



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Preliminary Plan of Subdivision Dewey East

4-19033

REQUEST	STAFF RECOMMENDATION
Two parcels for the development of 380 multifamily dwelling units and 2,000 square feet of commercial.	APPROVAL with Conditions
Variation request from Section 24-122(a).	

Location: In the northeast quadrant of the intersection of Belcrest Road and Toledo Road.	
Gross Acreage:	4.32
Zone:	M-U-I /T-D-O
Gross Floor Area:	540,850 sq. ft.
Lots:	0
Parcels:	2
Planning Area:	68
Council District:	02
Election District:	17
Municipality:	Hyattsville
200-Scale Base Map:	208NE03
Applicant/Address: Dewey LC 6525 Belcrest Road, #300 Hyattsville, MD 20782	
Staff Reviewer: David Simon Phone Number: 301-952-4976 Email: Aaron.Simon@ppd.mnccppc.org	



Planning Board Date:	11/21/19
Planning Board Action Limit:	12/04/19
Mandatory Action Timeframe:	70 days
Staff Report Date:	11/07/19
Date Accepted:	09/25/19
Informational Mailing:	06/25/19
Acceptance Mailing:	09/17/19
Sign Posting Deadline:	10/22/19

Note: Staff reports can be accessed at <http://mnccppc.iqm2.com/Citizens/Default.aspx>

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-19033
Type 1 Tree Conservation Plan TCP1-005-2019-01
Dewey East

OVERVIEW

The subject property is located in the northeast quadrant of the intersection of Belcrest Road and Toledo Road. The property consists of 4.32 acres and is within the Mixed Use-Infill (M-U-I) and Transit District Overlay (T-D-O) Zones. This preliminary plan of subdivision (PPS) includes part of existing Parcel A (3.86 acres), recorded in Prince George's County Land Records in Liber 37673 folio 544 , and proposed Parcel 5 (0.46 acre), shown on PPS 4-18022 (known as the Dewey Property), which is part of existing Parcel A, recorded in Liber 12085 folio 621. This site is currently developed with a parking lot.

This application proposes two parcels for 380 multifamily dwelling units and 2,000 square feet of commercial space. The subject site is surrounded on the north, east, and west sides by PPS 4-18022, approved by the Prince George's County Planning Board on June 27, 2019, and the PGCPB Resolution 19-82, adopted on July 18, 2019, which included four parcels for development of 520 multifamily dwelling units. The subject application proposes development consistent with PPS 4-18022.

Proposed Parcel 1 of the subject site fronts on Belcrest Road to the south, and proposed Parcel 2 is north of Parcel 1, with street frontage on proposed Public Roads A and B, approved with the neighboring PPS 4-18022, but not yet dedicated. The site is west of a significant environmental feature, located on proposed Parcel 4 of the abutting Dewey Property. The environment feature is to be conveyed to Prince George's County to support a regional stormwater management (SWM) facility. PPS 4-19033 incorporates approximately 0.46 acre of land, in the form of Parcel 5 from PPS 4-18022, which fronts on proposed Public Road B, to complete the proposed redevelopment's overall footprint. This PPS, if approved, will supersede the prior approval of 4-18022 for the 0.46 acre (Parcel 5).

Section 24-122(a) of the Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along the public road right-of-way. The applicant requests approval of a variation to not locate the required PUE along proposed Public Road B. Staff recommends approval of the variation, as discussed further.

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

SETTING

The property is located on Tax Map 42 in Grids A-1 and A-2, in Planning Area 68, is zoned M-U-I, and is within a T-D-O Zone. The subject site is irregularly shaped and is bounded by Toledo Road to the south. The north, east, and west boundaries of the property are surrounded by land identified as the Dewey Property. The site is abutting to a significant environmental feature to its east, located on proposed Parcel 4 of the adjacent Dewey Property.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	M-U-I/T-D-O	M-U-I/T-D-O
Use(s)	Parking Lot	Residential (Multifamily)/ Commercial
Acreage	4.32	4.32
Lots	0	0
Parcels	2	2
Dwelling Units	0	380
Variance	No	No
Variation	No	Yes Section 24-122(a)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on October 18, 2019. The requested variation from Section 24-122(a) of the Subdivision Regulations was accepted on September 25, 2019, and heard at the SDRC meeting on October 18, 2019, as required by Section 24-113(b) of the Subdivision Regulations.

2. **Previous Approvals**—The property is a portion of a larger (47.7 acre) site, which was subject to Conceptual Site Plan CSP-00024 (PGCPB Resolution No. 00-195), approved by the Prince George's County District Council on January 8, 2001. The CSP created two subareas, Subarea 2 (21.46 acres) and Subarea 3 (26.24 acres). The subject site represents a portion of the site known as Subarea 2. Within Subarea 2, Parcel 6 (3.87 acres) was the subject of foreclosure proceedings (Civil Action No. CAE 11-11871) and is not included with this application.

CSP-00024-01 was approved by the Planning Board on November 15, 2001 to utilize a different style of lighting pole.

The 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Prince George's Plaza TDDP and T-D-O ZMA) reclassified the subject property into the M-U-I Zone, while retaining it within the superimposed T-D-O Zone. Pursuant to the general applicability and administration (page 195) of the TDDP, a detailed site plan (DSP) in a transit district does not have to conform to a previously approved CSP, therefore neither CSP is relevant to the review of this PPS.

