

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on March 23, 2017 regarding Detailed Site Plan DSP-16029 for Riverfront at West Hyattsville Metro, the Planning Board finds:

1. **Request:** This detailed site plan for infrastructure (DSP) proposes grading and development of infrastructure, including the location and design of the roadways, the lot layout for a 183-townhouse development, parking lots and on-street parking, landscaping, utility location, fencing, and sidewalks on the subject property to prepare for a future multiphase mixed-use development.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	M-X-T/T-D-O	M-X-T/ T-D-O
Use(s)	Vacant (Abandoned warehouse)	Multifamily, townhouses and retail
Acreage:	-	18.45
Floodplain	-	0
Area to be dedicated to M-NCPPC		0.28
Net acreage	-	18.17
Townhouse lots		183

3. **Location:** The property is located on the west side of Ager Road, at its intersection with Lancer Drive, north of the West Hyattsville Metro Station. The subject property is also located in the 2006 *Approved West Hyattsville Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (West Hyattsville TDDP/TDOZMA) area. The property is abutting the west side of the Metro Station in Planning Area 68 and Council District 2.
4. **Surrounding Uses:** Other development surrounding this site is also within the Transit District Overlay (T-D-O) Zone and includes multifamily residential use to the north, also in the Mixed Use–Transportation Oriented (M-X-T) Zone; the West Hyattsville Metro Station to the south; Ager Road to the east; and M-NCPPC-owned parkland in the Reserved Open Space (R-O-S) Zone to the west.

5. **Previous approvals:** The West Hyattsville TDDP/TDOZMA retained the subject property in the T-D-O/M-X-T Zone.

The site was the subject of a previously approved Conceptual Site Plan, CSP-05006, approved by the Prince George's County District Council on August 8, 2008; and Preliminary Plan of Subdivision (PPS) 4-05145, approved by the Planning Board on December 21, 2006. Both the CSP and PPS included a larger land area (44.57 acres) of which the subject property was included. That project was the result of a public/private joint venture between the Washington Metropolitan Area Transit Authority (WMATA) and the applicant in that case; however, the project never came to fruition. The conditions of the previous approval do not apply.

On March 7, 2017, the Prince George's County Planning Board approved PPS 4-15020 which supersedes the previous approvals and provides an adequacy analysis based on the development proposed. It should be noted that a new CSP approval is not required due to the submittal requirements set forth in Section 27-290.01 for Expedited Transit Ordinated Development, which provides that the elements normally required with a CSP approval should be incorporated into the DSP review.

The site also has an approved Stormwater Management Plan, 11905-2016-01, which was approved on December 8, 2016 and is valid through December 8, 2019.

6. **Design Features:** The subject application is the first phase of development for the Riverfront at West Hyattsville project consisting of 18.45 acres of land. This DSP for infrastructure includes most elements of the project including the location and design of the roadways, lot layout for the townhouse development, parking lots and on-street parking for future residents, landscaping, utility location, fencing and sidewalks. This infrastructure plan also provides for the balancing of the earthwork on this site and off-site.

This DSP proposes to develop a portion of the site into 183 townhouses on 13.5 acres of land and vertically mixed-use multifamily with retail use on the first floor on the remaining portion of the property. This DSP only proposes to grade the property and establish rough grading for the entire site, and perhaps fine grading for the townhouse portion of the site.

Associated with the subject application is a Mandatory Referral for property owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC), directly abutting the south of the subject application. The proposed project is designed to create a basin on the 4.29-acre property that can be used for storm water management and as an outdoor recreational area. Compensatory storage of floodplain water on park property and the construction of two stormwater management facilities are proposed, all of which are necessary for development of the subject application.

#### **Architecture**

No architecture is included in the subject application. Architecture will be reviewed in a future full-scale DSP.

**Lighting**

The photometric plan indicates the use of a wide globe LED single fixture on a 14-foot-high pole. Details of the proposed lighting fixture are provided on the plans. The applicant is asking for an amendment to the T-D-O Zone standard relating to lighting of the alleyways (see Finding 8).

**Signage**

No signage is included in the subject application.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-X-T Zone, the requirements for Expedited Transit-Oriented Development (ETOD) Projects, and the requirements of the T-D-O Zone of the Zoning Ordinance.

a. Section 27-546(d), Site Plans, of the Zoning Ordinance includes required findings that must be made by the Planning Board, as follows:

**(1) The proposed development is in conformance with the purposes and other provisions of this Division;**

The proposed development is in conformance with the purposes of the M-X-T Zone as stated in Section 27-542 of the Zoning Ordinance, as follows:

**Section 27-542. Purposes.**

**(a) The purposes of the M-X-T Zone are:**

**(1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The site is within one-half mile of the Metro Station. The property is in the West Hyattsville Metro local transit center as stated in the Prince George's County Growth Policy Map of the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). Local Transit Centers are smaller-scale, mixed-use centers that are well connected by transit. Many of these areas are integrated with an established street grid

and offer local-serving retail and limited office uses, to which this project conforms.

- (2) **To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The 2006 *Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone* recommends a mix of townhouse, four -to six-story condominiums, and mixed-use residential on the subject property. The TDDP identifies the subject property as part of the “North Park” Neighborhood, described as follows:

“Located just north of the Metro tracks, this will be a primarily residential neighborhood with a diverse mix of housing types. Its residents will enjoy a direct connection to the Metro station and convenient access to the Northwest Branch stream valley park. It will contain several LID streets designed to contain and minimize stormwater runoff into the adjacent Northwest Branch. North Park will also contain a number of neighborhood and smaller “pocket” parks --one acre or less in size --that will be designed for active use by younger children and their parents. Small, neighborhood-focused retail will be at the intersection of the primary internal streets, within two blocks of the Metro station. Three taller residential buildings at the edge of North Park will offer outstanding views and surveillance of the stream valley park, increasing the safety of the park.”

The subject development will ultimately fulfill the vision of the area as described above.

- (3) **To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The proposed development plan takes full advantage of the development pattern in the M-X-T Zone on the area proposed for townhouses. For the overall site, as envisioned by the TDDP and the previously approved PPS, more development is anticipated. This application will conserve the value of the site and maximize the development potential inherent in the M-X-T Zone.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**

The overall subject site is located directly adjacent to the Metro station. This location is so well served by public transportation a person may not need an automobile due to convenient access to the Metro station. The proposed site layout further facilitates walking, and bicycling and transit use.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

The proximity of the site to the Metro and the future anticipated multifamily residential and retail development will encourage activity in the area by the future residents as they conduct their everyday business and leisure activities that will contribute to a 24-hour environment.

- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;**

The proposed layout of the development is not yet determined except for the lotting pattern of the townhouse development as proposed on the subject infrastructure DSP.

- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

This infrastructure plan only identifies the lotting pattern of the townhouse development. It will allow for the grading and installation of streets and other utilities. The architecture will be submitted at a later date and should provide for a better understanding of the functional relationship among the uses and the character of the development.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**

This DSP represents the first phase of a multi-phase development. The site design of the subject DSP and future development will result in a mix of uses that will promote optimum land utilization.

**(9) To permit a flexible response to the market and promote economic vitality and investment; and**

The subject application is proposing a mixed-use development that was envisioned by the Transit District Development Plan.

**(10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning. (CB-84-1990; CB-47-1996; CB-78-2006)**

No architecture is proposed in the subject application, as it is for the purpose of grading and installing infrastructure only. Architectural elevations for the townhouse is required for review and approval prior to the issuance of any building permits.

**(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The 2006 *Approved Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* (TDOZ) retained the subject property in the Transit District Overlay/Mixed-Use Transportation-Oriented (T-D-O/M-X-T) Zones. The proposed development is for infrastructure only and is the first phase of a larger development. A discussion of the plan conformance with the TDOZ standards is provided in Finding 8 below.

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

The proposed street pattern of the project is a grid pattern and also has been designed to front on the M-NCPPC parkland, providing access to the larger community. In accordance with the section above, the ultimate development of the property will have most townhouse front façades oriented toward the roadways to provide an outward orientation, which will integrate and catalyze the development of the surrounding neighborhood. The appearance of the project from the Metro rail line is equally important.

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

This DSP is for infrastructure only and conformance with this requirement will be evaluated at the time of a full-scale DSP.

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

The subject application is only for grading and the infrastructure installation. Future plans will be submitted for review relating to the details of the development, including the architectural elevations. This portion of the development is capable of sustaining itself.

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

The DSP is the first phase of a multi-phase development. The breakdown of the phases of development is as follows:

**Phase 1**—183 townhouse lots

- Infrastructure only
- Architectural elevations and all other design elements

**Phase 2**—Multifamily retail

Each of the pods of development is designed as a self-sufficient entity that will allow effective integration of future phases.

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

This project is designed pedestrian-friendly with sidewalks and street trees throughout the project. The pedestrian system will connect to existing streets to create convenient access to the Metro station and the transit district as a whole.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

This requirement will be analyzed in the next phase of the review process, as this plan is only for grading and infrastructure on the site.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

This finding does not apply to the DSP for infrastructure.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

The PPS was approved on March 7, 2017 pursuant to PGCPB Resolution No 17-42, in which an adequacy finding was made and the proposal is consistent with the approval.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The subject site is not a proposed mixed-use planned community.

- b. The DSP application is also in conformance with additional regulations of the M-X-T Zone as follows:



**Section 27-544. Regulations.**

- (a) **Except as provided in Subsection (b), additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

These regulations will apply at the time of a full-scale DSP that includes all development including proposed architecture for the development.

**Section 27-547. - Uses permitted.**

- (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**

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

The subject application identifies the future development will include both residential and commercial uses.

**Section 27-548. M-X-T Zone.**

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

The landscaping, screening, and buffering issues have been reviewed along with this DSP. Finding 11 below provides a detailed discussion of an evaluation of the landscaping proposal.

- (g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The subject DSP includes the same 183-townhouse lots, as evaluated for frontage and access in the review of the PPS 4-15020.

