

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

WHEREAS, a 16.52-acre parcel of land known as Part of Lot 9, Lots 11 and 13, Lot F-H, Part of Lot I, and part of Parcel B of J.A. Registers Addition to Hyattsville; Lots 1-5 of Registers Subdivision; Lot 19 and Part of Lot 20 of Registers Addition to Hyattsville Part of Lot 3, Lots 4-5, Part of Lot 6, Lot 7-8, Block 65 of the Riverdale Park Subdivision; Lot K and L of Registers Addition to Hyattsville; Part of Lot O, Part of Lot I, and Lot P of J.A. Registers Addition to Hyattsville; Part of Lot 6, Block 65 of Riverdale Park; Part of Lot O, Part of Lot I and Lot P of J.A. Registers Addition to Hyattsville; Part of Lot 1 of Lancasters Subdivision; Part of Lot 1 of Lancasters Subdivision; Part of Lot D of Registers Addition to Hyattsville; Part of Parcel 16, Lots 17 & 18, part of Lot 20, Lot 21, part of Lot 22 all of Registers Addition to Hyattsville; Lot M of Registers Addition to Hyattsville; Part of Lot N of Registers Addition to Hyattsville; Part of Parcel E of J. A. Registers Addition to Hyattsville; Part of Lot N; Lots 10 and 12, J. A. Registers Addition to Hyattsville; Part of Parcel B of J. A. Registers Addition to Hyattsville, said property being in the 16th Election District of Prince George's County, Maryland, and being zoned M-U-I & M-U-T-C; and

WHEREAS, on July 12, 2006, East Associates filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 232 lots and 10 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06050 for EYA/Arts District Hyattsville East Village was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 4, 2007, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on ~~*[January 4, 2007]~~ July 12, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/34/06), and further APPROVED Preliminary Plan of Subdivision 4-06050, EYA/Arts District Hyattsville East Village, including a Variation from Section 24-130 and 24-121 for Lots 1-232 and Parcels A through J with the following conditions:

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

1. In conformance with the adopted and approved Gateway Arts District Sector Plan, the applicant

and the applicant's heirs, successors, and/or assignees shall provide the following:

- a. The adopted and approved Gateway Arts District Sector Plan recommends that Baltimore Avenue (US 1) be designated as a Class III bikeway with appropriate signage. Because US 1 is a state right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. SHA shall have the opportunity to review the proposed locations to ensure they are acceptable. The developer shall purchase the signs from the state and install them in accordance with the state's *Manual on Uniform Traffic Control Devices* dealing with the section on bicycle facilities. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit.
 - b. Provide a wide sidewalk along the entire length of the subject site's frontage of US 1. This sidewalk should be at least six feet wide in all areas, including additional width for those areas with street furniture, planters, and street trees.
 - c. Provide standard sidewalks along both sides of all internal roads.
 - d. Appropriate pedestrian safety measures will be incorporated into the development at the time of detailed site plan.
 - e. The following note shall be added to the TCPI:
"The woodland conservation requirement may be provided using fee-in-lieu to the benefit of the City of Hyattsville, to be determined at time of TCPII review."
2. The applicant (currently owner of a portion of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property) and the applicant's heirs, successors, and/or assignees shall use its best efforts to acquire the portions of the abandoned trolley right-of-way adjacent to the subject property that it does not currently own, and upon that portion of said right-of-way owned by the applicant, along with that portion of said abandoned right-of-way adjacent to Lots 2 and 3, it shall provide the master plan trail, as indicated on the submitted preliminary plan.
 3. For that portion of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property that is now or will be owned by the applicant, the trolley trail shall be placed within a 20-foot wide public use easement that will be marked and labeled on the final plat and detailed site plan.
 4. Prior to detailed site plan approval, the applicant shall show that legal action for the purpose of obtaining ownership of those portions of the abandoned trolley right-of-way (Parcel 108) that are adjacent to the subject property (and which are not already owned by applicant), and also those portions of the right-of-way adjacent to Lots 2 and 3, has been filed in the appropriate court. Applicant shall diligently pursue said legal action, and if successful, applicant shall construct the master plan trail upon those portions of said right-of-way adjacent to the subject property.

5. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.
6. The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, subject to the following:
 - a. Submission of three original, executed recreational facilities agreements (RFA) to DRD for its approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
 - b. Submission to DRD of a performance bond, letter of credit, other suitable financial guarantee, or other guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.
7. The applicant shall allocate appropriate developable areas for the private recreational facilities on open space land.
8. The placement of the recreation facilities reflected on the detailed site plan shall comply with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
9. The developer, his heirs, successor, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
10. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the detailed site plan.
11. Prior to the issuance of building permits for the easternmost 25 lots on the subject property (to be specified on an exhibit to be submitted to DRD and DPR prior to certification of the Preliminary Plan), if the applicant has not yet obtained ownership of all portions of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property through its legal action to obtain such ownership, the applicant shall reach an alternative agreement with the M-NCPPC that would result in provision of a public trail on or generally parallel to Parcel 108, from the northern boundary to the southern boundary of the subject property.
12. If the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property is acquired by the applicant, it shall build an asphalt trail along said right-of-way from the northern boundary to the southern boundary of the subject property. If the applicant is unable to acquire said right-of-way, applicant shall reach an alternative agreement with the M-NCPPC. The exact location, timing and applicable DPR and ADA standards for the installation of the trail shall be determined at the time of detailed site plan review.
13. Prior to the issuance of building permits for the easternmost 25 lots on the subject property, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association open

space land, and any interest in Parcel 108 shall be conveyed to the homeowners association by quitclaim deed. Land conveyed shall be subject to the following:

- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
14. At the time of detailed site plan and TCP II approval, the plan shall demonstrate that the minimum requirement (20%) for tree cover of 20 percent of the gross site area has been provided.
 15. Development of the site shall be in accordance with the approved stormwater management concept plan 14838-2006-00 or any approved revision thereto.
 16. Per the layout in the revised illustrative site plan exhibit, the following revisions shall be made prior to signature approval of the preliminary plan:
 - a. The 12 units north of the pool and west of the train track will be removed and

redistributed throughout the project.