PPS 4-18022 (PGCPB Resolution No. 19-82), was approved by the Prince George's County Planning Board on June 27, 2019 and was adopted by the Prince George's County Planning Board on July 18, 2019 for four parcels for the development of 520 multifamily dwellings. The subject PPS includes approximately 19,700 square feet (0.46 acres) of land, known as Parcel 5 from PPS 4-18022. This PPS, if approved, will supersede the prior approval of 4-18022 for the 0.46 acre.

3. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan 2035) places this application in the Prince George's Plaza Regional Transit District (page 18). "Plan 2035 designates eight centers with extensive transit and transportation infrastructure and the long-term capacity to become mixed-use, economic generators for the County as Regional Transit Districts. The centers were selected based on a quantitative analysis of 31 indicators that assessed the capacity and potential of each center to support future growth and development (see Appendix A). Plan 2035 recommends directing the majority of future employment and residential growth in the County to the Regional Transit Districts. These medium- to high-density areas are envisioned to feature high-quality urban design, incorporate a mix of complementary uses and public spaces, provide a range of transportation options—such as Metro, bus, light rail, bike and car share, and promote walkability. They will provide a range of housing options to appeal to different income levels, household types, and existing and future residents," (page 19).

The property is also within a designated Employment Area. Plan 2035 describes Employment Areas as areas commanding the highest concentrations of economic activity in four targeted industry clusters: healthcare and life sciences; business services; information, communication and electronics; and the Federal Government (page 106).

Master Plan: The Prince George's Plaza TDDP and T-D-O ZMA recommends mixed-use land uses on the subject property. The vision for the T-D-O Zone is "A vibrant new integrated and compact mixed-use Regional Transit District for Prince George's County with a variety of housing, employment, retail, and entertainment choices," (page 70).

The TDDP contains the following policies applicable to the subject property:

Policy LU6: Create a residential neighborhood north of Toledo Terrace east of Belcrest Road. (page 76)

Policy NE1: Manage volumes through a combination of measures to reduce impacts on receiving and downstream properties. (page 98)

The TDDP contains the following strategies applicable to the subject property:

Strategy LU2.2: Encourage high-rise and mid-rise apartments, condos, and townhouses, consistent with the Regional Transit District Growth Management Goal. (page 75)

Strategy LU4.1: Frame streets in the Downtown Core with mixed-use buildings containing active ground uses, such as retail, community spaces, and institutions to enliven these key routes. (page 76)

Strategy NE2.3: To the maximum extent practicable given the potential construction of a stormwater management facility, preserve the remaining woodlands along the tributary in the northeastern portion of the Transit District and look for opportunities to increase forested buffer. (page 98)

Strategy LU6.1: Incorporate a mix of housing types, including multifamily units, townhouses, two over twos, and single-family houses, attractive to a range of homebuyers and renters, including families, young professionals, empty-nesters, and seniors. (page 76) (See also HN1.1, page 100)

Staff finds that, pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application does conform to the mandatory requirements of the TDDP.

4. **Stormwater Management**—In accordance with Section 24-130 of the Subdivision Regulations, a SWM Concept Plan (34347-2018-0) was submitted with this application, however it has not yet been approved. A regional SWM facility is proposed immediately off-site that will serve as off-site detention for stormwater associated with this PPS. Development must be in accordance with an approved SWM concept plan to ensure that on-site or downstream flooding do not occur. Submittal of an approved SWM concept plan and letter will be required, prior to signature approval of the PPS.
5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the Prince George's Plaza TDDP/TDOZMA, the Formula 2040 Functional Master Plan for Parks and Recreation, the previously approved CSP-00024, The Boulevard at Prince George's Metro Center, the previously approved PPS 4-01092, The Boulevard at Prince George's Metro Center, the previously approved PPS 4-18022, Dewey Property, and the Prince George's County Subdivision Ordinance (Subtitle 24) regulations, as they pertain to public parks and recreation.

The subject development is contained within Subarea 2 of the approved CSP-00024, which was approved for a maximum limit of 1,200 multifamily units within this subarea. The total number of units proposed is 380, and when added to the approved units from approved PPS 4-18022, totals 900 multifamily units. This is consistent and within the units previously approved with CSP-00024.

In 2002, in the approval of PPS 4-01092, which covered Subarea 3 of CSP-00024, the developer agreed to dedicate additional acreage for the Prince George's Plaza Community Center, along with a fee payment to be used for the continued maintenance and operations of the Community Center. The mandatory dedication approved with 4-01092 satisfied the parkland dedication requirement for all of the property included with CSP-00024. In 2005, the developer satisfied the previously approved mandatory parkland dedication requirements. Therefore, this development is exempt from any further mandatory

dedication requirement, since the mutually agreed upon recreational package has been fulfilled, pursuant to Section 24-134(a)(3)(D) of the Subdivision Regulations.

6. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the TDDP in order to implement planned trails, bikeways, and pedestrian improvements. The application proposes 380 residential units and 2,000 square feet of commercial space. Due to the site's location within the Prince George's Metro Center, the subdivision is subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2." Staff had a bicycle and pedestrian impact statement scoping meeting with the applicant on June 24, 2019. Based on the 380 residential units and 2,000 square feet of commercial space proposed, the cost cap for the application is \$114,700, per Section 24-124.01(c).

