-wide PUEs within the alleys collectively provide a greater PUE than normally required and

allow for greater flexibility in the location of utilities.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request:

#### **Section 24-113 Variations**

- (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 Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-122(a) could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property for its intended purpose.

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

The proposed width reduction to the PUEs is requested along the internal public streets to the subject site. The PUEs will provide dry utility connections to the lots within the subject site and are supplemented by the location of PUEs within the alleys. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any other property.

- (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;**

The redevelopment of this site is guided by the General Plan and the West Hyattsville TDDP which contain site specific design criteria. This site is envisioned to be designed for walkable medium to high density residential development which orients buildings along street frontages. The site has been designed in accordance with these design criteria and provides alley loaded lots with building fronts oriented towards the public streets. However, the location of buildings and sidewalks along street frontages limits the available area for PUEs. Therefore, the PUEs have been split between the front and rear of the lots to provide the total width normally required for PUEs. Given the site design criteria generated by the General Plan and TDDP, the conditions on which the variation is based are unique to this property.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The variation to Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The use of reduced width PUEs, particularly in urban areas, is not uncommon and has been approved with other development applications.

This PPS and variation request for reduced width PUEs was referred to the Potomac Power and Electric Company (PEPCO), Washington Suburban Sanitary Commission (WSSC), Verizon and Comcast. WSSC will be provided a separate 30-foot-wide easement within the public streets per their standard requirement. A response from PEPCO, Verizon, and Comcast was not received. The applicant has submitted a utility location plan with this application which is consistent with the submitted PPS. The final plat will reflect the approved location of the PUEs.

- (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 the strict letter of these regulations is carried out;**

The physical conditions of the site are such that the site is triangular shaped having narrow frontage on Ager Road that fans out to the west along Northwest Branch Stream Valley Park. In addition, existing streets abutting the site curvilinear, creating a modified grid pattern that provides for irregular blocks of development. In order to achieve the density and design envisioned by the Plan Prince George's 2035 and TDDP, the lots are accessed by alleys in which five-foot-wide PUEs have been provided. Requiring a 10-foot-wide PUE along the public streets on which the lots front would restrict the developable area, lessen the achievable density, and modify the street standards of the TDDP, consequently providing a layout that is at odds with the TDDP and, therefore, resulting in a particular difficulty to the owner.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is zoned M-X-T; therefore, this provision does not apply.

Staff recommends the **approval** of the variation to Section 24-122(a) of the Subdivision Regulations for reduced width PUEs along the public streets as proposed, subject to conditions.

15. **Historic**—The site is currently improved with a warehouse that was built in 1958 that is proposed to be demolished. A search of current and historic photographs, topographic and historic maps, and locations of currently know archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not recommended.
16. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
CSP-05006	TCP1-019-06	Planning Board	Approved	3/20/08	06-218(A)
		District Council	Approved	8/8/08	Council Order
4-05145	TCP1-019-06-01	Planning Board	Approved	11/6/06	06-262
NRI-002-2016	N/A	Planning Director	Approved	3/31/16	N/A

### **Grandfathering**

The project is subject to the environmental regulations contained in Subtitles 24, 25 and 27 that came into effect on September 1, 2010 because the application is for a new preliminary plan.

### **Site Description**

This 18.43-acre site is in the M-X-T Zone and the West Hyattsville Transit District Development Plan and TDOZ. The site is located on the western side of Ager Road, across from its intersection with Lancer Drive. Based on available mapping information and the approved NRI, the site contains 100-year floodplain associated with the northwest branch of the Anacostia River as the only regulated environmental feature located on-site. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Codorus and Hatboro, Codorus-Hatboro-Urban land, Elsinboro-Urban land, and Urban land-Elsinboro complexes. Based on available information, Marlboro clay and Christiana clay are not found to occur in the vicinity of this property. The site fronts on Ager Road which is a MPOT designated Arterial roadway that is regulated for noise. Ager Road is also a designated historic roadway. According to available information from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened and endangered species are not found to occur in the vicinity of the site. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains Regulated Areas, Evaluation Areas, and Network Gap Areas.

### **Plan Prince George's 2035 Approved General Plan**

The site is located within the West Hyattsville Metro Local Transit Center of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

### **Conformance with the Water Resources Functional Master Plan**

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and



woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement, Prince George's County Department of Health, Prince George's County Department of the Environment, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sanitary Commission are also deemed to be consistent with this master plan.