- b. The east/west street will be “strengthened” per City of Hyattsville
 - c. US 1 access south of Jefferson Street will be revised from a one-way right out to a right in, right out road.
 - d. The units mix will be revised to include no more than 22 percent of the rowhomes at 14 feet wide and 43 percent or greater of the rowhomes at 18 feet wide or wider.
17. At time of detailed site plan review, the landscape plan shall provide a chart using the 10-year tree canopy coverage calculations to state the percentage of tree cover proposed. If the 20 percent tree cover standard cannot be met, a letter of justification must be provided stating why it cannot be met.
 18. At time of detailed site plan review, an analysis shall be provided by the applicant regarding the amount of existing and proposed impervious surfaces and the percentage of green roofs proposed.
 19. Prior to signature approval of the preliminary plan and at least 45 days prior to any hearing on a detailed site plan, the Type I tree conservation plan shall be revised as follows:
 - a. Add the following note: “Street trees and landscaped areas designed for use as bioretention areas may be used to meet the woodland conservation requirements.”
 - b. Revise Note 1 to refer to the preliminary plan.
 - c. Revise Note 6 to refer to the stormwater concept plan.
 - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.
 - e. Add the following note on the plan: “EYA will maintain flexibility with regard to parcels behind the retail south of Jefferson to provide street connectivity to the parcels to the south of EYA that may be redeveloped in the future.”
 20. Prior to signature approval of the preliminary plan and at least 45 days prior to any hearing on a detailed site plan, a copy of the stormwater management concept approval letter with associated plans shall be submitted. The concept shall show the use of low-impact development techniques such as underground facilities, bioretention, green streets, and other techniques to micromanage stormwater.
 21. At time of detailed site plan review, a revised Phase II noise study shall be submitted that describes the proposed building materials to be used on specific units in the 65, 65-70 and 70-75 dBA Ldn noise contours to ensure that interior noise levels are 45 dBA Ldn or less for interior living spaces. The study should consider the shielding effect of other buildings on the site.

22. The abandoned shallow well found within the confines of the subject property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit.
23. A raze permit is required prior to the removal of any structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well properly abandoned/sealed before the approval of any building permit.
24. Prior to issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurance through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with appropriate operating agency:
 - Eastbound MD 410—Modify approach from the existing one left turn lane, two through lanes, and one right turn lane to one left turn lane, two through lanes, and one through/right lane. Widen eastbound MD 410 east of US 1 to construct new receiving through lane.
 - Westbound MD 410—Modify approach from the existing one left turn lane, two through lanes, and one right turn lane to one left turn lane, two through lanes, and one through/right lane. Utilize existing auxiliary lane along westbound MD 410 west of US 1 to receive a new through lane. Remove or modify the triangular island in northwest quadrant of intersection to allow traffic to access the third westbound MD 410 through lane already available west of US 1.
 - Modify of existing traffic signal and signing/pavement markings to accommodate the new lane configurations.
25. The applicant shall photographically document those buildings identified as contributing resources to the Hyattsville National Register Historic District within the subject property prior to their demolition. In addition, to assist in the recycling of usable historic building materials, staff requests that the applicant salvage any significant materials and details from the buildings to be demolished for reuse elsewhere within the developing property, or for donation to the Newel Post, the architectural salvage depot operated by the Prince George's County Historical and Cultural Trust, a countywide, nonprofit historic preservation organization.
26. The applicant shall provide for a ten-foot public utility easement or an alternative easement acceptable to all applicable utilities, prior to final plat approval.

27. At the time of Detailed Site Plan the condominium building south of Sudsville and north of Jefferson will consider retail condominiums along the full length of the front of the first floor with condominiums above and behind
28. At time of final plat there will be a public use easement to ensure full public access to streets, alleys, walkways, plazas, and parks within the proposed redevelopment that are normally public, but will be privately owned for the proposed redevelopment.
29. The developer must obtain approval for street standards from the City of Hyattsville.
- *30. Total development within the subject property shall be limited to no more than 321 a.m. peak hour trips, 509 p.m. hour trips or equivalent uses, for a total development of 470 residential units, of which 246 units will be considered as multi-family condominium units and 38,005 square feet of commercial retail.
- *31. Of the 246 residential condominium units, 35 shall be attributed to the Robles Property (Lot 2 of Lancaster's Subdivision, as recorded in Plat A, Plat No.15), and shall be approved only if said property is acquired by the applicant, its successors and/or assigns prior to final plat approval of properties adjacent to said property. If only one of said properties is acquired by the applicant, its successors and/or assigns, the total number of residential condominium units approved through this subdivision application shall be reduced by 70. Alternatively, all or some portion of the 35 or 70 residential condominium units shall be developed as an equivalent amount of office and/or retail commercial space, based on an average of 1,050 square feet per residential condominium unit, up to 111,505 square feet, as long as the uses or combination of uses will not result in trip generation in excess of that approved through this application, unless another traffic study is approved by the Planning Board as part of a subsequent preliminary plan application. If the Brown and /or Robles properties are acquired prior to final plat, said properties can only be developed and constructed for the maximum of 70 residential condominium units, or the equivalent amount of office and/or retail commercial development (or some combination thereof). If said properties are the subject of an approved Preliminary Plan of Subdivision, Final Plat and Detailed Site Plan prior to the issuance of any permits.

