



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 10-20

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Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
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File No. 4-09034

RESOLUTION

WHEREAS, LH East Associates, Limited Partnership is the owner of a 18.22-acre parcel of land known as Tax Map 41 in Grid C4, said property being in the 16th Election District of Prince George's County, Maryland, and being zoned Mixed-Use Infill (M-U-I); and

WHEREAS, on January 5, 2010, LH East Associates, Limited Partnership filed an application for approval of a Preliminary Plan of Subdivision for 183 lots and 30 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09034 for EYA Arts District Hyattsville, East Village was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on February 25, 2010, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on February 25, 2010, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/034/06-01), and further APPROVED Preliminary Plan of Subdivision 4-09034, EYA Arts District Hyattsville, East Village for 183 lots and 30 parcels with the following conditions:

1. Prior to signature approval of preliminary plan of subdivision, the following corrections shall be made:
 - a. Note 4 shall be revised to 18.22 acres.
 - b. Add a note to reflect the proposed mixed-use development of 183 townhouse units, 275 multifamily units, including 6 live/work units, and 40,742 square feet of commercial/retail space.
 - c. Add a note to reflect to the Private Recreational Facilities Agreement (RFA) recorded in the county land records under Liber 29567 at Folio 148.
 - d. The acreage of Parcel M shall be revised to reflect the acreage on the record plat of 42,057 square feet or 0.965 acres.

- e. Under General Notes, Note on "Summary of Townhouse Unit Mix" shall be revised from "As Approved in 4-06029" to "As Approved in 4-06050".
2. Development of this site shall be in accordance with approved Stormwater Management Concept Plan 14838-2006-02 and any subsequent revisions.
3. At the time of permit issuance, if conformance with the new stormwater management requirements results in the need to revise the layout of the site shown on the detailed site plan and/or TCPII, revised plans will be required and may, as appropriate, be reviewed at the staff level.
4. At time of detailed site plan review, the landscape plan shall provide a chart using the ten-year tree canopy coverage calculations to state the percentage of tree cover proposed. If the 20 percent tree cover requirement cannot be met, a letter of justification must be provided stating why it cannot be met.
5. Prior to the signature approval of the preliminary plan, the TCPI worksheet shall be revised to show any additional woodland conservation that cannot be provided on-site, as off-site woodland conservation and remove any fee-in-lieu above the previously approved 3.01 acres.
6. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/034/06-01). The following notes shall be placed on the Final Plat of Subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/034/06-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
7. At the time of detailed site plan, the applicant shall provide an illustrative detail of the proposed green roof areas. A planting detail for the green roofs shall also be submitted.
8. Prior to the approval of building permits for lots containing residential units, certification by a professional engineer with competency in acoustical analysis shall be submitted to The Maryland-National Capital Park and Planning Commission (M-NCPPC) as part of the building permit package. The certificate shall verify that noise mitigation methods have been incorporated in the architectural plans to reduce interior noise levels to 45 dBA Ldn or less.
9. The applicant shall allocate appropriate developable areas for the private recreational facilities on open space land.

10. The place of the recreation facilities reflected on the detailed site plan shall comply with the standards outlined in the *Park and Recreation Facilities Guidelines*.
11. The developer, his heirs, successor, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
12. The private recreational facilities shall be reviewed by the Urban Design Review Section of the Development Review Division (DRD) for adequacy and property siting prior to approval of the detailed site plan.
13. Consistent with previously approved Preliminary Plan of Subdivision 4-06050, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide five-foot standard sidewalks along the following internal streets: (1) both sides of 45th Avenue, south of Kennedy Street to its intersection with Ingraham Street; (2) on one or both sides of Ingraham Street between 45th Avenue and US 1; (3) along the perimeter of Building No. 3 (the condominium building south of Sudsville); and (4) along the east side of 45th Place, from the crosswalk at its intersection with Street A, south to its intersection with Kennedy Street, then following along the south side of Kennedy Street to its intersection with 45th Avenue. All other internal streets shall have sidewalks on both sides of at least four feet in width.
 - b. Provide striped or decorative crosswalks across US 1 at Madison Street, across US 1 at Longfellow Street, and across US 1 at Jefferson Street, unless modified by State Highway Administration (SHA). Such design modification shall be approved by the Urban Design Section as designee of the Planning Board.
 - c. Provide striped or decorative crosswalks across 45th Avenue on the south side of Jefferson Street, across 45th Avenue at Street A, and across Ingraham Street at US 1, unless modified by either Department of Public Works and Transportation (DPW&T) or the City of Hyattsville. Such design modification shall be approved by the Urban Design Section as designee of the Planning Board.
 - d. Indicate ramps or depressed curbing at all parking for the physically handicapped.
 - e. The approved Gateway Arts District Sector Plan recommends that Baltimore Avenue (US 1) be designated as a Class III bikeway with appropriate signage. Because US 1 is a state right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. SHA shall have the opportunity to review the proposed locations to ensure they are acceptable. The developer shall purchase the signs from the state and install them in accordance with the state's *Manual on Uniform Traffic Control Devices* dealing with

the section on bicycle facilities. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit.