- c. In accordance with Section 27-107.01(a) (242.2)(B) of the Zoning Ordinance, the DSP is an eligible ETOD project as follows:

**(242.2) Transit Oriented Development Project, Expedited: A development proposal, designated for expedited review in accordance with Section 27-290.01 of this Subtitle, where:**

- (A) The subject property is located entirely within a Transit District Overlay Zone.**

The subject site is located within one-half mile of the West Hyattsville Metro Station platform. Section 27-290.01 of the Zoning Ordinance sets out the requirements for reviewing ETOD projects, including submittal requirements, use restrictions, review procedures, the roles of the Planning Board and District Council, and the time limit for both Planning Board and District Council actions. Specifically, Section 27-290.01(b) provides the requirements for the uses and design of ETOD projects as follows:

- (b) As a condition of site plan approval, an Expedited Transit-Oriented Development Site Plan shall:**

- (1) Use the best urban design practices and standards, including:**

- (A) Encouraging a mix of moderate and high density development within walking distance of a transit station to increase transit ridership, with generally the most intense density and highest building heights in closest proximity to the transit station and gradual transition to the adjacent areas;**

The subject application is located within one-half mile of the Hyattsville Metro station. The townhouse portion of the proposed development would be considered moderate-density development.

**(B) Reducing auto dependency and roadway congestion by:**

- (i) Locating multiple destinations and trip purposes within walking distance of one another;**
- (ii) Creating a high quality, active streetscape to encourage walking and transit use;**
- (iii) Minimizing on-site and surface parking; and**
- (iv) Providing facilities to encourage alternative transportation options to single-occupancy vehicles, like walking, bicycling, or public transportation use;**

**(C) Minimizing building setbacks from the street;**

The DSP provides an entrance roadway into the development from Ager Road and connections are also being made to both Nicholson Street and Kirkwood Avenue in accordance with the concept plans of the TDDP. Pedestrian access to the Metro is shown on the plans as a temporary feature until such time as the multifamily applications are submitted. Units will front along most of the streets.

**(D) Utilizing pedestrian scale blocks and street grids;**

The DSP indicates the creation of blocks and grid patterns for future development of the site.

**(E) Creating pedestrian-friendly public spaces; and**

This DSP includes a townhouse development on a portion of a larger property as the first phase of a multi-phased project. According to the site plan, there is one small pocket park that will include a tot-lot. This facility is not required per mandatory dedication, but is proffered by the applicant and will provide a recreational opportunity to the youngest population within the community. The Planning Board finds that the plans should be revised to provide for a four-foot-high black vinyl clad chain-link fence with gates at either end of the plan area. This will protect the children once they are inside of the fenced area from running into the street or alley.

**(F) Considering the design standards of Section 27A-209.**

Section 27A-209 has general design principles of urban centers as stated below:

**Section 27A-209. – General Design Principles of Urban Centers and Corridor Nodes.**

- (a) Building façades should be aligned and close to the Street. Buildings form the space of the Street.**
- (b) The Street is a coherent space, with consistent building forms on both sides. Buildings facing across the Street-Space contribute to a clear public space and Street-Space identity.**
- (c) Multimodal, complete Streets incorporating well-designed pedestrian, bicycle, transit, and auto facilities are essential elements of the Urban Centers and Corridor Nodes.**
- (d) Consideration of the natural environment is paramount in the Urban Centers and Corridor Nodes. All new development should be designed in accordance with best practices of environmentally-sensitive site design and sustainability. Development within the Urban Centers and Corridor Nodes shall demonstrate consideration of the natural environment through several means, including the environmental infrastructure Functional Overlay, Regulating Plan, and Permit Site Plan application.**
- (e) Regulated Environmental Features shall be preserved, protected, and restored to a natural state to the fullest extent possible.**
- (f) Buildings oversee the Street-Space with active fronts. This overview of the Street-Space contributes to safe and vital public spaces.**

- (g) **In an urban environment, property lines are generally physically defined by buildings, walls or fences. Land should be clearly public or private—in public view and under surveillance or private and protected from view.**
- (h) **Buildings are designed for neighborhoods, towns, and cities. Rather than being simply pushed closer together, buildings should be designed for the urban situation within towns and cities. Views are directed to the Street-Space and interior gardens or courtyards to highlight these key amenities for the community and reinforce visual surveillance and sense of communal ownership of these spaces.**
- (i) **Vehicle storage and parking (excluding on-Street parking), garbage and recycling storage, and mechanical equipment are kept away from the Street-Space.**

As this plan is only for the development of infrastructure for the overall development, the findings above will be determined at the time of the review of a full-scale DSP.

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

The plans propose residential and retail uses.

- (3) **Not include the following uses, as defined in Section 27A-106 or, if not defined in Section 27A-106, as otherwise defined in this Subtitle (or otherwise, the normal dictionary meaning):**
  - (A) **Adult entertainment;**
  - (B) **Check cashing business;**
  - (C) **Liquor store;**
  - (D) **Pawnshop or Pawn Dealer;**
  - (E) **Cemetery;**

- (F) Vehicle and vehicular equipment sales and services (also includes gas station, car wash, towing services, RV mobile home sales, and boat sales);**
- (G) Wholesale trade, warehouse and distribution, or storage (including self-service storage, mini-storage, and any storage or salvage yards);**
- (H) Industrial;**
- (I) Amusement park;**
- (J) Strip commercial development (in this Section, “Strip commercial development” means commercial development characterized by a low density, linear development pattern usually one lot in depth, organized around a common surface parking lot between the building entrance and the street and lacking a defined pedestrian system);**
- (K) Sale, rental, or repair of industrial or heavy equipment;**
- (L) Any automobile drive-through or drive-up service;**
- (M) Secondhand business (in this Section, a “Secondhand business” is an establishment whose regular business includes the sale or rental of tangible personal property (excluding motor vehicles) previously used, rented, owned or leased);**
- (N) Nail salon and similar uses designated as North American Industry Classification System (NAICS) No. 812113, except as an ancillary use;**
- (O) Beauty supply and accessories store (in this Section, a “Beauty supply and accessories store” is a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail.), except as an ancillary use; or**
- (P) Banquet halls, unless accessory to a restaurant, tavern, hotel, or convention center.**

None of the above uses are included on this DSP for infrastructure.

**(4) Comply with the use restrictions of Section 27A-802(c), and**

Section 27A-802(c) states the following:

- (c) Public utility uses or structures including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages (Building Envelope Standards), subject to the design regulations of this Subtitle. These uses or structures shall be designed to be harmonious to the overall design and character of the Urban Center District. Other public utility uses or structures including major transmission and overhead distribution lines and structures are prohibited within the Urban Centers and Corridor Nodes Districts.**

This section of the Zoning Ordinance speaks about the installation of public utility structures around the perimeter of the development and creating a harmonious design around these necessary elements and the proposed development. The plans do not reflect public utility structures or uses on the subject property.

- (5) Be compatible with any site design practices or standards delineated in any Master Plan, Sector Plan or Overlay Zone applicable to the area of development. To the extent there is a conflict between the site design practices or standards of subsection (b)(1), above, and those of a Master Plan, Sector Plan or Overlay Zone applicable to the area that is proposed for development under this Section, the site design practices and standards of the Master Plan, Sector Plan or Overlay Zone shall apply.**

The application is generally compatible with the governing TDDP requirements, and where the application deviates from the TDOZ standards, the applicant has filed amendment requests in accordance with the requirements in the T-D-O Zone of the Zoning Ordinance. The DSP conforms to all of the applicable standards, except for those standards for which the applicant has requested amendments. The alternative standards benefit the development and the development district, and will not substantially impair implementation of the TDDP (see Finding 8 below).

- (6) Nothing in this Section shall be interpreted to preclude projects that include the uses described in subsection (b)(3), above, from proceeding without the use of expedited review prescribed in this Section.**

This requirement is not applicable to this DSP because none of the uses listed in (b)(3) are proposed within this DSP.

e. **Conceptual Site Plan:** Section 27-290.01(a)(1) allows for the following:

- (1) **Expedited Transit-Oriented Development Projects located in a Euclidean Zone or a Mixed-Use Zone, where a site plan approval is required, shall be exempt from applicable site plan requirements other than a Detailed Site Plan. Detailed Site Plan applications filed pursuant to this Section shall be eligible for expedited review.**

In this case, the applicant has not filed a CSP due to the exemption above.

8. **2006 Approved West Hyattsville Transit District Development Plan and Transit District Overlay Zoning Map Amendment:** In general, the application conforms to the 2006 *Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone* (TDDP) and Plan Prince Georges 2035 recommendations for Local Transit Centers. The general pattern of development reflects the recommendations of the TDDP. While proposed land uses are not entirely consistent with the desired future land use plan, they reflect the desired walkable urban scale and current market realities.

There are several elements within the proposed development that are consistent with the goals and general policies of the TDDP; but whose details deviate, given the current and anticipated real estate market, the pie-shaped geometry of the subject property, and the anticipated timing of development on neighboring parcels. The TDDP assumes a coordinated, phased development of the transit district and is influenced by real estate market practices pre-Great Recession; this is challenging to execute in the contemporary market with multiple property owners. The subject application provides an excellent example of walkable urbanism proximate and accessible to a Metro station. The provision of multifamily and commercial uses closest to Ager Road and townhouse and park uses closer to the Northwest Branch Stream Valley Park maximizes the potential of this property to meet the goals of Plan 2035 and the 2006 TDDP.

This DSP is required by Section 27-548.08(c) of the Zoning Ordinance to conform to the applicable transit district standards in the 2006 *Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone*. This application requests ten amendments to the Transit District Overlay Zone; nine to the transit district standards and one to the Preferred Land Use Map; these amendments are evaluated below:

- a. **Preferred Land-Use Map**

The West Hyattsville TDDP contains assumptions about real estate development reflecting pre-Great Recession real estate practices and optimum market conditions. The TDDP is heavily based on a development concept that requires considerable parcel assembly and inter-property coordination to execute. The applicant's proposed amendments, which



would place portions of Blocks L and G in the Multifamily Preferred Land Use Category and the remainder of Blocks L and G, as well as Blocks Y, Z, AA, BB, and parts of CC in the Townhouse Preferred Land Use Category, reflect mixed-use development practices that take into account the contemporary real estate market and the difficulty of executing the development concept of the TDDP through a single-property application. The alternative design continues to meet the vision and goals of the TDDP in regard to land use. The Planning Board approves the proposed amendments to the Preferred Land Use Map.

b. **General Design Principles and Intent–Building Street Types**

**Modification 1.** Maximum Block Length for Local Streets and Alleys: The applicant requests an amendment of the 400-foot maximum block length for Nicholson Street and Elkhorn Alley.