*Denotes Amendment

Underlining indicates new language

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

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the east side of US 1 in the City of Hyattsville and the Town of Riverdale Park, just south of Madison Street and north of Hamilton Street.

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

Zone Use(s)	EXISTING M-U-I/ MUTC	PROPOSED M-U-I/MUTC Mixed/Use
	Auto Sales/Service Commercial/Residential (Vacant)	* 226 <u>220</u> residential townhouses [(including] 4 live/work <u>town homes units</u>) * <u>246</u> condominium units * 34,536 <u>38,005</u> sf of Retail/Commercial 47, 571 sf of open space
Acreage	16.52	16.52
Lots	40	232
Parcels	4	10
* [Dwelling Units]	* [0]	* [388 residential total units (162 condominiums)]
Public Safety Mitigation Fee		No

4. **Subdivision**—Both M-NCPPC staff and the City of Hyattsville expressed concerns regarding the widths of the residential units included in the proposed development. The applicant’s original proposal suggested that more than 50 percent of the total rowhome units were 14 and 16 feet wide. After discussions with staff and the City of Hyattsville, the applicant has agreed to reduce the number of 14-foot-wide units. The illustrative site plan now shows 48 fourteen-foot-wide units (22 percent), 78 sixteen-foot-wide units (35 percent), 86 eighteen-foot-wide units (39 percent) and 10 twenty-four-foot-wide units (4 percent). Although more than half of the proposed units are less than 18 feet wide, the proposed reduction allows for the continued viability of the project for the applicant and addresses the continuity of the community.

*Denotes Amendment

Underlining indicates new language

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

Variation Request for Section 24-121(a)(4)

Section 24-121(a)(4) of the Subdivision Regulations requires that residential lots adjacent to “an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet, with adequate protection from traffic nuisances being provided by earthen berms, plant materials, fencing, and/or the establishment of building restriction lines: Lot 1—130 feet deep—adjacent to the MARC rail line does not comply with this Code Section.

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

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

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

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

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

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

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

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

- (3) The variation does not constitute a violation of any other applicable law,**

ordinance or regulation; and

Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

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

Staff supports the variation request for the reasons stated above.

5. **Urban Design**—Staff has reviewed the proposed Preliminary Plan of Subdivision 4-06050 EYA/ Hyattsville East Village. The plan proposes 384 residential units and 34,536 square feet of retail and commercial space from the existing 16.52-acre site. The zoning of the property requires that a detailed site plan be submitted. As such, staff will continue to review and discuss, as part of the detailed site plan process, (1) the reduction of the sticks of townhouses to create more common area, green space, and recreational amenities throughout the development; (2) residential and commercial land use more integrated in the project's design; (3) recreational facilities located throughout, not exclusively along the railroad line at the eastern periphery of the site; and (4) the design and landscaping of stormwater management facilities, if above ground, as a visual amenity to the subdivision and combined with the provision of passive recreational facilities.
6. **Environmental**—The Environmental Planning Section has no detailed records of previous applications for this property. The site is cleared, predominantly developed, and proposes a mixed-use redevelopment. The subject property is located within the Gateway Arts District Sector Plan totaling 16.52 acres, in the M-U-I zone.

SITE DESCRIPTION

This subject property is located between Baltimore Avenue US 1 and the Baltimore-Ohio Railroad, north of Hamilton Street and south of Madison Street. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils or Marlboro clays are not found to occur on this property. US 1 is a planned four-lane major collector (MC-200) roadway not generally regulated for noise. However, noise impacts from the Baltimore-Ohio railroad was of concern and mitigation measures will be needed. The predominant soil type found to occur on the site, according to the Prince George's County Soil Survey, is sandy and clayey series. This soil series has limitations with respect to high shrink/swell potential and slow permeability, especially when steep slopes are present, which is not the case on the subject property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this application. This property is located in the Northeast Branch watershed of the Anacostia River basin and in the Gateway Arts District Sector Plan and the Developed Tier as reflected in the 2002 General Plan.

Environmental Issues Addressed in the Gateway Arts District Sector Plan

There are specific recommendations pertaining to the environmental elements of the sector plan that relate to the subject property. This site is currently partially developed and predominantly paved. The environmental elements pertaining to the subject property are reduction of impervious surfaces, noise pollution, stormwater management and woodland conservation. The applicable elements are addressed below.

"1c Stormwater Management: Existing regulations require adequate control of stormwater runoff (Subtitle 4, Division2, Prince George's County Code)"

A stormwater management concept approval letter has not been submitted with the application. The subject property involves the redevelopment of an existing developed site. This site would be a good candidate for underground stormwater management. Further comments on stormwater management are provided in the Environmental Review section below.

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

The subject property is mostly cleared and developed in places but contains some woodland areas that are regulated. The property is subject to the provisions of the Prince Georges County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodlands on-site. A Type I tree conservation plan has been submitted with the application, which uses a threshold calculation of 15 percent as required by the zone.

The site is located in the Developed Tier at a location where development potential should be maximized. In addition, the woodlands that exist on-site are of low retention priority because of the high percentage of invasive plant species and low species diversity. The emphasis on this site should be placed on the provision of extensive streetscapes and the planting of shade trees throughout the site. The street trees and other landscaped areas may be used to meet the requirements if certain design parameters are met. Comments on the TCPI are provided in the Environmental Review section below.

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

This guideline is yet to be addressed. Refer to the environmental review section below for additional comments.

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

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

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

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

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

The application proposes a mixed use and, as such, the 20 percent tree cover standard applies. The landscape plan does not provide the required tree cover calculations. Every attempt must be made to meet the 20 percent tree cover standard on the detailed site plan and if not, a letter of justification must be provided to state why the 20 percent tree cover cannot be met. At the time of

detailed site plan review, the landscape plan should provide a chart using the ten-year tree canopy coverage calculations to state the percentage of tree cover proposed.

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

There appear to be areas of shared parking proposed. As part of the detailed site plan review, this standard will be evaluated in more detail. At time of detailed site plan review, an analysis shall be provided regarding the amount of existing and proposed impervious surfaces and the percentage of green roofs proposed.

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

This standard will be addressed when the issues of low impact development techniques for handling stormwater are addressed.

ENVIRONMENTAL REVIEW

The preliminary plan application has a signed natural resources inventory (NRI/024/06-01) dated April 26, 2006, that was included with the application package. The TCPI and the preliminary plan show the required information correctly. No further information is required with regard to the NRI.

The property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

The current zoning (M-U-I and M-U-TC) of the subject property has a woodland conservation threshold of 15 percent. A Type I tree conservation plan was submitted for review and was found to require minor revisions to conform to the requirements of the Woodland Conservation Ordinance.

The woodland conservation threshold for the site is 2.48 acres of the net tract. An additional 1.74 acres are required due to the removal of woodlands shown on the current plan, for a total woodland conservation requirement of 4.22 acres. The plan shows the requirement being met with 4.22 acres of off-site mitigation. If the street trees and landscaped areas are designed as “green streets” or bioretention areas, they can be counted toward meeting the woodland conservation requirements. Prior to signature approval of the preliminary plan and at least 30 days prior to any hearing on a detailed site plan, the Type I tree conservation plan should be revised.

A stormwater management concept approval letter with the associated plan was not submitted with the subject application. The plans do not show how stormwater management will be

addressed. A stormwater management concept approval letter and associated plans need to be submitted prior to signature approval of the preliminary plan and prior to the hearing for any detailed site plan. The concept plan needs to show how low-impact development techniques have been addressed on the site. The concept should show the use of low-impact development techniques such as underground facilities, bioretention, green streets and other techniques to micromanage stormwater.

A Phase II noise study was submitted with the review package. The entire site is located in areas above 65 dBA Ldn, which is the noise level above which residential uses are generally not recommended. Clearly, interior noise mitigation is an issue and this will be addressed through the use of building materials that will mitigate noise from exterior sources. Some of the units will be subjected to higher noise levels and will require special building materials to ensure proper mitigation. At time of detailed site plan information regarding structural mitigation will be required.

Outdoor activity areas are also evaluated for noise impacts. The recreational area proposed is adjacent to the trail that is to run parallel to the railroad tracks. Although this location is not ideal for the recreational facilities because of the episodically high noise levels, its proximity to the trail is logical. The location of the recreational facilities as shown also allows for the use of a grid pattern throughout the remainder of the site, providing the desired urban layout.

Another concern is the potential vibration from the adjacent railroad tracks. A vibration analysis was stamped as received on December 4, 2006. The analysis notes that the results of measurements of current vibration levels do not exceed the residential limits established by the International Standards Organization (200 micrometers/second) or the Federal Transit Authority (143 micrometers/second). The study analyzed both freight and transit trains on both northbound and southbound tracks and the highest vibration level recorded was for a MARC southbound train (113 micrometers/second). Because all of the levels are below the industry-accepted standards for residential uses, staff does not recommend any changes to the design or additional information regarding vibration. At time of detailed site plan review, a revised Phase II noise study should be submitted that describes the proposed building materials to be used on specific units in the 65, 65-70, and 70-75 dBA Ldn noise contours to ensure that interior noise levels are 45 dBA Ldn or less for interior living spaces. The study should consider the shielding effect of other buildings on the site.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

7. **Community Planning**—The property is located in the southwest quadrant of the intersection of Madison Street and Baltimore Avenue. It is 16.52 acres in size and is currently vacant. The proposal is for a mixed-use residential and retail development of 222 townhouse units that

include four live/work units, 162 condo units, and 34,536 square feet of retail space. The site is located in the Developed Tier on the Baltimore Avenue Corridor. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. The vision for the developed tier is a network of sustainable transit supporting, mixed-use, pedestrian-oriented, and medium to high-density neighborhoods. This application and the proposed development conform to the 2002 General Plan development pattern policies for the Developed Tier. This application conforms to the mixed-use-infill land use recommendations of the 2004 Gateway Arts District Sector Plan and Sectional Map Amendment as well as the development standards of the Gateway Arts District Development District Overlay Zone.

The approved 2004 Gateway Arts District Sector Plan and Sectional Map Amendment governs development of this site. The sector plan sets goals, objectives, and concepts based on the identification of seven character areas: 1) town center, 2) arts production and entertainment, 3) neighborhood arts and production, 4) multifamily residential community, 5) traditional residential neighborhoods, 6) neighborhood commercial, and 7) stream valley park. Each character area has its own set of development district standards with the exception of the stream valley park character area. This property is in the town center character area, which is described below:

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

The goal for town center character areas is to enhance the walkability of the town centers by creating a framework for high quality, mixed-use, pedestrian-oriented development incorporating human-scale buildings, an attractive streetscape, landscaping and small pocket parks.

