

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 July 26, 2018, regarding Conceptual Site Plan CSP-18002 for Magruder Pointe, the Planning Board ~~*[finds]~~ reviewed and approved CSP-18002 for Magruder Pointe on July 26, 2018, and PGCPB Resolution No. 18-74 was adopted on July 26, 2018, formalizing that approval; and

WHEREAS, on September 4, 2018, certain persons of record filed an appeal. The District Council held oral argument on the case on January 15, 2019, and voted to remand the case to the Planning Board for an additional evidentiary hearing to address specific issues; and

WHEREAS, in consideration of the evidence presented at a public hearing on March 14, 2019, regarding the remand of Conceptual Site Plan CSP-18002 for Magruder Pointe, the Planning Board finds:

1. **Request:** The subject conceptual site plan (CSP) application proposes to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone for a future single-family residential development. No site improvements have been proposed in this CSP.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone:	R-55/O-S/D-D-O	R-55**/D-D-O
Use:	Office	Residential Single-Family Detached and Attached*
Gross Acreage	8.26	8.26
R-55 Zone	3.6	3.6
O-S Zone	4.66	4.66
Lots	35	TBD

Notes: *The applicant is proposing density for the single-family attached dwellings at nine dwelling units per gross acre.

**The applicant requests M-U-I.

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3. **Location:** The subject property is located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place, in Planning Area 68, Council District 2. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA).
4. **Surrounding Uses:** To the north and east of the property, beyond Hamilton Street and 41st Avenue, are existing single-family detached houses in the R-55 Zone; to the west, beyond 40th Avenue, is an existing public park known as Magruder Park, owned by the City of Hyattsville, and Magruder Woods Park owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC) in the O-S Zone; and between the two parcels are midrise apartment buildings in the Multifamily High Density Residential (R-10) Zone. All surrounding properties are in the TRN Character Area and in the Development District Overlay (D-D-O) Zone.
5. **Previous Approvals:** The subject property is located on Tax Map 50 in Grid B1, consists of 35 lots, and contains a total of 8.26 acres. Lots 80–93 of Wine and Johnson's Revised 1st Addition to Hyattsville 1882, recorded in Plat Book LIB A-20 on June 12, 1884, and a portion of land west of Lots 88 and 88½, recorded in Liber 21981 folio 165, comprise 3.6 acres of the subject property and are zoned R-55. Lots 23–33 and Lots 52–61 of Block 1 of Holladay Company's Addition to Hyattsville, MD, recorded in Plat Book LIB A-30 on May 19, 1887, comprise 4.1 acres of the subject property and are zoned O-S. The Gateway Arts District Sector Plan and SMA also placed a D-D-O Zone over the property and retained the R-55 Zone, but downzoned the 4.66-acre parcel to the O-S Zone.
6. **Design Features:** The subject site houses the former Washington Suburban Sanitary Commission (WSSC) headquarters building on Hamilton Street to the north and the parking lot serving the building to the south across Gallatin Street. The building (3.6-acre parcel) is located in the R-55/D-D-O Zones and the parking lot (4.66-acre parcel) is located in the O-S/D-D-O Zones.

This property owner plans to utilize the D-D-O Zone amendment process, as stated in Section 27-548.26 of the Prince George's County Zoning Ordinance, and filed this CSP to rezone the underlying O-S and R-55 Zones to the M-U-I Zone for development of a single-family residential community consisting of single-family detached dwellings and townhouses. No improvements have been proposed with this CSP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment and the standards of the Development District Overlay (D-D-O) Zone:** The Gateway Arts District Sector Plan and SMA defines long-range land use and development policies, detailed zoning changes, design standards, and a D-D-O Zone for the Gateway Arts District area. The land use concept of the sector plan divides the Gateway Arts District into seven interrelated areas including,

Town Center (TC), Arts Production and Entertainment (APE), Neighborhood Arts and Production (NAP), Multifamily Residential Community (MRC), TRN, Neighborhood Commercial (NC), and Stream Valley Park (SVP) for the purpose of examining issues and opportunities and formulating recommendations. Detailed recommendations are also provided for seven distinct areas within the sector plan.

The sector plan recommends two land uses across the subject property: parks and open space (O-S Zone) on the 4.66-acre parcel and single-family development (R-55 Zone) on the 3.6-acre parcel. The sector plan also puts the two parcels in the TRN Character Area.

In many ways, the traditional residential neighborhood character areas suggest a glimpse of small town Americana. They overlay land zoned for single-family housing (attached and detached). The historic houses and streetcar suburban pattern of inter-connecting narrow streets and shaded sidewalks within easy access to town centers and Metro are assets to be protected from encroachment or significant loss of integrity. (page 14)

Section 27-548.26(b) specifies that the property owner shall show, with a CSP, that the proposed development conforms with the purposes and recommendations of the development district, as stated in the master plan, master plan amendment, or sector plan. The Gateway Arts District Sector Plan establishes specific goals for the TRN area, as follows:

The goal for the TRN is, “To promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones. To preserve the single-family residential neighborhood character as the anchor of the Arts District, while supporting artists who produce and teach from their homes. To enhance the “built-in” natural surveillance of public areas by active neighbors on porches, in yards, and on the sidewalk.” (page 138)

No mixed use of any kind, including the M-U-I Zone, has ever been envisioned in the TRN Character Area. High-density mixed use is mainly directed to the town center area, predominantly along both Rhode Island Avenue and US 1 (Baltimore Avenue). As such, the Planning Board does not support the M-U-I Zone for this property, as this is contrary to the goals and recommendations of the development district.

Based on the sector plan’s recommendations for context-sensitive infill development to preserve traditional neighborhood characters in the TRN area, and the fact that the O-S Zone parcel was previously in the R-55 Zone prior to the 2004 Gateway Arts District Sector Plan and SMA, the Planning Board ~~*[finds that the appropriate zone for the entirety of the property is]~~ considered a rezoning to the R-55 Zone instead, but after the application was remanded by the District Council

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and new evidence introduced, the Planning Board does not recommend a zoning change at this time. Although the Applicant argued that the R-55 Zone [This] would allow for development of both the single-family detached and attached units that is consistent with the sector plan recommendation for preservation of single-family character on this property, *a majority of the Planning Board was not convinced. [The Planning Board recommends that the 4.66 acres of O-S Zone be rezoned to the R-55 Zone, and that the attached single-family dwelling units be permitted at 9 dwelling units per acre, and that the density for single-family dwellings should be consistent with the R-55 Zone of 6.7 dwelling units per acre.]

*The Planning Board cannot find that rezoning the subject property from the O-S to the R-55 Zone would be consistent with the applicable master plan and the Gateway Arts Development District Plan recommendations for the property. Further, the Planning Board members voting against the motion gave great weight to the information and recommendations set forth in a letter dated March 5, 2019 (Hollingsworth to Hewlett), wherein the City of Hyattsville City Council voted to oppose the rezoning. [will position it to achieve the purposes and recommendations of the sector plan for both family and artist-oriented residential development. Most importantly, this zoning category will not preclude implementation of the recommendation for provision of additional green or open space located adjacent to the existing Magruder Park, to the west of the 4.66-acre parcel. A context-sensitive design at the time of detailed site plan (DSP) and the R-55 Zone will allow strengthening of the traditional residential neighborhood character for the area.]

8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the following Zoning Ordinance requirements:
- a. Section 27-546.16(b)(2), Approval of the M-U-I Zone, of the Zoning Ordinance states the following:
- (2) **Property in the D-D-O Zone may be reclassified from its underlying zone to the M-U-I Zone through the property owner application process in Section 27-548.26(b). In the review process, the owner shall show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties.**

Section 27-548.26(b) specifies that the owner shall show, with a CSP, that the proposed development conforms with the purposes and recommendations for the development district, as stated in the master plan, master plan amendment, or sector plan, and that the case must be reviewed by the Prince George's County District Council. A discussion of the subject CSP's conformance with the applicable sector plan is in Finding 7 above. Based on this extensive discussion,

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the Planning Board ~~*[found]~~ finds that it cannot recommend rezoning the property to the R-55 Zone or M-U-I, as requested by the Applicant, as a majority of the Board was unable to find conformance with ~~[would best conform with]~~ the purposes and recommendations of the development district, as stated in the sector plan. The Planning Board's ~~[recommendation]~~ resolution on the subject CSP will be forwarded to the District Council for a final review and ~~[approval]~~ decision, as required.

The second part of the above requirement requires the owner to show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties. The adjacent properties to the north, south, and east are all zoned R-55 and D-D-O within the TRN Character Area; the adjacent properties between the two parcels are in the R-10 and D-D-O Zones. Development in the R-55 Zone, if it is also within the boundary of the City of Hyattsville, is currently exempt from the D-D-O Zone standards of the sector plan. However, in order to safeguard the TRN Character Area and make sure that the new development on the subject property is compatible with the surrounding established single-family subdivision, the proposed development should be subject to DSP review, as a condition of approving the rezoning, and the development district standards of the character area, including building heights, setbacks, parking, and landscaping, regardless of the underlying zoning. Based on discussions, the potential development pods will be interrelated and will need to be evaluated together as one site.

Section 27-546.16(c) also includes the following specific requirement:

- (c) Unless requested by a municipality or the Prince George's County Redevelopment Authority, the M-U-I Zone may be approved only on property which adjoins existing developed properties for twenty percent (20%) or more of its boundaries, adjoins property in the M-U-I Zone, or is recommended for mixed-use infill development in an approved Master Plan, Sector Plan, or other applicable plan. Adjoining development may be residential, commercial, industrial, or institutional but must have a density of at least 3.5 units per acre for residential or a floor area ratio of at least 0.15 for nonresidential development.**

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The subject property is surrounded by R-55 and R-10-zoned properties and there is no mixed-use zone close to it. The requested M-U-I Zone is not consistent with the sector plan goals and recommendation and is not ~~*[supportable]~~ supported by the Planning Board.

The adjoining properties in the R-55 Zone are developed with single-family homes with a density of approximately 3.6–7.9 dwelling units per acre (average lot size is 0.126-0.3 acre). The R-10-zoned property between 40th Place and 41st Avenue has been developed with three multifamily apartments and its density is approximately 20 dwelling units per acre, and can be up to a maximum of 48 dwelling units per acre. The density meets the requirements of adjoining developed property for 20 percent, or more, of its boundaries and the adjoining development has a density of at least 3.5 dwelling units per acre.

The Planning Board *does not support[s] rezoning the 4.66-acre parcel to either the R-55 Zone, [not] or the M-U-I Zone. ~~[and allowing nine dwelling units per acre for the portion of the property developed with single family attached, in order to promote development of both family and artist-oriented residential development.]~~ The Planning Board discussed the City of Hyattsville’s analysis which concluded that the rezoning of the property and the approval of single-family attached dwelling units on the property would contradict the goals of the character area. The Planning Board also considered testimony that the property was “intentionally downzoned to O-S with the adoption of the 2004 Gateway Arts District Sector Plan and Sectional Map Amendment to create opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area.” [Section 27-548.23(b) states that the D-D-O Zone may not permit densities in excess of the maximum permitted in the underlying zone. Therefore, the Planning Board recommends that the single family dwellings be developed consistent with the maximum allowed density of 6.7 dwelling units per gross acre in the R-55 Zone, and that the single family attached dwellings, which do not have a density limitation in the R-55 Zone because they are not generally permitted, be allowed at nine dwelling units per gross acre. These densities will enable a density transition from the higher multifamily zone to the lower single family zone. These densities will be able to support transit and other basic urban services. These densities also promote compact development that is consistent with smart growth policies in this part of the County, while maintaining economic viability.]

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- b. The CSP is limited to the rezoning request and no improvements have been proposed with this application. Conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance will be reviewed, *if the CSP is approved by the District Council, as the project moves through the DSP stage. The preliminary plan of subdivision (PPS) and the DSP for this site will be subject to the applicable D-D-O Zone standards for the TRN area. Additional bulk requirements will be established with the approval of the PPS and DSP in order to implement the goals and recommendations of the Gateway Arts District Sector Plan for the TRN area, to achieve context-sensitive, high-quality single-family residential development. *If the District Council approves the rezoning, [A] a condition [~~has been included in this resolution~~] requiring this to be done at the time of DSP is advisable.
9. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site has less than 10,000 square feet of woodland on-site and no previously approved tree conservation plans.
10. **Other site plan related regulations:** Two additional regulations are applicable to the site plan review that usually requires detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only.
 - a. **Prince George’s County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP for the project, when detailed information is available.
 - b. **Prince George’s County Landscape Manual**—The D-D-O Zone includes development district standards that override the requirements of the Zoning Ordinance. On page 142 of the sector plan, it states:

The development district standards replace all those contained in the Zoning Ordinance and Landscape Manual except (1) where noted for parking provision, (2) properties zoned R-80 except with respect to accessory buildings containing an artist studio, (3) where noted for home occupation signage, and (4) where noted for signage size. If an aspect of the physical development of a project is not included in the development district standards, the character area goals and the intent statement of those standards most closely relating to that aspect shall apply.

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Therefore, at the time of DSP, *if the rezoning is approved, the requirements for landscaping will be dictated by the D-D-O Zone standards applicable to the TRN Character Area.

11. **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. **Community Planning**—The Planning Board found the following:

General Plan

This application is in the Established Communities area. *The Plan Prince George's 2035 Approved General Plan* (Plan 2035) classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of regional transit districts and local centers as established communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas.

Sector Plan

The Gateway Arts District Sector Plan and SMA makes the following recommendations (page 14) for the TRN Character Area:

The subject property is located in the TRN Character Area of the sector plan. Of the TRN, the sector plan states, "In many ways, the traditional residential neighborhood character areas suggest a glimpse of small town Americana. They overlay land zoned for single-family housing (attached and detached). The historic houses and streetcar suburban pattern of inter-connecting narrow streets and shaded sidewalks within easy access to town centers and Metro are assets to be protected from encroachment or significant loss of integrity.

The goal (page 138) for the TRN area is:

To promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones. To preserve the single-family residential neighborhood character as the anchor of the Arts District, while supporting artists who produce and teach from their homes.

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To enhance the “built-in” natural surveillance of public areas by active neighbors on porches, in yards, and on the sidewalk.

SMA/Zoning

The sector plan and SMA retained the portion of the subject property (between Hamilton and Gallatin Streets) in the R-55 Zone, but reclassified the parking lot portion of the property (between 40th Avenue and 40th Place) from the R-55 Zone to the O-S Zone, noting that “[r]ezoning to O-S creates the opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area” (see page 123). The SMA further superimposed a D-D-O Zone, placing the entire property in the TRN Character Area. Note that R-55-zoned properties in the TRN Character Area, within the incorporated City of Hyattsville, are exempt from the development district standards and are required to abide by the requirements of the R-55 Zone. The Planning Board recommends that *if the rezoning is approved by the District Council, a DSP should be required as a condition of rezoning and it should include the entire site area, due to the interrelationship of the uses and to ensure sensitive development, in context with the surrounding neighborhood.

Development District Overlay Zone Conformance Issues

The Planning Board finds that this application to rezone the property to the M-U-I Zone does not meet the requirements of Section 27-548.26(b)(2)(A) and (b)(5), as it does not conform with the purposes and recommendations for the Development District, as stated in the Sector Plan. *Further, the Planning Board does not recommend[s] that the O-S-zoned portion of the property be rezoned to R-55.

Traditional Residential Neighborhood Character Area, Recommendation 2,

(page 27) states: “Reinforce existing single-family detached residential neighborhoods as community oriented, quiet, low-traffic, and child safe.” The construction of townhouses in the R-55 Zone *[would] may not prohibit reinforcement of the existing single-family detached residential neighborhoods, with careful site planning and transitions, *however the Planning Board finds that it could not recommend the re-zoning on the grounds stated above.

Environmental Infrastructure Recommendation 1 (page 36) reads, in part, “Use existing land use regulations to provide open space.” Recommendation 1.b is, “Floodplain Areas: Land within the 100-year floodplain is generally restricted from further development (Subtitle 4, Division 2, Prince George’s County Code).” All of the land zoned O-S and proposed for single-family attached dwellings is located abutting or within the existing floodplain. The applicant is working with the Prince George’s County

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Department of Permitting, Inspections and Enforcement (DPIE) to relocate and improve the overall function of the floodplain, above what would normally be required. *If the rezoning is approved by the District Council, this will result in an overall improvement in the management of quantity and quality, consistent with the environmental site design standards of the County.

As stated above, the goal for the TRN area is, “To promote development of both family-and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones” (page 138). ~~*[Therefore, using the portion of the property zoned O-S for townhouses does not conflict with Environmental Infrastructure Recommendation 1.]~~ As stated above, “Rezoning to O-S creates the opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area” (page 123). With this development scenario, the applicant is working with the City of Hyattsville to explore opportunities to expand the abutting parkland, ~~*[consistent with this recommendation.]~~ however both the City and a majority of the Planning Board remain unconvinced that the rezoning is appropriately consistent with goals for the property as stated in the Gateway Arts D-D-O.

- b. **Transportation Planning**—The Planning Board found the following:

Analysis of Traffic Impacts

The table below compares trip generation in each peak hour and daily trips between the approved use for the site and the proposed use. The trip generation is estimated using trip rates and requirements in the “Transportation Review Guidelines, Part 1” and the *Trip Generation, 9th Edition* (Institute of Transportation Engineers).

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Comparison of Estimated Trip Generation, CSP-18002, Magruder Pointe, 8.26 acres with 4.66 acres in the O-S Zone and 3.60 acres within the R-55 Zone								
Zoning or Use	Units or Square Feet	AM Pk. Hr. Trips			PM Pk. Hr. Trips			Daily Trips
		In	Out	Total	In	Out	Total	
Existing Zoning R-55 (4.2 residences per acre)	15 detached homes	2	9	11	9	5	14	135
O-S (0.2 residences per acre)	1 detached home	0	1	1	1	0	1	9
Total Per Existing Zoning		2	10	12	10	5	15	144
Proposed Zoning M-U-I (applicant's proposal)	82 homes (mix of attached and detached)	11	47	58	43	23	66	672
Difference Between Existing and Proposed		+9	+37	+46	+33	+18	+51	+528

The above comparison of estimated site trip generation indicates that the proposed rezoning could have an impact on traffic in the area, with an increase of over 500 daily trips. Nonetheless, the applicant has already scoped a traffic study, in anticipation of the future PPS.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) shows the Hamilton Street/Jefferson Street corridor as a master plan collector; however, this recommendation is only for the section west of 40th Avenue and does not affect the subject property.

c. **Subdivision Section**—The Planning Board noted that the current deed for the property, recorded in the Prince George's County Land Records in Liber 21981 folio 165 on March 23, 2005, describes the subject property as two parcels. However, a minor final plat to consolidate the lots was not recorded, as required by Section 24-108(a)(3) of the Subdivision Regulations; therefore, the legal description of the property is as described above. Resubdivision or further subdivision of the lots will require a PPS, in accordance with the Subdivision Regulations.

d. **Trail**—The Planning Board found the following:

The sector plan's Transportation system introduction (page 38–39) states:

Since most of the area's transportation system is already in place, efforts are needed to maximize the use of the existing transportation network and make changes that will result in a balanced use of all transportation modes: transit (rail and bus), automobile, bicycle, and walking.

Goals

1. To provide an integrated multimodal transportation system that is safe, efficient, attractive, and accessible, while reducing dependency on the automobile.
2. To provide safe and convenient pedestrian and nonmotorized circulation opportunities in the Arts District for recreation and transportation, with an emphasis on connections to Metro and US 1.

*If the District Council approves the rezoning request, the applicant should provide sidewalks on both sides of internal roads and road frontages. A more detailed analysis of the sidewalk network and frontage improvements will occur with the PPS and the DSP.

The sector plan's Sidewalks, Trails and Bikeways section (page 46) states:

5. A variety of routes were identified that are currently used by bicyclists and pedestrians and most efficiently connect the West Hyattsville and Prince George's Plaza Metro Stations with US 1. These routes primarily focus on serving the local neighborhoods. These routes may also be designated as Artways with specific themes or features (such as banners or artwork) unifying the entire corridor. (Gateway p.46)
 - b. West Hyattsville Metro to 38th Street and US 1
 - (2) Hamilton Street
 - (a) Provide standard or wide sidewalks along both sides of Hamilton Street, where feasible and practical.
 - (b) Curb extensions are recommended in some locations, particularly at the pedestrian crossing in front of the Safeway grocery store.

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- (c) **Pedestrian crossing safety improvements should also be considered at Hamilton Street and Queens Chapel Road.**
 - (d) **In-road bike lanes should be provided, as feasible.**
 - (e) **Additional lighting is recommended along the street, as well as directional signage for motorists and pedestrians.**
- c. **West Hyattsville Metro to Gallatin Street and US 1**
- (3) **Gallatin Street**
 - (a) **Widen sidewalks, where feasible.**
 - (b) **Provide directional signage where Gallatin Street is not continuous and users must briefly turn onto 42nd Street.**
 - (c) **If appropriate, consider traffic-calming measures to provide for safe shared bicycle and motor vehicle use.**

There are master-planned bicycle lanes proposed along Hamilton, Gallatin, and 40th Streets, all of which front the subject property. Bicycle lanes (or other appropriate bicycle treatment) will be recommended at the time of PPS and DSP, as required by the City of Hyattsville.

- e. **Environmental Planning**—The Planning Board provided an analysis of the CSP, as follows:

A natural resources inventory (NRI) plan has been submitted by the applicant.

This 8.26-acre site is located on the south side of Hamilton Street, the north side of Gallatin Street, and on the west side of 40th Place in Hyattsville. The applicant has described the R-55 portion of the site, located between Hamilton Street and Gallatin Street, as the “upper parcel” and the O-S zoned portion of the site, located between 40th Place and 40th Avenue, as the “lower parcel.” According to PGAtlas.com, the site contains floodplain and steep slopes. A wetland and stream system are mapped directly to the south of the lower parcel. The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Christiana, Russett, and Codorus soil complexes. According to available mapping information, Marlboro clay is not mapped on, or in the vicinity of, this property;

however, Christiana complexes are mapped on-site. A review of available mapping information indicates that the subject area is not within a sensitive species project review area and does not contain potential forest interior dwelling species habitat. The site is located within the Northwest Branch of the Anacostia River, within the Potomac River basin.

According to the adopted the 2017 Countywide Green Infrastructure Plan (Green Infrastructure Plan), which was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017), a majority of the lower parcel is mapped as regulated area, which coincides with the mapped floodplain. Regulated areas mapped within the Green Infrastructure Plan include regulated environmental features comprised of streams, wetlands and their buffers, 100-year floodplain, and their adjacent steep slopes. The entire upper parcel is outside of the green infrastructure network. Future land development applications for this site shall consider the applicable recommendations identified in the Green Infrastructure Plan.

An NRI was not required as part of this application for a zoning change. All future applications will require an approved NRI covering the entire land area included in the application, approved under the current regulations.

Soils

Christiana complexes are mapped on-site; however, they are urban soil complexes (Christiana-Downer-Urban land complexes) and, while they are located on portions of steep slopes, those slopes appear to have been man-made. Christiana complexes, especially when associated with steep slopes, have the potential to cause issues for foundations and other construction; however, based on the existing site conditions and past site development, it does not appear that these soil complexes would be an issue for development of this site. The County may require a soils report, in conformance with County Council Bill CB-94-2004, during the building permit review process.

The Gateway Arts District Sector Plan and SMA appropriately rezoned the lower parcel from R-55 to O-S due to the presence of on-site floodplain and adjacency to existing parks. The O-S Zone would allow for restoration of the site, to encourage the removal of the existing asphalt and to address flooding, while allowing open space use similar to the adjacent parks.

The applicant's request to rezone the property from R-55 and O-S to M-U-I is not supported because it would allow significantly more density on the overall site than what the current zoning allows and what the sector plan envisioned for the site. Additional density takes a toll on the environment by creating the need for increased impervious surfaces, not only for development of the buildings, but also for the associated infrastructure needed to serve the additional density, including the need for increased parking surfaces.

*The Applicant argues that the existing R-55 Zone for the upper parcel is appropriate because it is in keeping with the surrounding development. *They further argued that rezoning the lower parcel from O-S to R-55 is recommended and supported because it is what the lower parcel was zoned prior to the last update to the sector plan and would allow development of the area, in keeping with surrounding development, while also requiring the applicant to address flooding and stormwater issues. *A majority of the Planning Board, ultimately, did not find these arguments persuasive and did not recommend any zoning change with this application.

The stormwater management approvals would require the applicant to address water quantity, as well as quality, in keeping with stormwater redevelopment standards. Any impacts to the floodplain would require compensatory storage to mitigate the existing flood elevation. The same impacts to the floodplain, as a regulated environmental feature, would also be evaluated. All development applications are required to demonstrate that regulated environmental features have been preserved and/or restored, to the fullest extent possible, in accordance with zoning and subdivision regulations.

The function of the floodplain should be preserved. Impacts to the floodplain must be avoided and minimized, as outlined in the Environmental Technical Manual. If the applicant is unable to obtain a floodplain waiver from the County, or if they are not able to demonstrate that regulated environmental features have been preserved and/or restored, to the fullest extent possible, then impacts would be denied.

Impacts to the floodplain are not approved at this time. Demonstration that regulated environmental features have been preserved and/or restored, to the fullest extent possible, must be addressed during the development review/entitlement application processes.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated July 6, 2018 (Sun to Zhang), DPR provided comments, as follows:

The project area consists of 8.26 acres of land, located on the south side of Hamilton Street and bisected by Gallatin Street in the City of Hyattsville. The subject property is the site of the vacant former WSSC headquarters building on Hamilton Street and its parking lot to the south across Gallatin Street. The proposed development abuts M-NCPPC owned parkland (Magruder Woods Park) at the northwest corner which is unimproved. The subject development also abuts Magruder Park to the west which is owned and operated by the City of Hyattsville.

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The parcel where the existing building is located is zoned R-55/D-D-O while the parking lot parcel across Gallatin Street is zoned O-S/D-D-O. With this application, the applicant is requesting to rezone the existing parking lot parcel from the O-S Zone to the M-U-I, and the R-55 to the M-U-I, which ~~*[staff]~~ the Planning Board does not support. The applicant's justification for this rezoning request is to provide for a combination of single-family detached and attached dwellings in the area on Hamilton Street ("Upper Parcel"). The "Lower Parcel" adjacent to Magruder Park is proposed to be all townhomes with a portion of the property to be added to Magruder Park.

The subject development is located in the Transitional Character Area (TRN) of the Gateway Arts District Sector Plan, which seeks to maintain a traditional neighborhood concept. The goal from the Gateway Arts District Sector Plan and SMA with respect to Parks and Recreation is "To encourage widespread pedestrian and recreational use of the Arts District and vicinity through the improvement of existing public spaces and the addition of new public spaces where appropriate for festivals, events and increased community pride".

In general, DPR staff has no objections to the applicant's request for the rezoning of the property to R-55 for the lower parcel currently zoned O-S. It should be noted that at the time of the PPS, Section 24-134 of the Prince George's County Subdivision Regulations will be applicable. With the submission of the PPS, the DPR will review and provide recommendations as related to the Mandatory Dedication of Parkland requirements.

- g. **City of Hyattsville**—In a letter dated July 17, 2018, the Hyattsville City Council stated that the M-U-I Zone is not appropriate for the TRN Character Area of the community. *In a subsequent memorandum dated March 5, 2019 (Hollingsworth to Hewlett), incorporated herein by reference, the City indicated in a more detailed analysis, that the City Council had reviewed the case again on March 4, 2019 and voted to oppose the rezoning of the lower western parcel from the O-S to R-55 Zone. They provided a discussion of various issues with the property and the reasons it was rezoned to O-S and indicated that, while they would support a condition requiring a DSP, they are not supportive of the requested R-55 Zone, or of the recommended density of nine dwelling units per acre for single-family attached and maximum density of 6.7 dwelling units per acre for single-family detached. City staff was present at the March 14, 2019 Planning Board hearing where they provided more discussion of the City Council's position.
- h. **Prince George's County Police Department**—As of this resolution, the Police Department did not offer comments on the subject application.

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- i. **Prince George’s County Health Department**—As of this resolution, the Health Department did not offer comments on the subject application.

*12. **Remand Findings:** The Order of Remand was mailed out to all parties of record on January 31, 2019. Within the Order of Remand (Requirement 1), the District Council ordered the Planning Board to schedule a new hearing, in accordance with Section 27-125.05(a) of the Zoning Ordinance, to allow the applicant and the opposition adequate time to present evidence for and against the application. If requested, any person may be allowed to sign up or register to become a person of record and participate in the proceedings. The Order of Remand (Requirement 4) also requires that the Planning Board issue a decision within 60 days of the date when the notice of remand is transmitted from the Clerk of the Council. The Planning Board hearing on March 14, 2019 and the issuance of this amended resolution fulfill these two requirements.

In addition, the Order of Remand requires that the Planning Board address two technical issues stated in Requirements 2 and 3, discussed as follows:

- 2. The Planning Board shall provide supplemental analysis for the R-55 Zone recommendation. The Board’s supplemental analysis shall focus on PGCC§27-548.26(b)(1)(B)(i) and (ii) and if applicable, any new evidence or argument in support of or against the application.**

As stated, the applicant’s original application requested a rezoning of the entire 8.26-acre property from the R-55 and O-S Zones to the M-U-I Zone. The final Planning Board recommendation was to approve rezoning of only the 4.66-acre O-S-zoned portion of the property to the R-55 Zone. The Planning Board’s original analysis for that recommendation can be found in PGCPB Resolution No. 18-74 on pages 3–5.

In regard to the requested supplemental analysis, Section 27-548.26(b)(1)(B)(i) and (ii) reads, as follows:

- (B) An owner of property in the Development District may request changes to the underlying zones or the list of allowed uses, as modified by the Development District Standards.**

- (i) A request for changes to the underlying zone or list of allowed uses may include requested amendments to the applicable Development District Standards for the applicable D-D-O Zone.**

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(ii) In determining whether to approve such amendments to the Development District Standards, the District Council shall find that the amended standards will benefit the proposed development, will further the purposes of the applicable Development District, and will not substantially impair implementation of any applicable Master Plan or Sector Plan.

The subject property owner's request for changes to the underlying zone and list of allowed uses does not include any amendments to the development district standards with the CSP. The applicant did provide a response to the Order of Remand dated February 14, 2019.

Supplemental analysis of the sector plan land use recommendations for the area, the surrounding neighborhood, the property's land use history, the R-55 Zone, and existing site conditions is provided, as follows:

Sector Plan: The subject site is located within the Gateway Arts District Sector Plan and SMA, which defines long-range land use and development policies, detailed zoning changes, design standards, and superimposes a D-D-O Zone over the Gateway Arts District.

The subject site is specifically located within the (TRN) Character Area. The sector plan establishes specific goals for the TRN area (page 138), as follows:

To promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones. To preserve the single-family residential neighborhood character as the anchor of the Arts District, while supporting artists who produce and teach from their homes. To enhance the "built-in" natural surveillance of public areas by active neighbors on porches, in yards, and on the sidewalk.

The R-55 Zone is one of the recommended zoning categories for any infill development that will preserve the traditional single-family residential neighborhood character in the TRN area.

Surrounding Neighborhood: The subject site is surrounded to the north and east by existing single-family detached houses in the R-55 Zone; to the south by three mid-rise multifamily buildings in the R-10 Zone and additional existing single-family detached houses in the R-55 Zone; and to the west by the unimproved right-of-way of 40th Avenue.

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and a public park beyond in the O-S Zone. According to the applicant, a portion of the subject site will be integrated into the existing park to the west.

Land Use History: The subject site is in Planning Area 68 and was zoned R-55 in the 1974 Planning Area 68 Master Plan. The 1994 Approved Master Plan and Sectional Map Amendment for Planning Area 68 did not change the zoning for the property and retained both parcels in the R-55 Zone. The Gateway Arts District Sector Plan and SMA retained the eastern 3.6-acre parcel in the R-55 Zone and rezoned the 4.66-acre western parcel to the O-S Zone, when the WSSC headquarters was still in operation on the site. The Gateway Arts District Sector Plan and SMA indicated that rezoning a portion of the subject property to the O-S Zone “creates opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area” (page 123). The applicant indicated, in their letter dated February 14, 2019, that they have a tentative agreement to transfer approximately 1.8 acres to the City of Hyattsville for expansion of the park with this proposed development. The R-55 Zone had been the zoning category for both parcels for a long time and, if this application and development move forward, the Gateway Arts District Sector Plan and SMA’s intention for the property will be met by the expansion of parkland.

R-55 Zone: This zone is a single-family detached residential zone that permits lot sizes of 6,500 square feet or less. The purposes of the R-55 Zone, per Section 27-430(a)(1) of the Zoning Ordinance, are:

- (A) To provide for and encourage variation in the size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain;**
- (B) To facilitate the planning of higher density one-family residential developments with small lots and dwellings of various sizes and styles;**
- (C) To encourage the preservation of trees and open spaces; and**
- (D) To prevent soil erosion and stream valley flooding.**

In recent years, the District Council has adopted several council bills encouraging high-density, single-family dwellings in the R-55 Zone, including townhouses. In fact, if a property is located within a Revitalization Tax Credit District, a Transit District Overlay Zone, or a Development District Overlay (D-D-O) Zone, townhouses are a permitted use, in some instances. The subject site is located in both the Revitalization Tax Credit District

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and a D-D-O Zone. Rezoning the subject property into the R-55 Zone and allowing townhouse development will allow for a mix of small-lot, single-family detached, and single-family attached dwellings that will provide various housing options for a diverse population.

Site Conditions: A large part of the site is within the 100-year floodplain, which is improved as a surface parking lot without any flood control measures in place. By rezoning the property to the R-55 Zone, the applicant will be permitted to develop a residential subdivision on the site and will increase the pervious surfaces on the property.

The Applicant's position is that the R-55 Zone is a suitable zoning category for the subject site because (a) it is envisioned by the sector plan for the TRN Character Area, (b) it was the prior zoning designation of the property, and (c) it is consistent with the surrounding neighborhood. Rezoning the property to the R-55 Zone will, in the Applicant's view, allow redevelopment of an under-utilized property into a residential subdivision, with a mix of single-family detached and attached units consistent with the surrounding community, strengthening the existing residential character, which is one of the purposes of the D-D-O Zone, as recommended by the sector plan. In addition, rezoning the property to the R-55 Zone will further implement the land use recommendations of the TRN area.

The Planning Board, upon consideration of all of the evidence presented on remand, was not persuaded by these arguments as a majority of the Board did not find conformance to the master plan recommendations for the property.

3. The Planning Board shall also provide supplemental analysis and explanation of the maximum density per acre for single-family attached and single-family detached dwellings units for the R-55 Zone recommendation.

The original Planning Board recommendation was for a maximum density of nine dwelling units per acre for single-family attached, and a maximum density of 6.7 dwelling units per acre for single-family detached, as is permitted in the R-55 Zone.

The recommended density for single-family detached units is the same as allowed in the R-55 Zone, per Section 27-442(h) of the Zoning Ordinance. As discussed above, several recent council bills allow the development of townhouses in the R-55 Zone, without abiding by the R-55 Zone regulations, including density, in order to promote context-sensitive infill and sustainable development in existing neighborhoods. Numerous planning studies confirm that, as density increases reasonably, there are generally decreases in water and energy use, stormwater run-off, air pollution, and greenhouse gas

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emissions. Higher-density development supports feasible, multi-modal, public transportation and other basic community services, and improves economic productivity, real estate value, and business activity.

The subject property is surrounded by R-55 and R-10 zoned properties. The adjoining properties in the R-55 Zone are developed with single-family homes with a density of approximately 3.6 to 7.9 dwelling units per acre (average lot size is 0.126-0.3 acre). The R-10 zoned property, between 40th Place and 41st Avenue, is developed with 3 existing multifamily apartment buildings, with an approximate density of 30 dwelling units per acre, but it is allowed to be up to a maximum of 48 dwelling units per acre.

The Applicant's position was that given the existing public services in the area and the maximum existing density in the surrounding neighborhoods at approximately eight dwelling units per acre, a moderate increase of one dwelling unit per acre for the proposed development for both parcels, to cap the maximum density at nine dwelling units per gross acre, is reasonable to achieve a viable, compatible, and sustainable infill development. Allowing a density of nine units per acre for the single-family attached dwelling units will create an appropriate transition from the approximate 3.6-unit density in the adjoining neighborhood to the north, to the recommended 6.7-unit density for the single-family detached units on-site, and then to the 30-unit density to the south.

In accordance with Note 2 on page 144 of the Gateway Arts District Sector Plan and SMA development district standards, R-55 zoned properties in the TRN Character Area, within the incorporated City of Hyattsville, are exempt from the development standards and will abide by the requirements of the R-55 Zone. However, development on the two parcels, in the middle of an established neighborhood, is an infill development. Because of the scale of the proposed development and specific requirements by the sector plan in the TRN Character Area, DSP review, with conformance to the development district standards, was recommended to ensure that the new development is compatible with the existing community, in terms of design, massing, landscaping, streetscape, and architectural articulation.

At the March 14, 2019 Planning Board hearing, multiple parties of record, in support and opposition of the application, had submitted letters and were present to discuss the specific issues of concern. These parties characterized the existing WSSC building on-site as both an "eyesore" that should be removed, and a historically significant structure that should be preserved. Citizens represented that the intention of the current O-S zoning on the lower western parcel was because it is within the floodplain and to expand Magruder Park.

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After much discussion, a motion for approval failed (a 2-2 tie vote) and no further motions were put forward. Therefore, the findings, including the supplemental analysis required by the remand, are forwarded to the District Council for final decision, without a recommendation supporting any rezoning of the property as required by Section 27-548.26(b).

*[12] 13. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the ***Planning Board does not find that the CSP** will, if approved with conditions, 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.

*[13] 14. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:

(4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

Given the limited scope of this CSP for rezoning and permitting single-family attached units only, the Planning Board noted that all future development review/entitlement applications must demonstrate that regulated environmental features have been preserved and/or restored, to the fullest extent possible. Impacts to any regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and *[APPROVED] forwarded this application to the District Council, as follows:

- A. ~~*[DISAPPROVAL of the request and decline to recommend rezoning]~~ NO RECOMMENDATION on the request to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone.
- B. ~~*[APPROVAL of recommendation to rezone]~~ NO RECOMMENDATION for rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan.

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~~[in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.]~~

C. *~~[APPROVAL of]~~ NO RECOMMENDATION for Conceptual Site Plan CSP-18002, Magruder Pointe, however, in the event the District Council approves the application, ~~[subject to]~~ the following conditions are advisable:

1. Prior to certification, the conceptual site plan shall be revised, or additional information shall be provided, as follows:
 - a. Delineation of the existing and revised 100-year floodplain.
 - b. Revise the plan to include the legal description of all lots included in the CSP.
 - c. Reflect approval of the uses, zones, and densities allowed.
2. At the time of detailed site plan, the applicant shall:
 - a. Provide evidence that impact to the floodplain has been approved by the authority having jurisdiction.
 - b. Provide sidewalks on both sides of all internal streets, excluding alleys, as appropriate.
3. Prior to issuance of any building permit, the applicant shall obtain approval of a detailed site plan (DSP) for the entire site (8.26 acres). The DSP shall be subject to all Development District Overlay (D-D-O) Zone standards applicable to the Traditional Residential Neighborhood Character Area. Additional bulk requirements shall be established with the approval of the DSP, in order to implement the applicable goals and recommendations of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, to achieve context-sensitive, high-quality, single-family residential development.

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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.

* * * * *

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 Doerner, seconded by Commissioner Washington, with Commissioners Doerner, Washington, Bailey voting in favor of the motion, and with Commissioners Geraldo and Hewlett opposing the motion at its regular meeting held on Thursday, July 26, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of July 2018.

*This is to certify that the foregoing is a true and correct copy of the remand 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 and Bailey voting in favor of the motion, and with Commissioners Doerner and Hewlett opposing the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, March 14, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of March 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

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