The applicant provided the following discussion relating to the request:

**“Discussion:** Dense development is recommended for the Property in both the West Hyattsville TDDP and the County’s General Plan, Plan 2035. The proposal is a grid pattern, modified as required by the shape of the Property. As the Property widens, the two access streets, Nicholson Street and Elkhorn Alley necessarily lengthen and curve with the Property’s shape. Additional curb cuts for access points on these two streets are unnecessary; the natural curve of the roads serves to break up the length of the street section. The result is a street that appears shorter, given the curve. This modification benefits the development and does not impair the implementation of the TDDP.”

The Planning Board agrees with the applicant’s justification and approves the proposed amendment.

c. **General Street Scape Standards**

**Modification 2:** The applicant requests an amendment of the 15-foot maximum curb radius along Little Branch Run to allow a 20-foot maximum curb radius.

The applicant provided the following discussion relating to the request:

**“Discussion:** Little Branch Run is the main access road into the development. In keeping with standards for fire vehicle access, as well as allowing for larger truck access, curb radii along this road are proposed to be 20 feet. This minor modification is requested for safety reasons and therefore benefits the development and does not impair the implementation of the TDDP.”

The Planning Board agrees with the applicant’s justification and approves the proposed amendment.

d. **Alley Lighting**

**Modification 3:** The applicant proposes to not provide any lighting within the alley and not on lots five feet from alleys.

The applicant suggests that lighting on the rear of townhomes will light alleys. It is extremely important that such light is of sufficient intensity to provide uniform lighting of all alley areas. Failing to provide sufficient light to the alley will create an unacceptable public safety situation and, therefore, substantially impair the TDDP. It is reasonable to expect that pedestrians will use alleys as cut-throughs between streets, blocks, and individual units, in the morning and at night when natural light is low. Children will play in the alleys, even at night. A failure to sufficiently light the alleys creates greater opportunities for crime and vehicular-pedestrian conflicts.

The transit district standards require between 1.25 and 1.50 foot-candles of illumination for “all other outdoor areas. The standards also require that alley lighting “shall not cause glare in adjacent lots.” Together, these standards are difficult to meet using building-mounted lighting. The applicant should light the alleys using freestanding pole-mounted lighting, and the photometric plan should be revised to demonstrate sufficient levels of illumination in all alleys.

In regard to the level of lighting, staff recommended that the applicant should consider lighting the alleys to a level appropriate for residential development as recommended by the Illuminating Engineering Society of North America Handbook. However, additional information was submitted into the record indicating that the Building Code, Section 4-197, Parking Lots and Exterior Passageways, governs the lighting of alleyways and that the minimum lighting level is one foot candle for passageways associated with residential development of single-family homes. The Planning Board debated the alternatives as presented, including the applicant’s proposal to not provide any lighting, as depicted on the submitted photometric plan, and suggestion that the lighting could be provided on the buildings of the townhouses. The Planning Board expressed concern that the lighting of the alleys, by means of lighting mounted on the townhouse structure, could be regulated by the house occupants and that it may not ensure that lighting would be maintained or utilized. The Planning Board suggested that the applicant should explore the various alternatives presented, i.e. freestanding lighting, or building mounted, and the various illumination level requirements. The Planning Board recognized that the applicant will be submitting future applications for the site, as the subject DSP is for infrastructure only. Although lighting is part of the overall infrastructure of the site, the applicant agreed that additional investigation into the requirements as set forth in Section 4-197 is warranted. Therefore, the Planning Board did not approve the requested amendment and found that failure to light the alleys will substantially impair the TDDP. Further, the Planning Board adopted Condition 4 requiring additional information relating to the lighting of alleys at the time of the full-scale DSP.

e. **Streetscape**

**Modification 4:** The applicant requests an amendment of the requirement to space trees 30 feet on center to exceed the maximum spacing.

The applicant provided the following discussion relating to the request:

**“Discussion:** Street trees are required to be 30 feet on center. While they are planted in this configuration in many places, along several of the internal streets trees are planted at intervals exceeding 30 feet and not within the street right-of-way. The proposed development includes a number of on-street, parallel parking spaces designed to accommodate both residential visitors and an expected number of Northwest Branch Stream Valley Park users. Though space for street trees is limited, every available location for these trees is used. The urban nature of the proposed development limits the space for trees. Street sections show drive lanes, parallel parking, and abutting sidewalks, restricting any room for street trees. One of the major goals of the TDDP is:

**“Establishing land use/transit linkages that make it easier to use transit (rail and bus)”** (p. 1).

“This proposal delivers this linkage by providing wide sidewalks and bike lanes to accommodate as much pedestrian and bicycle traffic as possible. This limits the area necessary for street trees. Trees will be a major part of the landscape, but not to the extent required by the TDOZ.”

The Planning Board has reviewed the landscape plan to the fullest extent possible and finds the locations of the sidewalks abutting the curb of the roadway undesirable. This may be appropriate in commercial development, but is not appropriate in a residential community where the comfort of the streetscape zone is an important factor to the residents and passersby, and even more important in a transit oriented development. However, this issue was reviewed by the City of Hyattsville because the street tree planting is within the right-of-way in which the dedication is to the City. The Planning Board approves the amendment, contingent on approval by the City, because the street trees are proposed within the right-of-way to be owned and maintained by the City.

**Modification 5:** The applicant requests an amendment of the required street tree types.

The applicant provided the following discussion relating to the request:

**“Discussion:** Along Local Access Street – Emerald Branch Drive, Crimson Fox Drive, Hyattsville Drive, and Alpha Ridge Avenue – Sweetbay Magnolia, Chinese Scholar Tree, or Golden Rain Tree are required. The proposed plan shows Willow Oak and River Birch in these locations. Willow Oak is chosen along Emerald Branch Drive and Crimson Fox

Drive to be consistent with planting throughout the development. River Birch is chosen along Hyattsville Drive and Alpha Ridge Drive, roads that lead down to the Northwest Branch. River Birch helps denote the unique nature of this Property overlooking the stream valley.”

The Planning Board has reviewed the proposal for street tree types and finds that the required street trees should be substituted with native species as proposed. However, the River Birch is a tree that will grow to substantial height, is multi-stemmed, weak-wooded and they are overall messing trees. They are usually planted in a naturalized setting, but as a street tree, would not be recommended for the aforementioned reasons. Therefore, the Planning Board supports the revisions to the street tree type, to be determined prior to certificate of approval of the plans, with consultation with the City of Hyattsville, as these trees will be within the public right-of-way. The Planning Board approves the amendment, contingent on approval by the City, because the street trees are proposed within the right-of-way to be owned and maintained by the City.

f. **Other Required Infrastructure**

**Modification 6:** The applicant requests relief from the requirement of an irrigation system for all trees and grassy areas along the streets.

The applicant provided the following discussion relating to the request:

“**Discussion:** The streets are public and, along with the landscaping and sodded areas within the rights-of-way, will be maintained by the City of Hyattsville. The City prefers to water manually and not maintain an irrigation system. Therefore, none is proposed for street trees and sodded areas. For Park and Plaza landscape irrigation, much like for the street trees, native, drought tolerant species are proposed requiring less irrigation; therefore, an irrigation system for these is not necessary.”

The requirement of providing an irrigation system along all the roadways would be highly expensive for the a project of this size. Not only is it cost prohibitive to install, the concept of requiring irrigation is not sustainable for the future homeowners association (HOA), as they would bear the cost of irrigation. Instead, the current trend is to provide native plant materials that exist in the climate of the development. Therefore, the Planning Board supports the elimination of an irrigation system and recommends that plan materials be used that are hardy and drought resistant in Maryland. That plans should be reviewed prior to signature approval to ensure that the use of native plants are sued to the greatest extent possible. The Planning Board approves the amendment.

g. **Park Drive**

**Modification 7:** The applicant proposes River Terrace Road as a Residential Street. The TDDP requires construction of a Park Drive adjacent to the Northwest Branch Stream Valley Park. Park Drive is considered a major street through the entire transit district that connects various properties. Construction of this street as recommended in the TDDP is extremely challenging given environmental constraints and multiple property owners. The Planning Board agrees and approves this amendment.

h. **Community Center**

**Modification 8:** The applicant proposes to not build the required 13,000 square foot community center.

The requirement that one or more property owners in the area of the TDDP construct a 13,000-square-foot community facility accessible to City residents anticipated a larger, more integrated master development of the Transit District, with coordination among multiple property owners. The applicant contends that the limited access to their property, coupled with the proffered improvements to the Northwest Branch Stream Valley Park, makes construction of such a facility infeasible and inappropriate. The community center should be located near the Metro station. The Planning Board agrees and approves this amendment.

9. **Preliminary Plan of Subdivision 4-15020:** The subject property is located on Tax Map 41 in Grid D-4 and E-4 and is zoned M-X-T. The site is currently known as Part of Parcel 1 (18.45 acres) recorded among the Prince George's County Land Records in Liber 37453 at folio 103. The property is the subject of a Preliminary Plan of Subdivision (PPS) 4-15020 which was heard before the Planning Board on March 2, 2017, and is currently pending adoption of the resolution of approval.

The PPS includes 183 townhouse lots and 32 parcels for townhouse, multifamily and commercial development. The infrastructure proposal and site layout included in the subject DSP is consistent with that evaluated with the PPS.