#### **Conformance with the West Hyattsville TDDP**

While the TDDP does focus on sensitive areas and restoration of some natural areas, the primary vision for the subject site is high-density development containing a mix of retail and residential units within walking distance of the metro station. Current environmental regulations incorporate the TDDP concepts into the regulatory framework.

It should be noted that 83 percent of the site is within the 100-year floodplain. This application proposes to fill the floodplain while providing compensatory floodplain storage on the adjacent M-NCPPC owned property to the west. Principles of Low Impact Development, or Environmental Site Design, are incorporated into the stormwater design.

#### **Conformance with the 2005 Approved Countywide Green Infrastructure Plan**

The site contains Regulated, Evaluation and Network Gap Areas within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*. The mapped Regulated, Evaluation and Network Gap Areas are located along the western portion of the property, which according to the approved NRI, contains floodplain associated with the Northwest Branch of the Anacostia. Because the site is located adjacent to a metro station and is zoned M-X-T, the site has been designed to maximize density in accordance with the General Plan. The floodplain is proposed to be filled in order to raise the proposed development out of the floodplain. Compensatory floodplain storage is proposed to be provided on the property to the west, owned by M-NCPPC, which will be reviewed as a part of a pending Mandatory Referral that will come before the Planning Board. The woodland on-site is proposed to be cleared and the resulting woodland conservation requirements are proposed to be met entirely off-site. While the Green Infrastructure elements mapped on the subject site will be impacted, the overall design of the site meets the zoning requirements and the intent of the growth pattern established in the General Plan. The compensatory floodplain mitigation will be met on the adjacent site along with park amenities and an enhanced trail system to improve pedestrian movement and safety in the area.

#### **Natural Resources Inventory**

An approved Natural Resources Inventory, NRI-002-16, was submitted with this application. The NRI was prepared for a larger area than what has been included in the PPS application. A revised NRI was submitted during the review of the application to separate the site statistics for the land area included in this application and the remainder of the area included on the NRI. While the site statistics table was revised, the approval block still contains the original certification signature. Similarly, the signature of the previous qualified professional is still shown on the plan. The update to the plan must be signed by a qualified professional. The forest stand delineation (FSD) summary table must be revised to show that the total woodland on the overall site is 3.77 acres. Minor revisions to the NRI are needed prior to the signature approval of the PPS.

The NRI indicates there is floodplain on the subject property associated with the Northwest Branch of the Anacostia; the floodplain comprises the primary management area (PMA). No specimen trees are located on the subject property. The forest stand delineation (FSD) indicates that two forest stands are located on-site totaling 3.77 acres. The existing woodland on-site totals 0.42 acres and is located entirely within the floodplain.

#### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan was submitted with the PPS (TCP1-012-2016).

The woodland conservation worksheet shows the Woodland Conservation Threshold (WCT) for this 18.43-acre property is 15 percent of the net tract area or 0.46 acres. The total woodland conservation requirement based on the amount of clearing proposed is 0.88 acres. The woodland conservation requirement is proposed to be met off-site.

The plan requires technical revisions to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance. No specimen trees are located within the boundary of the subject site and none are approved for removal with this application. The TCP contains a label on the adjacent M-NCPPC-owned property stating to see a separate TCP; however, this area should be hatched and include a label clearly stating that the area is not included in the current application. Stormwater management features have been shown on the plan in the area of the townhouse development; however, all stormwater and stormdrain features for the entire site must be shown on the TCP in accordance with the approved SWM concept plan. The DRD QR code approval block must contain the name of the project and the assigned PPS number typed-in. After all revisions have been made, the qualified professional who prepared the plan must sign and date it and update the revision box with a summary of the revisions made.

#### **Specimen Trees**

The removal of specimen trees requires a variance to Section 25-122(b)(1)(G) as part of the development review process. There are no specimen trees that have been identified on-site.

#### **Preservation of Regulated Environmental Features/Primary Management Area**

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include floodplain associated with the Northwest Branch of the Anacostia.

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. A statement of justification and impact exhibit for the proposed impact were received by the Environmental Planning Section on January 9, 2017. The applicant proposes to impact the entire PMA on-site.

Because the site is located adjacent to a metro station and is zoned M-X-T, the site has been

designed to maximize density in accordance with the General Plan. The floodplain is proposed to be filled in order to raise the proposed development out of the floodplain. Compensatory floodplain storage is proposed to be provided on the property to the west, owned by M-NCPPC. The woodland on-site is proposed to be cleared and the resulting woodland conservation requirements are proposed to be met entirely off-site. While the entire PMA on the subject site will be impacted, the overall design of the site meets the zoning requirements and the intent of the growth pattern established in the General Plan.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible.