Master Plan Compliance

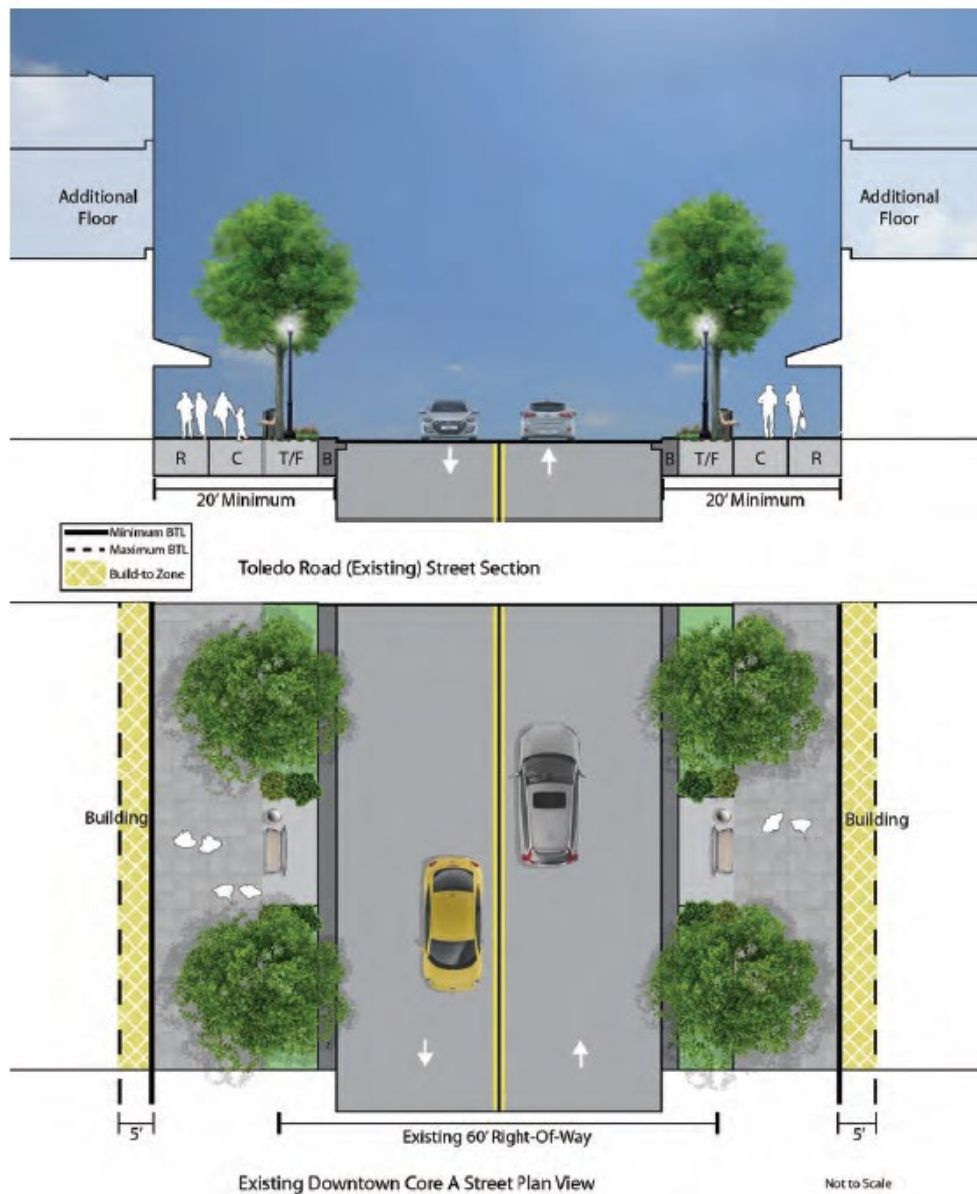
One master plan trail impacts the subject property with a wide sidewalk and pedestrian zone required along Toledo Road. The MPOT reaffirms the need for sidewalk improvements with the Complete Streets policies copied below:

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.

Review of the On-Site Pedestrian Network: Consistent with the policies of the MPOT, sidewalks are recommended along all road frontages and internal roads. Sidewalk access to building entrances and through large expanses of surface parking are also appropriate. Internal sidewalk access and bicycle parking will be evaluated in more detail at the time of DSP. Compliance with the TDDP street section (see Figure 12 copied below) for Toledo Road shall be demonstrated at the time of DSP.

Figure 12. Toledo Road (Existing) Illustrative Street Section



Review of the Proposed Off-Site Improvements: The applicant has proffered the installation of an Americans with Disabilities Act (ADA) compatible sidewalk along approximately 320 linear feet of Adelphi Road and additional pedestrian crossing improvements at the intersection of Toledo Road and Adelphi Road. These improvements will complement the improvements already required for PPS 4-18022. The two exhibits copied below show the limits of the sidewalk work proffered for PPS 4-19033 and required for PPS 4-18022.



Pedestrian Improvement
Locations

Exhibit
1

Off-site sidewalk proffered for 4-19033 (subject site)



Pedestrian Improvement
Locations

Exhibit
1

Off-site sidewalk required for 4-18022 (adjacent site)

The sidewalk retrofit and pedestrian crossing upgrades proffered by the applicant are appropriate off-site improvements per Section 24-124.01(d). The on- and off-site sidewalks proposed with the subject application will improve ADA and pedestrian access to the Prince George's Plaza Metro Station for both the future residents of the subject site and the surrounding community.