- f. Provide a wide sidewalk along the entire length of the subject site's frontage of US 1. This sidewalk should be at least six feet wide in all areas, including additional width for those areas with street furniture, planters, and street trees.
 - g. Appropriate pedestrian safety measures will be incorporated into the development at the time of detailed site plan.
14. Total development of the subject property shall be limited to 303 multifamily units, 183 townhouse units, and 40,742 square feet of retail/commercial space, or equivalent development which generates no more than 321 AM and 509 PM weekday peak hour vehicle trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
 15. The applicant shall provide for a ten-foot public utility easement (PUE) or an alternative easement acceptable to all applicable utilities, in conjunction with the final plat approval.
 16. At the time of detailed site plan the condominium building south of Sudsville and north of Jefferson will consider retail condominiums along the full length of the front of the first floor with condominiums above and behind.
 17. At time of final plat there will be a public use easement to ensure full public access to streets, alleys, walkways, plazas, and parks within the proposed redevelopment that are normally public, but will be privately owned for the proposed redevelopment.
 18. The developer must obtain approval for street standards from the City of Hyattsville.
 19. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
 20. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees shall convey to the homeowners association open space and roadway parcels. Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD) along with the final plat.

- c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
21. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities, prior to the issuance of building permits. The required recreational facilities shall be determined with the full review of the permit site plan.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	M-U-I & M-U-T-C	M-U-I & M-U-T-C
Use(s)	Commercial/Residential (Vacant)	Mixed-Use 183 Townhouse Units 275 Multifamily Units including 6 live/work Units 40,742 sq ft Retail Space
Acreage	18.22	18.22
Lots	203	183
Parcels	26	30
Public Safety Mitigation Fee		

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) meeting on January 22, 2010.

3. **Community Planning**—The site is located in the Developed Tier on the Baltimore Avenue Corridor. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for corridors is mixed residential and nonresidential uses at moderate-to-high densities and intensities, with a strong emphasis on transit-oriented development. The preliminary plan proposes a mix of land uses and intensities that are consistent with the recommendations of the 2002 *Approved Prince George's County General Plan*.

The majority of this site, 17.01 acres, is within limits of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, approved September 9, 2004. The SMA changed the zone from Commercial Miscellaneous (C-M) to Mixed-Use Infill (M-U-I) and applied the Gateway Arts District Overlay Zone for the subject property. This application is subject to the requirements of the town center character areas of the sector plan. The goal for town center character areas is to enhance the walkability of the town centers by creating a framework for high quality, mixed-use, pedestrian-oriented development incorporating human-scale buildings, an attractive streetscape, landscaping and small pocket parks. The sector plan also recommends comprehensive bicycle and pedestrian facilities along Baltimore Avenue (US 1) within the Arts District. Overall this application conforms to the mixed-use-infill land use recommendations of the 2004 *Gateway Arts District Sector Plan and Sectional Map Amendment* as well as the development standards of the Gateway Arts District Development District Overlay Zone.

A portion of this site, 1.21 acres, is located within the January 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*. The 2004 *Approved Town of Riverdale Park Mixed-Use-Town Center Zone Development Plan* changed the underlying Commercial

Shopping Center (C-S-C), Commercial Miscellaneous (C-M), Commercial Office (C-O) and One-Family Detached Residential (R-55) Zones to the Mixed-Use Town Center (M-U-TC) Zone for the subject property. The development plan recommends residential infill development with four or five stories buildings. This application conforms to the Mixed-Use Town Center land use recommendations of the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*.

4. **Subdivision**—The previous Preliminary Plan of Subdivision 4-06050 for this subject property was originally approved by the Prince George's County Planning Board on February 22, 2007 (PGCPB Resolution No. 07-01). As part of that approval a variation request to Section 24-121(a)(4) was also approved. The subject property is adjacent to a Maryland Rail Commuter Service (MARC) rail line and Section 24-121(a)(4) of the Subdivision Regulations states:

- (a) **The Planning Board shall require that proposed subdivisions conform to the following:**
- (4) **Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.**

Under Preliminary Plan of Subdivision 4-06050, the variation request was examined by the Planning Board to ensure that the request met the required findings for approval set forth by Section 24-113(a) of the Subdivision Regulation.

For this Preliminary Plan of Subdivision 4-09034, the application is reducing the number of lots and parcels from 201 lots and 26 parcels to 183 lots and 30 parcels. The overall layout of street, parcels, townhouse lots, the conditions of the MARC rail and the subject property have not changed from the approved Preliminary Plan of Subdivision 4-06050. Therefore, the Planning Board recommends that the finding and approval of the variation request from Preliminary Plan 4-06050 be incorporated into this Preliminary Plan of Subdivision 4-09034, as shown below.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the**

effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The approved 2004 Gateway Arts District Sector Plan and Sectional Map Amendment governs development of this site. This property is in the town center character area described below:

Town center character area development standards emphasize the creation of a pedestrian-oriented streetscape that will welcome residents and visitors, establish a build-to line to ensure a common street wall that creates a comfortable sense of enclosure, and minimize total parking requirements while encouraging shared parking. In particular, residential uses above first-floor retail or commercial uses are desired in the town centers to infuse the areas with new residents who can enliven the streets and support commercial retail, middle- to high-end housing with structured parking as is demonstrated in this proposal.

Consistent with this goal of the sector plan, the applicant is proposing condominiums and commercial properties along the rail line. The general subdivision requirements for land adjacent to a transit right-of-way (minimum lot depths of 300 feet and frontage on either an interior street or service road) are clearly geared toward a more suburban development and would be inconsistent with the type of development for the more urban-oriented town center development as described above. Relaxing this standard would not be injurious to the public or adjoining properties and is, in fact, the only way this development can be found to be in concert with the sector plan.