### **Noise and Vibration**

There are noise impacts associated with the property from Ager Road and the Green Line Metro tracks which run through the site. Vibration impacts are also associated with the rail lines.

Three reports were received on the topics of noise and vibration. The first report, dated November 17, 2015, addressed outdoor noise only from traffic and railway noise sources, considered mitigation in the form of shielding from proposed buildings based on a preliminary site design, and clearly states that site elevations were not considered in the analysis and that the report was to be considered preliminary with respect to traffic noise. The second report, dated July 18, 2016, evaluated train noise and vibration only, and was based on a revised site layout. The third report was in the form of a comment response letter dated January 25, 2017. It should be noted that the layout should not matter with respect to calculating the unmitigated upper and lower unmitigated 65 dBA Ldn noise contours because mitigation from the shielding of proposed buildings should not be considered in calculating unmitigated noise.

The 2016 report provides four measurements for noise and it appears that the measurement location identifier labels were switched in the discussion portion of the report because the measurements are not consistent with the locations shown on the location exhibit; however, the noise levels in the conclusion of the study make sense if the mix up is taken into consideration. The study recommends the construction of a wall to shield a pool associated with one of the multifamily buildings, which will be reviewed with the DSP.

The 2017 report is based on the current proposed layout and focuses on the townhouse portion of the site. The results of the report state that without shielding of any future multifamily buildings, the proposed townhouses will not be negatively affected by noise above 65 dBA Ldn; however, because no upper level unmitigated noise contours have been provided, the building materials for the townhouses on Lots 1–8 must be certified at time of permit by an acoustical engineer to state that interior noise levels have been mitigated to 45 dBA Ldn. A note must be added to the plat to acknowledge the site's location with respect to the noise associated with metro and with Ager Road. A Phase 2 noise report must be provided at time of DSP for all multifamily development (Parcels DD, EE, and FF) as labeled on the TCP1 to determine what, if any, mitigation is required to ensure that interior noise is mitigated to 45 dBA Ldn or less and that all outdoor activity areas are mitigated to 65 dBA Ldn or less. All multifamily buildings must have acoustical certification at time of permit. Staff supports the approval of the variations for lot depth, as discussed further, with conditions.

Vibration measurements were taken at four locations on the west side of the tracks. The report assumes vibration levels are mirrored on the opposite side of the tracks. The results of the report conclude that one measurement, from a single train, exceeded the Federal Trade Authority (FTA) standard on the northeastern portion of Parcel DD, (1.24 acres), which would also apply to the

southwestern portion of Parcel FF (1.9 acres). It is important to note that the measurements were based on the existing soft surface of the site. Vibration levels could increase on hard and/ or compact surfaces subsequent to development. No recommendations were provided and the report states there is no feasible mitigation that can be done. The only mitigation that could be done would be to increase the setback of the buildings which would result in the loss of units. The FTA criteria for feelable vibration is 72 VdB for residences and buildings where people normally sleep for “frequent” events which includes more than 70 trains per day. The FTA criteria should be strongly considered for proposed development and placement of buildings, however, neither the State of Maryland or the Prince George’s County Code have established regulations for development as it pertains to vibration impacts. A note is recommended to be added to the plat to acknowledge the proximity to the metro tracks and the potential for vibration impacts on buildings and occupants.

17. **Variation 24-121(a)(4)**—Section 24-121(a)(4) of the Subdivision Regulations provides the following lot-depth criteria for lots abutting specific rights-of-way:

- (4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.**

The subject site has frontage on Ager Road, a master planned arterial right-of-way, from which the required 150-foot-lot depth is provided. However, the site is bisected by the metro rail tracks from which the required 300-foot-lot depth, is not provided for Parcels DD, EE, and CC (or FF as labeled on the TCP1) and Lots 1–8. The applicant requests approval of a variation for the three parcels and eight lots which do not meet the required lot depth. Section 24-113(a) 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:**

Approval of the applicant’s request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121(a)(4) could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property for its intended purpose.

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

As previously discussed in the Environmental Planning Finding, no ground-level

noise impacts affect the townhouse lots adjacent to the tracks pursuant to the noise study provided. Conditions pertaining to the structural design of the townhomes and multifamily units for the mitigation of noise at the time of building permit are recommended. Notification to potential purchasers and tenants by the placement of notes of the final plats, and the requirement to provide property disclosure notices to purchasers and tenants, of the potential noise and vibration impacts are also recommended. Because the State and County have no regulations specific to vibration, it is incumbent upon the developer to ensure that no structural damage will occur as a result of proximity to the metro line.