Demonstrated Nexus Finding

The off-site sidewalk and pedestrian crossing upgrades proffered by the applicant will improve both ADA and pedestrian access to the Prince George's Plaza Metro Station for future residents of the subject site. The site is within the 0.5-mile walking distance of the Metro station, and the improvements will accommodate multi-modal access in the transit district and will directly benefit the residents of the site by providing a more accessible and pedestrian-friendly environment.

Finding of Adequate Bicycle and Pedestrian Facilities

Based on the requirements and criteria contained in Section 24-124.01, the sidewalks proposed by the applicant on-site, and the sidewalk and crosswalk improvements proffered off-site, the bicycle and pedestrian facilities are adequate to serve the subject property. The sidewalk and crosswalk improvements will accommodate safe pedestrian access from the subject site to the Prince George's Plaza Metro Station and provide a more accessible and pedestrian-friendly environment in the transit district. The off-site improvements proffered are within the specified cost cap in Section 24-124.01(c) and improves the sidewalk network consistent with guidance of Section 24-124.01(d).

7. **Transportation**—Transportation findings related to adequacy are made with this application, along with any determinations related to dedication, access, and general subdivision layout. Circulation is proposed by means of private streets. Access is proposed from public streets contained within the abutting Dewey Property, which are not yet dedicated.

Analysis of Traffic Impacts

The application is a PPS for a plan that includes residential and commercial uses. The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines). Pass-by and internal trip capture rates are in accordance with the *Trip Generation Handbook* (Institute of Transportation Engineers). The table below summarizes trip generation in each peak-hour that will be used in reviewing traffic for the site:

Trip Generation Summary: 4-19033: Dewey East								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Multifamily (within mixed-use building)	340	Units	35	142	177	133	71	204
Multifamily (within townhouse-style buildings)	40	Units	6	22	28	21	11	32
Net Residential Trips			41	164	205	154	82	236
Retail	2,000	square feet	1	1	2	14	16	30
Less Pass-By (40 percent)			0	0	0	-8	-10	-18
Net Retail Trips			1	1	2	6	6	12
Total Proposed Trips for 4-19033 (sum of all bold numbers above)			42	165	207	160	88	248

The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way, stop-controlled intersections a three-part process is employed: (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.

For all-way, stop-controlled intersections a two-part process is employed: (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.

A June 2019 traffic impact study was submitted and accepted as part of this PPS. The following tables represent results of the analyses of critical intersections under existing, background, and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Belcrest Road at Toledo Terrace	103.6*	232.5*	--	--
Belcrest Road at Toledo Road	590	910	A	A
Adelphi Road at Belcrest Road	902	1,034	A	B
Adelphi Road at Toledo Road	558	685	A	A
Toledo Road at south site access	Future	--	--	--
*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.				

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." Background traffic has been developed for the study area using a listing of five approved developments in the area. A 1.0 percent annual growth rate for a period of six years has been assumed. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Belcrest Road at Toledo Terrace	925.9*	+999*	--	--
Belcrest Road at Toledo Road	830	1,089	A	B
Adelphi Road at Belcrest Road	1,120	1,305	B	D
Adelphi Road at Toledo Road	609	759	A	A
Toledo Road at south site access	11.4*	12.6*	--	--
*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.				

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Belcrest Road at Toledo Terrace (standards for passing shown in parentheses)				
Delay Test (50 seconds or less)	+999*	+999*	Fail	Fail
Minor Street Volume Test (100 or fewer)	662	522	Fail	Fail
CLV Test (1,150 or less)	1,307	1,465	Fail	Fail
Belcrest Road at Toledo Road	876	1,127	A	B
Adelphi Road at Belcrest Road	1,137	1,333	B	D
Adelphi Road at Toledo Road	643	817	A	A
Toledo Road at south site access	13.7*	16.4*	--	--
*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standards. According to the Guidelines, all three tests must fail in order to require a signal warrant study.				

The table above notes only a single inadequacy in one or both peak hours. The intersection of Belcrest Road and Toledo Terrace will fail as an unsignalized intersection under total traffic. Consistent with standard practices, it is recommended that the applicant perform a traffic signal warrant study at this location and install a signal or other improvement that is deemed warranted by the operating agency (in this case, the County). This signal study and any installation shall be tied to development within proposed Parcels 1 and 2.

A trip cap, consistent with the trip generation assumed for the site, of 207 AM and 248 PM peak-hour vehicle trips, is recommended.

Master Plan Rights-of-Way

Toledo Road, abutting the subject site to the south, is a master plan commercial roadway with a proposed width of 60 feet. The current right-of-way width is adequate along Toledo Road, and no additional dedication is required with this plan. It is noted that the TDDP prescribes streetscape requirements, and so frontage improvements must be consistent with the TDDP. These improvements will be evaluated during review of the DSP.

Access and Circulation

Access and circulation will be provided by a system of private and public streets contained within the abutting PPS 4-18022, and will be reviewed further during the review of the DSP for this site. The public streets contained within PPS 4-18022 must be platted prior to the platting of the subject site in order to provide the necessary access.

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

8. **Schools**— Per Section 24-122.02, the Planning Board shall analyze school facilities at the time of PPS. The analysis has been conducted and the results are as follows:

Impact on Affected Public School Clusters by Dwelling Units

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Multifamily Dwelling Units	380 DU	380 DU	380 DU
Pupil Yield Factor	0.119	0.054	0.074
Total Future Subdivision Enrollment	45	21	28
Actual Enrollment in 2018	9,602	4,452	5,514
Total Enrollment	9,647	4,473	5,542
State Rated Capacity	8,780	4,032	5,770
Percent Capacity	110%	111%	96%

Section 10-192.01 of the Prince George's County Code establishes school surcharges and an annual adjustment for inflation. The current amount is \$9,741, as this project falls inside of the I-95/I-495 Capital Beltway. This fee is to be paid at the time of issuance of each building permit.