- (2) The conditions on which the variations is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

This site, as discussed previously, is subject to the development standards for the town center contained in the 2004 Gateway Arts District Sector Plan. Thus, the requested variation is not generally applicable to other properties.

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

The approval of this variation request does not violate applicable local laws. In addition the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations.

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

The 2004 sector plan envisions a substantial amount of development on this site. This high-density development, clearly intended by the sector plan, could not occur if the lot depth of 300 feet is required. It is also important to note that the applicant has submitted a transportation noise analysis by Phoenix Noise and Vibration, LLC, which addresses the noise/vibration impacts of residential units in proximity to the rail line, and concludes that through the use of certain building materials, building techniques, etc., the regulations establishing maximum noise limitations for residential development within the Code of Maryland Regulations can be satisfied. Requiring a 300-foot lot depth along the MARC rail line would encumber more than an acre of this site, thus negatively impacting both the residential and commercial development potential for this site that is envisioned by the plan. Without approval of this variation, the development standards promulgated for the town center could not be met and the application would have to be denied.

The Planning Board finds that the variation requested is appropriate for the reasons stated above.

5. **Environmental**—The revised Preliminary Plan of Subdivision, 4-09034 and Type I Tree Conservation Plan, TCPI/034/06-01 were submitted and have been reviewed. This case was discussed at the Subdivision Development Review Committee on January 22, 2010 and verbal comments were provided. A signed Natural Resources Inventory (NRI/024/06-03) dated September 22, 2009 was included with the application package.

Background

The Environmental Planning Section has previously reviewed this site with the following applications: 4-06050, TCPI/034/06, DSP-06029, SP-070003, TCPII/063/07 and NRI/024/06 for 16.52 acres of mixed-use development in the Gateway Arts District Planning Area. Preliminary Plan of Subdivision 4-06050 and Detailed Site Plan DSP-06029 were both approved by the Planning Board with their respective tree conservation plans (PGCPB Resolution No. 07-01(A) and PGCPB Resolution No. 07-196(C)) for 16.52 acres of mixed-used development. This preliminary plan application, 4-09034, adds approximately 1.70 acres of land and 0.76 acres of woodland.

Site Description

The combined 18.22-acre property is located between Baltimore Avenue (US 1) and the Baltimore-Ohio Railroad, north of Hamilton Street and south of Madison Street. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils or Marlboro clays were not found to occur on this

property. Baltimore Avenue (US 1) is a planned four-lane major collector (MC-200) roadway not generally regulated for noise. However, noise impacts from Baltimore-Ohio railroad is of a concern and mitigation measures are required. The predominant soil type found to occur on the site according to the *Prince George's County Soil Survey* is Sandy & Clayey series. This soil series has limitations with respect to high shrink-swell potential and slow permeability, especially when steep slopes are present, which is not the case on the subject property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this application. This property is located in the Northeast Branch watershed of the Anacostia River basin and in the Gateway Arts District Sector Plan and Developed Tier as reflected in the 2002 General Plan.

Environmental Issues Addressed in the Gateway Arts District Sector Plan

There are specific recommendations pertaining to the environmental elements of the sector plan that relate to the subject property. This site was partially developed and is currently predominantly paved. The environmental recommendations pertaining to the subject property are in **bold type face** and comments are in regular type face.

1c Stormwater Management: Existing regulations require adequate control of stormwater runoff (Subtitle 4, Division 2, Prince George's County Code)

A Stormwater Management Concept Approval Letter (14838-2006-02) has been submitted with the application. The subject property involves the redevelopment of an existing developed site. According to the letter, the stormwater management requirement will be met with a series of dry swales combined with bioretention, roof top disconnection and 10,000 square feet of green roof area. Condition 6 of the approval letter states the following:

“Please revise to comply with the new SWM ordinance that will take effect on May 4, 2010, unless both storm drain technical plan and sediment erosion control plans are approved prior to that date.”

It should be noted that a change in the proposed stormwater management to meet conformance with the new SWM ordinance may result in changes to the proposed layout, and possibly the reduction of lots.

1g Protection and Restoration of Woodlands: The Woodland Conservation Ordinance requires the conservation of woodlands through preservation, reforestation and afforestation of woodland and specimen trees by meeting minimum woodland conservation thresholds (Subtitle 25, Prince George's County Code)

The subject property is approximately 11 percent wooded by fragmented areas of forest. The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site has previously approved Tree Conservation Plans

(TCPI/034/06 and TCPII/063/07). A revised Type I tree conservation plan has been submitted with the application. The TCPI has been revised to add 1.70 acres of land containing 0.76 acres of woodland, increasing the total net tract to 18.22 acres, and the total on-site woodland to 2.17 acres. The site is located in the Developed Tier at a location where development potential should be maximized. In addition, the woodlands that do exist on-site are of low retention priority because of the high percentage of invasive plant species and low species diversity. The emphasis on this site should be placed on the provision of extensive streetscapes and the planting of shade trees throughout the site. The street trees and other landscaped areas may be used to meet the requirements if certain design parameters are met.

2. Incorporate low-impact development design features and implement green building techniques that include the latest environmental technologies.

As previously discussed, the site proposes to provide green roof bioretention, rooftop disconnection, and dry swales combined with bioretention. The proposed techniques are considered the latest environmental technologies addressing environmental site design and are appropriate for this type of development.