Several conditions were approved with the PPS and, if adopted by resolution of the Planning Board, the following are applicable to the review of the subject DSP for infrastructure:

1. **Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant shall revise the PPS to:**
  - a. **Designate the parcels proposed for multifamily development using consecutive numbering (1-3).**
  - b. **Reflect the lot and parcel designations consistently on the PPS and TCP1.**

- c. Clearly label the improvements shown on the abutting parkland to the west are off-site and not part of this application.**
- d. Label the disposition of all existing easements and structures on the subject property.**
- e. Revise General Note 6 to indicate the subject property is in the T-D-O Zone.**
- f. Delete General Notes 15 and 16.**
- g. Revise General Note 18 to indicate the subject property is not within the Military Installation Overlay Zone.**
- h. Add to General Note 33 that a variation to Section 24-122(a) is approved for the PUEs as shown hereon.**
- i. Add to General Note 38 that this preliminary plan of subdivision approval is not pursuant to CSP-05006.**
- j. Show the continuation of the 10-foot wide PUE along; Little Branch Run on Parcels CC and DD; and the subject property's entire frontage of Ager Road.**
- k. Indicate a public vehicular use easement over Winter Alley and Whisper Alley.**
- l. Indicate the HOA and alley parcels are to be conveyed to the HOA.**
- m. Label the centerline of Ager Road and provide a dimension from the subject property to the centerline.**
- n. Label and dimension all rights-of-way consistent with the typical road section plan submitted on January 26, 2017, except that the typical road section for Little Branch Run shall be modified and shown on the preliminary plan of subdivision to include a 3.33-foot-wide planting strip behind the provided five-foot-wide sidewalk (minimum 59-foot-wide street section) along the frontage of Parcels EE and DD.**
- o. Reflect the property boundary consistent with the Alta Survey filed with this application.**

The DSP should also be revised to be consistent with the PPS plan notes and layout as revised by Condition 1 of the PPS.

- 2. Total development on the subject site shall be limited to the mix of uses that will generate no more than 247 AM, and 326 PM weekday peak-hour trips. Any development that is determined to generate more peak-hour vehicle trips than identified herein shall require a new preliminary plan of subdivision with a new determination of adequacy for transportation facilities.**

This condition does not apply to this DSP for infrastructure because no building permits are allowed to be issued until a full-scale DSP is submitted and approved.

- 3. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to the approval any building permits.**

The infrastructure proposed with this DSP is consistent with the uses and capacity evaluated with the PPS and the DSP therefore conforms to Condition 3.

- 6. In conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2006 *Approved Transit District Development Plan and Transit District Overlay Zone Map Amendment (TDOZMA) for the West Hyattsville Transit District Overlay Zone (TDDP)*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following at the time of detailed site plan review:**
  - a. Provide a street transition plan that shows the completed road connections along Nicholson Street and Kirkwood Place with an appropriate transition to the existing cross sections on the adjacent Kirkwood apartments site. The dedication of Nicholson Street and Kirkwood Place shall occur at the time of final plat approval.**
  - b. Frontage improvements along subject site's entire frontage of Ager Road shall be consistent with the DPW&T complete and green street designs, unless modified by DPIE.**
  - c. Evaluate the need for a temporary sidewalk connection through the subject site, from the end of Kirkwood Place to the existing sidewalk leading to the existing tunnel to the West Hyattsville Metro Station in phase with development. This temporary connection will not be constructed until and unless safe access can be provided through the subject site, and appropriate easements required if necessary.**
  - d. Provide plans to show a conceptual location for two Capital Bikeshare stations within public spaces: one along or near Ager Road and another on the promenade along River Terrace Road, subject to modifications by the operating agencies.**

Condition 6 has been reviewed by the trails coordinator of the Transportation Planning Section, see Finding 13(e).

- 8. The land to be conveyed to M-NCPPC shall be subject to the following conditions:**
- c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.**
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, The M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.**
  - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by the M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.**
  - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.**
  - i. No stormwater management facilities or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.**

No referral has been received from the Department of Parks and Recreation; however, these conditions apply to the property pursuant to 4-15020.

- 15. At the time of the review of the DSP for architecture for the single-family attached units and final plat for the lots of such units, the following issues shall be considered:**



- a. **Variation in the unit width in a stick of more than six units in a row, to incorporate a unit with a minimum width of 18 feet wide for every three narrower units, if possible.**
- b. **Architecture which provides entrances on the endwall of units where the endwall is fronting on a public street or open space.**
- c. **Provide a minimum of eight-foot distance between the end unit lot-lines of any two single-family attached building groups where pedestrian circulation is proposed between the units.**
- d. **An evaluation of adequate access to the proposed parking on Hush Alley in accordance with the requirement of the Zoning Ordinance and the West Hyattsville TDDP, to determine if the removal of parking or widening of the alley is necessary.**

Prior to approval of a final plat for any townhouse lot, this condition will be reviewed for conformance at the time of a full-scale DSP.

24. **Prior to certification of the Detailed Site Plan, an exhibit shall be submitted showing the location, limits, specifications and details for the off-site trail lighting along the stream valley trail between the West Hyattsville Metro (or the limits of the trail improvements required as part of the stormwater management work) and Queens Chapel Road, pursuant to Section 24-124.01(f) of the Subdivision Regulations. A cost estimate shall be provided for the facilities shown on the exhibit. The cost of the off-site facilities shall not exceed the cost cap specified in Section 24-124.01(c).**

Condition 24 has been reviewed by the Trails Coordinator of the Transportation Planning Section, see Finding 13(e).

10. **2010 Prince George's County Landscape Manual:** The proposed mixed-use development is within the West Hyattsville TDDP that is subject to the standards as contained under the Landscape section of the TDDP. As this plan is for infrastructure only, some of the standards should not apply at this time. However, for those landscaping requirements not covered by the standards, the applicable 2010 *Prince George's County Landscape Manual* (Landscape Manual) regulations will govern. Alternative Compliance application AC-17003 has been submitted to address the requirements of Sections 4.1 and 4.7 of the Landscape Manual where spatial constraints of the proposed development do not allow for full compliance with the requirements. The applicant submitted an application for Alternative Compliance, which is provided in full below:

Alternative Compliance is requested from the requirements of the 2010 *Prince George's County Landscape Manual* for Section 4.7, Buffering Incompatible Uses, along the northwestern property lines adjacent to Parcel 110, and the Kirkwood Apartments Parcels D and E. Additionally, Alternative Compliance is requested from the requirements for Section 4.1 Residential Requirements for townhouses.

**Location:**

The subject property is within the municipal boundaries of the City of Hyattsville and is located at the intersection of Ager Road and Lancer Drive, north of the West Hyattsville Metro Station. More specifically, the property is located at 5620 Ager Road, Hyattsville, Maryland, within the geography previously designated as the Developed Tier and within the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* (TDDP/TDOZ).

**Background:**

The underlying DSP for infrastructure only is for a mixed-use development in the Mixed Use Transportation-Oriented (M-X-T) Zone, including 183 townhomes, 300 multifamily units, 10,000 square feet of commercial uses shown as "Future Development," and the associated utilities, roadway, and parking for these uses. The subject property is required to meet the regulations of Section 4.1, Residential Requirements, for townhouses; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because it will involve future construction of multiple new buildings on the subject property. The applicant has filed this request for Alternative Compliance from Sections 4.1 and 4.7 for a reduction in the width of the landscape yard and building setback provided along the northwestern property line adjacent to the Kirkwood Apartments.

**REQUIRED: 4.1, On-Site Residential Planting Requirements**

Number of dwelling units	183 units
Number of trees required per unit	1.5 shade trees 1 ornamental/evergreen trees
Total number of shade trees	276 shade trees*
Total number of ornamental/evergreen trees required	183 ornamental/evergreen trees*

\*Total number of trees may be located on lots and/or in common open space

**PROVIDED: 4.1, On-Site Residential Planting Requirements.**

Number of dwelling units	183 units
Number of shade trees provided	40 shade trees*
	161 shade trees* (within the public right-of-way)
	Total - 201 Shade trees
Number of ornamental/evergreen trees provided	58 ornamental trees** 18 evergreen trees **
Total	76 ornamental/evergreen trees

\*Shade trees have been provided at 4 to 4.5-inch caliper in size (larger than required). Please see the following discussion.

\*\* Ornamental/evergreen trees have provided at 4 to 4.5-inch caliper in size (not recommended). Please see the following discussion.

**REQUIRED: 4.7, Buffering Incompatible Uses, along the northwestern property line adjacent to an existing multifamily development.**

Length of bufferyard	630 feet
Minimum building setback	20 feet
Landscape yard	10 feet
Bufferyard occupied by existing trees	0 percent
Fence or wall	No
Plant Units (40 per 100 l.f.)	252

**PROVIDED: 4.7 Buffering Incompatible Uses, along the northwestern property line adjacent to an existing multifamily development.**

Length of bufferyard	630 feet
Minimum building setback	9.7 feet
Landscape yard	5.2 – 10 feet
Bufferyard occupied by existing trees	0 percent
Fence or wall	No
Plant units	337

**Justification of Recommendation:**

The underlying DSP application is for a mix of uses in the M-X-T Zone, including 183 townhomes and the associated roadways for these homes. The applicant is requesting Alternative Compliance from Section 4.1, Residential Requirements, and Section 4.7, Buffering Incompatible Uses, of the Landscape Manual for a reduction of plant material required for each dwelling unit and a reduction in the northwestern building setback and landscape yard widths.

#### **Section 4.1, Residential Requirements**

Section 4.1 requires that 1.5 shade trees and 1 ornamental or evergreen tree be planted per dwelling unit on the lot or within common open space. A total of 276 shade trees and 183 ornamental or evergreen trees are required. The site plan proposes significantly less than the required amount, proposing 40 shade trees and 76 ornamental or evergreen trees. However, as an alternative to the strict requirements of Section 4.1, the applicant states that they have added larger than the minimum size landscaping where appropriate and is requesting that the street trees proposed within the public right-of-way be considered.

The Planning Board notes that, typically, townhouse and mixed-use projects propose roadways that are private, and street trees can be counted toward fulfillment of the requirements of Section 4.1. The roadways on the subject property are in the public right-of-way and will be maintained by the City of Hyattsville and, therefore, the Planning Board finds the applicant's request reasonable and has included the street trees toward the requirements of Section 4.1. However, with the additional 161 street trees proposed, the plan as prepared is still deficient and does not provide the required quantity of shade trees.