- 9. Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated October 21, 2019 (Thompson to Simon), provided in the backup of this technical staff report and incorporated herein by reference.

The 2008 *Water and Sewer Plan* designates the subject parcel in a dormant Water and Sewer Category 3, inside the Sewer Envelope, in the Developing Tier (now the Growth Tier), and within Tier 1 under the Sustainable Growth Act, for development on public sewer. A dormant Category 3 is considered a Category 4 designation although the maps have not been amended (2008 *Water and Sewer Plan*, Section 2.1.2). The site is currently undeveloped reflecting only a parking facility. Renewal of Category 3, obtained via the Administrative Amendment process, must be approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPiE) before recordation of a final plat.

- 10. Use Conversion**—The total development included in this PPS includes 380 multifamily dwelling units and 2,000 square feet of commercial in the M-U-I 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 reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
- 11. Public Utility Easement (PUE)**—Section 24-122(a) requires that, when utility easements are required by a public company, the subdivider shall 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 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public rights-of-way of Toledo Road and Public

Road B (to be dedicated). The applicant is requesting a Variation from Section 24-122(a) in order that a 10-foot-wide PUE not be provided along Public Road B to the west of the property.

Variation Request—Section 24-122(a) requires the following (in **BOLD**), followed by review comments:

Section 24-122. Public Facilities Requirements.

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

Access to the development pod of 40 multifamily dwelling units on the northern portion of the site (Proposed Parcel 2) is land locked without direct access to Belcrest Road or Toledo Road. Proposed Parcel 2 is connected to its immediate transportation network by Public Roads A and B of PPS 4-18022, which will need to be dedicated to public use prior to the platting of the subject property. A variation from Section 24-122(a) is requested because the applicant argues that that the site-specific constraints impact the ability to include the required PUE, in accordance with the provision above. The property is located within the Downtown Core character area of the TDDP, which requires minimum and maximum build-to lines of 15 feet to 20 feet. Within the minimum character area standards of 15 feet, a 6-foot tree zone and a 5-foot walk is required. The applicant argues that requiring the inclusion of a 10-foot PUE would exceed the character area standards and make the 20-foot maximum standards for the build-to line requirements of the TDDP impossible to achieve. The applicant has requested a variation from this requirement, in accordance with Section 24-113, which sets forth the following required findings for approval of a variation (in **BOLD**), followed by staff review comments:

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:**

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

The subject property consists of two proposed parcels. Proposed Parcel 1 is oriented with southern frontage on Toledo Road, which will have a

10-foot-wide PUE along, and contiguous to, the right-of-way. Proposed Parcel 2 is north of Parcel 1 and abuts Public Road B, which was approved as part of PPS 4-18022. The Dewey Property surrounds and abuts the subject site on all sides, and the development proposed for this PPS is planned as an extension of the development in the Dewey Property. The applicant argues that the public roads surrounding the adjoining Dewey Property will provide the PUEs necessary to serve Parcel 2. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to 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 applicant is requesting approval of the variation due to circumstances that are specific to the site, including its shape, abutting environmental features, and proposal to provide a unified development plan with the abutting site. Providing the required 10-foot PUE, in addition to the required sidewalk and tree zone, would exceed the TDDP's maximum build-to line requirement. These features establish the unique conditions of the subject site, which are not generally applicable to other properties.

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

The variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. This variation request was referred to the affected utility companies. None of the utility companies provided comments on the application. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation.

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

The site is surrounded on three sides by the Dewey Property, resulting in the subject property's unusual shape. The Dewey Property is planned to provide a regional SWM facility abutting the eastern property line of the subject site. As such, the subject site and the Dewey Property are planned to maximize development west of the stormwater facility, which consists of steep slopes. The property is also located within the Downtown Core character area of the TDDP, which requires a minimum and maximum build-to lines of 15 feet to 20 feet. Within the minimum character area standards of 15 feet, a 6-foot tree zone and a 5-foot sidewalk are required. The combination of the physical surroundings, unusual property shape, topographical conditions, and development goals for the area create a hardship towards meeting the 10-foot-wide PUE requirement.

- (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-U-I; therefore, this provision does not apply.

Staff finds the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to Plan 2035 and area master plan (TDDP).

Therefore, staff recommends **approval** of the variation from Section 24-122(a) to eliminate the requirement of a PUE along Public Road B.

12. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any Prince George's County historic sites or resources. A Phase I archeology survey is not recommended. This proposal will not impact any historic sites, historic resources, or known archeological sites.
13. **Environmental**— The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
CSP-00024	TCPI-035-00	District Council	Approved	01/08/2001	N/A
N/A	NRI-120-05-01	Staff	Approved	07/26/2018	N/A

The previously approved Type I Tree Conservation Plan (TCPI-035-00) covers a larger area, which is made up of two subareas, identified on the plan as Subarea 2 and Subarea 3. The subject site is designated as Subarea 2. Because the TCPI shows a separate worksheet for each subarea, it was intended for each subarea to be processed as separate Type II tree conservation plans (TCPII). A TCPII was processed for Subarea 3 separately and did not include Subarea 2 in determining the woodland conservation requirement. No future development applications were approved and/or implemented for Subarea 2. Therefore, a new TCP can be established for the subject site.