3. Affirm county and state Smart Growth initiatives and the policies and strategies of the General Plan. New development and redevelopment should enhance existing green infrastructure elements such as wetlands, woodlands, open space, landscaped areas, street tree corridors, and sensitive species habitats. It should also establish open space linkages where they do not currently exist.

The site does not contain any green infrastructure elements and it is not located within the designated green infrastructure network.

4. Seek opportunities to create new connected green infrastructure elements. New development or redevelopment project proposals should establish landscaped areas and open space connections, wherever possible.

The subject property is not adjacent to a designated green corridor and does not contain woodlands, wetlands or sensitive species habitat. The tree cover requirements in paragraph 5 below will serve to address the landscaping provisions above.

5. Require the following tree cover areas based on ten-year tree canopies: 10 percent tree cover on all properties not in the CBCA I-D-O overlay and within the industrial areas, 15 percent tree cover on property containing an L-D-O (limited development overlay), 20 percent tree cover within mixed-use or commercial areas, and 26 percent tree cover within residential areas. Establish street trees along main transportation corridors. Count trees planted in the public right-of-way but within 16 feet of a property line toward a development's tree coverage.

The application is not within the Chesapeake Bay Critical Area (CBCA) and proposes a residential use; as such the 20 percent tree cover requirement applies. Every attempt must be made to meet this standard on the detailed site plan and if it cannot be met, a letter of justification must be provided to state why it cannot be met.

6. **Decrease impervious surfaces by sharing parking to the fullest extent, constructing green roofs, and following the County's Department of Environment Resources requirements to the fullest extent.**

The TCPI and stormwater management concept plan approval both propose areas of shared parking for the proposed development. The approved concept plan proposes the construction of a building with a green roof on Lot 3.

7. **Use micromanagement stormwater treatment methods on new development or redevelopment projects.**

See comments 1c and 2 above.

Environmental Review

The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. The site has a previously approved tree conservation plan, therefore a revised Tree Conservation Plan, TCPI/034/06-01, has been submitted. The current zoning (M-U-1) of the subject property has a woodland conservation threshold of 15 percent A Type I Tree Conservation Plan was submitted for review and was found to require minor revisions to conform to the requirements of the Woodland Conservation Ordinance.

The woodland conservation threshold for the site is 2.73 acres. The total requirement based on the proposed clearing is 5.06 acres. The TCPI proposes to meet the requirement with 1.59 acres of afforestation and 3.47 acres of fee-in-lieu. Fee-in-lieu should only be considered when the remaining requirement is less than one acre. No additional fee-in-lieu can be approved for this site because the previously approved TCP was approved for fee-in-lieu. Any additional woodland conservation requirement above what was previously approved must be provided on-site or in an off-site woodland conservation easement.

The proposed afforestation will be met through the use of street trees and landscaping used for bioretention. The detailed site plan will provide more information for all vegetation used to meet the proposed afforestation requirement.

The site has a Phase II noise study that was previously reviewed with applications 4-06050 and DSP-06029. The site is impacted by noise levels above 65 dBA Ldn which exceeds the limit recommended for residential uses. Noise impacts to the area of townhouse units, which have rear outdoor activity areas, were addressed with Detailed Site Plan DSP-06029 and will be mitigated by a noise wall. The proposed multifamily building as shown on Parcel 5 of the detailed site plan will

include a courtyard and pool plaza; however, both will be shielded from high noise levels by the proposed building, thus noise impacts to the outdoor activity areas for the multifamily building are not anticipated.

The areas of concern with regard to noise impacts are the interior areas of the proposed multifamily building on Parcel 5. This can be addressed through the use of building materials that will mitigate noise from exterior sources. Some of the units may be subjected to higher noise levels and will require special building materials to ensure proper mitigation.

Another concern is the potential vibration from the adjacent railroad tracks. The vibration analysis, reviewed with Preliminary Plan of Subdivision 4-06050, was found to be applicable for review with this application. The analysis notes that the results of measurements of current vibration levels do not exceed the residential limits established by the International Standards Organization (200 micrometers/second) or the Federal Transit Authority (143 micrometers/second). The study analyzed both freight and transit trains on both northbound and southbound tracks and the highest vibration level recorded was for a MARC southbound train (113 micrometers/second). Because all of the levels are below the industry accepted standards for residential uses, staff does not recommend any changes to the design or additional information regarding vibration.

The predominant soil type found to occur on the site according to the *Prince George's County Soil Survey* is Sandy & Clayey series. This soil series has limitations with respect to high shrink-swell potential and slow permeability, especially when steep slopes are present, which is not the case on the subject property. This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

Environmental Conclusions

Based on the preceding findings, the Environmental Planning Section recommends the subject preliminary plan and the Type I Tree Conservation Plan TCPI/034/06-01 be approved with conditions. These conditions address the appropriate protection of the regulated areas.

6. **Department of Parks and Recreation (DPR)**—Preliminary Plan of Subdivision 4-09034 has been reviewed by the Department of Parks and Recreation (DPR). The review considered the recommendations for approval of previous Preliminary Plan of Subdivision 4-06050 and the concurrent applications DSP-06029, SP-070003, and SP-060001 submissions.

In September 2007, the applicant obtained an amended resolution approval on the Preliminary Plan of Subdivision 4-06050 for 220 townhouse units, 246 condominium units and 38,005 square feet of retail/commercial on 16.52 acres of land. The projected residential population for this development proposal is 1,253 residents at a density of 28.21 dwelling units per acre. Private recreational facilities were approved by the Planning Board to satisfy the requirements pursuant to Section 24-135 of the Subdivision Regulations for mandatory dedication of parkland. The applicant has entered into private recreational facilities agreement (RFA) which details the

facilities to be provided and the timing of when such facilities are to be constructed. The RFA agreement is recorded in the county land records under Liber 29567, Folio 148.