**(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;**

This property is directly abutting and bisected by the metrorail tracks and is an irregular triangle parcel. This condition is unique to the property and not a situation or configuration generally shared by other properties. These conditions result in the need for the variation, to maintain the land use and densities envisioned at the metro.

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

Conditions of approval are recommended with this variation, which require; certification by a professional engineer with competency in acoustical analysis be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less, prior to the issuance of building permits; and notes to be placed on the final plat indicating that the property is subject to noise and vibration impacts from the metro tracks. There are no County or state regulations applicable with the review of this PPS related to vibration, therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation with conditions.

**(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;**

The physical surroundings of the subject site include the abutting metro rail line, which bisects the property. The location of the rail line in the eastern part of the site and entry street providing access to the subject site from Ager Road create an unavoidable conflict with the lot depth requirement. Adherence to the requirements of Section 24-121(a)(4), in this case, would result in the loss of 300 multifamily dwelling units and eight townhouse lots, which is 64 percent of the units proposed. This would result in a particular hardship to the applicant as they would be incapable of developing the property with its intended use if the strict regulations were carried out.

**(5) In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the**

**criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the prince George's County Code.**

The site is not located in any of the listed zones. Therefore, this finding does not apply.

Based on the preceding findings, staff recommends **approval** of the variation to Section 24-121(a)(4) for Parcels DD, EE, and FF/CC and Lots 1–8, subject to conditions, from the 300-foot-lot depth regulation.

17. **Urban Design**—In accordance with the Zoning Ordinance and TDDP, DSP approval is required for this development. A Detailed Site Plan (DSP-16029) for infrastructure has been accepted for the subject site, is currently under review, and is tentatively scheduled to be heard before the Planning Board on March 23, 2017. The requirements of the TDDP and the Zoning Ordinance will be further evaluated with the DSP review. The requirements include, but are not limited to, the following:

**Conformance with the Requirements of the Zoning Ordinance**

The proposed lotting pattern for the townhouse portion of the development as shown on the PPS indicates the exclusive use of a 16-foot-wide townhouse lot sizes for interior lots. The lots sizes at of the ends of each series of lots are sized sufficiently to receive larger units. All townhome lots are being served by alleys, indicating rear load garages for the project. Staff suggests the incorporation of a variety of width of unit sizes be allowed at the time of DSP for different architecture, where space permits. The advantage of a variety of unit widths will lend more visual interest to the streetscape and may allow for a variety of price points within the development. The applicant is asking for a variance to allow for the narrower unit as dictated by Section 27-548 (a)(1)(h) of the Zoning Ordinance which states, in part, the following:

**In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet.**

The application and Statement of Justification indicates that the PPS lotting pattern proposes 20-foot-wide end units and 16-foot-wide interior units. The DSP for Infrastructure, DSP-16043 indicates the same layout, however, that application does not include architectural elevations, and has been submitted to obtain a grading permit. A future DSP is required to address the architectural products proposed for the development. Minor adjustments to the lot sizes to accommodate some variation in the width of the lots to create variety in the width of units is recommended, and would require minor adjustments that will be reflected on the final plat for the development.

The pending DSP for infrastructure (in order to obtain a grading permit for the property) is being process as an Expedited Transit Oriented Development (ETOD) plan in accordance with Section 27-290.01 of the Zoning Ordinance. The reason for the filing of the ETOD application is twofold, first, the applicant is seeking a grading permit for the property, which will allow for the

removal of the existing structure and slab in the most expeditious manner. Secondly, the ETOD provisions of Section 27-290.01 allow the applicant to forego the filing of a Conceptual Site Plan for the property, which would add more time to the process. It should be noted that a Conceptual Site Plan, generally a requirement when developing in the M-X-T Zone, is not required for this application under the ETOD provisions. Conformance with the requirements for development in the M-X-T Zone will be further evaluated at the time of DSP review.

#### **Conformance with the Requirements of the 2006 Approved Transit District Development Plan and SMA for the West Hyattsville Transit District Development Plan (TDDP)**

The DSP for Infrastructure will be subject to TDDP standards, with emphasis placed on conformance to the applicable standards relating to grading and infrastructure development. Moreover, Map 14 on page 36 of the TDDP contains the Preferred Land Use Plan, which identifies the Preferred Land Uses for each development block within the TDDP. Map 13 contains the Block Registration Plan which provides a letter designation for each block of development. The use table, identifies what uses are allowed, in accordance with the preferred land uses specified for each block. The application appears to contain all, or portions of, Development Blocks L, Y, Z, AA, BB, and CC. However, an exhibit would be helpful that overlays the property boundary, the uses proposed on the property, and the block pattern laid out in Map 13, so that conformance to the TDDP can be clearly deciphered. The following are some of the issues identified by staff:

- Part of Block CC is located in the Structured Parking character area. “Park, playground, or other recreational area” is prohibited in this Character Area. Also, most importantly, single-family dwellings are prohibited here.
- Part of Block CC is located in the Tower Residential character area. Single-family dwellings are prohibited there.
- Blocks Y and BB are located in the Condo Character Area. Single-family dwellings are prohibited there.

