

July 30, 2009

MEMORANDUM:

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: James Jordan, Senior Planner

SUBJECT: Conceptual Site Plan, SP-00039  
Transit District Secondary Amendment, TS-00039A  
KFC/A&W, Ager Road

The Urban Design staff has reviewed the Conceptual Site Plans for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions.

EVALUATION

The Conceptual Site Plan was reviewed and evaluated for conformance with the following criteria:

- a. Conformance to the requirements of the West Hyattsville Transit District Overlay Zone (TDOZ).
- a. Conformance to the requirements of the Prince George's County Zoning Ordinance and the *Landscape Manual*.
- c. Referrals.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. Location: The subject property is located in the northeast quadrant of the intersection of Ager Road and Hamilton Street. The site is bounded to the south by the Hamilton Street right-of-way; to the north by a 20-foot-wide public alley and occupied residential properties Zoned C-S-C and R-55; to the east by retail/office property Zoned M-X-T; and to the west by the Ager Road right-of-way.

2. The Proposed Development: The purpose of the subject application is for approval of a Conceptual Site Plan for a Kentucky Fried Chicken (KFC)/A&W fast food restaurant on a site of approximately 1.1 acres in the M-X-T Zone. The structure is proposed to be 3,093 square feet of gross floor area, approximately 25 feet high, and will have a trademark pylon sign. The application consists of a Conceptual Site Plan and a Type I Tree Conservation Plan. Access to the subject property will be via both Ager Road and Hamilton Street.
3. Background: The *West Hyattsville Transit District Development Plan (TDDP) for the Transit District Overlay Zone (TDOZ)* (1998) was approved by the District Council on July 23, 1998, per Zoning Ordinance No. 15-1998.
4. The proposed site development data for the subject application is as follows:

	Zone	M-X-T
Gross/Net Tract Area		1.1 acres
Proposed Use		Fast Food

5. Conformance with the Required Findings of the TDOZ Plan: The findings required for approval of a Conceptual Site Plan within the West Hyattsville Transit District Overlay Zone (TDOZ) are found in Section 27-548.08(c) of the Zoning Ordinance and are also found on p. 23 of the Approved and Adopted Transit District Development Plan (TDDP). Those required findings are addressed as follows:

- a. **The Transit District Site Plan is in strict conformance with any Mandatory Development Requirements of the TDDP.**

Comment: The Transit District Site Plan as proposed is in strict conformance with all applicable Mandatory Development Requirements for Subarea 4A of the TDDP, with the following qualifications:

- a. Secondary Requirement S5 (p. 29) provides that “All primary and secondary pedestrian routes shall be constructed using special paving materials”.

All property frontages within Subarea 4A have recently undergone extensive redevelopment. The said redevelopment includes the provision of streetscape elements throughout. The streetscape elements include concrete sidewalks with brick paver accents and brick paver crosswalks. Staff believes that this comprehensive approach with respect to the pedestrian circulation network has thus satisfied the stated requirements. Given the development that has already occurred within the commercial area, the said requirement has been addressed.

- a. **The Transit District Site Plan is consistent with, and reflects the Site Design Guidelines and criteria contained in, the TDDP.**

Comment: The Transit District Site Plan is generally consistent with, and reflects the Site Design Guidelines and criteria contained in the TDDP.

- a. **The Transit District Site Plan meets all of the requirements of the TDOZ and applicable regulations of the underlying zones.**

Comment: The Transit District Site Plan will meet all of the requirements of the TDOZ if the provisions of the proposed conditions below are fulfilled. The Transit District Site Plan is in conformance with all applicable regulations of the underlying M-X-T Zone.

- a. **The location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency and are adequate to meet the purposes of the TDOZ.**

Comment: The building is sited up to, and on, the southwest property line as required by the TDOZ plan. Parking is significantly set back from both adjacent rights-of-way and poses minimal conflicts with the proposed pedestrian circulation, and the location of the loading area is appropriately located given the building siting. The location of signs, open space, and landscaping are appropriate given the proposed use. Safety and efficiency will be maximized, and the proposed layout is adequate to meet the purposes of the TDOZ.

- a. **Each structure and use, in the manner proposed, is compatible with other structures and uses within the transit district and with existing and proposed adjacent development.**

Comment: All structures and uses on the KFC/A&W site are, in the manner proposed, compatible with the other structures along the Hamilton Street commercial corridor (Subarea 4A), with other structures and uses in the Transit District, and with existing and proposed adjacent development.