As a condition of approval on Preliminary Plan of Subdivision 4-06050, the applicant has successfully obtained and platted Parcel 108. The property will be used to construct the master plan trail that runs along the Rhode Island Ave trolley right-of-way that connects Hyattsville to Beltsville. This master plan trail will serve the community by providing a linkage to the Hyattsville Town Center and create the opportunity to serve as a part of the comprehensive trail system that will serve the region in the future. The record plats for the property show a 20-foot-wide public use easement for the placement and construction of a ten-foot-hiker-biker trail. The applicant's responsibility for constructing the trail is documented in the recorded RFA.

The applicant has submitted Preliminary Plan of Subdivision 4-0934 to add 1.70 acres of land area along with a revised residential unit mix and layout. The revised development proposal is for 183 townhouse units, 275 multifamily units, along with 40,742 square feet of retail/commercial. Using current occupancy statistics for single and multifamily dwelling units, the proposed development will generate approximately 1,193 residents at a density of 25.23 dwelling units per acre. The projected population and density is slightly less than previously anticipated, therefore the revised development proposal would have no adverse impacts on any proposed private recreation facilities. DPR has concluded that the mandatory dedication of parkland requirement for the additional 1.70 acres of land proposed will be satisfied by the current private recreation package.

7. **Trails**—Preliminary Plan of Subdivision 4-09034 has been reviewed for conformance with the Countywide Trails Plan and/or the appropriate area master plan in order to provide the master plan trails.

The combined 18.22-acre property is located between Baltimore Avenue (US 1) and the Baltimore-Ohio Railroad, north of Hamilton Street and south of Madison Street. There are specific recommendations pertaining to trails of the Gateway Arts District Sector Plan that relate to the subject property. The sector plan identifies pedestrian and bicycle facilities as potential transportation modes for some trips within the study area. Bicycle-compatible roadways and pedestrian-friendly streetscapes make it possible for residents and employees to make some trips without using their automobile. This is especially important in urban areas and areas around mass transit where higher residential, office, and commercial densities make it more feasible for some trips to be made without an automobile (sector plan, page 37).

The sector plan also recognizes that pedestrian safety is a priority for the community and that measures should be taken to ensure that area roads are safe and attractive for pedestrians. These improvements can include curb extensions, in-pavement lighting in crosswalks, raised crosswalks, road striping, additional signage and lighting, and contrasting surface materials as deemed appropriate by the communities and road agencies (sector plan, page 41).

The trails section more specifically recommends that all new roads and all retrofit road projects be developed in accordance with the American Association of State Highway Transportation Officials

(AASHTO) Guide for the Development of Bicycle Facilities, where feasible (sector plan, page 41). These guidelines outline current "best practices" for accommodating bicycles on roads. The types of facilities addressed include designated bike lanes, wide outside curb lanes, paved shoulders, and shared-use roadways. With regards to US 1, the transportation planning section recommends on-street bike lanes and continuous sidewalks along US 1 (sector plan, page 41). Suitable pavement markings to accommodate bicyclists will be determined by State Highway Administration (SHA).

Conditions of Prior Approvals:

Preliminary Plan of Subdivision 4-06050 includes several conditions of approval pertaining to pedestrian and trail facilities (PGCPB Resolution No. 07-01). Condition 1 (a, b, c, and d.) requires the provision of a bikeway along US 1, a wide sidewalk along US 1, and a network of internal sidewalks. These conditions of approval are still applicable to this Preliminary Plan of Subdivision 4-09034.

Conditions 2, 3, 4, 11, 12, and 13 all pertain to the Rhode Island Avenue Trolley Trail and the acquisition of the former trolley trail right-of-way (Parcel 108). The applicant has completed the necessary legal actions to acquire the trolley trail right-of-way (ROW). Approved DSP-06029/01 incorporated the recently acquired Trolley Trail ROW into the subject development.

The following conditions were included in the approval of Preliminary Plan of Subdivision 4-06050 (PGCPB Resolution No. 07-01). Only the conditions pertaining to bike or pedestrian facilities are in **bold type** below.

1. **In conformance with the adopted and approved Gateway Arts District Sector Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
 - a. **The adopted and approved Gateway Arts District Sector Plan recommends that Baltimore Avenue (US 1) be designated as a Class III bikeway with appropriate signage. Because US 1 is a state right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. SHA shall have the opportunity to review the proposed locations to ensure they are acceptable. The developer shall purchase the signs from the state and install them in accordance with the state's *Manual on Uniform Traffic Control Devices* dealing with the section on bicycle facilities. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit.**
 - b. **Provide a wide sidewalk along the entire length of the subject site's frontage of US 1. This sidewalk should be at least six feet wide in all areas, including**

additional width for those areas with street furniture, planters, and street trees.

- c. Provide standard sidewalks along both sides of all internal roads.
- d. Appropriate pedestrian safety measures will be incorporated into the development at the time of detailed site plan.

Comments: This condition addresses streetscape improvements along US 1 and all internal streets. They are still applicable to the subject preliminary plan and site plans and are reflected on the subject applications as previously approved. Sidewalks are provided along both sides of all internal roads, wide sidewalks are reflected where appropriate, and a wide streetscape is provided along US 1.