Any non-compliance with this Preferred Land-Use Map must be addressed at the time of a DSP through the amendment process. The applicant has submitted the proposed amendment information with the DSP application. The lotting pattern proposed with this PPS is dependent upon the District Council’s approval of the proposed amendment to the TDDP for the preferred land uses to include single-family dwellings for the blocks identified above. At the time of final plat, the lotting pattern shall be in substantial conformance with the PPS and may incorporate any revisions to the lotting pattern deemed necessary by the approved DSP.

#### **Conformance with the 2010 Prince George’s County Landscape Manual**

Conformance with the landscaping requirements for the subject site will be evaluated further at the time of DSP review. The proposed mixed-use development is within the West Hyattsville TDDP that is technically subject to the TDDP standards as contained under the Trees and Landscaping Section of General Open Space and Streetscape Standards and Guidelines. However, for those landscaping requirements not covered by the TDDP standards, the applicable 2010 *Prince George’s County Landscape Manual* (Landscape Manual) regulations will govern.

Alternative Compliance application AC-17003 has been submitted to address Section 4.1 and 4.7 of the Landscape Manual where spatial constraints of the proposed development do not allow for full compliance with the requirements of the Landscape Manual. The AC application is currently being processed with the DSP.

### **Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet or greater of gross floor area or disturbance and require a grading permit. The subject site is required to provide a minimum of ten percent of the gross tract area to be covered by tree canopy. Compliance with this requirement will be further evaluated at the time of DSP review.

18. **Variance 27-548(h)**—Section 27-158(h) of the Zoning Ordinance includes the following lot requirements for townhouse development in the M-X-T Zone:

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front façades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet.**

The lots proposed with this application will accommodate 16-foot-wide townhouse interior units and 20-foot-wide townhouse end units. The minimum lot size proposed to accommodate these units is 816 square feet. Only 14 of the 183 townhouse lots proposed in this application have lot sizes that meet or exceed the minimum lot size requirement of 1,800 square feet. The lotting pattern proposed with this PPS provides that 17 of the 28 building groups will contain more than six (6) units. Therefore, a variance from the requirement of Section 27-158(h) is requested for building width, lot size, and units in a row. These variances are analyzed together because of the interrelationship affecting the lotting pattern.

Section 27-230 of the Zoning Ordinance sets forth the required findings for approval of variance requests as follows:

#### **Section 27-230. Criteria for granting appeals involving variances.**

- (a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The physical conditions of the site are such that the site is triangular shaped having narrow frontage on Ager Road that fans out to the west along Northwest



Branch Stream Valley Park. In addition, existing streets abutting the site curvilinear, creating a modified grid pattern that provides for irregular blocks of development. This site is almost entirely within the floodplain and, in order to achieve the density and design envisioned by the General Plan and TDDP, must be graded and filled with soil to raise the property from the floodplain. The combination of these factors results in exceptional topographic conditions.

**(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

The site has been designed in accordance with the design criteria envisioned with the General Plan and TDDP for a dense urban environment. The TDDP includes building envelope standards which include build-to-line rather than setbacks and the use of alleys in lieu of streetscapes dominated by garages but does not specifically modify the lot size requirements set forth in the Zoning Ordinance. The strict application of this Subtitle would result in far less density, thereby resulting in an undue hardship to the owner by preventing the development of the property in accordance with the land use standards set forth by regulating plans.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The proposed development is consistent with the goals and recommendations of the General Plan and West Hyattsville TDDP, as previously discussed, and therefore will not impair the intent, purpose, or integrity of the General Plan or Sector Plan.

The variances from Section 27-548(h) identified above are analyzed together because they are interrelated and, in this instance, should not be evaluated independently of one another. If any one of the variances had not been granted, it may have resulted in a need for additional or alternative variances due to the condensed nature of the subdivision layout being developed in conformance with the M-X T Zone.