6. **Conformance with the Requirements of the TDOZ Plan in the M-X-T Zone:** The findings required for approval of a Conceptual Site Plan in the M-X-T Zone within the West Hyattsville Transit District Overlay Zone (TDOZ) are found on p. 23-24 of the Approved and Adopted Transit District Development Plan (TDDP). Those required findings for development in the M-X-T Zone are addressed as follows:

- (i) **The proposed development is in conformance with the purposes and other provisions of this division;**

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Comment: The proposed development is in conformance with the purposes and other provisions of this Division. In general, the proposed development will create a dynamic, functional relationship among existing and proposed uses with the potential for a distinctive visual character and identity.

- (i) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

Comment: The proposed development has an outward orientation, with the main entrance to the facility sited up near the intersection of Hamilton Street and Ager Road. As previously stated in Finding No. 5, the existing commercial, retail, and office spaces within Subarea 4A along Hamilton Street have recently undergone extensive redevelopment efforts. Staff believes that the applicant has not only endeavored to physically and visually integrate the proposed development with the existing adjacent development, but also catalyzed adjacent community improvement as evidenced by the exterior material samples, perspective drawings, and rendering of both the existing and proposed structures which demonstrated a concerted, comprehensive approach to the development of the entire subarea. Staff believes that the infusion of quality commercial, retail, and office components in this area will ultimately improve the quality of life and present a positive image for the community as a whole.

- (i) **The proposed development is compatible with existing and proposed development in the vicinity;**

Comment: Given that the surrounding community is comprised of residential, commercial, retail, and small scale office development, staff believes that the proposed development is compatible with, and complementary to, existing and proposed development in the vicinity.

- (i) **The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

Comment: The mix of proposed and existing uses, and the arrangement and design of buildings and other improvements, when coupled with their proximity to the West Hyattsville subway station, will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability that will encourage an active commercial entity beyond the typical 9-5 workday with the provision of a signature prototype fast food restaurant.

- (i) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

Comment: The subject development proposal will not be staged.

- (i) **The pedestrian system is convenient and comprehensively designed to encourage pedestrian activity within the development;**

Comment: In general, the pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development, along the entire Hamilton Street commercial corridor (Subarea 4A), along Ager Road, and to and from the metro station.

- (i) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design,**

**and other amenities, such as types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial).**

Comment: This requirement is not applicable.

The Conceptual Site Plan is in general conformance with the regulations governing development in the M-X-T Zone.

7. Conformance to the Requirements of Section 27-213.06 of the Prince George's County Zoning Ordinance: Section 27-213.06 of the Zoning Ordinance sets forth the requirements for Amendments of Approved Transit District Overlay Zone. The applicant has applied for an amendment to S31 of the TDOZ Plan, p. 70, which requires the following:

**Afforestation of at least 10 percent of the gross tract shall be required on all properties within the West Hyattsville Transit District currently exempt from the Woodland Conservation Tree Preservation Ordinance. Afforestation shall occur on-site or within the Anacostia Watershed in Prince George's County with priority given to riparian zones and nontidal wetlands, particularly within the Northwest Branch sub-watershed.**

Specifically, Section 27-213.06 (c)(3)(B) states the following:

**The Planning Board may only approve a requested Secondary Amendment of a Transit District Development Plan if it makes the following findings:**

- (i) **The requested Secondary Amendment is in compliance with the requirements for the approved Transit District Development Plan as set forth in Section 27-548.08(c);**

Comment: Although the applicant has proposed an amendment to the said requirement, staff believes that it is minor in that the required quantities of afforestation are not requested to be altered, only the specific location, thus the requirements of S31 will be fulfilled. The requested Secondary Amendment is in compliance with the requirements for the approved Transit District Development Plan as set forth in Section 27-548.08(c).

- (i) **The requested Secondary Amendment is in conformance with the purposes of the Transit District Overlay Zone; and**

Comment: The requested Secondary Amendment is in conformance with, and does not alter the purposes of the Transit District Overlay Zone.

- (i) **The original intent of the Transit District Development Plan element or mandatory requirement being amended is still fulfilled with the approval of the requested Secondary Amendment.**

Comment: As previously stated, the requested amendment only alters the specific location in which the required afforestation will occur. The afforestation quantities will meet the minimum requirements, thus the original intent of the Transit District Development Plan element of mandatory requirement being

amended is still fulfilled with the approval of the requested Secondary Amendment.