This plan meets most of the development standards expressed in the approved 2004 Gateway Arts District Sector Plan and Sectional Map Amendment. An existing alleyway between Lot 3 and Lots 1 and 2 is noted as being vacated. Retention of the alley might better serve the implementation of a grid pattern that allows Jefferson Street, which runs parallel to US 1, to connect from Hamilton Street to Madison.

As specified on page 131 of the approved 2004 Gateway Arts District Sector Plan and Sectional Map Amendment, detailed site plan review is required for sites over four acres; this site is 16.52

acres. The form and use of the buildings occupying Lots 8 and 9 is of particular concern at the time of detailed site plan review. The buildings that occupy Lots 8 and 9 in order to fulfill the vision of the Town Center Character Area need to provide street-level retail with residential units above per the Gateway DDOZ plan.

The plan is in conformance with the use table (page 191, approved 2004 Gateway Arts District Sector Plan and Sectional Map Amendment), which provides that dwelling units on the first floor facing streets with a total of two lanes are a permitted use. All the streets created by the proposed subdivision contain two lanes except for Baltimore Avenue. There is some concern that buildings containing residential units that have dwelling unit windows on Baltimore Avenue read as basement garden apartments on US 1. This concept for living space on US 1 does not fulfill the Town Center Character Area vision.

8. **Parks and Recreation**— Staff of the Department of Park and Recreation (DPR) has reviewed Preliminary Plan 4-06050. The review considered the recommendations of the approved Sector Plan and Sectional Map Amendment for Prince George’s County Gateway Arts District (CR 78-2004), the Land Preservation and Recreation Program for Prince George’s County, current subdivision regulations, and existing conditions in the vicinity of the proposed development.

Findings

The project area consists of 16.52 acres of land zoned M-U-I (Mixed Use Infill) and M-U-T-C (Mixed Use Town Center). The property is located on the east side of US 1 (Baltimore Avenue) between Madison and north of Hamilton Street. The area zoned M-U-I constitutes most of the development and is located in the city of Hyattsville. The northernmost block of the development falls within the M-U-T-C zone and is located within the Town of Riverdale Park.

The applicant is proposing 222 townhouses of which four are live/work units and 162 are condominium units. Using current occupancy statistics for single and multifamily dwelling units, the development will provide approximately 1,178 new residents.

Trail Issues

The Rhode Island Avenue trolley right-of-way is located along the B&O Railroad tracks. A master plan trail is located along this right-of-way from Hyattsville to Beltsville. The section of this trail that runs through College Park has already been built and is being utilized by the community. This master plan trail runs adjacent to the subject property and can serve as a community asset by providing a linkage to the Hyattsville town center and create the opportunity to serve as a part of the comprehensive trail system that will serve the region in the future.

The right-of-way includes Parcel 108, a narrow strip of land separating the subject property from the B&O Railroad. In the late nineteenth century, the Maryland and Columbia Railway acquired property from the adjacent landowners and created a right-of-way for future railroad expansion. This land was eventually transferred to D.C. Transit to form parcel 108. D.C. Transit no longer

exists and it is believed that WMATA has no interest in the property. It is believed that the portion of parcel 108 that is adjacent to the EYA property can be acquired through the courts by petitioning for “quiet title.” In recent conversations with EYA, they agreed to seek “quiet title” in order to secure the property for trail construction.

This trail should be constructed by EYA and maintained by the homeowners association. It is important that the public is allowed access to the trail. As mentioned earlier, it is expected to become part of a larger regional trail system. A public use easement should be provided to allow public use of the trail.

Public Open Space

According to Section 24-134 of the Subdivision Ordinance (mandatory dedication of parkland), the applicant could be required to dedicate 2.5 acres of the subject property for public parkland. This acreage must be “suitable and adequate for active and passive recreation.” Currently, the subject community does not meet DPR standards for parkland acreage per capita with only nine acres per 1,000 population compared to the recommended 15 acres per 1,000.

The applicant has stated that it will satisfy mandatory dedication requirements through the provision of private recreational facilities. The current plan shows a 37,800 square foot area for private recreational facilities in a triangular-shaped recreational area next to the proposed trail and the train tracks. The recreational area includes two small tot lots and a play area. The location, size, and orientation of this recreational area is inefficient and not suited to active recreation. Much of the space is wasted because the triangular shape limits the opportunity to provide playing fields. Due to high population densities in the area, and limited recreational options in close proximity, DPR envisions the recreational area to be heavily utilized by area residents. This issue has been addressed via the illustrative site plan. Negotiations regarding open space will continue to be explored during the detailed site plan process.

In addition to the triangular recreational area, the applicant is proposing a pool facility on site. This pool will serve the residents of the development as well as the residents of the west village located on the west side of US 1. The applicant has also included two “sitting areas” as part of the recreational package. These are located at the northeast and west corners of Jefferson and Longfellow Streets. These sitting areas provide limited recreational opportunities to area residents, though they do provide a small amount of green space.

The Gateway Arts District Sector Plan seeks to “create an attractive lively environment by interweaving small creative parks and plazas throughout business and residential areas.” In addition, it recommends “creat(ing) a system of usable plaza and park space in the US 1 corridor for performances, exhibits, festivals, relaxation and people watching that enhances view corridors between architectural or civic assets....”

Due to the central location of this development, the Department of Parks and Recreation would like to see exceptional open space amenities that will serve the needs of the community as

referenced in the sector plan. The proposed location of the recreational area is at the back of the development and will not be visible from the street and lacks the ability to tie together architectural and civic assets etc. Other locations within the site would be more conducive to the placemaking addressed in the sector plan. The park should be visible from the US 1 corridor and adjacent to the new commercial development going in on US 1. The opportunity is there for a “town green” that will tie in the many uses located within the town center of Hyattsville. A centralized green area would provide both active and passive recreational opportunities. The illustrative site plan has attempted to address these concerns. These issues will continue to be reviewed as part of the detailed site plan process.

9. **Trails**—The Gateway Arts District Sector Plan identifies pedestrian and bicycle facilities as potential transportation modes for some trips within the study area. Having bicycle-compatible roadways and pedestrian-friendly streetscapes make it possible for residents and employees to make some trips without using their automobile. This is especially important in urban areas and areas around mass transit where higher residential, office, and commercial densities make it more feasible for some trips to be made without an automobile (sector plan, page 37).

The sector plan also recognizes that pedestrian safety is a priority for the community and that measures should be taken to ensure that area roads are safe and attractive for pedestrians. Recommendation 2 requires pedestrian safety measures at road crossings and trail intersections. These improvements can include curb extensions, in-pavement lighting in crosswalks, raised crosswalks, road striping, additional signage and lighting, and contrasting surface materials as deemed appropriate by the communities and road agencies (sector plan, page 41). Staff recommends that this issue be addressed at the time of detailed site plan.

Recommendation 1 of the trails section more specifically recommends that all new roads and all retrofit road projects be developed in accordance with the AASHTO Guide for the Development of Bicycle Facilities, where feasible (sector plan, page 41). These guidelines outline current “best practices” for accommodating bicycles on roads. The types of facilities addressed include designated bike lanes, wide outside curb lanes, paved shoulders, and shared-use roadways. With regard to US 1, Recommendation 1 of the transportation section recommends on-street bike lanes and continuous sidewalks along US 1 (sector plan, page 41). Suitable pavement markings to accommodate bicyclists will be determined by SHA.

Rhode Island Avenue Trolley Trail

The Gateway Arts District Sector Plan recommends a master plan trail/bikeway along the former Rhode Island Avenue Trolley right-of-way (Recommendation 9, page 46). The illustrative plan for the subject application reflects this multiuse trail parallel to the Baltimore and Ohio Railroad tracks and within the former trolley right-of-way. This trail is off the subject property but is adjacent to it on the abutting trolley right-of-way. Other segments of this trail have been implemented by the City of College Park, and current master plans recommend that this trail ultimately be extended from Beltsville south to the District (including the segment shown by the applicant of the subject site). In some areas, the right-of-way of the trolley has been preserved as

a linear greenway that will accommodate a trail. In other locations, Rhode Island Avenue is on top of the right-of-way. In these areas, on-road bike improvements and standard or wide sidewalks should be provided.

Numerous issues need to be resolved if this trail is to implemented in the vicinity of the subject site. This trail, while a master planned facility, is not designated as a park trail. Therefore, it should be determined if the homeowners association or local municipality will assume the maintenance responsibility for the trail. It should be noted that the majority of the proposed trail is within the City of Hyattsville. However, a small portion of the trail leading to Madison Street is within the Town of Riverdale Park.

Staff supports the trail as indicated on the preliminary plan. This trail will fulfill the intent of the master plan, provide a recreational amenity for area residents and residents of the subject site, and provide an important link in the overall trail and bikeway network. However, the issues needing to be resolved regarding this master plan trail include:

- Demonstrate the agreement of the property owner of Parcel 108 to the construction of the master plan trail on their property (off the subject site).
- Demonstrate how the master plan trail will be maintained (either by the homeowners association or the appropriate municipalities).
- Place the trail within a 20-foot wide public use trail easement.

If the outstanding issues regarding the Trolley Trail are resolved to the satisfaction of the Development Review Division, staff recommends that as the trail is off the subject property, issues regarding public access, use of the right-of-way, and maintenance need to be resolved.

SIDEWALK CONNECTIVITY

An extensive network of standard and wide sidewalks is proposed on the subject application. These include standard sidewalks along both sides of all the local, internal roads, and a wide streetscape along US 1. A wide sidewalk, street furniture, and landscaping is reflected along US 1 for the entire length of the subject application. The portion of the sidewalk between the landscaping and the edge of the build-to line exceeds ten feet. Including the areas with landscaping and the portion of the sidewalk between the landscaping and the curb, the sidewalk/pedestrian zone is over 20 feet wide. Staff believes that this width is adequate to accommodate the high pedestrian volumes anticipated in the vicinity and fulfills the intent of the master plan.

10. **Transportation**—The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated November 3, 2006. The study was reviewed and as a result of issues and concerns raised by staff, a revised traffic study was received on November 16, 2006. This revised study was found to be acceptable,

and on November 22, 2006, it was referred to The Town of Riverdale Park, the City of Hyattsville, Prince George's County Department of Public Works and Transportation (DPW&T), and the Maryland State Highway Administration (SHA) for their review and comments. Comments from the operating agencies (DPW&T and SHA) are necessary whenever a traffic study proposes to mitigate the projected impact in accordance with the guidelines for mitigation action and the related requirements of the Section 24-124 of the County Code. DPW&T provided no additional comments since all studied intersections and roadways are maintained by SHA or the City of Hyattsville. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

Growth Policy—Service Level Standards

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

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

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

Analysis of Traffic Impacts

The traffic study for this site examined the site impact at six signalized intersections, and six unsignalized intersections.

The six signalized intersections reviewed are:

- US1/MD410
- US1/ Queensbury Road
- US1/Oglethorpe Street
- US1/Madison Street
- US1/ Jefferson Street
- US1/Hamilton Street/ Alt.US1

The six unsignalized intersections studied are:

- US1 with Longfellow Street
- US1 with Kennedy Street
- Cleveland Avenue with Madison Street
- 43rd Avenue with Oglethorpe Street
- 43rd Avenue with Kennedy Street
- 43rd Avenue with Jefferson Street

The existing conditions at the signalized intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
	US1 & MD410	1,842	1,720	F
US1/ Queensbury Road	888	1,011	A	B
US1/Oglethorpe Street	875	650	A	A
US1/Madison Street	946	717	A	A
US1/ Jefferson Street	751	724	A	A
US1/Hamilton Street/ Alt.US1	747	870	A	A

The existing conditions of the six unsignalized intersections are determined to be at acceptable levels of service during both the morning and afternoon peak hours, with average vehicle delay for various movements through these intersections well below the acceptable range of 50.0 seconds, as required by the guidelines.

Except for the first phase of the EYA Hyattsville (westside), there are no other approved development projects within the study area. Therefore, the background traffic includes only growth in through traffic. The traffic that would be generated by the EYA West Village is added to the traffic that would be generated by the proposed EYA East Village and the resulting sum is included in the projected total and is discussed below. The analysis of the SHA reported traffic volume data shows the two percent annual growth rate used for US 1 and one percent annual growth rate used for MD 410 are acceptable. Currently, there are no programmed improvements in the county's Capital Improvement Program (CIP) or the state's Consolidation Transportation Program (CTP).

Background traffic conditions at the signalized intersections are summarized below:

BACKGROUND TRAFFIC CONDITIONS

Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
	AM	PM	AM	PM
US1 & MD410	1,926	1,793	F	F
US1/ Queensbury Road	942	1073	A	B
US1/Oglethorpe Street	928	690	A	A
US1/Madison Street	1,003	763	B	A
US1/ Jefferson Street	797	769	A	A
US1/Hamilton Street/ Alt.US1	792	923	A	A

The results of the capacity analysis with the background traffic show that all six unsignalized intersections are projected to continue to operate with acceptable levels of service during both the morning and afternoon peak hours, with average vehicle delay for various movements through these intersections well below the acceptable range of 50.0 seconds, as required by the guidelines.

The proposed development of 222 town homes (of which four are proposed as live/work town homes units), 162 residential condominiums, and approximately 34,536 gross square feet of commercial retail space and the 138 units approved for EYA West Village would generate 496 (96 in, 310 out) AM peak-hour vehicle trips and 592 (361 in, 231 out) PM peak-hour vehicle trips. For the reasons stated below, the reported total traffic for several intersections are different than those reported in the original traffic study submitted for review as part of the EYA West Village preliminary plan:

- This study assumes more development for EYA East Village.
- This study uses and assigns the site-generated traffic to studied intersections using a different trip distribution patterns. The assumed trip distribution patterns are based on detailed analysis of a recently conducted market study performed for the applicant by Lesser Company.

With the trip distribution and assignment as assumed, the following results are obtained for the six signalized intersections under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
	US1 & MD410	1,947	1,823	F
US1/ Queensbury Road	952	1,097	A	B
US1/Oglethorpe Street	940	718	A	A
US1/Madison Street	1,085	853	B	A
US1/ Jefferson Street	946	961	A	A
US1/Hamilton Street/ Alt.US1	903	1,290	A	C

The results of the capacity analysis with the projected 2008 total traffic show that all six unsignalized intersections are projected to continue to operate with acceptable levels of service during both the morning and afternoon peak hours, with average vehicle delay for various movements through these intersections below the acceptable range of 50.0 seconds, as required by the guidelines.

As indicated above and reported by the traffic study, inadequacy exists at the existing signalized intersection of US 1/MD 410 intersection. The needed findings and/or improvements under consideration are further discussed below:

The traffic study reports that the proposed development will result in 21 additional critical movements to this intersection during the weekday morning peak hour, and 30 additional critical movements during the PM peak hour.

As indicated earlier, the applicant proposes to use mitigation by means of Criterion 1 of the Guidelines for Mitigation Action, approved by the District Council as CR-29-1994. The site also meets mitigation Criterion 2 and 3 . Therefore, the traffic study states that the mitigation measures approved as part of the EYA West Village are more than adequate to totally mitigate the projected EYA East Village traffic impacts. The approved mitigation improvements for the intersection of MD 410 with US 1 proffered and bonded by EYA, which also are approved and permitted for construction by SHA, consist of:

- Eastbound MD 410—Modify approach from the existing one left turn lane, two through lanes, and one right turn lane to one left turn lane, two through lanes, and one through/right lane. Widen eastbound MD 410 east of US 1 to construct a new receiving through lane.
- Westbound MD 410—Modify approach from the existing one left turn lane, two through lanes, and one right turn lane to one left turn lane, two through lanes, and one through/right lane. Utilize existing auxiliary lane along westbound MD 410 west of US 1 to receive new through lane. Remove triangular island in northwest quadrant of

intersection to allow traffic to access the third westbound MD 410 through lane already available west of US 1.

- Modify of existing traffic signal and signing/pavement markings to accommodate the new lane configurations.