Subsequently, PPS 4-18022 and TCP1-005-2019 were approved for a portion of Subarea 2, which includes off-site SWM that must be constructed prior to the proposed site improvements that are being evaluated with this PPS and TCP1 revisions application. The

TCP1 covers a larger area than the subject application because the grading permit for this project will require clearing and grading on land beyond the limits of the application.

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to the 2010 *Prince George's County Woodland and Wildlife Habitat Conservation Ordinance* (WCO) and the Environmental Technical Manual.

Plan Prince George's 2035 Approved General Plan

The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035 and part of the Prince George's Plaza Metro Regional Transit Center. According to Plan 2035, such centers are areas targeted for development and redevelopment. These are areas of the County where the economic benefits of development help the entire County prosper. These areas represent a unique opportunity to attract economic development, capitalize on investments in mass transit facilities, and provide opportunities for mixed-use and transit-oriented development. The current application is in general conformance with the zoning requirements and the intent of the growth pattern established in Plan 2035.

Countywide Green Infrastructure Plan

The site is not located within any regulated or evaluation areas of the designated Network of the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (May 2017).

Based on the proposed layout, the project demonstrates substantial conformance with the applicable policies and strategies of the 2017 *Countywide Green Infrastructure Plan*.

Area Master Plan Conformance

The site is located within the Downtown Core Land Use Character Area of the TDDP. In the TDDP and T-D-O Zone, the Natural Environment section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Policy NE1: Manage stormwater volumes through a combination of measures to reduce impacts on receiving streams and downstream properties.

Policy NE2: Restore and improve water quality in the Northwest and Lower Northeast Branch watersheds.

This application will utilize a proposed off-site regional pond facility that will be constructed immediately to the east of the site on Parcel 4 to address water quality and quantity control.

Policy NE3: Increase tree canopy coverage and reduce the amount of connected impervious surfaces within the Transit District.

The Urban Design Section will review for conformance with the tree canopy coverage ordinance and impervious surfaces.

Policy NE4: Encourage the integration of green building techniques into all building designs to help reduce overall energy and water consumption.

Green building techniques and energy conservation techniques should be used as appropriate. The use of alternative energy sources such as solar, wind, and hydrogen power is encouraged.

Policy NE5: Address adverse impacts of transportation-related noise.

The site is adjacent to, but not abutting, an arterial roadway (Adelphi Road). However, the site complies with the minimum lot depth adjacent to an arterial roadway, in accordance with Section 24-121(a)(4). The Urban Design Section will review for potential noise impacts from the arterial roadway at the time of the DSP review, if deemed necessary.

ENVIRONMENTAL REVIEW

Natural Resources Inventory/Existing Conditions

The site has an approved Natural Resources Inventory Plan (NRI-120-05-01), which correctly shows the existing conditions of the property. No specimen or historic trees are associated with this site. No regulated environmental features such as streams, wetlands, 100-year floodplain, associated buffers, and PMA are located on-site. The existing conditions are correctly shown on the TCP1 and PPS.

Woodland Conservation

The site is subject to the provisions of the WCO because the property is greater than 40,000 square feet and is subject to a previously approved TCP1. A TCP1 has been submitted for review and has been assigned the "-01" revision number to TCP1-005-2019, which was approved with the surrounding PPS, 4-18022. The TCP1 covers a larger area than the subject application because the grading permit for this project will require clearing and grading on land beyond the limits of the application for purposes of balancing the cut and fill dirt on the overall site, as well as installation of the SWM pond needed to serve this site. The subject application contains no existing woodlands on the net tract; however, it is a phase within the overall TCP1. The worksheet shown on the plan must be revised to a phased worksheet and to address the phasing requirements with Phase 1 being the area previously approved with 4-18022 and TCP1-005-2019, while Phase 2 will include the area under 4-19033 and TCP1-005-2019-01.

By staff's calculations, the clearing for the overall site creates a woodland conservation requirement of 10.36 acres. This requirement is proposed to be met entirely off-site in keeping with Plan 2035, Master Plan, and TDDP/T-D-O Zone goals for development and redevelopment of such centers.

The TCP1 requires additional minor technical revisions, which are included in the conditions.

Preservation of Regulated Environmental Features/Primary Management Area

Section 24-130(b)(5) requires subdivision applications to demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible.

There are no regulated environmental features on the subject property. Therefore, no findings with regard to Section 24-130(b)(5) are required.

Soils

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Urban Land-Russett-Christiana Complex (0–5 percent slopes), and Issue Urban Land Complex. Although soils containing Marlboro clay have not been identified on this site, unsafe soils containing Christiana complexes have been identified on-site. The footprint of the multifamily buildings and parking garage are proposed to be constructed immediately adjacent to proposed steep slopes in excess of 40 percent associated with the proposed pond embankment located off-site on proposed Parcel 3. According to DPIE, when existing or proposed steep slopes exceed 20 percent on unsafe soils, government agencies should insist on submitting a full geotechnical report that includes a Global Stability Analysis with the proposed (mitigated) 1.5 safety factor line (SFL) determined and shown on the report plan and on any supporting plans, submitted for County review and approval. The Site Road Division of DPIE will make this determination at the time of SWM concept review.