Additionally, the Planning Board finds that the applicant is proposing street trees and shade trees with a significantly larger caliper than is required. Therefore, the Planning Board will consider the additional caliper as credit toward meeting the requirement. The tree caliper proposed (4 to 4.5 inches) is in excess of the minimum street tree size required by as much as 1.5 inches. In order to provide additional credit for the increase in size of the trees, the excess tree caliper can be converted into an equivalent three-inch caliper tree. The additional caliper, when multiplied by the 201 shade trees proposed, yields an equivalent of 101 additional trees, or a total of 302 shade trees; more than the required amount by 26 shade trees. Therefore, the Planning Board finds the applicant's proposed alternative compliance measures to be equally or more effective than normal compliance for the shade tree requirement for Section 4.1.

Section 4.1 also requires a total of 183 ornamental or evergreen trees. The site plan proposes significantly less than the required amount, proposing only 76 ornamental or evergreen trees. The Planning Board finds that the applicant is proposing ornamental and evergreen trees with a significantly larger caliper than would be typically required (4 to 4.5-inches). Due to the multi-stem character of some of the trees, possible excess cost, and unavailability at local nurseries, the Planning Board finds that this vegetation should be specified at 8 to 10 feet in height, instead of the larger caliper as currently proposed.

The minimum required height of a standard ornamental or evergreen tree is 6 to 8 feet in height and, the additional height if each tree can be converted into an equivalent 8-foot-high tree, and credited toward meeting the requirement for the quantity of ornamental or evergreen trees. The increase in height from the minimum 6 to 8 feet, to 8 to 10 feet is 25 percent, therefore, for every four ornamental or evergreen trees with the increased height, an additional ornamental or evergreen tree will be credited toward the requirement. The additional height of trees, when credited for the 76 ornamental or evergreen trees provided in the plant list, yields an additional 19 trees.

The Planning Board will also consider the excess shade trees toward the requirement for ornamental or evergreen plantings required by Section 4.1. The additional 26 shade trees of credit should be counted at a 1 to 2 ratio, or the equivalent of 52 ornamental or evergreen plantings. Therefore, the Planning Board finds that the applicant's proposed alternative compliance measures, including all the conversion credits referenced previously, continues to be deficient by 36 ornamental or evergreen trees.

Due to the compact urban character and limited planting area on-site as proposed, the additional plantings should be located on the landscape plan at the time of a full-scale DSP that includes the proposed architecture for the subject property. The additional detailed information, including the foundation footprint of the actual architecture, will allow for the careful site selection of these additional plantings, ensuring the best location for the 36 additional ornamental or evergreen trees.

#### **Section 4.7 Buffering Incompatible Uses**

Section 4.7 requires a Type A bufferyard, which includes a 20-foot building setback and a 10-foot-wide landscape yard, along the northwestern property boundary adjacent to an existing multifamily property. As an alternative to the normal requirements of Section 4.7, the site plan proposes to provide a minimum 9.7-foot building setback and a minimum 5.2-foot landscape yard planted with 85 more plant units than required.

The adjacent existing multifamily property, known as the Kirkwood Development, was developed prior to 1965. At that time, the adjacent property was not subject to the Landscape Manual and did not provide a Section 4.7 bufferyard along the common property line. The applicant states, and the Planning Board agrees, that the subject property under consideration is infill development and redevelopment of a site in an older community, and is subject to unique considerations. Pursuant to the approved TDDP which anticipates the redevelopment of the adjacent Kirkwood property in conjunction with this property, the applicant suggests that a full bufferyard would eventually be out of place in the overall development of an integrated community. As additional justification, the applicant is also providing the full bufferyard for most of the property boundary and 85 additional plant units. The additional 85 plant units are included in the credit towards the requirement of Section 4.1, as stated previously.

The Planning Board notes that an existing black estate fence runs the length of the property and agrees that the existing fence should remain. The preservation of this fence and additional plant material mitigate the incursion of the proposed buildings into the required landscape yard and building setback. It should be noted that, in this case, the adjacent use is the higher-impact use and the proposed use is the lower-impact use.

Due to the existing fence and additional plant units, the Planning Board finds the applicant's proposed alternative compliance measures to be equally effective as normal compliance with Section 4.7 of the Landscape Manual for the proposed buffer shown along the Kirkwood Property on the northwestern property line.

The Planning Board APPROVES Alternative Compliance for Sections 4.1, Residential Requirements, of the 2010 *Prince George's County Landscape Manual*, for Riverfront at West Hyattsville, subject to the following conditions:

- a. An additional 36 ornamental or evergreen trees shall be provided at the time of a full-scale detailed site plan, which includes architectural elevations.
- b. Revise the size of the ornamental and evergreen trees proposed from 4 to 4.5-inch caliper to 8 to 10 feet in height.

The Planning Board APPROVES Alternative Compliance for Section 4.7, Buffering Incompatible Uses, along the western property line, adjacent to Parcels D and E.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-012-2016) was submitted with the PPS application and a Type 2 Tree Conservation Plan (TCP2-001-2017) was submitted with the current DSP application.

The woodland conservation worksheet shows the Woodland Conservation Threshold (WCT) for this 18.43-acre property is 15 percent of the net tract area or 0.46 acre. The total woodland conservation requirement based on the amount of clearing proposed is 0.88 acre. The woodland conservation requirement is proposed to be met entirely off-site.

The plan requires technical revisions to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance. The standard property owner's awareness signature block must be added to the plan with the name and title of the individual signing the plan typed below the signature line. The standard DRD QR code approval block has been provided on the plan; however, the project name and associated DSP case number must be typed in. The PPS approval block must be removed from the plan. The LOD on the plan is difficult to see because it is masked by other plan features. The LOD must be revised to be visible on the plan. A note has been shown on the plan to reference the TCP for the adjacent Park property because the design and implementation of the plans are dependent upon one another. The assigned TCP number for the park property must be added to the note once the TCP application has been accepted for review. The specimen tree table must be updated to include a column for the proposed disposition of the tree listed. Because the tree listed in the specimen tree table is not located on-site, it is not approved for removal with this plan and must be labeled in the table as "to remain". The symbol on the plan and in the legend must be updated to indicate that all specimen trees shown on the plan (which are all located off-site) are to remain. The variance for the removal of the tree will be evaluated with the TCP application for the Park property upon which it is located. The noise contour shown on the plan must be labeled as an "unmitigated 65 dBA Ldn noise contour" both on the plan and in the legend. All stormwater management and stormdrain structures that are approved on the concept plan must be shown on the TCP. The current application is for grading

and infrastructure of the townhouse portion of the site and for rough grading on the remainder of the site. The proposed multifamily building footprints must be removed from the plan and the proposed rough grading must be shown. A qualified professional who prepares the plan should sign and date it and update the revision box with a summary of the revisions made. A digital color copy of the plan is needed for State reporting purposes and must be submitted with the plans for certification.

**Specimen Trees**

There are no specimen trees that have been identified on-site.

The DSP is in conformance with the Woodland and Wildlife Habitat Conservation Ordinance.

12. **Prince George’s County Tree Canopy Coverage Ordinance:** A ten percent tree canopy coverage (TCC) requirement applies to this M-X-T-zoned site, in accordance with the Prince George’s County Tree Canopy Coverage Ordinance. This amounts to approximately 1.85 acres if applied to the entire acreage of the property or, however, the applicant has applied this calculation to only the townhouse development (13.55 acres) as these parcels are shown for full development and the remaining acreage is shown only for grading impacts. The subject application provides a schedule showing that the requirement has been met through the proposed on-site tree planting.
13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Community Planning**—According to the General Plan, the subject property is located in the West Hyattsville Metro Local Transit Center. Local Transit Centers are smaller-scale, mixed-use centers that are well connected by transit. Many of these areas are integrated with an established street grid and offer local-serving retail and limited office uses. The application conforms to the 2006 *Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone* (TDDP) and Plan Prince George’s 2035 recommendations for local transit centers. The general pattern of development reflects the recommendations of the TDDP. While proposed land uses are not entirely consistent with the desired future land use plan, they reflect the desired walkable urban scale and current market realities.

There are several elements within the proposed development that are consistent with the goals and general policies of the TDDP; but whose details differ based upon the current and anticipated real estate market, the pie-shaped geometry of the subject property, and the anticipated timing of development on neighboring parcels. The TDDP assumes a coordinated, phased development of the Transit District and is influenced by real estate market practices pre-Great Recession; this is challenging to execute in the contemporary market with multiple property owners. The subject application provides an excellent example of walkable urbanism proximate and accessible to a Metro station. The provision of multifamily and commercial uses closest to Ager Road and townhouse and park uses

closer to the Northwest Branch Stream Valley Park maximizes the potential of this property to meet the goals of Plan Prince George's 2035 and the 2006 TDDP.

- b. **Subdivision**—The subject property is located on Tax Map 41 in Grid D-4 and E-4 and is zoned Mixed Use–Transportation Oriented (M-X-T). The site is currently known as Part of Parcel 1 (18.45 acres) recorded in Prince George's County Land Records in Liber 37453 at folio 103. The property is the subject of a Preliminary Plan of Subdivision, 4-15020, which was heard before the Planning Board on March 2, 2017 and currently pending adoption of the resolution of approval.

The PPS includes 183 townhouse lots and 32 parcels for townhouse, multifamily and commercial development. The infrastructure proposal and site layout included in the subject DSP is consistent with that evaluated with the PPS.

- c. **Environmental Planning**—The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 because the project is subject to Preliminary Plan of Subdivision 4-15020.

#### **Site Description**

This 18.43-acre site is in the M-X-T Zone and the West Hyattsville Transit District Development Plan and T-D-O Zone. The site is located on the western side of Ager Road, across from its intersection with Lancer Drive. Based on available mapping information and the approved NRI, the site contains 100-year floodplain associated with the Northwest Branch of the Anacostia River as the only regulated environmental feature located on-site. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Codorus and Hatboro, Codorus-Hatboro-Urban land, Elisinboro-Urban land, and Urban land-Elsinboro complexes. Based on available information, Marlboro clay and Christiana clay are not found to occur in the vicinity of this property. The site fronts on Ager Road, which is a Master Plan of Transportation designated Arterial roadway that is regulated for noise. Ager Road is also a designated historic roadway. According to available information from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened and endangered species are not found to occur in the vicinity of the site. According to the *2005 Approved Countywide Green Infrastructure Plan*, the site contains regulated areas, evaluation areas, and network gap areas.