- 2. The applicant (currently owner of a portion of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property) and the applicant's heirs, successors, and/or assignees shall use its best efforts to acquire the portions of the abandoned trolley right-of-way adjacent to the subject property that it does not currently own, and upon that portion of said right-of-way owned by the applicant, along with that portion of said abandoned right-of-way adjacent to Lots 2 and 3, it shall provide the master plan trail, as indicated on the submitted preliminary plan.
- 3. For that portion of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property that is now or will be owned by the applicant, the trolley trail shall be placed within a 20-foot-wide public use easement that will be marked and labeled on the final plat and detailed site plan.
- 4. Prior to detailed site plan approval, the applicant shall show that legal action for the purpose of obtaining ownership of those portions of the abandoned trolley right-of-way (Parcel 108) that are adjacent to the subject property (and which are not already owned by applicant), and also those portions of the right-of-way adjacent to Lots 2 and 3, has been filed in the appropriate court. Applicant shall diligently pursue said legal action, and if successful, applicant shall construct the master plan trail upon those portions of said right-of-way adjacent to the subject property.
- 11. Prior to the issuance of building permits for the easternmost 25 lots on the subject property (to be specified on an exhibit to be submitted to DRD and DPR prior to certification of the Preliminary Plan); if the applicant has not yet obtained ownership of all portions of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property through its legal action to obtain such ownership, the applicant shall reach an alternative agreement with the M-NCPPC that would result in provision of a public trail on or generally parallel to Parcel 108, from the northern boundary to the southern boundary of the subject property.

12. **If the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property is acquired by the applicant, it shall build an asphalt trail along said right-of-way from the northern boundary to the southern boundary of the subject property. If the applicant is unable to acquire said right-of-way, applicant shall reach an alternative agreement with the M-NCPPC. The exact location, timing and applicable DPR and ADA standards for the installation of the trail shall be determined at the time of detailed site plan review.**

13. **Prior to the issuance of building permits for the easternmost 25 lots on the subject property, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association open space land, and any interest in Parcel 108 shall be conveyed to the homeowners association by quitclaim deed. Land conveyed shall be subject to the following:**
 - a. **Conveyance shall take place prior to the issuance of building permits.**
 - b. **A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.**
 - h. **The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.**

Comments: Conditions 2, 3, 4, 11, 12, and parts of 13 (copied above) address the acquisition of Parcel 108 for the Trolley Trail. The applicant has completed the necessary legal process and obtained the former trolley ROW for the trail.

Rhode Island Avenue Trolley Trail

The Gateway Arts District Sector Plan recommends a master plan trail/bikeway along the former Rhode Island Avenue Trolley right-of-way. This trail is shown on the submitted plans, as it was on prior submittals. The applicant has taken the necessary legal steps to obtain control of the former trolley ROW and now owns the land for the trail. Prior recommendations regarding the construction of the trail should remain in effect. The submitted Preliminary Plan of Subdivision 4-09034 reflects a public use easement along the entire trail per prior conditions of approval.

Sidewalk Connectivity

An extensive network of standard and wide sidewalks is proposed on the subject application. These include standard or wide sidewalks along both sides of all the local, internal roads, and a wide "streetscape" along US 1. A wide sidewalk, street furniture, and landscaping is reflected along US 1 for the entire length of the subject application. The portion of the sidewalk between the

landscaping and the edge of the build-to line exceeds ten feet. Including the areas with landscaping and the portion of the sidewalk between the landscaping and the curb, the sidewalk/pedestrian zone is over 20 feet wide. This width is adequate to accommodate the high pedestrian volumes anticipated in the vicinity, and fulfills the intent of the master plan. Wide sidewalks are also provided along Jefferson Street and Ingraham Street. These wide sidewalks are supplemented by a comprehensive network of internal sidewalks and many internal walkways and courtyards.

Condition 1d of approved Preliminary Plan of Subdivision 4-06050 recommends that appropriate pedestrian safety features be provided at the time of detailed site plan approval of (PGCPB Resolution No. 07-01). A comprehensive network of sidewalks is provided on the submitted plans and crosswalks are indicated at most locations. Recommendation 2 of the Roadways Section in the sector plan recommends, "Improve all existing and proposed intersections and mid-block crossings of Rhode Island Avenue/Baltimore Avenue... where deemed appropriate. At these locations, pedestrian crossings should be very clearly demarcated and, where missing, pedestrian-actuated signals need to be installed. Crossings of 12 to 15 feet wide and the use of special paving treatments are recommended" (sector plan, page 44). Crosswalks are provided at most locations and wide and enhanced crosswalks are provided in several key, high pedestrian areas.

Conclusion

Prior conditions of the approved Preliminary Plan of Subdivision 4-06050 for the subject site addressed pedestrian and trail facilities. These include conditions of approval regarding the Trolley Trail, US 1 streetscape, and internal sidewalks. The submitted Preliminary Plan of Subdivision 4-09034 and associated site plan revisions meet the intent of these conditions of approval. No additional recommendations are made at this time. Some of the prior conditions of approval regarding the acquisition of the trolley trail ROW have been fulfilled as noted in the background section. The conditions that have not been completed shall be carried forward with this Preliminary Plan of Subdivision 4-09034.

8. **Transportation**—The subject property consists of approximately 18.22 acres of land in the M-U-1 & M-U-T-C-D zones. The property is located on the east side of US1 in Hyattsville, between Hamilton and Madison Streets. The proposed subdivision will change the approved and recorded mixed-use development levels for EYA-East Village from 246 residential condominiums, 195 residential townhouses, and 38,005 gross square feet of commercial retail space to 275 multifamily, including 6 live/work units, 183 residential townhouses, and 40,742 gross square feet of commercial retail space.

The applicant has not prepared a traffic impact study nor was one requested by the transportation staff. The findings and recommendations outlined below are based upon a review of all relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," and in consideration of findings made in connection with the previously approval Preliminary Plan of Subdivision 4-6050 for the subject property.

Growth Policy—Service Level Standards

The subject property is located within the Developed Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

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

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Traffic Analysis

The application proposes a resubdivision of the recorded plats of EYA Arts District Hyattsville, East Village, which was created under the approved Preliminary Plan of Subdivision 4-06050. Since the proposed subdivision would generate 311 AM and 506 PM weekday peak-hour vehicle trips, which are slightly less than the maximum approved levels of 321 AM and 509 PM week day peak-hour vehicle trips established by the Planning Board as part of its approval of the original EYA subdivision (4-06050) in July 2007 (PGCPB Resolution No. 07-01A, Condition 30). Therefore, staff recommends that the Planning Board find that the subject application represents no increase in peak hour trips approved with Preliminary Plan of Subdivision 4-06050, has no greater impact on traffic operations of the existing, programmed and funded transportation facilities deemed critical to this subdivision, and the previously approved trip caps and roadway improvements should be carried forward.

Sufficient right-of-way consistent with master plan recommendations for US 1 is shown on the plan. The original EYA-East Village subdivision approval was largely conditional on the construction of several improvements for the signalized intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), it is recommended that these conditions be carried forward.

Transportation Conclusions

Based on the preceding findings, the Planning Board finds that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	275 DU (Multifamily)	275 DU (Multifamily)	275 DU (Multifamily)
Pupil Yield Factor	.13	.06	.08
Subdivision Enrollment	35.7	16.5	22.0
Actual Enrollment	32,447	9,888	16,168
Total Enrollment	32,482.7	9,904.5	16,190
State Rated Capacity	39,187	11,571	16,314
Percent Capacity	82.9%	85.6%	99.2%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	183 DU (Attached)	183 DU (Attached)	183 DU (Attached)
Pupil Yield Factor	.14	.11	.10
Subdivision Enrollment	25.6	20.1	18.3
Actual Enrollment	32,447	9,888	16,168
Total Enrollment	32,472.6	9,908.1	16,186.3
State Rated Capacity	39,187	11,571	16,314
Percent Capacity	82.9%	85.6%	99.2%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an

existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,120 and \$ 13,921 to be paid at the time of issuance of each building permit. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Nonresidential

The nonresidential portion of the subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded that it is exempt from a review for schools because it is a nonresidential use.

10. **Fire and Rescue**—The preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

The residential portion of this preliminary plan is within the seven minute required response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
7	Riverdale	4714 Queensbury Road

Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) of the Subdivision Regulations regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005. The Capital Budget and Program Fiscal Years 2010–2015, proposes replacing existing station with a new facility on 4714 Queensbury Road. This station will improve Fire/EMS response to surrounding communities.

The above findings are in conformance with the March 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure".

Nonresidential

The nonresidential portion of the subdivision has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/Beyond
7	Riverdale	Engine	4714 Queensbury Road	3.25	1.20	Within
7	Riverdale	Ladder Truck	4714 Queensbury Road	4.25	1.20	Within
55	Bunker Hill	Paramedic	3716 Rhode Island Avenue	7.25	2.40	Within
7	Riverdale	Ambulance	4714 Queensbury Road	4.25	1.20	Within

There are no Capital Improvement Program projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the March 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

11. **Police Facilities**—The subject property is located in Police District 1, Hyattsville. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on January 5, 2010.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 1/5/2010	12/2008–11/2009	8.0 minutes	8.0 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standard of ten minutes for emergency calls and 25 minutes for nonemergency calls were met January 12, 2010. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005. Pursuant to

County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

Nonresidential

The nonresidential portion of the proposed development is within the service area of Police District I, Hyattsville. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department. As of July 1, 2008 (U.S. Census Bureau, county population estimate is 820,852. Using the 141 square feet per 1,000 residents, it calculates to 115,740 square feet of space for police. The current amount of space exceeds the guideline of 267,660 square feet.

12. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System.

13. **Health Department**—In the approved Preliminary Plan of Subdivision 4-06050 for this property there are two conditions of approval pertaining to the remove of structures, as shown in **bold type**:

22. **The abandoned shallow well found within the confines of the subject property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit.**
23. **A raze permit is required prior to the removal of any structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well properly abandoned/sealed before the approval of any building permit.**

Prince George's County Health Department staff has confirmed that all structures on site has been razed and Permit Review staff has confirmed that site has obtained ten raze permits in 2009. Therefore these conditions have been complete and in evaluating the proposed Preliminary Plan 4-09034 the Prince George's County Health Department has no comments to offer.

14. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan 14838-2006-02 has been approved with conditions.

Development must be in accordance with this approved plan. In addition to the review by DPW&T, the Gateway Art District Sector Plan recommends the use of low-impact development techniques to manage stormwater as discussed further in the Environmental Planning Section of this report.