Christiana Complex Soils

The SWM concept plan and slope stability analysis is still under review by DPIE. A detailed analysis and mitigation, if necessary, will be addressed with the approval of the SWM concept plan. Prior to signature approval of the PPS, the applicant shall demonstrate conformance with Section 24-131 of the Subdivision Regulations for unsafe soils, by submitting an approved SWM concept plan that clearly delineates the location of any associated 1.5 SFL, as well as any accompanying building restriction lines that are required by DPIE. The layout on the SWM concept plan must conform to the layout of the proposed DSP for this site. An amended SWM concept plan and slope stability analysis, which reflects the final layout, will be required.

Based on the level of design information currently available, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, based on the LOD shown on the impact exhibits and the tree conservation plan submitted for review.

- 14. Urban Design**—Conformance with the Requirements of the Zoning Ordinance and T-D-O Zone Standards of the TDDP are evaluated, as follows:

In accordance with the TDDP, the T-D-O Zone standards replace comparable standards and regulations required by the Zoning Ordinance. Wherever a conflict between the TDDP and the Zoning Ordinance or Landscape Manual occurs, the TDDP shall prevail. For development standards not covered by the TDDP, the Zoning Ordinance or Landscape Manual shall serve as the requirements as stated in Section 27-548.04 of the Zoning Ordinance. Specifically, the proposed development of 380 multifamily residential dwellings and 2,000 square feet of commercial will be subject to DSP approval, when the review for conformance with

applicable T-D-O Zone standards will be analyzed. There is no previously approved DSP governing this site.

The T-D-O Zone standards that are relevant to the review of this PPS are discussed, as follows:

- The maximum density in the M-U-I Zone for multifamily residential development only is 48 dwelling units per acre.
- The T-D-O Zone standards in Table 42 (page 211 and 212) have specific requirements for building orientation, and minimum frontage zone depth for development fronting on the existing public streets system, including Toledo Road and proposed Road B. The applicant should make certain that the following requirements can be accommodated:

	Toledo Road	DC B Street
Building Orientation	Front, side	Front, side
Total Frontage Min. Depth/Build-To Line	20'	15'
Total Frontage Max. Depth/Build-To Line	25'	20'
New Driveway permitted	No	Yes

- The subject site is envisioned in the TDDP with termini and visually interesting features. Special corner buildings are expected at the intersection of Belcrest Road and Toledo Road to the west of the subject property. The review of the architecture will be carried out at time of DSP to ensure conformance with these requirements.

Conformance with the 2010 Prince George's County Landscape Manual

The T-D-O Zone standards have one part under the title Landscape, specifically discussing the applicability of each section of the Landscape Manual within the TDDP area. For those landscaping standards not covered by the TDDP, the Landscape Manual should serve as the requirement (page 194). It should be noted that Section 4.7, Buffering Incompatible Uses does not apply within the TDDP. This project's conformance with the applicable landscape standards will be reviewed at time of DSP.

Conformance with the Tree Canopy Coverage Ordinance

Section 25-127(b)(1)(l) of the County Code of Ordinances states that properties subject to tree canopy coverage (TCC) requirements contained in an approved T-D-O Zone are exempt from the TCC requirements contained in this Division. TCC requirements for the T-D-O Zone shall be met through the provision of street, on-site, and other trees preserved by the applicant or provided to comply with other T-D-O Zone standards and guidelines (page 247). Compliance with T-D-O Zone TCC requirements will be further evaluated at the time of DSP.

Other Urban Design Issues

The subject site is surrounded by Dewey Property on the north, east and west sides. Future design of the subject site should be considered in a unified design scheme with the surrounding Dewey Property to make sure that the special corner building, termini, and visually interesting features as required by TDDP are coordinated and included in the

development of this large urban block. In addition, if the subject site is developed prior to Dewey Property, the design of both the west and south frontages of this site should be the focus of the DSP review so that enough visual articulation will be included to create interesting streetscapes. Any parking structure should not have entrances that dominate the street façades and should have the minimal opening permitted by the building code along all frontages.

15. **City of Hyattsville**—In a memorandum dated October 21, 2019 (Powers to Hewlett), the City of Hyattsville recommend approval of this application, subject to the following conditions:

- **The applicant shall include in its plan a Transportation Demand Management (TDM) strategy that complements the objectives of the 2015 Prince George's Plaza Transit Development District Plan, prioritizes multimodal transportation options and goes beyond proximity to Metro.**

The recommendations of the Planning Department and the bikeshare program being implemented by Prince George's County Department of Public Works and Transportation (DPW&T) support transportation demand management strategies on and in the vicinity of the subject site, as follows:

- a. This PPS is subject to the bicycle/pedestrian adequacy requirements. In addition to providing a comprehensive sidewalk network on-site, the applicant is also constructing a needed off-site sidewalk along Adelphi Road. This will complete a gap in the network along a major road leading to Metro and accommodate ADA access within the transit district.
- b. Relatedly, the Dewey Property was also subject to the bicycle/pedestrian adequacy requirement and is also constructing sidewalk and ADA improvements along Adelphi Road. The sidewalk improvements being proposed/approved for 4-19033 and 4-18022 both on- and off-site will complete the ADA compatible sidewalk connection around the block surrounded by Belcrest Road, Toledo Road, and Adelphi Road. This will facilitate pedestrian trips in the transit district and reduce the need for some automobile trips in the area.
- c. DPW&T is expanding the regionwide bikeshare system into Prince George's County, including the Hyattsville area. DPW&T has installed approximately 10 bikeshare stations in Prince George's County, with most focusing on the US 1 corridor south of Hyattsville. The county plans to expand bikeshare throughout the Hyattsville area, including the Prince George's Plaza transit district.
- d. Lastly, the Landy Property (4-17007) will be providing a bikeshare station that will serve the subject property. This site is directly across Belcrest Road from the subject site. The installation of the station at the Landy Property will supplement the county's efforts to expand bikeshare into Hyattsville.