Based on the preceding findings for each of the criteria, staff recommends **approval** of a variance from Section 27-158(h) for the lot square footages, the lot widths, and the number of building groups exceeding six (6) units as follows:

DEVELOPMENT STANDARD	REQUIRED	PROVIDED	CODE SECTION
a. Minimum Bldg. Width -Interior Unit	20 ft.	16 ft.	Section 27-548(h)
-End Unit	24 ft	20 ft.	
b. Maximum TH Units per Bldg. Group	6 du	8 du (7 groups)	Section 27-548(h)
		7 du (10 groups)	
c. Max. number of Bldg. Groups w>6 du	20%	61% (17 groups)	Section 27-548(h)
d. Minimum Lot Size	1,800 sq. ft.	816 sq. ft. min. (169 lots)	Section 27-548(h)

19. **City of Hyattsville**—The City of Hyattsville provided a memorandum dated February 13, 2017, which set forth the following findings:

- **The City of Hyattsville is supportive of the three variances requested by the applicant. We understand the necessity of the variances given the geography of the site and realize that the feasibility of the project could be jeopardized should the variances not be approved.**
- **It is the City's preference that the applicant's "option 3" proposed street section is approved for local public access roads. It is our understanding that the applicant has revised the plan to incorporate the "option 3" geometry, and the City asks that this remains consistent in the approved plan.**
- **The City has two additional conditions that we are hopeful that the Planning Board will incorporate as conditions of approval. (1) The first condition is that the applicant must conduct and provide to both the County and City a hard copy and digital GIS file of the land survey of the subject property and subdivisions. (2) The City request is for the connection of roadways within the development to the existing publicly dedicated sections of Nicholson Street and Kirkwood Place. It is the City's understanding that both of those existing streets were previously dedicated to the County and that their right-of-way extends over Lancer Place. We believe a roadway and pedestrian connection between the Kirkwood Apartment complex and the subject development is both appropriate and necessary. The City currently owns the fence dividing these properties and is agreeable to its removal in order to facilitate a connection.**

The PPS submitted for approval provides the public street alignment for Nicholson Street and Kirkwood Place for the uninterrupted continuation of these rights-of-way, from the north, through the subject site as recommended. The dedication of these streets, as well as the other public streets within the subdivision, to public use will occur at the time of final plat approval. Although improvements within the rights-of-way are depicted on the PPS, they are for informational purposes and to exhibit conformance with the standards of the TDDP and DPW&T for public streets. The physical improvements within the public rights-of-way will be under the jurisdiction of the operating agency, therefore the requested information is enforceable by the City of Hyattsville and DPW&T at the time of permit approval. The applicant has provided street grade profile plans with this application to demonstrate that the connection of Nicholson Street and Kirkwood Place from the subject site to the north is feasible.

20. **Washington Metropolitan Area Transit Authority (WMATA)**—A referral was provided to WMATA on January 10, 2017. At the time of the writing of this staff report, no referral response had been received. Vehicular access to the subject site is across land owned by WMATA. Prior to approval of any final plat for land solely accessed through the WMATA property, approval for public right-of-way dedication across the WMATA property must be secured in accordance with 24-123(a)(2) of the Subdivision Regulations.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant shall revise the PPS to:
  - a. Designate the parcels proposed for multi-family development using consecutive numbering (1-3).
  - b. Reflect the lot and parcel designations consistently on the PPS and TCP1.
  - c. Clearly label the improvements shown on the abutting parkland to the west are off-site and not park of this application.
  - d. Label the disposition of all existing easements and structures on the subject property.
  - e. Revise General Note 6 to indicate the subject property is in the T-D-O Zone.
  - f. Delete General Notes 15 and 16.
  - g. Revise General Note 18 to indicate the subject property is not within the Military Installation Overlay Zone.
  - h. Add to General Note 22 that a variation to Section 24-122(a) is approved for the PUEs as shown hereon.
  - i. Add to General Note 38 that this preliminary plan of subdivision approval is not pursuant to CSP-05006.
  - j. Remove the development standards table and replace it with the following table:

DEVELOPMENT STANDARD	REQUIRED	PROVIDED	CODE SECTION
a. Minimum Bldg. Width -Interior Unit	20 ft.	16 ft.	Section 27-548(h)
-End Unit	24 ft	20 ft.	
b. Maximum TH Units per Bldg. Group	6 du	8 du (7 groups)	Section 27-548(h)
		7 du (10 groups)	
c. Max. number of Bldg. Groups w>6 du	20%	61% (17 groups)	Section 27-548(h)
d. Minimum Lot Size	1,800 sq. ft.	816 sq. ft. min. (169 lots)	Section 27-548(h)

\*A variance is approved, in accordance with the table above, from the lot standards of Section 27-548(h) of the Zoning Ordinance.