15. **Cemeteries**—No cemeteries have been identified on the property.
16. **Archeology**—Phase I archeological survey is not recommended on the above-referenced 18.22-acre property located west of the Baltimore and Ohio Railroad tracks, on the south side of Madison Street and to the north of Ingraham Street in Hyattsville, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Modern construction on the site has likely destroyed any archeological sites that may have been present on the property. However, the applicant should be aware the Hyattsville Armory (68-041-09), a property listed in the National Register of Historic Places, and a Baltimore & Ohio Switching Tower (68-008), a County Historic Site are located adjacent to the property. Additionally, there are 11 other County Historic Sites and one National Register property within a one-mile radius of the subject property. There are also four historic archeological sites located within one mile of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

17. **Historic**—The subject property is located within the Hyattsville National Register Historic District, but that will have no effect on the identified historic resources.

In approved Preliminary Plan of Subdivision 4-06050 for this property there is one condition of approval pertaining to historic resources, as shown in **bold type**:

25. **The applicant shall photographically document those buildings identified as contributing resources to the Hyattsville National Register Historic District within the subject property prior to their demolition. In addition, to assist in the recycling of usable historic building materials, staff requests that the applicant salvage any significant materials and details from the building to be demolished for reuse elsewhere within the developing property, or for donation to the Newel Post, the architectural salvage depot operated by the Prince George's County Historical and Cultural Trust, a countywide, non profit historic preservation organization.**

The Historic Preservation Section has confirmed that all documentation has been submitted and therefore Condition 25 of the approved Preliminary Plan of Subdivision 4-06050 has been completed.

18. **Urban Design**—The property included in this application measures 18.22 acres and 17.01 acres of the property is zoned M-U-I (Mixed-Use-Infill) and 1.21 acres is zoned M-U-TC (Mixed Use Town Center). The subject Preliminary Plan of Subdivision 4-09034, seeks to resubdivide and consolidate 201 lots, 26 parcels and add two new lots (Lot 2 and 3, Plat Book LIB A @ 15) to create 30 parcels and 183 townhouse lots to the land area subject to the previously approved Preliminary Plan of Subdivision 4-06050. This application does not include any addition of commercial gross floor area and will not exceed the stipulated maximum number of dwelling units in the previously approved preliminary plan of subdivision.

Conformance with the Approved Sector Plan and Sectional Map Amendment for the Gateway Arts District and the Riverdale Park Mixed-Use Town Center Zone Development Plan

This application is subject to both the Development District Overlay (DDO) Zone standards of the Gateway Arts District and development standards of the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*. The site's conformance with the applicable standards will be reviewed at time of detailed site plan.

The subject site is located in the town center character area where major streets such as US 1, 34th Street and 38th Street are the major focus of the area. According to the development standards in this area, the lots along major streets should be fronting on them in order to create pedestrian friendly main street environment.

Conformance with the *Prince George's County Landscape Manual*

The proposed development is subject to the requirements of Section 4.1, 4.3, 4.4 and 4.6 of the *Prince George's County Landscape Manual* and the applicable landscape design guidelines and standards included in Gateway Arts District DDO Zone and Riverdale Park Mixed-use Town Center Development Plan. Conformance with these requirements will be judged at time of detailed site plan review.

Other Design Issues

Urban Design staff is concerned about fire access to the interior townhouse blocks of the development. However, the current layout of the interior townhouse blocks with the alleys and streets has remained the same as in the approved Preliminary Plan of Subdivision 4-06050. The City of Hyattsville and Prince George's County Fire Department have reviewed this preliminary plan and did not raise any issues or concerns regarding the fire access to the interior townhouse blocks in their referral.

One of the major goals within the Town Center area is to enhance walkability. Urban Design staff is concerned that the layout of the townhouse blocks may not conform to this goal. However, once again the current layout of the townhouse blocks has remained the same as in the approved Preliminary Plan 4-06050. Community Planning staff has reviewed this preliminary plan and

found that this application conforms to the standard of Town Center character area of the Gateway Arts District.

Urban Design staff is concerned that additional parking spaces may be need throughout the townhouse blocks to accommodate the parking needs of the guests of residents, especially for those in the interior townhouse units. The assessment of parking spaces shall be evaluated at the time of detailed site plan.

19. **Public Utility Easement (PUE)**—The preliminary plan should include the required ten-foot-wide public utility easement that is free from any obstructions along all the streets. However, the Gateway Art District Sector Plan contains design standards and guidelines for streetscape that do not conform to the standards of the public utility easement.

The applicant should provide a ten-foot public utility easement or an alternative easement acceptable to all applicable utilities, in conjunction with the final plat approval.

20. **City of Hyattsville**—On February 1, 2010, the Hyattsville City Council voted on the requested revisions to the adopted site plan for the EYA East Village development. The City is supportive of the change in unit mix that reduces the number of wider units and increase the 14-foot and 16-foot-wide units and the deletion of 12 single-family attached units to accommodate the multifamily building plan. The City is not supportive of the revised design for the proposed facades. The revised Detailed Site Plan DSP-06029/02 and the Special Permitted-070003/02 for EYA East Village development are currently under review.

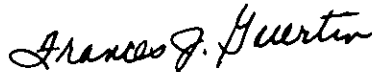
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, February 25, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of March 2010.

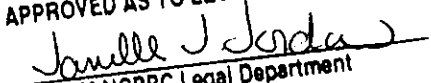
Patricia Colihan Barney
Executive Director



By Frances J. Guertin
Planning Board Administrator

PCB:FJG:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 3/8/10