

A M E N D E D R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on February 28, 2013, regarding Conceptual Site Plan CSP-11002 for Kiplinger Property, ~~*[the Planning Board finds]:~~ and

*WHEREAS, in consideration of a revision to the Conceptual Site Plan CSP-11002 for Kiplinger Property in accordance with Section 27-290.01(a)(1)(B) of the Zoning Ordinance presented at a public hearing on March 26, 2014, the Planning Board finds:

1. **Request:** The *original conceptual site plan ~~*[is for the purpose of]~~ rezon[ing]ed the property from the C-S-C Zone to the M-X-T Zone and ~~*[to]~~ provided for a conceptual plan of development of the property as a mixed-use development ~~*[. The conceptual site plan proposes a development]~~ consisting primarily of residential development and a small amount of retail. *This revision to the CSP is for the purpose of change the development concept from multifamily and retail uses and layout, to eliminate the retail use and propose multifamily, townhouses and two-family dwellings.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Printing facility	Residential *- multifamily, [and retail] <u>Townhouses and Two-family dwellings</u>
Acreage	11.68	11.68
Units	0	*[580-870] <u>352 multifamily, 86 Townhouses and 40 Two-family dwellings</u>
Lots	0	*[0] <u>88</u>
Parcels	2	*[2] <u>TBD</u>
Square Footage/GFA	205,470 sq. ft.	*[Residential] <u>Multifamily—[497,592-678,082] ±384,918 SF</u> *[Commercial] <u>Townhouse—[34,211] ±160,132 SF</u> <u>two-family dwellings</u> Total— *[531,803-712,293] <u>±644,890 SF</u>
Floor Area Ratio (FAR)	0.40	*[1.05-1.40] <u>1.27</u>

*Denotes Amendment
Underlining indicates new language
 [Brackets] and ~~strikethrough~~ indicate deleted language

3. **Location:** The subject property is identified as Subarea 7 of the Prince George's Plaza Transit District Overlay Zone. The site consists of approximately 11.68 acres of land in the C-S-C Zone and is located on the south side of East-West Highway (MD 410) at the southeast corner of the intersection of East-West Highway and Toledo Terrace extended, within the City of Hyattsville and Planning Area 68.
4. **Surrounding Uses:** The property is located north of the Nicholas Orem Middle School, west of the Washington Metropolitan Area Transit Authority (WMATA) property and east of the Home Depot property. To the north of the property, across MD 410, is the Post Property, which is a multifamily development, Toledo Terrace, a bank, and the Prince George's Plaza Shopping Center.
5. **Previous approvals:** The site has an existing building on the property which was built in the 1950s and has been used as a printing facility and for a variety of other uses. The 1992 Transit District Development Plan (TDDP) for Prince George's Plaza Transit District rezoned the property from the I-1 zone to the M-X-T Zone. The 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (T-D-O-Z)* rezoned the subject property from the M-X-T Zone to the C-S-C Zone, at the property owner's request. In accordance with the applicant's testimony at the Planning Board hearing, the reason the rezoning occurred in 1998 is because the existing building was designed to contain uses that were not allowed in the M-X-T Zone. Long-term leases of tenants in the building contributed to difficulty in regard to transforming the structure to uses allowed within the M-X-T Zone.

*The District Council reviewed and approved the Conceptual Site Plan CSP-11002 on June 17, 2013 with 12 conditions and one consideration.

6. **Design Features:** The *original conceptual site plan (CSP) proposed a large building of three to six stories on the existing two parcels with proposed access to East-West Highway (MD 410), two access points from Toledo Terrace extended, and two access points along Editor Park Drive. The plan indicates a general massing of the main building on the site as residential, and secondary buildings that appear to be commercial with structured and surface parking. The commercial component is proposed near the intersection of MD 410 and Toledo Road extended. The commercial uses ~~*[are]~~ were proposed as being connected to or on the first floor of the multifamily structure.

*The revised CSP locates the multifamily component at the northeast corner of the site, two-family dwellings at the northwest corner of the site, and a townhouse community along the entire southern portion. The plan proposes a roadway bisecting the site from the east to west and separating the multifamily and the two-family dwelling from the townhouse community. This conceptual site plan varies substantially from the original approval.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

7. The *original conceptual site plan ~~*[proposes to]~~ rezoned the property from the C-S-C Zone to the M-X-T Zone. Section 27-548.09.01(b)(1), Amendment of the Approved Transit District Overlay Zone, of the Zoning Ordinance, states the following:

(b) **Property Owner.**

- (1) **A property owner may ask the District Council, but not the Planning Board, to change the boundaries of the T-D-O Zone, a property's underlying zone, the list of the allowed uses, building height restrictions or parking standards in the Transit District Development Plan. The Planning Board may amend the parking provisions concerning the dimensions, layout, or the design of parking spaces or parking lots. [Emphasis added.]**

The section above allows the owner of a property to request a rezoning of the property. The owner has filed a request to rezone the property from the C-S-C Zone to the M-X-T Zone. Section 27-548.09.01(b)(5) states the following:

- (5) **The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, the District Council shall find that the proposed development conforms with the purposes and recommendations for the Transit Development District, as stated in the Transit Development District Plan, and meets applicable site plan requirements. [Emphasis added.]**

The District Council's *reviewed and approved the Conceptual Site Plan CSP-11002 on June 17, 2013 with 12 conditions and one consideration. ~~[of this project is mandatory because the applicant is asking for approval of rezoning of the property. The Planning Board provides a recommendation to the District Council, in regard to the rezoning.]~~

8. Section 27-548.09.01 of the Zoning Ordinance requires an applicant requesting rezoning in a TDOZ to demonstrate that the proposed development conforms to the purposes and recommendations for the Transit District as stated in the Transit District Development Plan (TDDP). The purposes of the TDOZ and the Prince George's Plaza Transit District are contained in Section 27-548.03 of the Zoning Ordinance and on page 9 of the TDDP. The purposes are stated below and following each is the applicant's justification and/or Planning Board findings.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

(1) To enhance the development opportunities in the vicinity of transit stations;

The intent of the TDDP for Subarea 7 is a mixed use development, as stated in the PURPOSE statement on Page 112 of the TDDP. The proposed rezoning of the property from the C-S-C Zone to the M-X-T Zone will further that purpose and place the property in a position to ultimately fulfill this requirement. The current zoning of the property does not allow for the development of a mixed use project, except under very limited circumstances. The granting of the M-X-T Zone specifically for this property is in keeping with the purpose as stated in the TDDP.

(2) To promote the use of transit facilities;

The applicant provides the following discussion in the statement of justification:

“The proposed rezoning and redevelopment will convert an existing vehicle oriented industrial property to a transit oriented, pedestrian friendly community which will have a positive impact on transit ridership.”

The proposed residential community is located within 1,500 feet of the Prince George’s Plaza Metro Station. Further, the site is located between major Maryland and Washington, D.C., employment centers, which are accessible via the Metro transit system. The Planning Board agrees with the applicant that the development of a primarily residential community within Subarea 7 will promote use of the transit system by its future residents and employees of the commercial components of the project.

(3) To increase the return on investment in a transit system and improve local tax revenues;

The applicant provides the following discussion in the statement of justification:

“The proposed development will increase the assessed value of the underlying property and allow for the redevelopment of an outdated industrial building thus increasing the local tax revenues.”

The Planning Board agrees with the applicant.

(4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

The applicant provides the following discussion in the statement of justification:

“While the subject property is not located on metro owned property and thus would not involve a joint development opportunity, the proposed redevelopment will enhance the overall vitality of the TDOZ.”

While the applicant states that the redevelopment of the property will enhance the overall vitality of the TDOZ, Planning Board is of the opinion that the CSP should include identification of the elements that will enhance the district. Specifically, the Planning Board would like to see architecture at the time of detailed site plan that reflects architectural elements similar to those that can be found in the project across East-West Highway (MD 410), known as Post Property. Those elements might include similar exterior finish material on the building, similar colors and height of building. Alternatively, if the applicant is able to create an image of high-quality residential mixed use development, this project could provide some of the features that were lost when the adjacent Home Depot project was built, a project that did not execute the gateway elements that were envisioned by the TDDP for that property.

(5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;

The application is following the review process as established by the Zoning Ordinance. The Planning Board finds that the rezoning of the property allows it to be more responsive to a changing market and to the proposed development as a mixed use project.

(6) To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;

The applicant provides the following discussion in the statement of justification:

“Additional residential development within close proximity to the Prince George’s Plaza Metro Station will encourage Metro ridership and in turn decrease the use of the surrounding road network. In addition, the proposed community will be in close proximity to the retail commercial uses located in Prince George’s Plaza as well as those proposed for the University Town Center. The applicant will provide connections to the existing pedestrian network and therefore create an environment that encourages pedestrian traffic through the transit district.”

The Planning Board agrees with the applicant.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

(7) To provide mechanisms to assist in financing public and private costs associated with development;

The applicant will be responsible for the construction of its road frontage improvements in conformance with Subtitle 23 of the Prince George's County Code as well as the requirements set forth in the TDDP, such as the expanded streetscape for the use by pedestrians in the area. In addition, the applicant is proposing to construct stormwater management facilities on site that will be a benefit to the area. Stormwater currently generated by this property flows into the Northwest Branch Stream Valley. The uncontrolled discharge of stormwater causes pollution and erosion.

(8) To provide for convenient and efficient pedestrian and vehicular access to Metro stations;

The applicant provides the following discussion in the statement of justification:

“The proposed redevelopment will facilitate extension of the streetscape design established in the TDDP and will enhance pedestrian connectivity to Metro. It is envisioned the streetscape along East-West Highway will extend the design approved for adjacent properties creating pedestrian connections to the Metro station. Additionally, the pedestrian connection along Editors Park Drive will be designed to consider efficient connections to the adjacent school property.”

The proposal orients a bike trail and sidewalks in order to provide access to the nearby Prince George's Plaza Metro Station.

(9) To attract an appropriate mix of land uses;

The Planning Board finds that the existing C-S-C Zone is not an appropriate zone for the property and does not contribute to the marketability of the site, considering the amount of retail development already within the transit district.

(10) To encourage uses which complement and enhance the character of the area;

The proposed rezoning will provide for improved compatibility of the site with the surrounding uses, particularly in relationship to the existing school site to the south of the subject property. The frontage of the development will be designed to facilitate pedestrian movement through the streetscape. The Planning Board recommends that uses that are community-oriented be placed along the frontage of the development along East-West Highway, such as the leasing office and the amenity areas where the residents can have “eyes on the street.”

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- (11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and**

The applicant provides the following discussion in the statement of justification:

“The proposed redevelopment will improve the design relationship between the subject property and the surrounding transit district by allowing for the redevelopment of an existing industrial building with a mixed use transit oriented development.”

The Planning Board finds that the conceptual site plan demonstrates that the proposed community will comply with the development district standards and the site design guidelines. The main building located along East West Highway should meet the build-to-line requirements and the building should contain any proposed commercial component of the community. Amenities such as a club or community room, fitness center and business center should also be located close to East-West Highway so that the architecture reflects a design with store front features to help create a more urban appearance for the community and provide an active presence along the East-West Highway façade.

The Planning Board finds that Editors Park Drive is a thoroughfare that provides vehicular and pedestrian access to Nicholas Orem Middle School, and to the future site of a new elementary school. The building should be set back from this frontage a minimum of ten feet to allow for a landscaped edge along the building and so that the pedestrian is not walking directly next to the interior dwelling units. The frontage will best be treated as a residential street, with special consideration given to the pedestrian and the student population that will be walking along that frontage of the building.

- (12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.**

The applicant provides the following discussion in the statement of justification:

“The Conceptual Site Plan establishes some basic design criteria for the proposed development which will be further refined and developed at the Detailed Site Plan stage in a manner consistent with the TDDP.”

Planning Board envisions that the rezoning of the property from the C-S-C Zone to the M-X-T Zone would be a benefit to the community at large. The design phase of the development will be finalized at the time of the DSP proposal. Planning Board would like

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

to see high quality architecture and landscaping that will be distinctive but also harmonious with the multifamily building located across East-West Highway, in regard to form, color, and materials. Parking should be wholly contained within a parking structure.

*9. **Revision to the Conceptual Site Plan CSP-11002:** It was anticipated at the time of the original CSP review that the project would be developed as a multifamily project (580–870 units) with a small retail component (34,000 square feet). The property as proposed for development at the time of the CSP would not have been required to file a preliminary plan. Subsequent to approval of the CSP, the applicant submitted a DSP and a preliminary plan for the purpose of proposing fee-simple townhouses on the acreage remaining outside of the development shown on Lot 1. Staff informed the applicant of the need for a revision to the CSP, as the plan of development no longer proposed the same uses, configuration, or layout. Section 27-190.01(a)(1)(B) of the Zoning Ordinance allows for the following:

(B) An application filed pursuant to this Section may amend an existing Conceptual Site Plan applicable to the subject property.

In this case, the applicant is asking that the CSP be amended to change the development concept from multifamily and retail uses and layout, to eliminate the retail use and propose multifamily, townhouses, and two-family dwellings, and to revise the layout. In addition, the applicant is asking that certain conditions of the original approval to be amended as well. The following is taken from the applicant's statement of justification dated February 20, 2015:

“The Applicant hereby requests approval of an amendment to approved Conceptual Site Plan (CSP-1102) to replace the area on the CSP designated for retail use with multifamily 2 over 2 condominium units; and ii) amendment of certain Conditions of Approval on the CSP. The Subject Property is located within Subarea 7 located in the southwest corner of the intersection of Editors Park Drive and East-West Highway with an address of 3401 East-West Highway, Hyattsville, MD 20782 (the “Subject Property”) and was rezoned to the M-X-T zone via CSP-1102 in accordance with the Prince George's County Zoning Ordinance as allowed by the Transit District Development Plan (“TDDP”) of the Prince George's Plaza Transit District Overlay Zone (“TDOZ”). Subsequent to the approval of the CSP the Applicant or its contract purchasers has filed (i) a Detailed Site Plan (DSP-14010) for 352 multifamily rental units on a portion of the Subject Property; and (ii) a Preliminary Plan of Subdivision (4-14013) for townhouses proposed for another portion of the Subject Property. Based upon existing conditions in the Transit District; the lack of need for additional retail in the area; the response in the market; and after discussions with the City of Hyattsville, the Applicant determined that it would be a superior planning and market decision to replace the area of the Subject Property designated for retail on the approved CSP with 40 two family dwelling units located in 20 buildings. The addition of the two family dwellings would create a mix of unit types;

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

reduce the percentage of townhouses on site; and provide a better circulation and living environment for residents of the proposed community. Revision of approved Conceptual Site Plans may be achieved through the approval of a Detailed Site Plan under Section 27-290.01 (a)(1)B) (ETOD). DSP-14010 is a ETOD application.

“I. STATEMENT OF PLANNING OBJECTIVES

“The Subject Property is located in part of Subarea 7 of the Prince George’s Plaza TDOZ. The site is in the southwest quadrant of the intersection of Editors Park Drive and East-West Highway. The Subject Property is the location of the former Kiplinger printing facility which is being demolished for redevelopment. The present proposal is to revise the approved CSP to add townhouse and condominium uses and remove the retail designation.

“II. JUSTIFICATION FOR REVISION TO CSP-1102

“The Owner hired commercial brokers to help market the Subject Property after the approval of the CSP. After numerous efforts to approach a variety of retail sources it was determined that the only strong interest for at the retail corner designated on the CSP was for pad site for a national drug store chain with a drive through window. Such a use would require access from Toledo Terrace and directly from East-West Highway. The use would also require a circulation drive around the building to access the drive through and parking along the East West frontage. In discussions with Staff from the City of Hyattsville and MNCCPC it was determined that neither the free standing pad site nor the drive through window would be favorable for this location. Additionally, the State and County transportation Staff has also taken the position that access to East West Highway would not be allowed consistent with Condition 1.c. of the CSP.

“Additionally, it was determined that the transit district has an excess of adjacent retail locations at the Metro; at the University Town Center; at the Mall site; at the Home Depot site, Belcrest Road and the Giant Shopping Center. Additional retail locations are not needed and the transit district and do not constitute the highest and best use of the Subject Property from either an economic or planning perspective.

“The prospect of converting the designated retail corner to a 2 over 2 condominium use provides a variety of housing choices at the Subject Property and establishes a mixture and hierarchy of massing within the site with the design transitioning from multifamily and condominium uses along East West Highway to a less intense but urban density townhome product to the rear of the Subject

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Property. Through this mixture of housing types the plan for the Subject Property establishes an urban neighborhood within the transit district and eliminates the prospect of circulating outside retail traffic through the residential street.

“III. REVISION TO CONDITIONS OF APPROVAL

“In order to implement the proposed design plan set forth in the various submitted plans for the multifamily and the townhouse and the condominium units a certain limited number of the Conditions of Approval set forth in the CSP need to be revised. The modified language is **[bold]** in each of the set forth conditions below.

“Condition 1.a.(2)

“The minimum building height shall be four stories for **[multifamily apartment]** residential development.

“Comment: This condition was meant to apply to the multifamily apartment buildings planned for the site. The Townhouse product does not meet the 4 story minimum although there is a fourth floor option which will give a four story appearance.”

The Planning Board supports the reduction in the minimum building height for residential development and agrees that the four story minimum should only apply to multifamily development.

“Condition 1.a.(3)

“The first floor frontage of the residential buildings along East-West Highway and Editors Park Drive shall not include the rear of residential units **[to the extent practicable]** or garage uses. Commercial uses, residential units with separate front street-side entrances, **[landscaping, screening, grade changes,]** and/or tenant services and amenities shall be located on the first floor of the residential buildings on-site. **[Where first floor residential uses are present, design elements focusing on privacy and screening shall be employed.]**

“Comment: Much attention has been paid to minimizing the degree of first floor residential uses along the road frontages. The lobby and tenant amenity area was relocated to the East-West Highway frontage. Grade changes mean some of the units will be either above or below walking level on the streetscape. In all areas along East-West Highway and Editors Park Drive landscaping and screening has been added to ensure privacy and a positive pedestrian environment.”

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

The Planning Board supports the revised language above, because the applicant has provided uses along East-West Highway (MD 410), to the extent practicable, that activate the streetscape. Although the companion DSP-14010 does has a few units along the MD 410 streetscape, including at-grade balcony units, the use of grade changes and landscaping has been incorporated into the site design to create privacy for most of the units. Along Editors Park Drive, landscaping has been used along that edge of the property which will also provide for stormwater management purposes. The building edge is set back from the sidewalk approximately 28 feet, so this will provide added privacy for those units.

“Condition 3.f.

“The location of Environmental Site Design (‘ESD’) facilities shall not be the basis for the granting of an alternative compliance application to reduce the required tree canopy or required landscaping. [This condition shall not preclude the Applicant from applying for alternative compliance generally at the time of Detailed Site Plan.]

“Comment: The Applicant merely wants to clarify that consideration of an application for alternative compliance is not precluded generally at the time of Detailed Site Plan if unrelated to the issue of ESD and tree canopy and landscaping.”

The Planning Board supports the revised language above because the government may not preclude an applicant from requesting relief from regulations.

“IV. JUSTIFICATION FOR ELIMINATING THE RETAIL USE DESIGNATION

“Pursuant to Section 27-290.01 of the Prince George’s County Zoning Ordinance, the Planning Board may revise an existing Conceptual Site Plan through the ETOD process when it reviews an application for a Detailed Site Plan on a specific property. Specifically Section 27-290.01.(b)(2) requires the Site Plan to ‘provide a mix of uses, unless a mix of uses exists or is approved for development in adjacent areas’. The use of the term adjacent is significant in this instance because it modifies the requirement specified in the MXT regulations generally under Section 27-547(d) which requires that in order to utilize mixture of uses on other properties the thus must i) be in the MXT zone; and ii) abut the subject property. The term abut is much more narrowly defined in the Ordinance than the term adjacent. While ‘abut’ requires the properties to touch at a point, ‘adjacent’ means nearby (See, 27-107.01(a)(1) and(4)).

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

“The standards of Subtitle 27 apply to ETOD applications except to the extent they are inconsistent with the intent of the ETOD Section 27-290.01 (See Section 27-290.01(a)(3). Thus in this case, since adjacent properties contain retail uses and thus establish a mixture of uses the requirements of the MXT Zone as modified by Section 27-290.01 have been satisfied and the requested revision to the CSP is permissible.

“The Subject Property was designated for retail development through the approval of the CSP. At that time it was envisioned the retail component would be designed to be architecturally compatible with the surrounding residential uses planned for the Subject Property but that otherwise it would be an independent retail site with its own access and circulation. In designing the Subject Property in more detail it has become evident it is impractical for retail use.

“Additionally, discussions with Transportation Staff indicated concern over a separate access point to Toledo Terrace for the retail use. The CSP in Condition 1.c. established that access to East-West Highway is not to be allowed. This would force the retail traffic seeking to visit the site to circulate through the proposed residential neighborhood using the residential access road for access to the retail site. The potential lack of direct access to East-West Highway led the Applicant to conclude the site would be undesirable for retail users.

“With the existing surplus of available retail land in the transit district and the likely restrictions on access and circulation for the retail site caused by its shape and location, forcing the site to provide a mixture of uses on site would constitute a undue hardship on the owner and would not result in the best plan design and uses for the Subject Property.

“The Subject Property is surrounded on three sides by retail uses. Home Depot is located to the west; The Mall of Prince George’s is directly north; and the Giant shopping center is to the east. This satisfies the requirement of the ETOD Section 290.01(b)(2) requirement for a mixture of uses on or adjacent to the subject property.

“V. CONCLUSION

“The proposed revision to the Conceptual Site Plan and the Conditions of Approval is in substantial compliance with the intent and purposes of the Prince George’s Plaza TDOZ and the TDDP. The deletion of the retail designation creates a better plan for the Subject Property and does not impair the integrity of the General Plan or the Master Plan. Applicant requests approval of the revised

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Conceptual Site Plan (CSP-11002) and Conditions of Approval as part of the application for DSP-14010.”

*The Planning Board supports the revisions to the existing conditions as proposed. However, the proposed revision to the conceptual site plan has been reviewed by staff and there are new issues that warrant discussion in regard to the proposed change of uses and layout. As of the writing of this report, there are a number of outstanding referrals. Therefore, staff will provide additional information on this analysis prior to the Planning Board hearing.

Required Findings for a Conceptual Site Plan in the Transit District Overlay Zone as Stated in the *Prince George’s Plaza Transit District Development Plan

***[9]10. The Transit District Site Plan is in strict conformance with any Mandatory Development Requirements of the Transit District Development Plan;**

The applicant has not requested any modifications from the development standards for this *[project] revision to the CSP.

***[10]11. The Transit District Site Plan is consistent with, and reflects the guidelines and criteria contained in the Transit District Development Plan;**

In regard to the site development, the Transit District conceptual site plan *as revised is consistent with, and reflects the guidelines and criteria contained in, the Transit District Development Plan.

***[11]12. The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone and applicable regulations of the underlying zones;**

The conceptual site plan meets the requirements of the proposed M-X-T zone*, except for Section 27-547 which states:

- (d) At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, (no abutting property in the MXT zone) the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- (1) Retail businesses;
- (2) Office, research, or industrial uses;
- (3) Dwellings, hotel, or motel.

However, Section 27-290.01(#)(#)(2) for Expedited Transit Oriented Development states the following for the mixed use zones:

- (2) provide a mix of uses, unless a mix of uses exists or is approved for development in the adjacent areas,

The ETOD legislation was designed to override the normal TDOZ/MXT requirements. Section 27-290.01(a)(3) was intended to deal with this where it states, "all other applicable requirements and procedures in this subtitle for Detailed Site Plans, combined Comprehensive Design and Specific Design Plans, or Specific Design Plans, including amendments to existing plans, not inconsistent with this Section, shall apply to Detailed Site Plans ... for which an applicant seeks expedited review under this Section." Therefore, all regular provisions which are inconsistent with the ETOD provisions are superseded by ETOD. Since the CSP revision is companion to DSP-14010 and other future DSP's within the limits of the boundary of the project, it is reasonable to find that the language of 290.01(a)(3) applies to this application.

The CSP has been reviewed for conformance to the M-X-T Zone. The following requirement warrants a detailed explanation:

Section 27-545—

The base floor area ratio (FAR) for the subject property is 0.40, consistent with Section 27-548(a)(1). As a bonus incentive in the M-X-T Zone, bonus density is permitted where 20 or more dwelling units are provided, which allows for additional gross floor area (GFA) equal to a FAR of 1.0, per Section 27-545(b)(4)(A), for a total of 1.40 FAR permitted. The applicant ~~*[is] propos[ing]~~ 1.40 FAR, but reduced the density in the revised CSP to 1.27 FAR.

- *[12]13. 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 Transit District Overlay Zone;**

The proposed application has been designed so that the buildings front along East-West Highway (MD 410), rather than exposing large expanses of parking in front of the buildings, a goal consistent with promoting the primacy of pedestrians over automobiles. The pedestrian circulation should be of primary concern at the time of the DSP particularly along East-West Highway and along Editor's Park Drive because of the large number of pedestrian trips that will occur along

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

these two roadways. Loading and trash facilities should be located away from both of these primary streets in order to maximize enjoyment of the pedestrian experience passing by the subject development and to maximize the safety of pedestrians.

***[13]14. Each structure and use, in the manner proposed, is compatible with other structures in the Transit District and with existing and proposed adjacent development;**

This issue will be reviewed in conjunction with the detailed site plan when the architectural details will be provided. Conceptual architectural renderings have been submitted and appear to be a quality design, but material designation will be reviewed further at the time of detailed site plan.

***[14]15. The proposed development is in conformance with the purposes and other provisions of this Division;**

~~*[The subarea will provide residential living and commercial uses, retail shopping, and an animated streetscape with plazas, street trees, planters, and special paving that will be in conformance with the purposes and provisions of the M-X-T Zone. The proposed project will enhance the economic status of the County and provide an expanding source of desirable living opportunities near the Washington Metropolitan Area Transit Metro. The conceptual site plan promotes the effective and optimum use of transit and other major transportation systems.]~~ The revised CSP will provide residential living and an animated streetscape with street trees, planters, and special paving that will be in conformance with the purposes and provisions of the M-X-T Zone. The proposed project will enhance the economic status of the County and provide an expanding source of desirable living opportunities near the WMATA Metro. The CSP promotes the effective and optimum use of transit and other major transportation systems.

***[15]16. 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;**

The proposed project will have an outward orientation with new paving, street furniture, landscaping, lighting, and public spaces. Because of the magnitude of the overall proposed development, it also has the potential to catalyze adjacent community improvement and revitalization.

***[16]17. The proposed development is compatible with existing and proposed development in the vicinity;**

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

The subject application will provide a development that will complement and enhance the character of the area and promote ridership of transit facilities. The proposed improvements will also upgrade the area by providing a pleasing outdoor environment for those who work in and visit the area.

- *[17]18. 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;**

Subarea 7 was anticipated to be developed with a mix of uses. The Planning Board finds that the development should contribute to a stable environment by not competing directly with most of the uses within the nearby Prince George's Plaza shopping center. The proposed residential use will enlarge the existing selection of residential developments in the vicinity and will enhance the quality of and contribute to the vitality of the transit district.

- *[18]19. If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

*[The subject application is proposed to be developed as one phase of development.] The subject application is proposed to be developed in three phases, each of which is designed as a self-sufficient entity.

- *[19]20. The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

This project is pedestrian-friendly and will connect to existing streets in order to create convenient access to the Metro station and the district as a whole.

*In summary, the proposed CSP revision meets all of the required findings for approval.

- *[20]21. Conformance to the Prince George's County Landscape Manual:** *[The plan is in general conformance to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). As a vertically mixed-use development, as proposed on the conceptual site plan, the Landscape Manual requires a building setback from the school property of a minimum of 30 feet with a 20-foot wide landscape buffer. The plan conforms to this requirement. The relationship of the subject site with the property to the west may require a departure at the time of the DSP. The plans indicate that the property directly abuts the Home Depot site and that there is a right-of-way (ROW) within the subject site that would preclude a bufferyard along the western property line. The demonstration of conformance to the Landscape Manual will be further required at the time of the DSP.]

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

The 2010 Prince George's County Landscape Manual (Landscape Manual) serves as the requirement for landscaping in the community. Although the CSP is a conceptual plan, it is clear that the plan does not meet the requirements of Section 4.7, Buffering Incompatible Uses, along the WMATA property or the Prince George's County Board of Education property. It is also clear that Section 4.10 of the Landscape Manual will not be applicable if the street proposed on Lot 2 becomes a public street. However, the intent of providing street trees in the right-of-way should not be lost whether the roadway is public or private. The plans, as shown, have diminished the planting areas of the street trees in lieu of parking spaces, even though the parking structure proposes 416 spaces and the application has exceeded the maximum number of spaces per the preferred parking ratio for the development.

According to the Prince Georges' Plaza TDDP, all properties within the transit district shall satisfy the requirements of the Prince George's County Landscape Manual in addition to the Mandatory Development Requirements and Site Design Guidelines listed on page 30, which is S7 regarding application of landscape screen and buffers. The landscape plan meets this requirement.

The proposed development in the DSP is subject to the requirements of Section 4.1, Residential Requirements for Multifamily Dwellings; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

- a. Section 4.1-4 Residential Requirements for Multifamily: The DSP has a total of 43,508 square feet of green area. A total of 44 shade trees are required. The landscape plan provides a combination of 49 shade trees, 27 ornamental trees and 23 evergreen trees that meets the requirements.
- b. Section 4.9, Sustainable Landscaping Requirements, requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should be native species (or the cultivars of native species). The minimum percentage of plants of each plant type required to be native species and/or native species cultivars is specified below:

<u>Shade trees</u>	<u>50%</u>
<u>Ornamental trees</u>	<u>50%</u>
<u>Evergreen trees</u>	<u>30%</u>
<u>Shrubs</u>	<u>30%</u>

The landscape plan provides 61 percent native shade trees, 89 percent native ornamental trees, 30 percent evergreen trees, and 30 percent shrubs and therefore meets the above requirements.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- c. Section 4.10-1 Street Trees along Private Street: This section requires one tree every 35 linear feet of the frontage excluding driveway openings that equals to 12 street trees. The landscape plan provides 12 street trees that meet the requirements.

*[21]22. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Transportation Planning:** The Transportation Planning Section review included a review of the pedestrian and bicycle facilities for the proposed development. In terms of pedestrian and bicycle facilities, access, and circulation, the subject proposal, the Kiplinger Property Conceptual Site Plan, shows several general vehicular “access points,” a “bike trail” abutting the Washington Metropolitan Area Transit Authority (WMATA) property, and an approximately 25-foot-wide “pedestrian zone/landscaping” that contains proposed typical sidewalks and landscaping. The graphic and the conceptual site plan in general, indicate the locations of typical sidewalks and landscaping, and the proposed “Typical County Bench with Back,” “Typical County Trash Receptacle,” “Typical County Street Light,” and “Typical Bike Bollards.” The proposal also indicates that the streetscape itself is a special area that will receive special design treatment.

In terms of pedestrian and bicycle facilities, access, and circulation, the applicant’s conceptual site plan proposal does not conflict with the TDDP’s “Required Findings” for conceptual site plans (pages 22-24). The first required finding states that the “Transit District Site Plan” (the CSP proposal) is in strict conformance with any “Mandatory Development Requirements of the TDDP.” (page 23). The Mandatory Requirements of the TDDP can be found in Part III of the TDDP (analysis below).

The following is a list of the *District-Wide Requirements and Guidelines* (page 27), and *Sub-Area Requirements and Guidelines* (page 93) that are applicable to the subject application in terms of Pedestrian Access and Bicycle Facilities. The TDDP contains subsections to achieve the goals. Pedestrian Access and Bicycle Facilities are two “subsections” that are analyzed below. The TDDP also contains *District-Wide Requirements and Guidelines* (page 27), and *Sub-Area Requirements and Guidelines* (page 93).

The TDDP’s Urban Design Goals (page 28) are related to pedestrian and bicycle access and circulation, and related to the overall design character throughout the Prince George’s Plaza Transit District. The goals encourage placement of buildings along East-West Highway (MD 410) so that they “define the space” to create a “pedestrian-friendly” environment, while minimizing views of parking areas. The goals encourage the use of

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

structured parking and the linking up of residential neighborhoods to the Metro station and other uses with a “strong pedestrian network.”

The proposal does not conflict with Urban Design “goals” that are contained in the TDDP, specifically in terms of pedestrian and bicycle facilities, access, and circulation. The District-Wide Requirements and Guidelines contain an Urban Design section where “design goals” are provided in order to “achieve an overall design character throughout the Prince George’s Plaza Transit District.”

Pedestrian Access and Circulation

The TDDP describes a primary, secondary, and tertiary pedestrian system that is part of comprehensive, “well-coordinated pedestrian network” that “promotes transit ridership and provides numerous direct connections to the WMATA station and transit district services...” The proposal includes these pedestrian systems as applicable, and they appear to be adequate for the intended use as described in the context of the Mandatory Development Requirements.

Mandatory Development Requirements S1 thru S6

S1 Primary Pedestrian Walkway

The proposal will not conflict with this Mandatory Development Requirement or the overall design character of the area, and it can contribute to a strong pedestrian network. The proposal shows a primary walkway system on the conceptual site plan that contains sidewalks and sidewalk amenities that are consistent with the TDDP.

S2 Walkways Through Parking Lots

The sidewalk locations provided appear to be adequate for the intended use and they do not conflict with this Mandatory Development Requirement. There are no walkways on the proposal that would extend through any proposed parking lots (which is discouraged). The applicant states that they will address further “walkway design” at the time of detailed site plan. However, the Planning Board recommends that the master plan trail located along the southern property line should be outside of any required landscape buffer, per the 2010 *Prince George’s County Landscape Manual* and that the path also be separate from any vehicular traffic, parking or loading areas.

S3 Well Lit Walkways

The proposed walkway lighting does not conflict with this Mandatory Development Requirement. The application states that all walkways will be lighted to a minimum 1.25-foot candles.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

S4 Direct, Safe Pedestrian Links

The proposed sidewalk location on East-West Highway (MD 410), Editor's Park Drive, and the former Toledo Terrace and details of the sidewalks and bike trail will provide direct linkages between the transit district uses and ultimately to the WMATA station.

S5 Special Paving materials

The proposal for sidewalks on East-West Highway (MD 410), Editor's Park Drive and the former Toledo Terrace, do not conflict with this Mandatory Development Requirement. The special paving materials will be the subject of the detailed site plan review in the future.

S6 Paving Material at Detailed Site Plan

The proposal for sidewalks on East-West Highway (MD 410), Editor's Park Drive and the Toledo Terrace extended, do not conflict with this Mandatory Development Requirement. Specific paving materials and design will be determined at the time of the detailed site plan review, but should be the same or similar to the paving proposed to the east and west of the subject property.

G1 Minimize Vehicular and Pedestrian Conflicts

The proposal minimizes vehicular and pedestrian conflicts by providing the recommended streetscape on East-West Highway (MD 410) and by minimizing the number of curb cuts along roadways. The proposal also provides a separate bike trail to minimize conflicts between modes of travel.

G2 Barrier-Free Pedestrian Link(s)

The proposal indicates that barrier-free pedestrian walkways will be provided.

S7 Landscape Screens and Buffers, and Pedestrian Safety

It does not appear that any landscape screens or buffers would lessen the safety of pedestrian walkways, but further review will be conducted at the time of detailed site plan to ensure that crime prevention through environmental design (CPTED) techniques will be utilized in planning for landscaping, buffering and screening and trail design.

G3 Landscape Screening

The proposal does not appear to contain any landscaping that would buffer parking areas but further review will be conducted at the time of detailed site plan to ensure that CPTED techniques will be utilized in planning for landscaping, buffering and screening and trail design.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

P1 Streetscape Improvements–Phasing

Unless otherwise stated within the Subarea Specific Requirements, each developer, applicant, and the applicant's heirs, successors and/or assigns, shall be responsible for streetscape improvements along the entire length of the property frontage from the building envelope to face of curb. (See Figures 7, 8 and 9. Toledo Terrace: 20-foot pedestrian zone; East West Highway: 40-foot pedestrian zone; Belcrest Road: 20-40-foot pedestrian zone.) These improvements shall be included as part of any application for building or grading permits, except for permits for interior alterations, which do not constitute redevelopment as defined in the previous chapter. No building or grading permits shall be issued without a Detailed Site Plan, which indicates conformance with the streetscape requirements of the TDDP. Construction of the streetscape improvements shall be in phase with development, or the construction schedule shall be determined at the time of Detailed Site Plan.

The application conforms to the required width along the frontage of East-West Highway and the applicant states in the justification statement that “The project will incorporate the standards established for sidewalk design and street lighting at the time of Detailed Site Plan.”

S8 All property frontages shall be improved in accordance with figures 7, 8 and 9 in order to create a visually continuous and unified streetscape.

The applicant states in the justification statement that, “Frontage improvement design will be coordinated with other developments at the time of Detailed Site Plan.”

S9 Streetscape Elements

The applicant states that specific brick paving patterns, and other specific design elements, will be the subject of Detailed Site Plan review.

S10 Traffic Lights

The applicant states that there are no new traffic lights proposed with this application.

S11 Limbing Street Trees

The applicant states that trees will be pruned in the future according to the specifications of the TDDP and notes will be required on the DSP to ensure this treatment.

S12 Tree Pits

The applicant states that tree pits will comply with County standards; however, the Planning Board recommends that a continuous planter or structural soils be used for street tree planting as these methods allow for the maximum amount of soil and promote tree growth.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strickethrough~~ indicate deleted language

S13 Street Crossings

The applicant states that “major” street crossings will conform to the County’s standards. Street crossings should be evaluated by the road agency. Street crossing treatments, such as striping and pedestrian refuge island (if applicable) will be the subject of a detailed site plan review in the future. However, aerial photographs seem to indicate that most of the crosswalks are in place, as this area is the route for middle school children attending the Nicholas Orem Middle School.

Figure 8 (Page 32)

The proposal indicates that the typical streetscape will be provided, and the conceptual site plan shows streetscape locations and widths that are consistent with the TDDP diagrams and details, including Appendix A.

Plazas (page 36)

The proposal does not propose any public plazas at this time. If plazas are proposed in the future, the details will have to be addressed as part of a detailed site plan review.

Bicycle Facilities (page 41)

Bicycle Parking, Lighting and Visibility is required and will be addressed at the time of detailed site plan review.

Part IV. Subarea Requirements (page 93)

There is no Subarea requirement directly related to pedestrian and bicycle facilities.

- b. **Conceptual Site Plan Review:** The Transportation Planning Section review of the Conceptual Site Plan (CSP) also included a review of the vehicular systems associated with the project to rezone property and to facilitate a mixed use redevelopment for the subject property. The proposed CSP proposes a mix of uses consisting of approximately 34,200 S.F. of commercial retail/office, and between 580 to 870 residential units in a four- to six- story building. The submitted CSP also proposes to replace the majority of existing 383 surface parking spaces (identified as exempt parking in the TDDP), with structure parking which are also exempt by TDDP. The plan shows less than 50 surface parking spaces and in two proposed relatively small lots, one along the southern and another along the western property lines to be used mainly for the proposed ground floor retail uses. It is important to note that since the proposed number of replaced surface parking spaces (less than 50) is substantially less than the 383 existing spaces, these surface spaces are deemed exempt from the TDDP requirements. The Prince George’s Plaza Transit District, defines “structure parking” as any parking that are incorporated within a building with two or more stories, even if the entire building is not proposed as

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

parking. For such cases, any enclosed parking space that is constructed below, at-grade, or above ground is also considered as "structure parking."

The site is proposed to have two access driveways along Editors Park Drive, a publicly maintained roadway, one along privately maintained and constructed access roadway which intersect East-West Highway (MD 410) directly opposite of its intersection with Toledo Terrace, and a limited right-in/right-out access driveway along East-West Highway (MD 410), approximately 250 feet west of the Editors Park Drive. Since the site's, other access driveways, as noted above, lead to signalized intersections with MD 410, the proposed access driveway along MD 410 is not needed and SHA recommends its elimination to promote a better vehicle traffic operation along MD 410 as well as eliminating a potential pedestrian and vehicle conflict point along the MD 410 primary pedestrian and bike route.

The approved Prince George's Plaza Transit District Development Plan (TDDP) guides the use and development of all properties within its boundaries. The findings and recommendations outlined below are based upon Planning Board evaluation of the submitted site plan and the ways in which the proposed development conforms to the Mandatory Development Requirements and Guidelines outlined in the TDDP. During the preparation of the TDDP, staff performed an analysis of all road facilities in the vicinity of the TDOZ. This analysis was based on establishment of a Transit District-wide cap on the number of additional parking spaces (preferred and premium) that can be constructed or provided in the transit district to accommodate any new development. Pursuant to this concept, the TDDP Plan recommends implementing a system of developer contributions to insure adequacy of the transportation facilities, based on the number of additional surface parking spaces, as long as the authorized total surface parking limits and their attendant, respective, parking ratios (Tables 5 and 6 of the TDDP) are not exceeded. The collected fee will be applied toward the required number of transportation improvements totaling \$1,562,000, as summarized in Table 4 of the TDDP. These improvements are needed to ensure that the critical roadways and intersections in the transit district will remain adequate and will be operating at or above Level-of-Service E (LOS E), as required by the TDDP Plan. Among the most consequential of these are:

- (1) Establishment of a Transit District-wide cap on the number of additional surface parking spaces (3000 Preferred, plus 1000 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 new 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

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Table 4 of the TDDP, and needed to ensure that the critical roadways and intersections in the transit district remain at or above the stated level-of service (LOS).

- (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 as many peak-hour auto trips as possible to transit, and to capitalize on the existing transit system in the district. The TDMD will continue to have boundaries that are coterminous 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, once the TDMD is authorized.
- (5) Preparation of annual transit district transportation and parking operations analysis for the TDMD, once authorized, to 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.
- (6) None exempt surface parking on new parking spaces are allocated at the time of detailed site plan approvals, which as noted above is not applicable to this case. Pursuant to P6, it is not necessary to account for the number of surface parking spaces that are deemed exempt or will be constructed as structured parking in each subarea.
- (7) The PG-TDDP identifies the subject property as Subarea 7 of the Transit District. There are 15 subareas in the transit district, two of which are designated as open space and will remain undeveloped. The proposed site consists of approximately 11.68 acres of land in the C-S-C- Zone. The property is located on the southwest quadrant of the East-West Highway (MD 410) and Editors Park Drive intersection.
- (8) As proposed and fully developed, the site will include approximately 580 to 870 multifamily residential units and 34,000 square feet of retail uses that would generate 210 to 350 AM and 250 to 475 PM peak-hour trips, assuming appropriate reduction for transit use.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- (9) The applicant is proposing to construct mostly structured parking spaces, and less than 50 replacement surface parking spaces. The proposed number of surface parking is significantly less than the exempt surface parking allocated to this subarea by the PG-TDDP.
- (10) For the proposed development levels and the number of projected peak-hour trips, on-site vehicular and pedestrian circulation patterns appear to be acceptable, except for the proposed right-in/right out access driveway along East-West Highway (MD 410), which in the view of staff is not necessary or desirable.

~~*[Based on the preceding findings, the Planning Board concludes that the proposed development as proposed conforms to the circulation requirements of the Prince George's Plaza Transit District Development Plan and to the required findings for approval of the conceptual site plan from the standpoint of transportation, in consideration of the requirements of Sections 27-276 and 27-546 of the Zoning Ordinance, provided that the proposed limited driveway along East-West Highway (MD 410) is eliminated prior to the certification of the concept site plan.]~~

Review Comments for the Proposed Revisions to the Approved CSP

The proposed amendments replace the area on the approved CSP designated for retail use with two-family dwellings (two-over-two), and revises approved conditions. Since the applicant is seeking the approval of non-transportation related revisions to the CSP pursuant to Section 27-290.01(a)(1)(B), the Planning Board's review is limited to specific transportation requirements for the use and design of ETOD projects.

The application, by proposing a mix of moderate- and high-density residential uses within the entire subject site, within a quarter-mile from a heavy rail metro station, would help to reduce auto dependency and roadway congestion if the submitted CSP is revised to include:

- (1) A direct high quality pedestrian walkway with active streetscape that would extend from East-West Highway (MD 410) to the proposed internal east-west roadway (depicted on submitted DSP as "Public Road A"), between the proposed boundary of the multifamily (DSP-14010) and proposed two-family dwellings. The exact configuration and alignment of this walkway must be included for review in the DSP for that part of development.
- (2) Provision of pedestrian walkways (at minimum on the side with minimum driveway conflicts), along all alley ways/private streets with townhouse frontages. The exact configuration and location of these walkways must be included for review in the DSP in the proposed townhouse units.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- c. **The State Highway Administration (SHA):** The SHA reviewed the proposed plans and provided a response on in a letter dated December 20, 2012, from Steven D. Foster to Susan Lareuse. The following comment was included in their review of the CSP:

“Although there is no Access Management Plan along this segment of MD 410, we recommend the possible elimination of direct access to MD 410 as a measure to promote a free flow of traffic along this corridor.”

At the *original public hearing, the Planning Board listened to the the applicant’s request for flexibility, and the City of Hyattsville’s agreement with the applicant, and decided that the issue of the proposed access on East-West Highway would be best addressed at the time of the detailed site plan.

*In regard to the revised CSP, SHA has requested a traffic impact study; however, their review of the study is independent of the DSP review.

- d. **Community Planning:** The Community Planning Division has reviewed the *original application and has made the following determinations:

General Plan Conformance—This application is consistent with the 2002 General Plan Development Pattern policies for centers in the Developed Tier and does not violate the General Plan’s growth goals for the year 2025, based upon review of Prince George’s County’s current General Plan Growth Policy Update.

This application is located in the Developed Tier and is in a designated Center (Prince George’s Plaza). The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for Centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The application is consistent with the development pattern policies of the 2002 Prince George’s County Approved General Plan for regional centers in the Developed Tier. The proposed mix of uses will promote development of mixed residential and nonresidential uses at moderate to high densities and intensities in accordance with Policy 1 on page 50 of the General Plan.

Master Plan Conformance—This application conforms to the land use recommendations of the 1998 *Approved Transit District Development Plan for the Prince George’s Plaza Transit District Overlay Zone*. The subject property (Subarea 7) is specifically recommended for consideration of a mixed-use development in the future given its

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

proximity to the Metro station (page 112). The proposed rezoning application conforms to this land use recommendation.

CONCEPTUAL SITE PLAN

Design

The CSP proposes a right-in/right-out access point on the frontage of the proposed building. In regard to the form and design of the proposed building, an access point that nearly bisects the frontage of the building results in a less than ideal front façade treatment that emphasizes automobile access over the pedestrian experience (the latter of which is promoted by the sector plan and is more appropriate in a mixed-use, transit-oriented environment). However, the Planning Board finds that this issue should be further explored at detailed site plan.

Buildings for retail space at the corners of the site and lining the entirety of the East-West Highway frontage of the proposed vertical mixed-use building is optimal. This will increase interest and activity in the pedestrian realm at the street level and all retail space will be readily accessible and visible from the main roadway through the transit district area.

Pedestrian and Bicyclist Circulation

The submitted conceptual site plan drawings do not reflect the bike lane proposed along East-West Highway or the shared use roadway along Editors Park Drive. The detailed site plans should directly reflect the sidewalk/pedestrian connections along East West Highway and connections from the rest of the property to this sidewalk.

The applicant's statement of justification indicates no crosswalks will be provided spanning East-West Highway, but an existing crosswalk exists at the signalized intersection with Editors Park Drive. The applicant should (a) reflect the presence of this crosswalk on the site plan drawings, and (b) be encouraged to upgrade the existing crosswalk as may be necessary to increase safety for school children and other users at the time of DSP. Standard S13 on page 31 requires contrasting paving materials for major pedestrian crossings spanning more than three lanes of traffic.

Open Spaces

The applicant should consider providing one or more publicly accessible squares or plazas in keeping with the overall vision and intent of the transit district development plan and the General Plan for centers in the Developed Tier, particularly if at the time of DSP the applicant decides to increase the FAR and uses the optional method of design as described in Section 27-548 of the Zoning Ordinance. The design of any proposed squares or plazas along the street frontage and the relationship of these spaces to the site and adjoining

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

properties should be evaluated at the time of detailed site plan review for conformance with requirements on pages 36-38 of the Transit District Development Plan.

Proposed Focal Points

The applicant has delineated proposed focal points along the streetscape but has not provide a description as to the vision for these spaces. The design and any pertinent special features of the proposed focal points should be fully expressed at the time of detailed site plan review.

*In regard to the revised CSP, the Planning Board found that the DSP application is consistent with the Plan Prince George's 2035 policies that recommend mixed land uses at this site, and conforms to the land use recommendations for mixed-use development as identified in the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (Prince George's Plaza TDDP/TDOZ). The development site is located in a Plan Prince George's 2035 designated regional transit district and a new downtown for Prince George's County. The Plan Prince George's 2035 vision for this area is intensive mixed-use development with excellent transit service. There are two public facilities in close proximity to this property. The Nicholas Orem Middle School and Edward Felegy Elementary School are approximately 700 and 750 feet from the subject property, respectively. Students from both schools traverse East-West Highway (MD 410) and Editors Park Drive to access both schools and would provide additional pedestrian activity to the property and surrounding site.

- e. **The Department of Public Works and Transportation (DPW&T):** The approved Stormwater Management Concept Plan 28828-2011-00 for private storm drain construction requires bioretention water quality control on-site. Although this issue will be addressed at the time of detailed site plan, it should be noted that the CSP provided for very little green area on the site for this purpose, considering that many of the green areas shown on the plan will be required for the implementation of a bufferyard along the southern property line. The bioretention should be located outside of the required landscaped buffer and should not be the basis for the granting of an alternative compliance application.

- f. **The Environmental Planning Section:** The Environmental Planning Section recommended approval of Conceptual Site Plan CSP-11002 with conditions. The Environmental Planning Section previously issued a Standard Letter of Exemption from the Woodland and Wildlife Habitat Conservation Ordinance (WCO) for this site on May 24, 2011. The site is subject to the environmental regulations in Subtitles 25 and 27 that became effective on September 1, 2010 because there are no previously approved development plans.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Environmental Site Description

A review of the available information indicates that no wetlands, streams or floodplain are found to occur on the subject project area. The site does contain stream buffer associated with an off-site stream south of the site. The predominant soils found to occur according to the USDA NRCS Web Soil Survey are Codorus and Hatboro soils, Codorus-Hatboro-Urban land complex, Russett-Christiana-Urban land complex, and Urban land soils series. According to available information, Marlboro clay does not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The site drains to the south towards an adjacent off-site unnamed stream, which drains to the Northwest Branch and is part of Anacostia watershed. According to PGAtlas.com, this site is not within the designated network of the Approved Countywide Green Infrastructure Plan. The site has frontage on East-West Highway, a master planned arterial road. This roadway is evaluated for traffic-generated noise when residential uses are proposed. East-West Highway is not designated a scenic or historic road.

Conformance to the Prince George's Plaza (June 1998) TDDP

Stormwater

P25- Any Development shall provide for water quality and quantity control in accordance with all Federal, State and County regulations. Bio-retention or other innovative water quantity or quality methods shall be used where deemed appropriate.

The site has a Stormwater Management Concept Approval Letter 28828-2011-00. The associated plan shows 14 micro-bioretenion ponds throughout the development. These ponds will drain into the county storm drain system. The associated concept plan has been reviewed and no fee is required for on-site attenuation/quality control measures. However, the stormwater management plan is based on a site layout different from the layout presented in the proposed CSP. Therefore, the Planning Board recommends that the applicant be required to revise the stormwater management concept plan to conform to a plan of development consistent with the proposed CSP or future proposed detailed site plan (DSP), respecting the landscaped buffer required between the school and the subject property and providing enough soil area free and clear of stormwater management facilities and other utilities to provide tree canopy coverage on the site.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

P26– Where stormwater management cannot be provided for existing developed properties, a mandatory 15 percent green space requirement shall be provided. The green space can be incorporated into the mandatory 10 percent afforestation required if it occurs on the actual property.

A copy of the stormwater management concept plan shows 14 micro-bioretenion ponds throughout the development. There is also green space proposed along the southern boundary adjacent to the school property and is proposed to be landscaped. At the time of detailed site plan, the location of micro-bioretenion areas should not be co-located where landscaping is required to fulfill the minimum requirements of the Landscape Manual, unless adequate soil volume and elevations are such that co-location will result in healthy plant growth.

S31– At the time of Detail Site Plan, the number of trash cans and locations shall be shown on the plan. Trash receptacles should be placed in strategic locations to prevent litter from accumulating in and around the proposed development.

Trash receptacles must be strategically located to prevent litter accumulation. In the Statement of Justification, the applicant states that this information will be provided with the detailed site plan. A landscape plan will be provided showing the locations of the proposed trash receptacles. Prior to approval of the detailed site plan, the landscape plan and/or hardscape plan should show the location of all trash receptacles.

S32– Prior to the final inspection and sign off of permits by the Sediment/Stormwater or Building Inspector, and storm drain inlet associated with the development and all inlets on the subject subarea shall be stenciled with “Do Not Dump, Chesapeake Bay Drainage.” The Detailed Site Plan and the Sediment Control Plan (in the sequence of construction) shall contain this information.

A sediment and erosion control plan and detailed site plan are not required with this submission; this stenciling information should be addressed at the time of detailed site plan. Prior to approval of the detail site plan, the DSP should include notes and a detail regarding the stenciling of storm drain inlets with “Do Not Dump – Chesapeake Bay Drainage” with the submission. Prior to the issuance of the first grading permit, a copy of the sediment and erosion control plan containing notes and details regarding the same stenciling should be submitted.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Woodland Conservation - Mandatory Development Requirements

S33— Afforestation of at least 10 percent of the gross tract shall be required on all properties within the Prince George's Plaza 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.

This property is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it contains less than 10,000 square feet of existing woodland and has no previously approved tree conservation plans. A Type 1 Tree Conservation Plan (TCP1-059-03-01) was submitted with the CSP application, but is not required.

As such, the site is required to provide ten percent afforestation either on-site or within the Anacostia watershed, as per the mandatory requirement above. The gross tract area of the site is 11.68 acres. The requirement for afforestation for the subject site is 1.17 acres. According to the submitted plan, the applicant has proposed to meet this requirement off-site. At this time, no off-site afforestation area has been identified by the applicant.

The intent of this requirement was to increase the tree canopy coverage within the Anacostia Watershed by planting additional trees. In the majority of past cases in the subject Transit District Development Plan (TDDP), S33 has been addressed through the provision of woodland conservation at off-site locations. In the majority of those cases, the applicants were not able to meet the requirement within the Anacostia watershed because of the absence of viable planting sites. Before being allowed to meet the requirement elsewhere in Prince George's County, these applicants were required to show due diligence in seeking sites within the Anacostia watershed. In other cases, particularly within the vicinity of the subject site, the Planning Board and District Council have accepted the on-site tree canopy through the landscaping of trees as an accepted method of meeting this requirement, through an amendment procedure at the time of DSP, such as was allowed on the Belcrest Plaza property. Tree canopy coverage regulations contained in Subtitle 25, Division 3, require a ten percent tree canopy coverage for sites zoned M-X-T. So it is possible to meet the ten percent afforestation requirement above and the ten percent tree canopy coverage requirement with the same vegetation. At the time of the detailed site plan, the DSP should demonstrate how the afforestation requirement above will be met either as off-site as currently proposed, or the applicant could apply for an amendment to the requirement above and request that the tree canopy coverage be allowed to be counted toward the afforestation requirement above and show plantings on the landscape plan, through the amendment procedure.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

100-Year Floodplain–Mandatory Development Requirements

P28– Any new development or reconstruction of existing development shall be in conformance with the Prince George’s County Floodplain Ordinance.

P29– No development within the 100-year floodplain shall be permitted without the express written consent of the Prince George’s County Department of Environmental Resources.

P30– If the development is undergoing subdivision, approval of a variation request shall be obtained for proposed impacts to the floodplain.

The site does not contain areas of 100-year floodplain.

Nontidal Wetlands - Mandatory Development Requirements

P31– If impacts to nontidal wetlands are proposed, a Maryland Corps of Engineers Joint Permit Application shall be required and, where required, issuance of the permit.

P32– If impacts to nontidal wetlands are proposed, a State Water Quality Certification pursuant to Section 401 of the Clean Water Act shall be required from the Maryland Department of the Environment.

The site does not contain areas of wetlands.

Noise Impacts - Mandatory Development Requirements

P33– Each Preliminary Plat, Conceptual and/or Detailed Site Plan shall show a 65dBA (Ldn) noise contour based upon average daily traffic volumes at LOS E. Upon plan submitted, the Natural Resource Division shall determine if a noise study is required based on the delineation of the noise contour.

P34– If it is determined by the Natural Resource Division that a noise study is required, it shall be reviewed and approved by the Natural Resource Division prior to approval of any Preliminary Plat of Subdivision, Conceptual and/or Detailed Site Plan. The study shall use 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.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

Policies contained in the 2002 *Prince George's County General Plan* call for the reduction of adverse noise impacts to meet State of Maryland noise standards. Noise is generally regulated along roads with a classification of arterial or higher, and for residential uses.

The project proposes to construct a mixed-use development with some retail/commercial, but predominately residential in nature. The north is bounded by East-West Highway (MD 410), which is identified as an arterial roadway that has enough traffic to produce noise levels above 65 dBA Ldn. Retail and commercial uses would not generally be regulated for noise impacts, however; noise impacts on residential uses are regulated by P34 above.

Using the Environmental Planning Section (EPS) Noise Model and applying an average daily traffic (ADT) count at build-out of the subject property results in 26,771 ADT, as indicated on the Maryland State Highway traffic volume map, and combined with a posted traffic speed of 40 mph, the unmitigated 65 dBA Ldn noise contour should be located approximately 168 feet from the center line of East-West Highway. The CSP submitted on November 26, 2012, does show a noise contour; however it is located at approximately 180 feet. Planning Board is not sure what information the applicant based the 180-foot noise line on, as shown on the plan. The CSP should be revised to show the correct location of the unmitigated noise contour, or provide a Phase I Noise Study that has determined the location of the unmitigated 65Dba Ldn noise contour.

According to the submitted plans, multifamily residential structures will be exposed to transportation noise levels of at least 65 dBA Ldn. Acceptable interior noise levels of 45 dBA Ldn or less may be achieved with appropriate shell construction methods. The acceptable noise level in outdoor activity areas is 65 dBA Ldn or less for outdoor activity areas. At the time of DSP, the recreational package for the future residents will be determined, and any outdoor facilities should be located outside of the noise impact areas on appropriate mitigation should be demonstrated. Prior to certification of the conceptual site plan, the CSP should be revised to correctly show the location of the unmitigated 65 dBA Ldn noise contour at 168 feet from the centerline of East-West Highway (MD 410) or provide a Phase I Noise Study that determines the location of the unmitigated 65 dBA Ldn noise contour, the plans should reflect the unmitigated 65 dBA Ldn noise contour, and the building permits should be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification should state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65 dBA Ldn or higher noise impact area.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Conformance with the Countywide Green Infrastructure Plan

The 2005 *Approved Countywide Green Infrastructure Plan* indicates that none of the property is within or near the designated network.

Environmental Review

- a. A Natural Resource Inventory Equivalency letter, NRI-090-11, in conformance with the environmental regulations was issued on April 25, 2011 and submitted with the current application. The site has less than 10,000 square feet of woodlands and stream buffer associated with an off-site stream to the south of the site. The stream buffer is shown on a TCP 1 but is not shown on the CSP. Prior to certification of the conceptual site plan, the CSP should be revised to show the limits of the 60-foot stream buffer and primary management area (PMA).
- b. This site contains natural features that are required to be protected under Section 27-276(b)(4) of the Zoning Ordinance, specifically a stream buffer. Planning Board will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features generally require variations to the Subdivision Regulations, but this project is exempt from the preliminary plan process.

The site contains a stream buffer associated with an off-site stream to the south of the site, on the Board of Education (BOE) property. This off-site stream results in a primary management area (PMA) on the site as a result of the 60-foot stream buffer that extends onto the subject site. Currently, the area of stream buffer on the subject site contains existing parking areas and maintained lawn areas.

The applicant has submitted a Letter of Justification dated February 12, 2013, for existing and proposed impacts to the buffer. The CSP proposes parking lot replacement (435 square feet) and parking lot removal (3,215 square feet). The area of parking lot removal will be redesigned and landscaped with trees and shrubs. Planning Board supports the applicant's request, because this activity will reduce the amount of existing impervious area by 2,780 square feet within the stream buffer and reestablish a pervious green space area on-site. The proposed impacts will be further evaluated at the time of the DSP review to further protect the feature, if possible.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Environmental Review Conclusion

The Planning Board finds that regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review.

- g. **Subdivision Review:** The property is known as Parcel D-1 and E-1, recorded in land records in Plat Book NLP 140-86 in 1988, which was a minor final plat for which no preliminary plan of subdivision was required. The sole purpose of that plat was to recognize the conveyance of land to a governmental agency and incorporate Outlot A and B into the subject property. The original platting of these parcels was pursuant to Plat Book WWW 34-27 for Parcels D and E recorded in land records in 1959 pursuant to Preliminary Plan of Subdivision 12-2316 (5-59007). The original plat (WWW 34-27) dedicated Toledo Terrace (60-foot-wide right-of-way (ROW)), subsequently Preliminary Plan of Subdivision 4-87229 was approved (PGCPB Resolution No. 87-549) for Outlot A and B, which was the result of the vacation (V-87125) of that portion of Toledo Terrace abutting to the east. In order to incorporate the outlots into abutting lots a minor final plat was approved (NLP 140-86).

Subsequent to the original 1959 plat, Special Exception Applications SE 483 and SE-2122 were approved in 1960 for the property for 177,450 square feet of "industrial plant" use and accessory office (28,000 square feet of GFA). Based on available permit information over 10,000 square feet is shown on previously approved permit plans as "addition not constructed" but aerial photographs show otherwise, that the additions were in fact constructed.

The property has never been used for residential purposes. The 1959 preliminary plan of subdivision file is not available; however, the subsequent use was an industrial plant in the C-S C Zone. This application is for the rezoning of the property to the M-X-T Zone (within the T-D-O-Z) and to redevelop the site with 34,211 square feet of commercial/retail and between 580-870 dwelling units.

Although this is a significant increase in the amount and type of development from that which exists on the property, no preliminary plan of subdivision is required due to an exemption in the Subdivision Regulations which has been grandfathering sites from preliminary plan of subdivision since the 1980's. Specifically, Section 24-111(c)(4) which provides:

- (c) **A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless:**

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- (4) **The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of a site that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, has been constructed pursuant to a building permit issued on or before December 31, 1991.**

The applicable plat relating to this exemption for this property is WWW 34-27 for Parcels D and E recorded in land records in 1959 pursuant to Preliminary Plan of Subdivision 12-2316 (5-59007). The subsequent plats were minor and approved as administrative plats to make minor adjustments as described above.

This site is 11.68 acres; ten percent (10%) of the total site area is 50,878 square feet of gross floor area (GFA). This site has an existing building that was constructed prior to 1991 based on aerial photographs and permit history, and the existing building is 205,470 square feet. Therefore, this site is exempt from the Subdivision Regulations (Subtitle 24) notwithstanding that the existing development will be razed. Therefore, the development is not subject to the adequate public facilities regulations and will not be subject to police, fire, or rescue response times, nor will it be subject to pay the Public Safety Surcharge (Subtitle 24). Based on County Council Resolution CR-45-2012 the fee is 2,312 dollars per dwelling unit within the Developer Tier, and would have meant permit fees of between 1.3 and 2 million dollars based on the range of dwelling units proposed with this application.

The Planning Board finds that approval of the above referenced plan should be subject to the following conditions:

- (1) Prior to certificate of approval of the plans:
- (a) Revise General Note 5 to indicate the number of parcels and reference Parcel D-1 and E-1 as reflected on the record plat NLP 140-86. No increase is permitted to the number of parcels without a preliminary plan of subdivision; and
 - (b) Revise the bearings and distances as shown on the CSP to be consistent with the record plat (NLP 140-86). All easements shall be accurately reflected on the Conceptual Site Plan.

- h. **Urban Design:** The Urban Design Section notes that other M-X-T-zoned properties within the Prince George's Plaza Transit District include requirements that relate specifically to the subarea. In this rezoning case, the Planning Board provides District

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Council with input regarding similar requirements and guidelines that reflect a consistent treatment of all M-X-T-zoned properties within the transit district.

The following requirements are common to the other M-X-T-zoned subareas within the Transit District and the Planning Board added these requirements as conditions for the development of the subject property. Following each of the requirements below is a discussion:

The maximum building height shall be 16 stories for all uses.

The proposal in the CSP is for a three- to six-story building; however, the height restriction should apply to the property and is encouraged, if the applicant wants to build a taller building in the future.

The minimum building height shall be 4 stories residential for development.

The *revised CSP proposes ~~*[commercial]~~ residential structures less than four stories, and the Planning Board agreed with the applicant that the CSP should be flexible in allowing some ~~*[retail, should the market demand it in a single story building, but that the architecture should be consistent with other structures on site.]~~ a reduced building height for the townhouses.

The first floor frontage of the residential buildings along East-West Highway and Editors Park Drive shall not include the rear of residential units or garage uses. Commercial uses, residential units with separate front street-side entrances, and/or tenant services and amenities shall be located on the first floor of the residential buildings on-site.

This type of information is generally shown at the time of the detailed site plan review.

The proposed architecture shall be enduring, high quality and distinctive.

This type of information is generally shown at the time of the detailed site plan review.

Rental residential units shall provide an increase in luxury through architectural features, building construction and added amenities to the site and units.

This type of information is generally shown at the time of the detailed site plan review.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

All surface parking lots shall be screened from view of roadways by the use of a low, opaque wall and/or landscaping unless they are providing short-term parking for ten cars or fewer.

This type of information is generally shown at the time of the detailed site plan review.

The Planning Board finds that the conceptual architectural renderings for the project should be modified at the time of DSP to do the following:

- (1) The architectural elevations for the development should be considerate of the pedestrian streetscape, particularly along East-West Highway and Editors Park Drive. These two roadways will facilitate most of the pedestrian movement to the metro and to the school(s) located to the rear of the subject property. As such, the relationship of the building to the streetscape should be such that the commercial and residential space will have windows and provide for, and contribute to an attractive streetscape. Structured parking should be wrapped with residential units along these important thoroughfares to keep eyes on the streets. Reasonable setbacks with intervening green areas will be encourage along Editor's Drive at the time of DSP.
- (2) The architectural elevations should indicate that the exterior courtyard spaces will be designed in such a way that the residents can see into the courtyards. Again, parking structures should be lined with residential units so that the courtyards become active spaces for use by the residents, and perhaps these areas will also provide for outdoor play areas for children.

- i. **The City of Hyattsville:** In a letter dated February 20, 2013, Mayor Marc Tartaro to Chairman Hewlett stated the following:

“On Tuesday, February 21, 2013 the City of Hyattsville unanimously voted to support, with conditions, the applicant’s request for rezoning from Commercial-Shopping-Center to Mixed-Use-Transit.

“The City believes that there will be a significant impact on our schools. Information is needed to understand the impact on our elementary schools, on Nicholas Orem Middle School, and on Northwestern High School. Information is also needed regarding possible solutions.

“The City offers conditional support of the applicant’s request for rezoning from Commercial-Shopping-Center to Mixed-Use-Transit with the following conditions:

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- “A. Provide a meaningful process to insure that the City’s concerns identified therein are adequately addressed through the planning and review process;
- “B. Provide traffic studies to understand the potential additional traffic impacts and means to mitigate this expected problem;
- “C. Provide full traffic control signalization at the intersection of Editors Park Drive and East-West Highway, which currently only has a flashing yellow signal;
- “D. As the “principal façade” of the building, the North façade along East-West Highway is the most important. Consider a more continuous street wall similar to Metro Shops and Post Park property that engages pedestrians and provides visual interest to passing traffic. The retail and residential need to be more clearly identified;
- “E. The site treatment adjacent to East-West Highway needs a more creative approach to the landscape. This is an opportunity to provide visual interest and make a sustainability statement;
- “F. The pedestrian experience at ground level along Editors Park Drive should be made more visually interesting. There are significant sections of proposed solid wall at grade that do not engage the sidewalk and pedestrian activity;
- “G. Create a vehicular site circulation pattern that mitigates the impact to Editors Park Drive. Consider locating the vehicular entrance to the residential parking structure at the rear of the site to maintain a more pedestrian friendly street façade;
- “H. The applicant should be provided with flexibility on the location and amount of retail during the conceptual site plan review, and that the final location and amount of retail be determined during the application for detailed site plan review and approval;
- “I. The proposal lacks sufficient programmed recreational/amenity green space. Consider developing the Storm Water Management area along the south boundary to be an amenity;

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

“J. The City request that a portion of the fee-in-lieu should support Heurich Park and/or other parks within the City of Hyattsville, which may be used for capital improvements, acquisition or pedestrian access. Funds not used for these purposes should support public recreational amenities at the Prince George’s Recreational Center.

“We believe that this request is consistent with the intent of the approved Prince George’s Plaza Transit District Development Plan and we respectfully that you consider the City’s conditions for support of this rezoning request.”

The Planning Board considered the City of Hyattsville’s testimony and adopted the applicant’s proposal to modify the City’s language as considerations to be addressed at the time of DSP.

j. Planning Board reviewed the Department of Parks and Recreation (DPR) recommendations for the conceptual site plan and found the following as it pertains to public parks and recreation for the future development.

The Prince George’s Plaza Transit District Overlay Zone includes the following goals for parks and recreation:

- (1) To provide parks, recreation facilities and programs to respond to the needs of residents and employees of the transit district.
- (2) To develop facilities that are functional, safe and sensitive to the surrounding environment.
- (3) To protect and conserve public open space and natural resources.
- (4) To utilize alternative methods of park acquisition and facility development such as donation and mandatory dedication.

The mandatory development requirement related to parks and recreation states:

P34 At the time of Preliminary Plat of Subdivision or Conceptual or Detailed Site Plan, the Department of Parks and Recreation (DPR) will review the site plan related to the development’s impact on existing public parkland and recreation facilities and the need for additional parkland and recreational facilities. Any residential development shall meet the mandatory dedication requirements of the County Subdivision Ordinance (Subtitle 24).

The applicant has requested a rezoning of property to allow for a high-density mixed-use development. The Mandatory Development Requirements in the *Approved Transit*

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Development Plan for Prince George's Plaza, Transit District Overlay Zone allow for DPR to apply Subtitle 24-134 of the Subdivision Regulations at the time of Preliminary Plat of Subdivision or Conceptual or Detailed Site Plan.

Based on the F.A.R. and Site Development Tabulations on the plans, the development will be predominantly residential (more than 90 percent of the total development). The applicant's plan proposal indicates that 580-870 multifamily residential units will be constructed as part of the development. Based on current development range listed, the proposed development will generate a projected population between 1,400 to 2,100 new residents to the community. Section 24-134(a)(1) of the Subdivision Regulations requires that in a residential subdivision, 15 percent of the land shall be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC) when the density exceeds 12 dwelling units per acre. The proposed density based on this range of residential units would range from 50 to 74 dwelling units per acre, thus the requirement for Mandatory Dedication would equate to 1.75 acres of land.

The subject property is not adjacent to any existing M-NCPPC owned property. The nearby parks and recreation facilities include:

- (1) Northwest Branch Stream Valley Park—approximately one quarter of a mile to the northwest.
- (2) Heurich Community Park—approximately one quarter of a mile to the west.
- (3) Prince George's Plaza Community Center—approximately three quarters of a mile to the northeast.

The Planning Board is of the opinion that Mandatory Dedication is not the most desirable method for achieving the goal of providing adequate public parkland and facilities for the future residents of this development.

The proposed development is in close proximity to The Prince George's Plaza Community Center which is the oldest M-NCPPC owned and operated community center in our system. The Community Center is in need of expansion, especially given the projected growth of population in the Prince George's Plaza Transit District Overlay Zone area. The Community Center is located at the eastern edge of the T-D-O-Z in Subarea 2. The Department of Parks and Recreation (DPR) has recently acquired additional property for the eventual reconstruction and expansion of the Community Center. A combination of funding for the expansion of the Community Center and the provision of outdoor recreational facilities maybe the method to provide for the future recreational needs of this development.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

The Planning Board is in agreement with the statements in the applicant's Justification Statement (for P34) and conclude that a more detailed evaluation of the Parks and Recreation standards should be performed at time of detailed site review.

In order to meet the needs of public parks and recreation for the high density residential development proposed, with the detailed site plan the applicant should meet with DPR to develop a mutually acceptable Parks and Recreational Facilities Package. The Parks Recreational Facilities Package should include a combination of Private Recreational and Facilities and fee to facilitate the expansion of the Prince George's Plaza Community Center. This Parks and Recreational Facilities Package will meet the requirements of Mandatory Parkland Dedication.

*[22]23. As required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP will represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use, if approved with conditions.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, based upon the foregoing evaluation and analysis the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission recommends that the District Council APPROVE the rezoning of the Kiplinger Property from the C-S-C Zone to the M-X-T Zone; and furthermore APPROVE the Conceptual Site Plan, CSP-11002, for Kiplinger Property subject to the following conditions:

1. Prior to signature approval of the conceptual site plan (CSP), the plans shall be revised to:
 - a. Include the following notes on the plans:
 - (1) The maximum building height shall be 16 stories for all uses.
 - (2) The minimum building height shall be four stories for *multifamily apartment residential development.
 - (3) The first floor frontage of the residential buildings along East-West Highway and Editors Park Drive shall not include the rear of residential units *to the extent practicable or garage uses. Commercial uses, residential units with separate front street-side entrances, *landscaping, screening, grade changes, and/or tenant services and amenities shall be located on the first floor of the residential buildings on-site. *Where first floor residential uses are present, design elements focusing on privacy and screening shall be employed.
 - (4) The proposed architecture shall be enduring, of high quality, and distinctive.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- (5) Rental residential units shall provide an increase in luxury through architectural features, building construction, and added amenities to the site and units.
 - (6) All surface parking lots shall be screened from view of roadways by the use of a low, opaque wall and/or landscaping unless they are providing short-term parking for ten cars or fewer.
 - b. Demonstrate conformance to Section 4.7 of the 2010 *Prince George's County Landscape Manual*.
 - c. Eliminate direct access to East-West Highway (MD 410) from the CSP. Notwithstanding the foregoing statement, if at the time of DSP the Applicant desires to propose direct access to East-West Highway the proposed access location and design will be subject to review and approval by State Highway Administration, MNCPPC Transportation Division and Urban Design.
 - d. Reflect the presence of any crosswalks around the perimeter of the site on the CSP.
 - e. Revise General Note 5 to indicate the number of parcels (2) and reference Parcels D-1 and E-1 as reflected on the record plat NLP 140-86. No increase is permitted to the number of parcels without a preliminary plan of subdivision.
 - f. Revise the bearings and distances as shown on the CSP to be consistent with the record plat (NLP 140-86). All easements shall be accurately reflected on the conceptual site plan.
2. Prior to acceptance of the detailed site plan (DSP), the applicant shall meet with the Department of Parks and Recreation (DPR) to develop a mutually agreeable Parks and Recreation Facilities Program for the community.
 3. Prior to approval of a DSP, the plans shall include the following:
 - a. Architectural features that contribute to the identification of the Transit District, such as flagpoles or other vertical features, signage or architectural treatment that contributes to a sense of place and recognition that one is entering the Prince George's Plaza Transit District Overlay Zone.
 - b. Provide an architectural design that makes a visual statement at the east and west corners of the East-West Highway elevation by means of prominent corners such as towers or other distinct forms.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- c. The requirement for mandatory dedication (P34) and/or fee-in-lieu will be determined at the time of DSP review.
 - d. Provide for an upgrade of the existing crosswalk as may be necessary to increase safety for school children and other users as required by S13 on page 31 requiring contrasting paving materials for major pedestrian crossings spanning more than three lanes of traffic or as otherwise approved by SHA/DPW&T.
 - e. Provide for the design and any pertinent special features of the proposed focal points proposed along East-West Highway (MD 410) as shown on the CSP.
 - f. The location of the Environmental Site Design (“ESD”) facilities shall not be the basis for the granting of an alternative compliance application to reduce the required tree canopy or required landscaping. *This condition shall not preclude the applicant from applying for alternative compliance generally at the time of detailed site plan.
 - g. All outdoor activity areas shall be designated on the plans. A Phase II noise study shall be submitted that addresses noise mitigation for the outdoor activity areas and necessary building materials to mitigate indoor areas.
4. Prior to approval of the detailed site plan, the landscape plan and/or hardscape plan shall show the location of all trash receptacles.
 5. Prior to acceptance of the detailed site plan, the plans shall include notes and a detail regarding the stenciling of storm drain inlets with “Do Not Dump – Chesapeake Bay Drainage.”
 6. Prior to the issuance of the first permit, a copy of the sediment and erosion control plan containing notes and details regarding the stenciling of the storm drain inlets shall be submitted.
 7. At the time of the detailed site plan, the plans shall demonstrate how the ten percent afforestation requirement for S33 of the TDDP will be met.
 8. Prior to certification of the conceptual site plan, the CSP shall be revised to correctly show the location of the unmitigated 65dBA Ldn noise contour at 168 feet from the centerline of East-West-Highway (MD 410), or provide a Phase I Noise Study that determines the location of the unmitigated 65dBA Ldn noise contour.
 9. Prior to the acceptance of the DSP, the plans shall reflect the unmitigated 65dBA Ldn noise contour in accordance with the CSP.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

10. At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.
11. Prior to certification of the conceptual site plan, the CSP shall be revised to show the limits of the 60-foot stream buffer and primary management area (PMA).
12. Prior to acceptance of the DSP, the stormwater management concept plan and letter shall be revised to reflect a site layout consistent with the proposed DSP and stormwater management techniques.
13. Prior to signature approval of the CSP-11002, the submitted CSP be revised to incorporate the following:
 - a. A direct high quality pedestrian walkway with active streetscape that would extend from MD 410 (East- West Highway) to the proposed internal east-west roadway (depicted on submitted DSP as Public Road "A"), along the proposed boundary of the multifamily and proposed condominium. The exact configuration and alignment of this walkway must be included for review in the DSP for the proposed condominiums, and
 - b. Provision and designation on the submitted CSP of pedestrian walkways (at minimum on the side with minimum driveway conflicts), along all alley ways/ private streets with townhouse frontages. The exact configuration and location of these walkways must be included for review in the DSP for the proposed townhouse units.

CONSIDERATIONS FOR DSP:

1. At the time of DSP, the project presented by the Applicant shall take into account the following considerations:
 - a. Comply with all TDOZ requirements for parking analysis and traffic as set forth in the adopted TDDP for the Prince George's Plaza Transit District Overlay Zone.
 - b. Prior to the issuance of an Access Permit for Editors Park Drive, to be issued by the City of Hyattsville, the Applicant shall pursue the possibility of converting the traffic signal located at the intersection of East-West Highway and Editors Park Drive from a flashing signal to a fully operating traffic signal subject to review and approval of SHA and/or DPWT.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- c. The frontages on East-West Highway and Editors Park Drive shall be given particular attention to implement the streetscape requirements of the TDDP in a manner that enhances the pedestrian experience and aesthetic appearance of the façades at street level. A more continuous street wall design shall be considered along East-West Highway and architectural emphasis shall be given to ensuring a compatible design and transition between buildings including any retail/ commercial buildings and the primary residential buildings with the goal of providing visual interest to vehicular travelers and pedestrians.
- d. Landscaping and/or hardscaping streetscape design along East-West Highway with appropriate focal point treatment shall be addressed at DSP to ensure visual interest and a sustainable design statement through the use of street trees and other streetscape design elements.
- e. The number and location of access points on Editors Park Drive shall be reviewed at DSP to balance efficient circulation for the project with impacts on the pedestrian activity on Editors Park Drive.
- f. Flexibility shall be allowed at the time of DSP review for the location and design of the retail component on the site and possible relocation of each component and the amount of square footage of retail shall be determined at the time of DSP. Any retail component that is separate from the multi-family residential building shall be designed to be integrated architecturally with the overall project through the use of compatible materials, design elements, stepped-up building height and/or other architectural techniques to ensure the project has a unified and high-quality appearance.
- g. The outdoor recreational and amenity areas shall be fully designed at the time of DSP including the use of courtyards, plazas, sitting areas and possible green space amenities.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

* * * * *

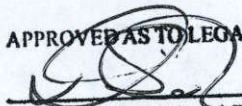
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 28, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of March 2013.

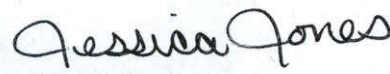
*This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey, and Hewlett voting in favor of the motion, with Commissioner Washington temporarily absent, at its regular meeting held on Thursday, March 26, 2015, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

*Adopted by the Prince George's County Planning Board this 16th day of April 2015.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department
Date 4/1/15

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:SL:rpg

*Denotes Amendment
Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language