#### **Natural Resources Inventory**

An approved Natural Resources Inventory, NRI-002-16, was submitted with the application. The NRI was prepared for a larger area than what has been included in the DSP. Minor revisions to the NRI were recommended as part of the PPS application.

The NRI indicates there is floodplain on the subject property associated with the Northwest Branch of the Anacostia River; the floodplain comprises the PMA. Three specimen trees were identified on the NRI for the overall site; however, one is located on



the adjacent property to the south (Parcel 112) and the other two are located on another off-site property to the south (Parcel 111). Both properties are owned by M-NCPPC. No additional information with regard to existing conditions is required at this time.

#### **Primary Management Area**

Section 27-285(b)(4) of the Zoning Ordinance requires the following finding: “The Planning Board may approve a DSP if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).”

A statement of justification was submitted and reviewed as part of Preliminary Plan of Subdivision 4-15020. No new impacts are being proposed with the current application, therefore no new statement of justification is needed. The regulated environmental features on the subject property have been preserved and/or restored in a natural state to the fullest extent possible based on the evaluation provided with Preliminary Plan 4-15020.

#### **Stormwater Management**

An approved Stormwater Management Concept Plan (11905-2016-01) and approval letter were submitted with the subject application. Floodplain compensatory storage has been provided; however, a condition of concept approval requires a floodplain waiver approval prior to technical approval.

The proposed stormwater management features include numerous micro-bioretenion facilities. The concept approval expires December 8, 2019. The approval requires a stormwater management fee towards providing on-site attenuation/quality control measures. No further information pertaining to stormwater management is required.

#### **Noise and Vibration**

There are noise impacts associated with the property from Ager Road and the Green Line Metro tracks which run through the site. Vibration impacts are also associated with the rail lines. Three reports were received and evaluated as part of the PPS application on the topics of noise and vibration. No additional information is required concerning noise for the subject DSP application.

#### **Soils**

The predominant soils found to occur on-site according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Codorus and Hatboro, Codorus-Hatboro-Urban land, Elsinboro-Urban land, and Urban land-Elsinboro complexes. Based on available information, Marlboro clay and Christiana clay are not found to occur in the vicinity of this property. This information is provided for the applicant’s benefit. The County may require a soils report in conformance with County Council Bill CB-94-2004 during the permit review process.

- d. **Transportation Planning**—The property is located on the southwest quadrant of Ager Road and Lancer Dr. and is generally surrounded by the West Hyattsville Metro Station, the existing Kirkwood Village residential complex, and the Northwest Branch of the Anacostia River. The subject site was developed with a large warehouse building that is currently vacant and proposed to be razed.

The required adequacy findings for transportation facilities for the planned development were made as part of the approval of a companion Preliminary Plan of Subdivision (4-15020). Prior to the recent approval of this PPS, the Planning Board had approved in 2006, the Conceptual Site Plan (CSP-05006) for a larger development site that included the subject site. Since the proposed DSP application is filled under the ETOD regulations of the Prince George's County Zoning Ordinance, and has been prepared in accordance with the requirements of the approved companion PPS, prior CSP transportation related approval conditions are no longer applicable to this application.

The proposed development will have only one access to Ager Road opposite existing Lancer Drive. The submitted revised plans include a hierarchy of streets including several street cross sections that show the placement of required streetscape, sidewalks, required bicycle facilities, and provision of on-street parking, where deemed appropriate and safe by the City of Hyattsville and the County. All these provided elements are deemed acceptable as they are meeting or exceeding the appropriate standards and guidelines of the West Hyattsville TDDP. While the proposed sections meet, or exceed the West Hyattsville TDDP standards, the full implementation of the elements within the prescribed rights of way will be subject to standards of the appropriate operating agencies.

Following several coordination meetings between the applicant's team, the City of Hyattsville, the County, and M-NCPPC staff, the revised plans correctly show the extension of both Nicholson Street and Kirkwood Place within the subject site all the way to the proposed east-west main-access roadway that will extend to Ager Road. This action along with submission of street centerline profiles adequately demonstrate safe and acceptable inner parcel connections as envisioned by the West Hyattsville TDDP.

This DSP proposes to amend the street system depicted on several West Hyattsville TDDP illustrative concepts. The West Hyattsville TDDP has depicted North Park Drive as a major collector facility. But this roadway is not a master-plan road, since this roadway is not mentioned either specifically or conceptually in the West Hyattsville TDDPs transportation text on pages 19-23. Further pages 24 and 25 of the West Hyattsville TDDP include an illustrative map and a table that is presented only to describe the West Hyattsville TDDP street hierarchy. While all master-plan roadways include some level of feasibility analysis in the associated plans, the depicted North Park Drive appears to cross parklands, run through floodplain, affect the stream buffer, and pass underneath existing and operational Metrorail tracks just west of the West Hyattsville Station. Furthermore, the Approved West Hyattsville TDDP preceded the 2009 *Countywide Master Plan of Transportation* (MPOT) by several years and does not include North Park Drive as a

master-plan roadway as a major collector facility. For these reasons, the Planning Board concurs with the assertion that this roadway is not a master plan roadway and the submitted DSP does not need to show it.

The West Hyattsville TDDP maximum parking standards requires provision of at least two on-site parking spaces per townhouse unit. As proposed, 53 end-unit townhouses will be constructed with two enclosed parking spaces, and the remaining 130 interior units each will have one enclosed parking space. The total provided parking for the proposed 183 townhouse units is 236 spaces. The maximum parking allowed for townhouses on properties within one-quarter mile of the West Hyattsville Metro Station, the subject site, is 2.00 parking spaces per unit. For the proposed 183 units, a maximum of 366 spaces is permitted. The plan shows an additional 193 on-street surface parking spaces, mostly to conform to West Hyattsville TDDP goal of providing complete streets throughout the proposed development. Further the site plan includes provision of major park facilities along the western edge of the subject property where some of proposed on-street parking will be used by park visitors. Thus, the Planning Board supports the applicant's proposed modification to the TDDP maximum parking requirements to increase the maximum allowed parking from 366 to 429 spaces.

Finally, it is important to note that the TDDP recommends the establishment of an area-wide Transportation Demand Management (TDM) district. However, the West Hyattsville TDM district has not been established.

#### **Transportation Conclusions**

Based on the preceding findings, the Planning Board concludes that the proposed DSP, as submitted, is in conformance with all applicable development standards and guidelines, and is in substantial compliance with transportation requirements of an ETOD site plan.

- e. **Trails**—The Planning Board reviewed the DSP application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is located in the West Hyattsville Transit District and is adjacent to the West Hyattsville Metro Station. The property is between Ager Road and the Northwest Branch of the Anacostia River. The site is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2006 *Approved Transit District Development Plan and Transit District Overlay Zone Map Amendment* (TDOZMA) for the West Hyattsville Transit District Overlay Zone (TDDP). The subject application proposes 183 townhouse lots and rough grading for future multifamily development. Because the site is located within the West Hyattsville Metro Center, it was subject to Section 24-124.01 and the "Transportation Review Guidelines, Part 2, 2013," at the time of PPS.

### **Background**

Two master plan trail/bikeway recommendations are in the vicinity of the subject site. The subject property is adjacent to existing M-NCPPC land that includes the Northwest Branch Trail. And, an existing master plan sidewalk has been constructed from Ager Road to the West Hyattsville Metro. This sidewalk is adjacent to the Green Line and has been constructed at approximately six-feet in width. This sidewalk will connect the subject site with the tunnel to the West Hyattsville Metro.

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

The TDDP included a number of standards related to bicycle and pedestrian facilities which are copied below. General streetscape standards are copied, as are the specific standards related to sidewalks.

### **General Streetscape Standards**

#### **Streetscape**

- 1. Streetscape Paving: All primary walkways shall be constructed using decorative paving materials. Crosswalks may be constructed with tinted and stamped asphalt. Sidewalk and crosswalk paving materials may include concrete.**
- 2. Permitted Materials: Brick, precast pavers, Belgium block, or granite pavers are permitted materials. Samples of proposed paving materials shall be submitted with the DSP for review and approval by M-NCPPC staff and County/ municipal public space maintenance agencies.**
- 3. Streetscape Construction: All streetscape improvements shall be completed prior to the issuance of use and occupancy permits for the first building. Construction of streetscape improvements shall not be phased.**

4. **Streetscape Elements: Streetscape elements of street trees, street furniture, landscaping and planters, shelters shall be provided on the streetscape plan. All streetscape elements shall include information of location, spacing, quantity, construction details, and method of illumination and shall be required for all streets, in accordance with the West Hyattsville TDDP CSP streetscape sections and public realm elements. Advertisements and signage shall be prohibited on all streetscape elements with the exceptions of bus shelter advertisements approved by the appropriate public transit authority (WMATA or The BUS) and appropriate transit service-related notices at other locations within the Est Hyattsville TDOZ public realm subject to the approval of DWP&T and the appropriate municipality.**

**Streetscape elements shall include:**

- **Street trees (located in the tree grates along urban streets and planting beds along residential streets)**
- **Street furniture (benches, trash receptacles, lighting and bus shelters)**
- **Landscaping and planters**
- **Decorative paving**
- **Sculpture/artwork**
- **Bus shelters**

**No street furniture or public works of art, other than publicly maintained streetlights and street trees, shall be installed within public rights-of-way without the permission of the Prince George's County Department of Public Works and Transportation (DPW&T) and/or the City of Hyattsville expressed through an executed memorandum of understanding with the developer/applicant. All street furniture on private rights-of-way within the TDOZ shall be maintained by the property owner/developer (TDDP, pages 83-84).**

#### **Sidewalks**

1. **TDDP Designated Sidewalks: All sidewalks designated in the TDDP shall be constructed according to the streetscape requirements listed in this section and shall be specified to meet the sidewalk width delineated in the**

**streetscape sections in the TDDP. Streetscape sections shall specify the width and placement of the required sidewalk for all TDDP building street types: Boulevards, Main Street, Park Drive, Residential Street, LID Street, and Local access Streets.**

- 2. TDDP Non-Designated Sidewalks: Sidewalks not designated in the TDDP shall be specified as a minimum of five feet wide and shall meet County specifications.**
- 3. Paving Materials for Primary Sidewalks: All primary sidewalks shall be constructed using special decorative paving materials. Concrete and asphalt paving shall be prohibited.**
- 4. Americans with Disabilities Act (ADA): All sidewalks shall be constructed to meet ADA federal standards to comply with accessible design (TDDP, page 92).**

**Proposed On-Site Bicycle and Pedestrian Improvements:**

Sidewalks are provided along both sides of all internal roads consistent with MPOT guidance and TDDP requirements. An eight-foot-wide sidewalk (or sidepath) is reflected on the one side of Little Branch Run, which will serve as a trail connection between Ager Road and the stream valley trail along the Northwest Branch of the Anacostia River. The TDDP recommends a “boulevard” cross section for Ager Road. However, it should be noted that DPW&T has a “complete and green street” design completed for Ager Road and the Planning Board recommends that any frontage improvements along this road be consistent with the completed DPW&T designs.