The impact of the proposed mitigating improvement at this intersection under total reported traffic is summarized below:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
	US1/MDMD410			
Background Conditions	F/1,926	F/11,793		
Total Traffic Conditions	F/1,947	F/1,823	+21	+30
Total Traffic Conditions w/Mitigation	F/1,788	F/1,671	-138	-122

As the total CLV at US 1/MD 410 exceeds 1,813 during both peak hours, the proposed mitigation action must mitigate at least 100 percent of the trips generated by the subject property and the resulting CLV must be no greater than 1,813, according to the guidelines. The above table indicates that the proposed mitigation action would mitigate in excess of 400 percent of site-generated trips during both peak hours. Therefore, the proposed mitigation at US 1/MD 410 meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

As required, the proposed mitigation plan has been reviewed by SHA staff and they concur with the traffic study conclusion that the above-referenced mitigation improvements, in its entirety, are adequate to mitigate the projected traffic that would be generated by the entire EYA proposed development (East and West Villages).

Plan Comments

The EYA East Village will have access to US 1 at four locations: Hamilton Street to the south, Jefferson Street, a new private street, and Madison Street to the north. The proposed on site circulation is acceptable. The plan proposes to extend Jefferson Street north on an alignment parallel to US 1 to Madison Street. In order to improve the overall internal circulation, staff recommends this roadway also be extended south to Hamilton Street. Finally, the approved Gateway Arts District Plan has designated US 1 as a major collector roadway with total recommended right-of-way widths of 60 to 80 feet, between Oliver and Hamilton Street. The plan shows adequate dedication for US 1. All other roadways shall be constructed per the City of Hyattsville standards.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code and in accordance with District Council guidelines on the use of mitigation if the proposed preliminary plan is approved with the conditions.

11. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Commercial

The proposed retail sections of EYA/Hyattsville East Village subdivision are exempt from the APF test for schools because it is a commercial use.

Residential

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	431 mfd, th	431 mfd, th	431 mfd, th
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	103.44	25.86	51.72
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	102	25.50	51
Total Enrollment	35,811.44	11,556.36	17,086.72
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.39	102.52	111.58

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures are correct on the day this referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

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

existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority, or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and 13,151 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the policies for review of school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

12. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Zoning Ordinance.

Residential

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Riverdale, Company 7, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Commercial

The existing fire engine service at Riverdale Fire Station, Company 7, located at 4714 Queensbury Road, has a service travel time of 1.32 minutes, which is within the 3.25-minute travel time guideline. The existing paramedic service at Bunker Hill Fire Station, Company 55, located at 3716 Rhode Island Avenue, has a service travel time of 2.61 minutes, which is within the 7.25-minute travel time guideline. The existing ladder truck service at Bunker Hill Fire Station, Company 55, located at 3716 Rhode Island Avenue, has a service travel time of 2.61 minutes, which is within the 4.25-minute travel time guideline

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ladder truck and paramedic services. These findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

13. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District I. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning

Department on July 21, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-06/05/06	10.00	18.00

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on June 5, 2006. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

Commercial

The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future developments. The plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 county residents.

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police and the latest population estimate is 825,520. Using the 141 square feet per 1000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

14. **Health Department**—The Health Department reviewed the application and reminded the applicant that an abandoned shallow well must be backfilled and sealed in accordance with COMAR 26.04.04 standard and raze permits are required prior to demolition of any structure on the site.
15. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan, 14838-2006-00, was approved July 17, 2006. Development must be in accordance with this approved plan.
16. **Historic Preservation**— The subject application for preliminary plan of subdivision includes 16.52 acres on the east side of Baltimore Avenue in Hyattsville. The area of the subject application is located within the boundaries of the Hyattsville National Register Historic District as amended and expanded in 2004 (PG 68-10). The subject property includes a number of existing structures identified as noncontributing resources within the National Register Historic District, as well as several resources identified as contributing resources within the historic district.

No buildings within the subject property are historic resources, historic sites, or within a historic

district regulated by the Prince George's County *Historic Sites and Districts Plan* or by the Historic Preservation Ordinance (Subtitle 29 of the Prince George's County Code).

However, the Hyattsville Armory (Historic Site 68-041-09), 5340 Baltimore Avenue, is located across the street from the developing property on the west side of Baltimore Avenue. Historic Resource 68-008, the Baltimore & Ohio Railroad Switching Tower, is located east of the property and the adjacent railroad tracks. The subject application will have not negatively affect the historic site or the historic resource.

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

17. **Archeology**—Based on the fact that the developing property has already been disturbed, a Phase I archeological survey is not recommended by staff. However, the applicant should be aware that Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties including archeological sites. This review is required when federal monies, federal properties or federal permits are required for a project. Section 106 review may require further archeological study.
18. **Public Utility Easement**—The preliminary plan should include the required ten-foot-wide public utility easement along all streets. This easement should be reflected on the preliminary plan and the final plat.
19. **City of Hyattsville**—The City of Hyattsville voted unanimously on December 18, 2006, to support the approval of Preliminary Plan 4-06050, EYA/Hyattsville East Village (the 12/13/06 revision). The City Council recognizes the investment EYA is making in the area and the potential positive impact of the proposed development on the community. The city acknowledges the improvements to earlier drafts of the East Village plan that include the increase in open space and the hiker/biker trail, the inclusion of retail space along Jefferson Street, and the improved street grid in the northern part of the project. The City of Hyattsville would like to recommend that four additional issues are examined as part of the detailed site plan. Those issues include a mix of wider townhouses; that the first floor uses along Baltimore Avenue should be retail or office; a street should be provided south of Jefferson Street so that the Phase I building fronts a street and future connection to commercial properties south of the East Village is possible; and that the Phase II building should be developed as a mixed-use building.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, July 12, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of September 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator