

R E S O L U T I O N

WHEREAS, upon a property owner's request to change the underlying zone for property within a Transit District Overlay Zone, the Prince George's County Planning Board is charged with reviewing and making a recommendation to the District Council regarding the request, as well as the approval of an associated Conceptual Site Plan application, pursuant to the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 15, 2021, regarding a request to change the underlying zone and for approval of Conceptual Site Plan CSP-20007 for the Clay Property, the Planning Board finds:

- 1. Request:** The property owner is requesting to change the underlying zone of the property from the One-Family Detached Residential Zone (R-80) to the One-Family Triple-Attached Residential (R-20) Zone to accommodate development of 137 townhouses.

The applicable master plan is the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Prince George's Plaza TDDP/TDOZ). If a property is located in a Transit District Overlay Zone, a "property owner may ask the District Council, but not the Planning Board, to change," among other things, "a property's underlying zone." PGCC § 27-548.09.01(b)(1). If the District Council grants the request to change a property's underlying zone, it "shall find that the proposed development conforms with the purposes and recommendations for the Transit Development District, as stated in the Transit District Development Plan, and meets the applicable site plan requirements." PGCC § 27-548.09.01(b)(5).

Regarding the approval of a Conceptual Site Plan in a Transit District Overlay Zone, "[i]n addition to the findings required by Section 27-276(b) for approval of a Conceptual Site Plan in the T-D-O Zone, the Planning Board shall find that the Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Plan." PGCC § 27-548.08(c)(1). As is relevant here, the "Planning Board may approve a Conceptual Site Plan if it finds that the Plan represents 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." PGCC § 27-276(b). If, however, "it cannot make this finding, the Planning Board may disapprove the Plan." PGCC § 27-276(b).

As will be addressed in greater detail in this Resolution, the Planning Board, considered all testimony, exhibits, and evidence presented at the hearing and concludes that the proposed development does not conform with the purposes and recommendations of the Transit Development District, as stated in the Transit District Development Plan, and did not meet the applicable site plan requirements. The Planning Board, consequently, recommends that the District Council disapprove the request, particularly because the Transit District Development

Plan recommended a significantly lower density for the subject property and because the District Council had already made a legislative determination when it adopted the Prince George’s Plaza TDDP/TDOZ that the subject property should retain its R-80 zoning and not be zoned R-20. *See Prince George’s Plaza TDDP/TDOZ, p. 149.*

For similar reasons, the Planning Board cannot find that the Transit District Site Plan was consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Plan. PGCC § 27-548.08(c)(1). Also, the Board cannot find that the Plan represents 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. PGCC § 27-276(b). As a result of those findings, the Board disapproves CSP-20007.

**2. Development Data Summary:**

	<b>EXISTING</b>	<b>REQUESTED</b>
Zone	R-80	R-20
Use(s)	Vacant	Townhouses
Acreage	12.87	12.87
Total Gross Floor Area (GFA) (sq. ft.)	-	332,772
Of which Office GFA	-	0
Residential GFA	-	332,772
Total One-Family Triple Attached Dwelling Units	-	137
Of which live/work 4 units	-	0

**3. Location:** The site plan identifies the 12.87 acres of property as undeveloped land that is located at the terminus of Dean Drive and Calverton Drive within the municipal boundaries of the City of Hyattsville, Maryland. The historic Hitching Post Hill is located directly to the north of the property, across Rosemary Lane.

**4. Surrounding Uses:** The following uses and roadways immediately surround the property:

**North**— Single-family detached dwelling units in the R-80 and One-Family Detached Residential (R-55) Zones.

**South**— Multifamily residential dwelling units in the R-20 Zone, and commercial uses in the Mixed Use-Infill Zone.

**East**— Single-family detached dwelling units in the R-80 and R-55 Zones.

**West**— Rosemary Terrace Park and parkland within the Anacostia Trails Heritage area and single-family detached dwelling units in the R-55 Zone.

5. **Previous Approvals:** The property was retained in the Established Communities area and Residential Low Land Uses in the 2014 *Plan Prince George's 2035 Approved General Map Plan* (Plan 2035). The property is within the boundaries of the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Prince George's Plaza TDDP/TDOZ). There are no previous special exception or zoning cases associated with the property.
6. **Design Features:** The property is rectangular shaped with frontage along Rosemary Lane and abuts the rear of single-family residential dwelling units along Bridle Path Lane and Dean Drive. This CSP has included a 50-foot-wide landscape buffer along the property boundary, adjacent to the single-family dwelling units, to serve as a buffer between the uses.

Hitching Post Hill is located directly to the north of the property, across Rosemary Lane. The CSP has included a 150-foot-wide landscape buffer along the property that fronts Hitching Post Hill to serve as a buffer between the uses.

The CSP shows access from the south via Dean Drive and from the east via Calvert Road extended. The internal street networking will create a central block on the western portion of the property, with rear alleys. Townhouses on the western property line will not have alleys. Dean Road will extend north, with a stormwater management (SWM) feature and townhouses on both sides, with alleys.

Vehicular access will be provided to the property from Calverton Drive and Dean Drive.

There were no architectural elevations or plans included in this CSP.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **General and Master Plan Recommendations:** This CSP has been reviewed against the recommendations of Plan 2035 and the 2016 Approved Prince George's Plaza TDDP/TDOZ.
  - a. This CSP does not conform with relevant recommendations of Plan 2035:

### LAND USE

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

Plan 2035 shows the subject property in the Established Communities area and Residential Low policy area, as defined by the plan. The vision for the Established Communities area is context-sensitive infill and low- to medium-density development. Plan 2035 defines Residential Low land use as primarily single-family detached residential areas up to 3.5 dwelling units per acre.

In attempting to justify their request for increased density, the applicant pointed out at the Planning Board hearing that the Prince George's Plaza TDDP/TDOZ removed the subject

property from the Established Communities area and placed it within the Regional Transit District and one of the plan's downtowns. Plan 2035 defines regional transit districts as areas with moderate- to high-density and intensity regional-serving centers. The Regional Transit District serves as a destination for regional workers and residents that contain a mix of office, retail, entertainment, public and quasi-public, flex, and medical uses; the balance of uses will vary depending on the center's predominant character and function. Development within a Regional Transit District should incorporate design strategies that are walkable, bikeable, and well-connected to a regional transportation network via a range of transit options. The TDOZ is intended to ensure that the development of land in the vicinity of Metro stations maximizes transit ridership, serves the economic and social goals of the area, and takes advantage of the unique development opportunities that mass transit provides. Density within the Regional Transit District is recommended at a maximum residential density of 40+ dwelling units per acre, predominantly high-rise and mid-rise apartments and condos, and townhouses.

While the subject property is located in the Regional Transit District, the applicant's argument fails to add context. By including the subject property in the Regional Transit District, the District Council considered and rejected a proposed zoning reclassification to R-20 during the TDOZMA process, a conscious decision to retain the subject property's R-80 zoning. Furthermore, in adopting the future land use recommendations, the District Council placed the subject property in the Residential Low category, demonstrating its intention to preserve a lower density than other properties in the Regional Transit District. Thus, based on the District Council's legislative decisions, development on the subject property is expected to include certain aspects of projects constructed in the Regional Transit District, such as pedestrian connectivity, while maintaining reduced density that is consistent with the Residential Low future land use category.

- b. This CSP does not conform with relevant strategies and policies of the Prince George's Plaza TDDP and TDOZ:

**Area Master Plan Strategies and Policies**

The subject property is located within the boundaries of the Prince George's Plaza TDDP/TDOZ.

The TDDP creates two distinct, but interconnected, character areas (Downtown Core and Neighborhood Edge) that capitalize on the transit district's existing transit network, recreational amenities, and retail appeal. The Downtown Core is the central activity hub, featuring a mix of residential, retail, and office development within the framework of lively, walkable streets. The property is located in the Neighborhood Edge character area, which the TDDP defines as a residential area that transitions the intensity and vibrancy of the Downtown Core to the surrounding established residential neighborhoods. The Neighborhood Edge incorporates a mix of housing types, including both townhouses and single-family detached homes, that broaden the Transit District's appeal to current and future residents.

The TDDP established the following policies and strategies that are relevant to this case:

**Strategy LU2.1: Preserve the Neighborhood Edge as an exclusively residential area.**

**Policy LU6: Create a residential neighborhood north of Toledo Terrace east of Belcrest Road.**

**Policy LU6.1: Incorporate a mix of housing types, including multifamily units, townhouses, two over twos, and single-family houses, attractive to a range of homebuyers and renters, including families, young-professionals, empty-nesters, and seniors.**

**POLICY LU7: Limit nonresidential development in the Neighborhood Edge.**

**Strategy LU7.2: Prohibit incompatible or inappropriate uses in the Neighborhood Edge.**

**Strategy TM1.3: Ensure that all streets and paths provide continuous nonmotorized access even where auto access may not be provided.**

**Policy TM7: Provide off-street bicycle and pedestrian connections between neighboring developments and surrounding communities wherever feasible**

**POLICY HD10: Minimize and mitigate potential impacts to the undeveloped land surrounding Hitching Post Hill (Historic Site 68-001).**

**Strategy HD10.1: Incorporate a wide landscaped buffer or park along the edge of the northernmost property in the Transit District—commonly referred to as the Clay Property—across the street from Hitching Post Hill.**

While the applicant is proposing exclusively residential development with some off-street bicycle and pedestrian connections, it fails to incorporate the mix of house types that the TDDP recommends for the Neighborhood Edge. If the District Council were to change the underlying zone to R-20, the increased density would not align with the policy to prohibit dense residential development in the Neighborhood Edge, particularly when this specific upzoning was previously rejected during the TDOZMA process. Furthermore, the proposed increase in density does not sufficiently consider the potential impacts to the land surrounding the nearby historic Hitching Post Hill property.

8. **Prince George's County Zoning Ordinance:** This CSP has been reviewed for compliance with the requirements of the T-D-O and does not conform to the relevant purposes and recommendations as stated in the TDDP.

**Section 27-548.09.01. - Amendment of Approved Transit District Overlay Zone.**

**(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 allowed uses, building height restrictions, or parking standards in the Transit District Development Plan. The Planning Board may amend parking provisions concerning the dimensions, layout, or design of parking spaces or parking lots.**
- (2) The owner's application shall include:**
  - (A) A statement showing that the proposed development conforms with the purposes and recommendations for the Transit District, as stated in the Transit District Development Plan; and**
  - (B) A Detailed Site Plan or Conceptual Site Plan, in accordance with Part 3, Division 9.**

\* \* \*

- (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 District Development Plan, and meets applicable site plan requirements.**

The applicant has submitted an application asking the District Council to change the underlying zone from R-80 to R-20 for development of 137 townhouse dwellings.

The general purpose set forth in the TDDP is to implement the Plan 2035 vision for a walkable, transit-oriented community within the Prince George's Plaza Transit District, using a market driven approach. Specifically, the plan:

- Establishes a policy and regulatory framework that promotes walkable, transit-oriented, mixed-use development in the Transit District competitive within the region and consistent with the priorities of Prince George's County, the City of Hyattsville, and the Town of University Park.

- Responds to the evolving real estate market by focusing on the form of the built environment, while facilitating a diverse range of uses.
- Transforms the underutilized Prince George's Plaza Metro Station and auto-oriented MD 410 (East West Highway) by integrating and connecting the Metro station with development to the north and transforming the roadway into a pedestrian- and bicycle-friendly boulevard.
- Provides a detailed implementation plan and market-sensitive development standards to maximize the redevelopment potential and infill opportunities at the Mall at Prince George's and other key sites.
- Recognizes the importance of the natural environment—specifically the Northwest Branch Stream Valley Park and Wells Run—and incorporates best planning and development practices to ensure a comprehensive and sensitive approach to environmental stewardship, neighborhood compatibility, and pedestrian and bicycle connectivity.
- Amends the zoning of selected properties through the TDOZMA to implement the land use recommendations of this TDDP and Plan 2035.

Relevant here, the TDDP also recommends a Residential Low future land use designation (Map 15, page 74) for the property and a residential density of up to 3.5 dwelling units per acre.

In accordance with Section 27-548.09.01(b)(2)(B), the property owner has provided a statement that attempts to show that the proposed development conforms to the purposes and recommendations for the Transit District; however, that statement fails to reconcile the discrepancy between the significant increase in density that is proposed with the density recommended in the TDDP. The priorities for the community were taken into account when the property was added to the TDDP in 2016. The recommended future land use designation of Residential Low was placed on the property as part of the framework when the TDDP was adopted in 2016 to ensure a transition to existing neighborhoods to the north and east. Although the application tries to address issues of connectivity and to protect natural features, the proposed rezoning and potential townhouse development would not align with the land use vision of the character area.

As previously stated, the TDDP recommends a Residential Low future land use designation (Map 15, page 74) for the property and a residential density of up to 3.5 dwelling units per acre. Under the R-20 Zone, the maximum number of residential units permitted on the property is between 86–210 dwelling units. But, based on the density recommendation of up to 3.5 dwelling units per acre for the TDOZ, the maximum number of residential units recommended for this property is 45 dwelling units, well below what is being proposed. The CSP's incorporation of 137 townhouses on the 12.87-acre property, therefore, does not conform to the purposes and recommendations provided in the TDDP. The TDOZMA amended the zoning of the property and the TDDP recommended the future land use to ensure a

low-density transition to the existing neighborhood. Although a TDDP's future land use map may not, in all cases, be the determinative factor in evaluating conformance with its purposes and recommendations, here, the evidence is clear that the District Council intentionally sought to retain the current zoning to ensure lower density development on the Clay Property, because, as previously, stated, the District Council considered and rejected the precise rezoning request that is currently before the Board as a part of this application. (p. 149). As a result, the Planning Board recommends that the District Council disapprove the request to change the underlying zone to R-20.

**9. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:**

This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

According to the Type 1 tree conservation plan (TCP1) worksheet, the site contains a total of 12.61 acres of woodlands. The site has a woodland conservation threshold of 20 percent or 2.59 acres. The TCP1 proposes to clear 10.57 acres of woodland, resulting in a total woodland conservation requirement of 6.20 acres. The TCP1 proposes to meet the requirement with 2.04 acres of on-site preservation and 4.16 acres of off-site mitigation.

The CSP does not propose to meet the woodland conservation threshold of 2.59-acres on-site. Only 2.04 acres of woodland conservation is proposed on-site with the current design layout. With the exception of the southwestern corner of the site, most of the woodlands proposed for on-site preservation are in lower priority areas of early successional woodlands. Landscape buffering is required to be placed along the Rosemary Lane frontage across the street from an historic site, and with an incompatibility use buffer between the rear yards of existing single-family residential homes to the east and the proposed site (mostly paved) to the west. The proposed prioritization of preservation on-site does not adequately follow the prioritization of woodland preservation per Section 25-121(b), Woodland and Wildlife Habitat Conservation Priorities and Section 25-121(c), Woodland Conservation Requirements. There are opportunities to preserve additional woodland on-site to satisfy at a minimum the woodland conservation threshold, particularly along the boundaries of Rosemary Terrace Park within areas of older successional woodlands associated with unsafe soils.

Because of the nature of the request in this application—namely, a request to change the underlying zone—the Planning Board recommended deferring approval of the layout shown on the TCP1 until review of the PPS. The Environmental Planning Section will then evaluate the conformance of the TCP1 with the objectives of Plan 2035, the area master plan, the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's Resource Conservation Plan: A Countywide Functional Master Plan* and subdivision requirements. After a discussion with staff, the applicant agreed to defer approval of the layout at this time and placed a note (General Note 12) that states the layout shown on the TCP1 is conceptual and is not being approved at this time. As a result, the Planning Board takes no action on this TCP1 and will review it at the time of preliminary plan, should this project proceed to that stage.



Technical revisions to be addressed on the TCP1 prior to signature approval are specified in the conditions of this report.

**Specimen, Champion, or Historic Trees**

Section 25-122(b)(1)(G) of the WCO requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Environmental Technical Manual."