Additional on-site improvements may be considered at the time of DSP.

- **Through referral of this PPS application, the applicant shall coordinate with the Prince George's County Department of Public Works & Transportation**

(DPW&T) to evaluate the level of service at the intersection of Belcrest Road and Toledo Terrace.

This application has been referred to the Prince George's County Department of Public Works and Transportation, and staff has conducted an analysis of the level of service and recommends a signal warrant study at the intersection of Belcrest Road and Toledo Terrace.

- **The applicant shall dedicate outdoor public space, through either a Public Access Easement or dedication of public right of way, for use by the general public.**

The subject site is exempt from the requirement of mandatory parkland dedication. However, the site is directly west of the Wells Run Greenway, which is planned for a regional SWM facility as part of the abutting PPS 4-18022. PPS 4-18022 contains provisions for the incorporation of public trails within the greenway.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of this preliminary plan of subdivision, the following revisions shall be made to the plan:
 - a. Revise all plan labels indicating the site's zoning as solely Mixed Use-Infill to include Transit District Overlay.
 - b. Revise all plan labels indicating the site's location on Prince George's County Tax Maps as solely Tax Map 41-A1, to include the site is also within Grid A2.
 - c. The Type 1 tree conservation plan shall be revised to meet all the requirements of Subtitle 25. Required changes include but are not limited to:
 - (1) Updating the tree conservation plan worksheet as necessary using the phased worksheet.
 - (2) Update the tree conservation plan approval block, as follows:
 - (a) Add the tree conservation plan number to the block.
 - (b) Add the initial tree conservation plan approval information into the approval block.
 - (3) Remove the QR code stamp from the tree conservation plan.
 - (4) Identify all existing regulated environmental features on the tree conservation plan as reflected on the approved natural resources inventory. Specifically, show the primary management area with a darker and more legible symbol and identify the primary management area in the legend.

- (5) Increase the size of the symbol used to represent the proposed limit of disturbance on the tree conservation plan, so it is clearly distinguishable on the plan.
 - d. Delineate and label the sidewalks along the subject site's frontage of both Public Road B and Toledo Road.
2. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan (34347-2018-0) or any subsequent revisions.
3. Prior to signature approval of the preliminary plan of subdivision, an approved stormwater concept plan shall be submitted and demonstrate whether unsafe soils are present on-site. If present, prior to approval, the detailed site plan must clearly delineate the location of any associated safety factor lines, as well as any accompanying building restriction lines that are required by Prince George's County Department of Permitting, Inspections and Enforcement.
4. Total development within the subject property shall be limited to uses which generate no more than 207 AM and 248 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
5. Prior to approval of the initial detailed site plan proposing development within Parcel 1 and/or Parcel 2, the applicant shall submit an acceptable traffic signal warrant study to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and/or the Prince George's County Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Belcrest Road and Toledo Terrace/site access. The applicant shall utilize a new 12-hour count and shall analyze signal warrants under total future traffic, as well as existing traffic at the direction of the County. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with DPIE/DPW&T prior to release of any building permits within Parcels 1 or 2, and complete installation at a time when directed by DPIE/DPW&T.
6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-005-2019-01). 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 (TCP1-005-2019-01), 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 (WCO). 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 (M-NCPPC), Prince George's County Planning Department."

7. Prior to acceptance of the detailed site plan, the application package shall include the following items or information:
 - a. An exhibit that illustrates the location, limits, specifications and details of the off-site sidewalk and pedestrian crossing improvements, consistent with Section 24-124.01(f) and the cost cap in Section 24-124.01(c).
 - b. Demonstrates compliance with the TDDP street section for Toledo Road as modified (if necessary) at the time of detailed site plan in accordance with Section 27-548.08(c)(3), or a comparable Department of Public Works and Transportation Urban Street Design Standard.
8. 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 one or more of the following required adequate pedestrian and bikeway facilities as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations and the cost cap in Part (c), 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. Construct a 5-foot-wide, Americans with Disabilities Act-compliant sidewalk within the public right-of-way, along the western side of Adelphi Road, as shown on the off-site bicycle pedestrian impact statement improvements exhibit, subject to the cost cap in subsection (c).
 - b. Improve the pedestrian facilities at the Toledo Road and Adelphi Road intersection with crosswalk restriping and upgrades to the ADA ramps and push buttons where necessary.
9. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall include on the final plat;
 - a. Grant of a 10-foot-wide public utility easement along Toledo Road.
 - b. A note indicating that a variation from Section 24-122(a) of the Subdivision Regulations is approved, pursuant to the approved preliminary plan of subdivision, and no public utility easement is required along Public Road B abutting the property east.
10. Prior to approval of the final plat, Public Roads A and B as reflected on Preliminary Plan of Subdivision 4-18022 shall be dedicated to public use.
11. A substantial revision to the uses on the subject property that affect Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.

STAFF RECOMMENDS:

- Approval of Preliminary Plan of Subdivision 4-19033
- Approval of Type 1 Tree Conservation Plan TCP1-005-2019-01
- Approval of a Variation from Section 24-122(a)