- k. Remove the temporary pedestrian access shown across Parcel EE and replace it with a direction arrow that indicates possible pedestrian route to WMATA access trail.
- l. Show the continuation of the 10-foot wide PUE along; Little Branch Run on Parcels CC and DD; and the subject property's entire frontage of Ager Road.
- m. Indicate a public vehicular use easement over Winter Alley and Whisper Alley.
- n. Indicate the HOA and alley parcels are to be conveyed to the HOA.

- o. Label the centerline of Ager Road and provide a dimension from the subject property to the centerline.
  - p. Label and dimension all rights-of-way consistent with the typical road section plan submitted on January 26, 2017, except that the typical road section for Little Branch Run shall be modified and shown on the preliminary plan of subdivision to include a 3.33-foot-wide planting strip behind the provided five-foot-wide sidewalk (minimum 59-foot-wide street section) along the frontage of Parcels EE and DD.
  - q. Reflect the property boundary consistent with the Alta Survey filed with this application.
2. Total development on the subject site shall be limited to the mix of uses that will generate no more than 247 AM, and 326 PM weekday peak-hour trips. Any development that is determined to generate more peak-hour vehicle trips than identified herein shall require a new preliminary plan of subdivision with a new determination of adequacy for transportation facilities.
  3. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to the approval any building permits.
  4. Development of this site shall be in conformance with Stormwater Management Concept Plan 11905-2016-00 any subsequent revisions. The final plat shall note the Stormwater Management Concept Plan number and approval date.
  5. Prior to the approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities (BPIS) as designated below or as modified by DPW&T/DPIE/DPR, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
    - a. Prior to certification of the Detailed Site Plan, an exhibit shall be submitted showing the location, limits, specifications and details for the off-site trail lighting and security cameras along the stream valley trail between the West Hyattsville Metro (or the limits of the trail improvements required as part of the stormwater management work) and Queens Chapel Road, pursuant to Section 24-124.01(f) of the Subdivision Regulations. A cost estimate shall be provided for the facilities shown on the exhibit. The cost of the off-site facilities shall not exceed the cost cap specified in Section 24-124.01(c).
    - b. Provide trail lighting along the M-NCPPC Stream Valley Trail from the West Hyattsville Metro where the metro rail line intersects with the trail to Queens Chapel Road.
  6. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2006 *Approved Transit District Development Plan and Transit District Overlay Zone Map Amendment* (TDOZMA) for the West Hyattsville Transit District Overlay Zone (TDDP), the applicant and the applicant's heirs, successors and/or assignees shall provide the following at the time of detailed site plan review:
    - a. Provide a street transition plan that shows the completed road connections along Nicholson Street and Kirkwood Place with an appropriate transition to the existing cross

sections on the adjacent Kirkwood apartments site. The dedication of Nicholson Street and Kirkwood Place shall occur at the time of final plat approval.

- b. Frontage improvements along subject site's entire frontage of Ager Road shall be consistent with the DPW&T complete and green street designs, unless modified by DPIE.
  - c. Evaluate the need for a temporary sidewalk connection through the subject site, from the end of Kirkwood Place to the existing sidewalk leading to the existing tunnel to the West Hyattsville Metro Station in phase with development. This temporary connection will not be constructed until and unless safe access can be provided through the subject site, and appropriate easements required if necessary.
  - d. Provide plans to show a conceptual location for two Capital Bikeshare stations within public spaces: one along or near Ager Road and another on the promenade along River Terrace Road, subject to modifications by the operating agencies.
7. At time of first final plat of subdivision, the applicant shall convey to the M-NCPPC Planning Department,  $0.28 \pm$  acres of open space as designated on the approved preliminary plan of subdivision.
8. The land to be conveyed to M-NCPPC shall be subject to the following conditions:
- a. An original, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
  - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
  - c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, The M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
  - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by the M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.

- g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
  - i. No stormwater management facilities or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
9. Prior to signature of the PPS, the NRI shall be revised as follows:
- a. Revise the Forest Stand Characteristics Table to update the acreage for the two forest stands to be 3.77 acres.
  - b. Revise the NRI certification block to type-in the previous signature approval.
  - c. Cross out the previous qualified professional signature and have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
10. Prior to certification of the preliminary plan, the TCP1 shall be revised as follows:
- a. Show all specimen trees within 100 feet of the property boundary as remaining.
  - b. Revise the legend replace the symbol for specimen trees to be removed with a symbol for existing specimen trees.
  - c. Add the following note below the specimen tree table: "This tree is located off-site."
  - d. Provide hatching over the adjacent M-NCPPC-owned property and the following label:  

"Parcel 112 is not part of this plan."
  - e. Show stormwater management and stormdrain features on the entire site in accordance with the approved concept plan (11905-2016-01).
  - f. Revise the DRD QR code approval block to type-in the assigned plan number (4-15020).
  - g. Have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
11. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-012-2016). The following note shall be placed on the Final Plat of Subdivision:
- "This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-012-2016), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas.

Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”

12. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, Waters of the U.S., or floodplain, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
13. Prior to the issuance of building permits for townhouse Lots 1-8, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
14. Prior to acceptance of a DSP for the multifamily development on Parcels DD, EE, and FF, a Phase II noise report must be submitted to demonstrate that the interior of all buildings can be mitigated to 45 dBA Ldn or less, and that all outdoor activity areas can be mitigated to 65 dBA Ldn or less.
15. Prior to approval of DSP for the single-family attached units and final plat for the lots of such units, the following shall be provided:
  - a. Variation in the unit width in a stick of more than six units in a row, to incorporate a unit with a minimum width of 18 feet wide for every three narrower units, if possible.
  - b. Architecture which provides entrances on the endwall of units where the endwall is fronting on a public street or open space.
  - c. Provide a minimum of eight-foot distance between the end unit lot-lines of any two single-family attached building groups.
  - d. An evaluation of adequate access to the proposed parking on Hush Alley in accordance with the requirement of the Zoning Ordinance and the West Hyattsville TDDP, to determine if the removal of parking or widening of the alley is necessary.
16. Prior to the approval of building permits for the identified parcels (Parcels CC and DD as labeled on the submitted TCP1) exposed to vibration impacts above the FTA levels for residential buildings, the applicant and the applicant's heirs, successors, and/or assignees shall submit evidence to the Environmental Planning Section (M-NCPPC) that the vibration study dated July 18, 2016, prepared by Hush Acoustics LLC, Vibration Analysis results (Study) has been submitted to DPIE.
17. The following note shall be placed on the final plat for parcels exposed to vibration impacts above the FTA levels for residential buildings and noise levels above state standards:

“This property is located within close proximity to a metro line and may be subject to ‘feelable vibration’ and noise impacts.”

18. Prior to approval of the final plat, the applicant shall provide the Declaration of Covenants for the multifamily residential parcels, which shall include language notifying future occupants of the potential exposure to noise and vibration impacts of the adjacent metro tracks. The Declaration of Covenants shall include the Traffic Related Noise and Vibration Disclosure Notice. Upon execution of all lease, rental or purchase contracts for occupants, the occupants shall sign an acknowledgement of receipt of the disclosure. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the metro rail tracks and station.
19. Prior to approval of any final plat, public right-of-way dedication across the WMATA property shall be provided.
20. Prior to approval of the final plat of subdivision, a draft public vehicular access easement to the benefit of the City of Hyattsville over Winter Alley and Wisper Alley, which provides connectivity to the public streets at each end of the alleys, shall be submitted to the Maryland-National Capital Park and Planning Commission for review and approval, and then fully executed with the City of Hyattsville. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties. Prior to recordation of the final plat, the easements shall be recorded in land records and the liber/folio of the easement shall be indicated on the final plat and the limits of the easements reflected consistent with the approved preliminary plan of subdivision and detailed site plan.
21. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners' association has been established. The draft covenants shall be submitted to the Subdivision Review Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation.
22. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners' association (HOA) land as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
  - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro.
  - b. 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.
  - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to an HOA shall be in accordance with an approved detailed site plan. 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.



- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to an HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD in accordance with the approved detailed site plan.
  - f. 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.
23. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Note the Planning Board's approval of a variation to Section 24-122(a) for reduced width and location of public utility easements, unless modified by the affected utilities.
  - b. Note the Planning Board's approval of a variation to Section 24-121(a)(4) lot depth for lots abutting the metro rail tracks.
  - c. Note the Planning Board's approval of a variance from Section 27-158(h) for lot standards in the M-X-T Zone pursuant to the approval of 4-15020 and provide the resolution number for 4-15020.

STAFF RECOMMENDS:

- Approval of PPS 4-15020
- Approval of Type 1 Tree Conservation Plan TCP1-012-2016
- Approval of Variance from Section 27-548(h)
- Approval of Variation to Section 24-122(a)
- Approval of Variation to Section 24-121(a)(4)