An SOJ for a Subtitle 25 variance statement of justification, dated March 4, 2021, was received for review, requesting the removal of 16 of the 28 specimen trees identified on the site. Ten of the specimen trees were rated in good condition. In a response to SDRC comments, a revised TCP1 plan was submitted that showed four of these trees as being saved; however, the variance request was not updated accordingly. The Planning Board approved a deferment of this assessment until review of the PPS, when more detail regarding the necessary infrastructure to develop the site, such as the ultimate rights-of-way, building locations, and location of SWM facilities will be available. The applicant agreed to this deferment and placed a note under the specimen tree table stating that "the variance request for the removal of specimen trees will be reviewed at the time of the Preliminary Plan of Subdivision."

A revised Subtitle 25 variance request must be submitted to reflect the TCP1 at the time of PPS.

10. **2010 Prince George's County Landscape Manual:** Per page 194 of the TDDP, the TDDP standards replace the comparable standards in the 2010 *Prince George's County Landscape Manual* (Landscape Manual). For standards not covered in the TDDP, the Landscape Manual shall serve as the requirement, unless explicitly stated otherwise. The application will be reviewed for conformance with the applicable Landscape Manual requirements and the landscape requirements of the TDDP at the time of DSP.

The applicant has shown a 50-foot bufferyard between the existing single-family to the east that is not required by the TDOZ. The CSP has included a 150-foot buffer adjacent to Hitching Post Hill, along the north side of the property on Rosemary Lane. This buffer also has the potential to be used as a future Maryland-National Capital Park and Planning Commission (M-NCPPC) resource park. The Landscape Manual requires that:

**If a developing lot adjoins a designated historic site... located within the Developed Tier... the developing lot shall provide a Type "D" buffer along the entire shared property line (page 93).**

A Type D buffer requires a 50-foot minimum building setback, 40-foot minimum landscaped yard, and 160 plant units per 100 linear feet of property line. In this case, the TDDP exempts the development from this requirement at the same time as it encourages mitigation of the impacts to

the undeveloped land surrounding Hitching Post Hill, specifically by incorporating a wide landscaped buffer or park along the edge of the Clay Property. This CSP does not include any access to the developing property from Rosemary Lane.

11. **Prince George's County Tree Canopy Coverage Ordinance:** Section 25-127(b)(1)(I) of the Prince George's County Code states that "properties subject to tree canopy coverage requirements contained in an approved T-D-O Zone or a Development District Overlay Zone are exempt from the tree canopy coverage requirements contained in this Division." Pursuant to this section, the tree canopy coverage (TCC) requirements for the TDOZ shall be met through the provision of street, on-site, and other trees preserved by a property owner or provided to comply with other transit district standards and guidelines. Per Section 25-128(b) of the Tree Canopy Coverage Ordinance, properties within the R-20 Zone are required to provide a minimum of 15 percent of the gross tract area to be covered by tree canopy. This property is 12.87 acres and the required TCC for the property is 1.93 acres or 84,093 square feet.
12. **Further Planning Board Findings and Comments from Other Entities:** This CSP was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
  - a. **Historic Preservation**—The Planning Board adopts a memorandum dated June 17, 2021 (Stabler to Spradley), incorporated herein by reference, which indicated that it reviewed the CSP at its June 15, 2021 meeting. The property is adjacent to and south of Hitching Post Hill (68-001), a County Designated Historic Site. Hitching Post Hill is a large, two-story brick mansion with square plan and dentilled cornice, bracketed cupola, and Greek Revival trim. The house is a unique example of its type in the County. Hitching Post Hill was built by Robert Clark, an Englishman who acquired the land from George Calvert in 1836. The HPC recommended approval of CSP-20007, with the conditions provided in the conditions of this report.
  - b. **Community Planning**—The Planning Board adopts a memorandum dated June 16, 2021 (Hartsfield to Spradley), incorporated herein by reference, which stated that, pursuant to Section 27-548.09.01(b)(5) Amendment of Approved Transit District Overlay Zone, the requested amendment to the TDOZ does not conform with the purposes and recommendations for the Transit District, as stated in the TDDP because the TDDP recommends Residential Low land uses on the property. The TDDP describes Residential Low as residential areas up to 3.5 dwelling units per acre, primarily single-family detached dwellings (page 358). The requested R-20 Zone will allow townhouse development up to 16.33 dwelling units per acre with an approved DSP. Potential townhouse densities of this magnitude do not align with the vision of the character area to have lower-density residential uses that transition from the higher-density core to the existing neighborhood.
  - c. **Transportation Planning**—The Planning Board adopts a memorandum dated June 14, 2021 (Smith and Hancock to Spradley), incorporated herein by reference, which determined that this plan is acceptable and meets the findings required for a CSP,

as described in the Zoning Ordinance. There are no transportation-related findings related to traffic or adequacy associated with this CSP, as transportation adequacy will be tested with a future PPS.

The Planning Board concluded that the conceptual site access and circulation of this plan is acceptable, consistent with the site design guidelines pursuant to Section 27-283 of the Zoning Ordinance and meets the findings required by Section 27-285(b) of the Zoning Ordinance for a CSP for transportation purposes and the TDDP, with approved conditions.

Details regarding pedestrian, bicyclist, and transit improvements will also be reviewed and addressed at the time of PPS and DSP review, when more details are available and should this development reach those stages.

- d. **Environmental Planning**—The Planning Board adopts a memorandum dated June 15, 2021 (Juba to Spradley), incorporated herein by reference, which provided a review of the CSP’s conformance with the approved Natural Resources Inventory Plan (NRI-044-2020), the woodland conservation threshold, the specimen, champion, or historic trees, soils, and SWM features that are on the property, and have been incorporated by reference or within this report.
- e. **Subdivision**—The Planning Board adopts a memorandum dated May 24, 2021 (Gupta to Spradley), incorporated herein by reference, which noted that there are no prior approvals for the property. This development will require a PPS, in accordance with Section 24-107 of the Prince George’s County Subdivision Regulations. PPS 4-20037 has been filed for this development and is currently in the pre-acceptance review stage. A CSP must be approved prior to approval of a PPS for the property. The Subdivision Section also provided the following comments:
  - (1) A PPS is required. The CSP must be approved before the PPS is approved on the property.
  - (2) Appropriate width for dedication of right-of-way along Rosemary Lane abutting the site, and right-of-way widths for streets internal to the development will be determined at the time of PPS. The location of a required 10-foot public utility easement will be determined with the PPS and once the disposition of the ultimate public and private rights-of-way are known.
  - (3) The CSP identifies one location near the stormwater pond for provision of on-site recreational facilities. Adequacy of mandatory parkland dedication for the provision for on-site recreational facilities will be analyzed with the PPS.

- (4) Recordation of a final plat of subdivision is required following approval of a PPS and a detailed site plan (DSP), prior to the approval of building permits for the property.
- f. **Prince George’s County Department of Parks and Recreation**—The Planning Board adopts a memorandum dated June 2, 2021 (Burke to Spradley), incorporated herein by reference, which noted that the property adjoins M-NCPPC parkland to the west and at the northwestern corner, known as Rosemary Terrace Park, and the property is currently undeveloped. Because this development will be a residential subdivision, the mandatory dedication of parkland will be required at the time of PPS. The Planning Board recommends the applicant consider and provide additional details on connections to M-NCPPC parkland.
  - g. **Prince George’s County Fire/EMS Department**—At the time of the writing of this report, the Fire/EMS Department did not offer comments on this CSP.
  - h. **Prince George’s County Department of Permitting, Inspections and Enforcement**—At the time of the writing of this report, the Department of Permitting, Inspections and Enforcement did not offer comments on this CSP.
  - i. **Prince George’s County Police Department**—At the time of the writing of this report, the Police Department did not offer comments on this CSP.
  - j. **Prince George’s County Health Department**—The Planning Board adopts a memorandum dated April 12, 2021 (Adepoju to Spradley), incorporated herein by reference, which included the following comments on this CSP:
    - (1) There are no existing carry-out/convenience store food facilities or grocery stores/markets within a 0.5 mile radius of this property. The nearest food facilities are located within 1 mile of the property. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity.
    - (2) The property is located in the recharge area for the Patuxent aquifer, a groundwater supply that serves Patuxent Wildlife Research Center. Conversion of green space to impervious surface in this recharge area could have long term impacts on the sustainability of this important groundwater resource.
    - (3) Indicate how the development will provide for pedestrian access to the property by residents of the surrounding community and connections for safe pedestrian access to the site via the existing pedestrian network. Scientific research has demonstrated that a high-quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health

outcomes. Indicate how the development of the property will provide for safe pedestrian access to amenities in the adjacent communities.

- (4) The public health value of access to active recreational facilities has been well documented. Indicate the location of active recreational facilities within 0.25 mile of the property.
  - (5) As a water conservation measure, the developer should consider design for and implementation of water reuse practices for the buildings and/or landscaping on the property.
  - (6) The plans should include open spaces and pet friendly amenities for pets and their owners. Designated park areas may consist of the appropriate safe playing grounds, signage, and fencing. Pet refuse disposal stations and water sources are strongly recommended at strategic locations in the designated outdoor play/recreational areas.
  - (7) During the construction phases of this development, no dust should be allowed to cross over property lines and impact the adjacent properties. Indicate the intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
  - (8) During the construction phases of this development, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate the intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.
- k. **Maryland State Highway Administration**—At the time of the writing of this report, the Maryland State Highway Administration did not have comments on this CSP.
- l. **City of Hyattsville**—The Planning Board adopts a letter dated June 11, 2021 (Ward to Hewlett), incorporated herein by reference, which offered numerous comments on the subject application that are summarized, as follows:

The City Council voted to oppose of the applicant's proposed CSP-20007 application subject to conditions.

The City stated that given the environmental and historical significance of this parcel, upzoning without mandating adequate on-site forest conservation, as well as measures to ensure appropriate transitions in density and height and mitigate adverse impacts on surrounding residential communities and historic resources, would conflict with several key policies of the TDDP and the *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan).

Expanding access to wooded parkland and preserving historic specimen trees on the Clay Property would not only mitigate the impacts of deforestation on habitat loss, water quality degradation, and flooding exacerbated by climate change; it would substantially improve the quality of life for current and future Hyattsville residents.

If the County approves the rezoning for the Clay Property, the City of Hyattsville believes the following measures would better align the CSP with City and County goals, as expressed through the TDDP and Green Infrastructure Plan.

Conditions have been included herein addressing the City's comments.

13. Based on the foregoing, and particularly based on the District Council's intention to retain low density residential development on the subject property, the Planning Board finds that the subject application does not satisfy the required finding set forth in Section 27-548.08 and finds that the Transit District Site Plan is not consistent with, and does not reflect the guidelines and criteria for development contained in, the Transit District Development Plan. For the same reasons, the Board cannot find that the CSP represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the requested development for its intended use, a necessary finding for approval set forth in Section 27-276(b)(1) of the Zoning Ordinance.
14. Section 27-276(b)(4) for approval of a CSP requires that the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. The layout shown on the TCP1 is conceptual and is not being approved at this time. The Subtitle 25 variance request for the removal of specimen trees is deferred for review at the time of the PPS.
15. **Hearing**—At a hearing on the application, held on July 15, 2021, the Planning Board heard and considered all testimony, exhibits, and evidence from the applicant, the City of Hyattsville, and numerous citizens who testified in opposition to the application. The applicant contended that the proposed density would increase flexibility for development on the subject property, despite single-family detached dwellings not being permitted in the proposed R-20 zone. Additionally, the applicant proffered that 10% of the total units would be reserved as affordable or workforce housing and provided some details of possible programs to bring the proffer to fruition. The applicant also claimed that the property was a walkable distance to the Metro station and a future Purple Line station; however, citizens in the community challenged that claim and testified about the impracticability of walking between the property and the Metro. The City of Hyattsville expressed concern about the effect the proposed upzoning would have on specimen trees on the property and on historic resources, along with other effects the development would have on the environment. The owners of the Hitching Post Hill property testified in opposition to the application and discussed the effect the proposal would have on the historic viewshed. The Board heard testimony that the change in zoning would eliminate an entire housing stock—

single-family detached dwellings—from the plan area, as the Clay Property is the only property zoned R-80. The Board also heard testimony contrasting the ephemeral nature of market conditions against the permanency of dense development. The Board weighted heavily the District Council’s decision to reject the prior request to rezone the Clay Property to R-20 during the TDOZMA process, and the Board heard testimony to this effect from several citizens, that an approval of the subject application would undermine the process that took place during the adoption of the TDDP and the TDOZMA. As a result of the District Council’s decision to retain the R-80 zoning, the Board found that the residential low future land use designation was not in error and that the subject application did not conform to the density range that corresponds with that designation.

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:

A. Recommended that the District Council DISAPPROVE the request to rezone the subject property from One Family-Detached Residential (R-80) to One-Family Triple Attached Residential (R-20); and

B. DISAPPROVED Conceptual Site Plan CSP-20007.

If the District Council chooses to approve the request to change the underlying zone and the conceptual site plan, the Planning Board recommends the following conditions:

1. Provide a note on the site plan that states “No access shall be permitted from Rosemary Lane.” Conceptual Site Plan CSP-20007 does not include any access (roads, sidewalks, or trails) from Rosemary Lane to the developing property. Accordingly, in order to preserve the character of the adjacent historic site, Hitching Post Hill (68-001), the property owner, their heirs, successors and/or assignees shall not provide access to the property from Rosemary Lane, and shall maintain the 150-foot-wide buffer along Rosemary Lane with all subsequent associated applications, pursuant to this CSP.
2. Prior to approval of any grading permit, according to the Prince George’s County Planning Board’s 2005 Guidelines for Archeological Review, archeological investigations shall be required to determine if any cultural resources are present. The property owner shall submit a Phase I research plan for approval by the staff archeologist, prior to commencing Phase I work. Evidence of Maryland-National Capital Park and Planning Commission concurrence with the final Phase I report and any other required archeological studies is required, prior to issuance of the grading permit.
3. Upon receipt of the Phase I archeological report by the Prince George’s County Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to any ground disturbance or approval of any grading permits, the property owner shall provide a plan for:

- a. Evaluating the resource at the Phase II level, or
  - b. Avoiding and preserving the resource in place.
4. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the property owner shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland, prior to any ground disturbance or approval of any grading permits.
  5. Depending upon the significance of the findings (at the Phase I, II, or III level), the property owner shall provide interpretive signage. The location and wording shall be subject to approval by the staff archeologist, prior to issuance of any building permits.
  6. Prior to the acceptance of the detailed site plan, the applicant, and the applicant's heirs, successors, and/or assignees shall revise the plans to provide:
    - a. A minimum 5-foot-wide sidewalk along both sides of all internal roadways and along the property frontage of Rosemary Lane;
    - b. A pedestrian connection between Dean Drive and Calverton Drive;
    - c. Pedestrian-scale lighting throughout the site;
    - d. A minimum of two inverted U-style bicycle racks, or a style similar bicycle rack that allows for two points of secure contact needs to be provided at all future recreational areas. Provide a detailed exhibit of the bicycle racks;
    - e. All internal streets shall conform to the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment* standards and future rights-of-way shall accommodate the necessary facilities from the standards;
    - f. Emergency vehicle access from Calverton Drive. Prior to the certificate approval of the conceptual site plan (CSP), the CSP, the natural resources inventory, and the Type 1 tree conservation plan shall be revised to reconcile the acreage for the net tract area.
  7. Prior to the certificate approval of the conceptual site plan, a revised natural resources inventory (NRI) shall be approved that:
    - a. Resolves the inconsistency between the forest stand acreage in the NRI Site Statistics Table and the Forest Stand Descriptions Table.
    - b. Revises the Specimen Tree Table to correctly identify trees that are on- and off-site, consistent with the NRI plan.



8. Prior to certificate approval of the conceptual site plan, the Type 1 tree conservation plan (TCP1) shall be revised as follows: Clay Property; CSP-20007 and TCP1-007-2021 June 15, 2021, Page 5:
  - a. Remove the Woodland Preservation Sign symbol from the legend.
  - b. Revise the TCP1 worksheet, as needed, to correctly reflect woodland conservation requirements for the site.

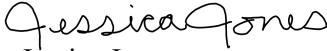
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 15, 2021, in Upper Marlboro, Maryland.

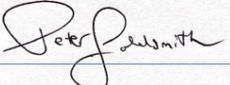
Adopted by the Prince George's County Planning Board this 22nd day of July 2021.

Elizabeth M. Hewlett  
Chairman

  
By Jessica Jones  
Planning Board Administrator

EMH:JJ:DS:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department  
Date: July 21, 2021