There is an existing six- to seven-foot-wide concrete sidewalk linking Ager Road with the West Hyattsville Metro. This connection is lit and is heavily used by surrounding communities when accessing the station. The Planning Board recommends an “interim” pedestrian connection linking the subject site to this sidewalk through Parcel EE or DD. Upon development of the multifamily units on this portion of the site, this connection will be replaced by a sidewalk and/or trail connection incorporated into the development that makes this same connection.

M-NCPPC and DPW&T recently completed a bike-share feasibility study that recommended the expansion of the Capital Bike Share system into Prince George’s County. Based on discussions with the City of Hyattsville and DPW&T, the Planning Board believes that two stations are appropriate on the subject site: one on the current phase for townhouse development and the other on the future phase for multifamily development.

A coordination meeting was held with the M-NCPPC staff, DPW&T, DPIE and the City of Hyattsville on February 6, 2017. It was determined that both Kirkwood Place and Nicholson Street should be connected. The City of Hyattsville supports the removal of the existing fence to make these connections. Grade establishment plans should demonstrate how the grading will accommodate these two connections. Both roads should be constructed to the property line, but the timing of the opening of the two roads will be determined by DPIE and the City of Hyattsville.

**Off-Site Improvement Exhibit:**

Off-site improvements will be required as part of Preliminary Plan 4-15020, consistent with Section 24-124.01. Many of the improvements proffered by the applicant are focused on improvements to the stream valley trail and adjacent parkland. Section (d) provides guidance on the types of facilities that should be considered for off-site improvements:

**Section 24-124.01(d):**

- (d) Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
- 1. installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
  - 2. installing or improving streetlights;**
  - 3. building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
  - 4. providing sidewalks or designated walkways through large expanses of surface parking;**
  - 5. installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
  - 6. installing street trees.**

As part of the stormwater management package for the site, the applicant is doing extensive grading on the adjacent M-NCPPC parkland for the storage of stormwater management. As part of this work, the stream valley trail will be reconstructed, a “riverwalk” or promenade will be provided, and other amenities will be incorporated such as trail lighting. These improvements are off-site and on adjacent land dedicated to M-NCPPC. However, because the improvements included on the BPIS exhibit are required as part of the stormwater management plan, they cannot be double-counted towards the BPIS (Section 24-124.01) requirements. After discussion with the

Development Review Division (DRD), the City of Hyattsville and the Department of Parks and Recreation, it was determined that the BPIS off-site improvements should supplement what is already being provided for the stormwater management plan. The improvements proposed for the stormwater management plan are shown on the BPIS exhibit. The additional trail lighting is marked in red on this graphic. This trail lighting will extend from the existing lighting at the West Hyattsville Metro to Queens Chapel Road, a distance of approximately 1,200 linear feet.

Section 24-124.01(f) further specifies that, at the time of DSP, an exhibit should be provided that shows the limits, locations and specifications and/or details for all off-site improvements.

**Section 24-124.01(f):**

- (f) If a conceptual or detailed site plan approval is required for any development within the subdivision, the developer/property owner shall include, in addition to all other required information in the site plan, a pedestrian and bikeway facilities plan showing the exact location, size, dimensions, type, and description of all existing and proposed easements and rights-of-way and the appurtenant existing and proposed pedestrian and bikeway facilities throughout the subdivision and within the designated walking or biking distance of the subdivision specified in Subsection (c) of this Section, along with the location, types, and description of major improvements, property/lot lines, and owners that are within fifty (50) feet of the subject easements and rights-of-way.**

Prior to certificate approval of the DSP, the Planning Board recommends that an exhibit be provided showing the location, limits, specifications and details for the off-site trail lighting required between the West Hyattsville Metro and Queens Chapel Road.

It should also be noted that a pedestrian tunnel exists between the subject site and the West Hyattsville Metro. The Planning Board evaluated the pedestrian tunnel during a site visit on February 6, 2017 and identified no obvious safety improvements that are needed. Trail lighting is provided throughout the short (30 or 40 feet long) tunnel and closed spaced lighting is provided along both approaches to the tunnel. The Planning Board concludes that the off-site BPIS improvements are best focused on the trail lighting needed along the stream valley trail.

**Trails Conclusion:**

Based on the preceding analysis, and in terms of pedestrian and bicycle use, the proposal is consistent with the purposes of the M-X-T Zone and the project will generally fulfill the intent of the TDDP and provides pedestrian and bicycle facilities on the property, subject to conditions.



- f. **Prince George's County Health Department**—The Environmental Engineering/Policy Program of the Prince George's County Health Department completed a health impact assessment as stated in memorandum dated February 21, 2017 for the review of the DSP for Riverfront at West Hyattsville Metro and had the following comments/recommendations:

- (1) The public health value of access to active recreational facilities has been well documented. The site plan indicates “the subject property proposes an onsite recreation area to be dedicated to park use and connected by a hiker/biker trail along the Public R.O.W. that intersects with Ager Road.”

The development will be well served by recreational facilities, especially trails throughout the immediate area.

- (2) Scientific research has demonstrated that a high-quality pedestrian environment can support walking for both utilitarian purposes and for pleasure, leading to positive health outcomes. The proposed site “is located on the southwest side of Ager Road, approximately 620 feet north of Hamilton Street and the entrance to the West Hyattsville Metro Station.” The proximity of the Metro station will promote a high-quality pedestrian environment since many of the proposed residents will utilize the neighboring metro station as a primary form of transport.

The plans would provide for high-quality pedestrian environment if additional shade trees were provided in specific locations. A condition of approval has been included in the plans to add a few additional shade trees to the plans.

- (3) There are seven existing fast food facilities within a one-half mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh food vendors, have a significantly higher prevalence of obesity and diabetes. The developer should consider setting aside space for a community garden.

The plans propose townhouse development with common-ownership property. If there is land available to provide for planting within the common ownership area, the future HOA could provide garden space as requested by the future residents. Demand for community gardens may be demonstrated in the future, but the provisions for determining where in the community these facilities should be provided should be determined by the future HOA. It should also be noted that the requirements for tree canopy coverage on this property may cause more shade on the soils areas than would be conducive to growing vegetables.

- (4) Living in proximity to green space is associated with reduced self-reported health symptoms, better self-rated health, and higher scores on general questionnaires. In addition to the street tree plantings discussed in the Streetscape Standard Plans,

the proposed recreation area that will “be dedicated to park use,” will increase the proximity and accessibility of green space to residents of Riverfront at West Hyattsville Metro.

This is noted for the record and has been transmitted to the applicant.

- (5) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.

The plans should provide for full-cut-off optics, if possible.

- (6) The existing warehouse on the property must be razed. Therefore, the applicant must apply for a Raze Permit from Prince George’s County’s Department of Permitting, Inspections & Enforcement in order to give assurance of the proper abatement of any asbestos-containing materials in the existing structure.

This information is noted for the applicant’s benefit.

- (7) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate 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 demolition/construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code.

The two suggestions above should be added as notes to the subject DSP application.

- g. **Historic Preservation**—The site is currently improved with a warehouse that was built in 1958 that is proposed to be demolished. 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. The subject property does not contain and is not adjacent to any Prince George’s County Historic Sites or Resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeological survey is not recommended.

- h. **City of Hyattsville**—In a letter dated February 13, 2017, Candace B. Hollingsworth, Mayor of the City of Hyattsville to Chairman Elizabeth Hewlett, Prince George’s County Planning Board, provided the following:

“On Monday, February 6, 2017, the Hyattsville City Council reviewed and voted in support of the Detailed Site Plan (DSP 16029) for the Riverfront at West Hyattsville development proposed at 5620 Ager Road.

“For the past several months, the applicant has been working with the City to modify the site plan based on comments it has received. We believe that the revisions to the initial site plan demonstrate that the applicant has been responsive to our collective comments. We ask that in your review of this DSP application you consider the following comments as conditions of approval:

- “• “Street lighting within the development shall be constructed to the PEPCO standard, so that it can be accepted into the public lighting system;
- “• “Street trees shall be native species and in scale with urban tree standards;
- “• “Landscaping in the promenade greenway is maintained by either the homeowner’s association or the County;
- “• “The low-lying vegetation in the bio-retention swales are to be of durable, low maintenance materials;
- “• “The promenade and amphitheater space must comply with the Americans with Disabilities Act;

“In addition to the conditions of approval, the City requests that the Planning Board support a departure from the standard requiring an automated irrigation system for landscaping and street trees within the public right-of-way. Provided the landscape materials are native species to Maryland, we are confident the plantings will thrive with a basic watering schedule provided by the City’s Department of Public Works, which employ several arborists and employees trained in horticultural maintenance.”