For a detailed discussion of the request to amend S31 see Finding No. 8 below.

8. Environmental Planning: The subject application was referred to the Environmental Planning Section and in a memorandum (Finch to Jordan) dated December 13, 2000, the following comments were provided:

“The Environmental Planning Section has reviewed the above concurrent applications for a site in Subarea 4A of the West Hyattsville Transit District Overlay Zone and provides the following comments based on additional information received from the applicant in response to a previous memo dated November 27, 2000, and to a secondary amendment request (TSA-00039A) to the West Hyattsville Transit District Development Plan. This memo supercedes the previous memo. The Environmental Planning Section is recommending APPROVAL of the above applications, subject to conditions.

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“Background

“Parcel A-13 is a 1.125 acre parcel in the M-X-T zone, and is part of Subarea 4A within the West Hyattsville Transit District Overlay Zone. The site is subject to review under the requirements of the M-X-T zone; district-wide requirements and guidelines of the West Hyattsville Transit District Development Plan (June 1998); and mandatory development requirements and site design guidelines for Subarea 4A.

“The total area of Subregion 4a is 2.10 acres, which consists of thirteen small parcels, A-1 through A-13. The Conceptual and Detailed Site Plan proposal submitted is for a Kentucky Fried Chicken/A&W Restaurant on 0.655 acres which is part of Parcel A-13, within Subarea 4A.

“The Conceptual and Detailed Site Plans submitted excludes 0.47 acres of Parcel A-13, because the proposed lease area is only 0.655 acres. Since woodland conservation requirements apply to legal property boundaries, not lease lines, the Tree Conservation Plan Type I and II needs to follow the property boundaries, and the requirement will be based on the 1.125 acre site.

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“Site Description

“Parcel A-13 is currently part of an established neighborhood shopping center. Most of the site is intensely developed with parking and commercial structures, with no interior green space or commercial landscape strips. Development of this site predates current woodland conservation and stormwater management requirements.

“No streams, 100-year floodplain, or nontidal wetlands have been identified on the plans submitted. The underlying soils in this area are in the Elsinboro series, which should pose no special difficulties to redevelopment.

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“Submittal Requirements

- “1. “The previous environmental referral stated that under Submittal Requirements Conceptual Site Plan, # 5 the following information is required: “All existing and proposed improvements within a 200-foot radius of the subarea’s boundaries.”

*“Comment: The Urban Design Review Section has made a determination that this requirement has been satisfactorily addressed by the Conceptual Site Plan as submitted.*

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“M-X-T Requirements

- “2. “Sec. 27-548 (d) states that:  
“(d.) **Landscaping, screening and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**”

*“Comment: Along the north side of the 20-foot wide alley, which runs along the northern boundary of this site, is a row of single family residential structures in an intact row on Jamestown Road. Their backyards face Subarea 4A. Of the adjacent six lots (Lots 9 through 14, Block A) two are zoned C-S-C, and four are zoned for residential use. The four residentially zoned lots are outside of the TDOZ. The two commercially-zoned lots are located within the TDOZ and are part of Subarea 3. It has been determined that the alley is not included in the TDOZ, and is owned by the City of Hyattsville.*

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“Mandatory District-Wide Requirements

- “3. “Under stormwater management, Mandatory Development Requirement P24 states that:  
**“Any new development shall provide for water quality and quantity control in accordance with all Federal, State and county regulations. Bioretention or other innovative water quantity or quality methods shall be used where deemed appropriate.”**

*“Comment: DER is responsible for the enforcement of stormwater management requirements through the conceptual and technical plan approval process. The applicant has submitted a Conceptual Stormwater Management Approval Letter indicating that on-site water quality controls will be provided by the applicant.*

- “4. “Under stormwater management, Mandatory Development Requirement P25 states that:  
**“Where stormwater management cannot be provided for existing developed properties, a mandatory 15 percent green space requirements shall be provided. The green space can be incorporated into the mandatory 10 percent afforestation requirements (referred to in S31, Woodland Conservation) if it occurs on the actual property.”**

*“Comment: The applicant is not subject to the mandatory 15 percent green space requirement because stormwater management is being provided for the*

*existing property under Stormwater Management Concept Approval (Case # 8317159-2000-00).*

- “5. “Under woodland conservation, Mandatory Development Requirement S31 states that:

**“Afforestation of at least 10 percent of the gross tract shall be required on all properties within the West Hyattsville Transit District currently exempt from the Woodland Conservation and Tree Preservation Ordinance. Afforestation shall occur on-site or within the Anacostia Watershed in Prince George’s County with priority given to riparian zones and nontidal wetlands, particularly within the Northwest Branch sub-watershed.”**

*“Comment: Subarea 4A is currently exempt from the Woodland Conservation and Tree Preservation Ordinance because it contains less than 10,000 square feet of woodland. As a result, it is subject to the 10% afforestation requirement for the gross tract area. No TCP I or TCP II has been submitted for Subarea 4A, or any portion thereof.*

6. ““Under 100-year floodplain, Mandatory Development Requirement P26 states that:  
**“Any new development or reconstruction of existing development shall be in conformance with the Prince George’s County Floodplain Ordinance.”**

“Under 100-year floodplain, Mandatory Development Requirement P27 states that:

**“No development within the 100-year floodplain shall be permitted without the expressed written consent of the Prince George’s County Department of Environmental Resources.”**

“Under 100-year floodplain, Mandatory Development Requirement P28 states that:

**“If the development is undergoing subdivision, approval of a variation request shall be obtained for proposed impacts to the floodplain.”**

*“Comment: There is no indication on the plan whether or not any 100-year floodplain is located on the site, although referral to Figure 20 of the TDDP text indicates that there is no floodplain location on Subarea 4A.*

- “7. “Under nontidal wetlands, Mandatory Development Requirement P31 states that:  
**“If impacts to nontidal wetlands are proposed, a Maryland Corps of Engineers Joint Permit Application (33 Code of Federal Regulations 320 through 330) shall be required and, where required, issuance of the permit.”**

*“Comment: Figure 21 of the TDDP indicates that there are no nontidal wetlands located on Subarea 4A.*

- “8. Under noise, Mandatory Development Requirement P31 states that:  
**“Each Preliminary Plat, Conceptual and/or Detailed Site Plan shall show the 65 dBA (Ldn) noise contour based upon average daily traffic volumes at LOS E. Upon plan submittal, the Natural Resources Division shall deter-**



**mine if a noise study is required based on the delineation of the noise contour.”**

“Under noise, Mandatory Development Requirement S32 states that:

**“If it is determined by the Natural Resources Division that a noise study is required, it shall be reviewed and approved by the Natural Resources Division prior to approval of any Preliminary Plan of Subdivision, Conceptual and/or Detailed Site Plan. The study shall use average daily traffic volumes at LOS E and include examination of appropriate mitigation techniques and the use of acoustical design techniques. Furthermore, a typical cross-section profile of noise emission from the road to the nearest habitable structure is required”**

*“Comment: The 65 dBA noise contour has not been reflected on the Conceptual or Detailed Site Plan submittal, nor is this condition addressed in the notes. The applicant has provided a letter which indicates that the 65 dBA noise contour will be delineated prior to the Planning Board hearing scheduled for December 20, 2000.*

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“Mandatory Requirements for Subarea 4A

“Subarea 4A is a 2.10 acre parcel located in the northeast quadrant of Ager Road and Hamilton Street. The existing use of the site is for retail purposes. The Mandatory Development Requirements and Site Design Guidelines for Subarea 4A are not generally environmentally based, except for the following:

- “9. **“Under Subregion 4A, Mandatory Development Requirement P51 states that: “A minimum 10-foot-wide landscaped buffer and 6-foot-high opaque wood fence or wall shall be provided between Subarea 4A and adjacent single-family homes on Jamestown Road.”**

“Under Subregion 4A, Mandatory Development Requirement S42 states that: **“The required screening wall or wood fence (referred to in P51) shall be compatible with the proposed architecture.”**

*Comment: This requirement involves the mitigation of potential noise impacts and buffering of incompatible uses on adjacent residential properties.*

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“Secondary Amendment to Requirement S31

10. **““Under woodland conservation, Mandatory Development Requirement S31 states that: “Afforestation of at least 10 percent of the gross tract shall be required on all properties within the West Hyattsville Transit District currently exempt from the Woodland Conservation and Tree Preservation Ordinance. Afforestation shall occur on-site or within the Anacostia Watershed in Prince George’s County with priority given to riparian zones and nontidal wetlands, particularly within the Northwest Branch sub-watershed.”**

*“Comment: The applicant submitted a revised statement of justification on December 11, 2000, requesting an amendment to Mandatory Development Requirement S31 to allow off-site afforestation for the site to occur outside of the Anacostia Watershed, due to a paucity of afforestation sites available within the watershed.*

*“Previous applications in the Prince George’s Plaza TDDP, which also has this requirement, has led to a thorough but unproductive review of potential afforestation sites within the watershed. As a result, this amendment has been approved for other sites within the TDDP. The applicant has proposed to provide off-site afforestation on TCP II/43/99, a pre-approved woodland conservation banking site located in the Patuxent River watershed.*

The Environmental Planning Section recommends approval of CDP-00039, subject to conditions of approval which can be found in the Recommendation Section of this staff report.

9. Community Planning: The subject application was referred to the Community Planning Division, and in a memorandum (Fisher/Iraola to Dev. Review Div.) dated November 21, 2000 several concerns were raised with respect to the plans’ compliance with a number of Mandatory Development Requirements. Staff has reviewed the submitted plans for conformance with the TDDP requirements, and has met with the applicant for the purposes of reviewing all of the TDDP requirements and evaluating the proposed implementation of the said requirements. Staff believes that the initially submitted plans were in general conformance with the TDDP requirements. Furthermore, subsequent to staff’s meeting with the applicant and evaluation of all TDDP requirements, the applicant has revised the plans to demonstrate strict conformance to all Mandatory Development Requirements. All Mandatory Development Requirements have been satisfied.
  
10. Transportation: The subject application was referred to the Transportation Planning Division, and in a memorandum (Mokhtari to Jordan) dated December 12, 2000, the following comments were provided:
 

“One of the purposes of this TDDP is to ensure a balanced transportation and transit facilities network. Therefore, and for the purpose of assessing transportation needs, staff performed an analysis of all road facilities in the vicinity of the Transit District. This analysis indicated that the primary constraint to development in the transit district is vehicular congestion, particularly the congestion caused by the Single-Occupant Vehicles (SOV) trips that can be combined or converted to trips taken on the available transit service in the district. One method for relieving congestion is to reduce the number of vehicles particularly SOV, trips to and from the transit district. As result, this TDDP addresses transportation adequacy by recommending a number of policies for managing the surface parking supply in the transit district, and by adopting Level-of-Service E (LOS E) as the minimum acceptable operating standard for transportation facilities. Among the most consequential of these are:

  - “1. “Establishment of a Transit District-wide cap on the number of additional parking spaces (900 Preferred, plus 300 Premium) that can be constructed or provided in the Transit District to accommodate any new development.

- “2. “Implementation of a system of developer contributions. Based on the number of Preferred and Premium surface parking spaces attributed to each development project. The contributions are intended to recover sufficient funding to defray some of the cost of the transportation improvements as summarized in Table 4 of the TDDP, and needed to ensure that the critical roadways and intersections in the transit district remain at or above traffic LOS E.
- “3. “Retaining a mandatory Transportation Demand Management District (TDMD). The TDMD was established by the 1992 TDDP plan to ensure optimum utilization of Trip Reduction Measures (TRMs) to combine, or divert to transit, as many peak hour SOV trips as possible, and to capitalize on the existing transit system in the district. The TDMD will continue to have boundaries that are co-terminous with the transit district. As of this writing, the Prince George’s Plaza Transportation Demand Management District (TDMD) has not been legally established under the TDMD Ordinance (now Subtitle 20A, Division 2 of the County Code) enacted in 1993.
- “4. “Developing an annual TDMD operations fee based on the total number of parking spaces (surface and structured), each property owner maintains.
- “5. “Requiring that the TDMD prepare an annual transit district transportation and parking operations analysis that would determine whether or not the LOS E has been maintained, and to determine additional trip reduction, transportation and parking management measures that are required to restore LOS E.

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#### **“Status of Surface Parking in the Transit District**

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“Pursuant to the Planning Board’s previous approvals of Detailed Site Plans in the Transit District, the remaining available Preferred and Premium surface parking for the Transit District and each class of land use are reduced to the following values:

	RESIDENTIAL		OFFICE/RESCH		RETAIL		TOTAL	
	PREF.	PREM	PREF.	PREM	PREF.	PREM	PREF.	PREM
TDDP Caps	245	85	245	80	410	135	900	300
Unallocated	245	85	245	80	410	135	900	300

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#### **“Site Plan Findings**

- “1. “The PG-TDDP identifies the subject property as Subareas 4A of the Transit District. The property is located at the northeast quadrant of the Hamilton Street and Ager Road intersection. The total number of existing parking spaces on this site is 44 spaces. Pursuant to the WH-TDDP’s these surface parking spaces or their replacement are exempt and will not be subject to the WH-TDDP Transportation and Parking Mandatory Requirements.

“2. “The proposed application is for construction of approximately 3,103 gross square feet of fast food retail residential development, and reconstruction of only 32 surface parking spaces.

“3. “As a result, the proposed detailed site plan as submitted with 32 proposed replacement surface parking would not result in any reduction to the total numbers of available and unallocated preferred and premium surface parking caps.

“Based on the preceding findings, the Transportation Planning Section concludes that the proposed development in the Conceptual Site Plan as submitted will meet the circulation requirements of the Prince George’s Plaza Transit District Development Plan (page 22) and Section 27-548(c)(1)(D) of the County Code.”

11. Public Facilities: The subject application was referred to the Growth Policy and Public Facilities Planning Section and in a memorandum (Williams to Jordan) dated December 5, 2000, it was found that the subject property is within acceptable response times with respect to fire, ambulance, paramedic, and ladder truck service. It was also found that the existing police facilities within the service area are adequate to serve the proposed development.

12. Conformance to the Requirements of the Prince George’s County *Landscape Manual*: The Transit District Development Plan requires that all parcels within the TDOZ shall at a minimum satisfy the requirements of the Prince George's County *Landscape Manual*.

Sections 4.2, Commercial and Industrial Landscape Strip Requirements, and 4.3(a)(c), Parking Lot Requirements, Landscape Strip Requirements, Interior Planting, apply to the subject site. The concept plans appear to generally be in conformance with the requirements of the *Landscape Manual*.

13. The subject application was referred to the City of Hyattsville. No response has been received as of the writing of this staff report. A recommendation will be forwarded to the Planning Board at the time of the public hearing.

14. The subject application was referred to all applicable agencies and divisions; no significant issues were identified. In a memorandum (Gallagher to Jordan) dated November 9, 2000 the Permits Review Section requested that additional information be provided on, or revisions be made to, the subject plans. Subsequent to receipt of the permits memorandum, the applicant has revised the plans to provide all requested information.

15. The Conceptual Site Plan represents a reasonable alternative for satisfying the Site Design Guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Conceptual Site Plan ,CSP-00039, and Transit District Secondary Amendment, TS-00039A subject to the following conditions:

1. Prior to certificate approval, the following modifications or revisions shall be made to the Conceptual Site Plan:

- a. Provide the boundary line of the TDOZ with relationship to the alley, and other adjacent areas outside the TDOZ; the ownership of the alley; adjacent subareas within the TDOZ with boundaries and lines; and show the full parcel boundaries of Parcel A-13;
  - b. Provide the location of the 65 dBA noise contour in accordance with a Phase I Noise Study by a qualified acoustical professional to the Environmental Planning Section;
  - c. Amend plan notes to indicate that there are no 100-year flood-plains or nontidal wetlands located on Subarea 4A.
2. Prior to certificate approval, the following note on Sheet 1 of 3 of the Conceptual Site Plan shall be removed:  
  

“Note: Request waiver of mandatory development requirement S31 (P. 70 TDOZ) as requirement is not capable of fulfillment. We understand this has been waived as an impossibility in other W. Hyattsville TDOZ cases.”
  2. Prior to certificate approval, a TCP I shall be prepared for this site in fulfillment of Mandatory Development Requirement S31 indicating that afforestation of at least 10 percent of the gross tract area of 1.125 acres shall be provided in an off-site location. The location of the off-site woodland conservation mitigation shall be identified when the Type II Tree Conservation Plan is prepared in conjunction with the Detailed Site Plan.
  2. Prior to certificate approval of the Conceptual Site Plan, the Environmental Planning Section, as the successor to the Natural Resources Division, shall determine if a Phase II noise study is required prior to Detailed Site Plan certification.
  2. If it is determined that Phase II noise study is required for Subarea 4A, then that study shall be submitted and approved prior certificate approval of the Detailed Site Plan.
  2. If mitigation is recommended in the Phase II noise study, the Detailed Site Plan shall be revised to incorporate proposed mitigation measures. Furthermore, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section indicating that the design and construction of building shells will attenuate noise to interior noise level as listed in the West Hyattsville TDDP.
  2. Prior to the certificate approval of the Conceptual Site Plan, the plan shall be found to be in conceptual conformance with P51 and S42 of the West Hyattsville TDDP, with respect to noise mitigation, for the screening of residential lots with exterior rear-yards exposed to this site.