The Planning Board has reviewed each of the conditions as proposed by the City of Hyattsville; the first condition has been accommodated in the recommended conditions of approval, specifically Condition 1(n); the second condition regarding street trees has been accommodated in the recommended conditions of approval, specifically Condition 1(n); the third condition regarding the landscaping within the proposed promenade greenway is within the land area proposed for M-NCPPC. Plantings outside of the park property or the right-of-way will be maintained by the HOA. In regard to the fourth condition, the landscaping within the bioretention swales is not part of the DSP, but is determined by the agency responsible for stormwater management (DPIE) as part of the technical approval of

the final stormwater management plans. Lastly, the fifth condition relating to the promenade and amphitheater space and ADA compliance is applicable to land area to be dedicated to the M-NCPPC.

At the Planning Board hearing, Jim Chandler, Assistant City Administrator and Director of Community and Economic Development for the City of Hyattsville, testified in support of the application.

- i. **Prince George's County Fire/EMS Department**—In a memorandum dated February 10, 2017, the Fire Department provided comments on this DSP. Their comments will be enforced through their separate permitting process.
  - j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—No comments were received from this office.
  - k. **Prince George's County Police Department**—No comments were received from this office.
  - l. **Washington Metropolitan Transit Authority (WMATA)**— No comments were received from this office.
  - m. **Washington Suburban Sanitary Commission (WSSC)**—No comments were received from this office.
  - n. **Verizon**—No comments were received from this office.
  - o. **Potomac Electric Power Company (PEPCO)**—No comments were received from this office.
14. Based upon the foregoing analysis and as required by Section 27-548.08(c)(2), the following findings can be made:

**(A) The Transit District Site Plan is in strict conformance with any mandatory requirements of the Transit District Development Plan;**

The subject DSP for infrastructure and the future mixed-use development is consistent with the land use vision of the West Hyattsville TDDP, which is to create a compact, high-density and pedestrian-friendly mixed-use center around the Metro Station. The DSP is only for the infrastructure implementation. The DSP conforms to most of the mandatory requirements of the TDDP except for standards for which the applicant has requested the Planning Board apply transit development standards that are different from the mandatory requirements in the TDDP in order to achieve a superior development in accordance with the prescribed procedure allowed by the Zoning Ordinance in Section 27-548.08(c)(2).

**(B) The Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan;**

The subject site is within the West Hyattsville TDDP and the development proposal is consistent with the development standards and guidelines of the TDDP, except as noted in this report.

**(C) The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones;**

The subject DSP has been reviewed for conformance with all the requirements and applicable regulations of the underlying zone, which is the M-X-T Zone. The DSP meets the applicable requirements of T-D-O and M-X-T Zones.

**(D) The location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency, and are adequate to meet the purposes of the Transit District Overlay Zone;**

The subject DSP is for infrastructure. The requirement will be reviewed for conformance at the time of full-scale DSP.

**(E) Each structure and use, in the manner proposed, is compatible with other structures and uses in the Transit District, and with existing and proposed adjacent development.**

The subject site is the first phase of redevelopment of the area, so future buildings will need to demonstrate compatibility with the subject plan. The proposed buildings are the first substantial new development in the area that will improve the appearance of the area significantly.

**(F) Requests for reductions from the total minimum required parking spaces for Transit District Overlay Zones pursuant to Section 27-548.09.02 meet the stated location criteria and are accompanied by a signed Memorandum of Understanding between a car sharing corporation or company and the applicant.**

The above does not apply to the subject application.

In conclusion and for the reasons stated herein, the proposed development, as contained in Detailed Site Plan DSP-16029, meets all required findings for approval.

15. The Planning Board finds that the DSP is in conformance with Section 27-285(b)(4) of the Zoning Ordinance that a DSP demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible.

16. This DSP for infrastructure satisfies the applicable site design guidelines as contained in Section 27-274 of the Zoning Ordinance, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

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 further:

- A. RECOMMENDS to the District Council that the applicant's proposed alternative land use plan exhibit be APPROVED as follows:
1. **Preferred Land Use Map**—The applicant's proposed amendments, which would place portions of Blocks L and G in the Multifamily Preferred Land Use Category and the remainder of Blocks L and G, as well as Blocks Y, Z, AA, BB, and parts of CC in the Townhouse Preferred Land Use Category.
- B. APPROVED the proposed alternative development district standards as follows:
1. **Modification 1:** To allow an amendment of the 400-foot maximum block length for Local Streets.
  2. **Modification 2:** To allow an amendment of the 15-foot maximum curb radius along Little Branch Run.
  3. **Modification 4:** To allow an amendment of the requirement to space street trees 30 feet on center.
  4. **Modification 5:** To allow an amendment of the required street tree types.
  5. **Modification 6:** To eliminate the required automatic irrigation system conditional on the use of native plants as an alternative.
  6. **Modification 7:** To allow River Terrace Road as a Residential Street. The TDDP requires construction of a Park Drive adjacent to the Northwest Branch Stream Valley Park.
  7. **Modification 8:** To allow the applicant not to build the required 13,000 square foot community center on the subject property.
- C. DISAPPROVED the following amendment to the 2006 *Approved West Hyattsville Transit District Development Plan and Transit District Overlay Zoning Map Amendment* as follows:

1. **Modification 3:** To allow the applicant to not provide any lighting within the alley and not on lots five feet from alleys.
- D. APPROVED Detailed Site Plan DSP-16029, Type 2 Tree Conservation Plan TCP2-001-2017, and Alternative Compliance AC-17003, for Riverfront at West Hyattsville Metro, subject to the following conditions:
1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made or information provided:
    - a. The Preliminary Plan of Subdivision 4-15020 shall be signature-approved.
    - b. The DSP shall be revised to conform to the approved preliminary plan of subdivision.
    - c. Incorporate the completed road connections along Nicholson Street and Kirkwood Place with an appropriate transition to the existing cross sections on the adjacent Kirkwood apartments site. The roads shall be constructed to the property line, but the timing of the opening of the two roads will be determined by the Prince George's County Department of Permitting, Inspections and Enforcement and the City of Hyattsville.
    - d. Frontage improvements along subject site's entire frontage of Ager Road shall be consistent with the DPW&T complete and green street designs, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement.
    - e. An exhibit shall be submitted showing the location, limits, specifications and details for the off-site trail lighting and/or other appropriate enhancements along the stream valley trail between the West Hyattsville Metro and Queens Chapel Road, pursuant to Section 24-124.01(f). A cost estimate shall be provided for the facilities shown on the exhibit. The cost of the off-site facilities shall not exceed the cost cap specified in Section 24-124.01(c).
    - f. Revise the plans to show a conceptual location for a 19-dock, 10-bike, Capital Bikeshare station in the vicinity of Ager Road. The conceptual location will be further determined on a future DSP for the multifamily parcel(s).
    - g. Add a fence around the play area with gates.
    - h. Revise the landscape plan as follows:
      - (1) An additional 36 ornamental or evergreen trees shall be provided at the time of the DSP which includes architectural elevations.

- (2) Revise the size of the ornamental and evergreen trees proposed from 4- to 4.5-inch caliper to 8 to 10-feet in height.
  - (3) Add shade trees when possible to provide for shade along the pedestrian routes where space is available.
- i. Provide for additional seating throughout the community in the form of benches and delineation on the plans and provide a list of the proposed recreational facilities.
  - j. Provide evidence from the City of Hyattsville indicating that they agree to Modifications 5 and 6 as proposed by the applicant or revise the plan accordingly.
  - k. Provide native plantings to the greatest extent possible and provide for a variety of plant material to avoid monotonous plantings within the development.
  - l. Provide notes on the plans in accordance with the Prince George's County Health Department's recommendations by adding notes to the plans as follows:

“During the demolition and construction phases, this project will conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

“During the demolition and construction phases, this project will conform to construction activity noise control requirements as specified in the Code of Maryland Regulations (COMAR).”
  - m. Provide lighting details and specifications of PEPCO within the public rights-of-way.
  - n. The Type 2 tree conservation plan (TCP2) shall be revised as follows:
    - (1) Provide the standard property owner's awareness certification block to the plan and type-in the name and title of the individual signing the plan below the signature line.
    - (2) Revise the QR code approval block to type-in the associated case name and DSP number.
    - (3) Remove the preliminary plan of subdivision approval block from the plan.
    - (4) Revise the limit of disturbance to be clearly visible.



- (5) Revise the note shown on the adjacent M-NCPPC owned property to include the assigned TCP number once assigned.
  - (6) Revise the specimen tree table to include a column for the proposed disposition of the off-site tree (to remain).
  - (7) Revise the specimen tree symbols on the plan and in the legend to indicate that the off-site trees shown on the plan are to remain under the current application.
  - (8) Label the noise contour on the plan and in the legend as “unmitigated 65 dBA Ldn noise contour.”
  - (9) Show all stormwater-management features and stormdrain structures as shown on the approved stormwater management concept plan.
  - (10) Remove all multifamily building footprints from the plan and show the proposed rough grading approved with this application.
  - (11) Have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
  - (12) Provide a digital color copy of the plan.
2. A permanent and direct sidewalk connection from the end of either Kirkwood Place, Crimson Fox Drive, or Emerald Branch Drive to the existing tunnel to the West Hyattsville Metro shall be provided at the time of approval of a full-scale detailed site plan for the multifamily parcel(s).
  3. In the event that the permanent sidewalk connection provided for in Condition 2 is not constructed prior to (or concurrent with) the townhouse development, construct a temporary asphalt sidewalk connection from the end of Emerald Branch Drive, as shown on the site plan, to the existing sidewalk leading to the existing tunnel to the West Hyattsville Metro Station. This temporary connection shall not be constructed until safe access can be provided through the subject site.
  4. Prior to approval of the full-scale detailed site plan for the townhouse units, a lighting and photometric plan shall be provided for the alleys. The lighting plan will depict appropriate locations for lighting fixtures and the photometric plan shall provide adequate lighting levels that, at a minimum, conform to the requirements of the International Building Code applicable in Prince George’s County, or other appropriate standard as determined by the Planning Board.

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 Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, and Hewlett voting in favor of the motion, and with Commissioners Bailey and Washington absent at its regular meeting held on Thursday, March 23, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of March 2017.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator