



PGCPB No. 2022-47

File No. 4-21032

RESOLUTION

WHEREAS, PR Prince George's Plaza LLC is the owner of a 51.07-acre parcel of land known as Parcel A-1, said property being in the 17th Election District of Prince George's County, Maryland, and being in the core area of the Regional Transit-Oriented, High-Intensity (RTO-H-C) Zone.

WHEREAS, on February 11, 2022, AVA Hyattsville Crossing, LLC filed an application for approval of a Preliminary Plan of Subdivision for 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-21032 for Hyattsville Crossing 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 April 21, 2022; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1703(a) of the Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, must be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the submission and acceptance of the application; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022 and, therefore, pursuant to the prior applicable Mixed Use-Infill (M-U-I) and Transit District Overlay (T-D-O) Zones; and

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

WHEREAS, on April 21, 2022, 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 Preliminary Plan of Subdivision 4-21032, including a Variation from Section 24-121(a)(3), for 3 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Increase the width of the public access easement along the northern border of Parcel 2 from 25 feet to 38 feet. The public access easement on Parcel 1 shall be expanded or modified, as needed, to ensure the existing interim drive aisles from Belcrest Road to Parcel 2 are also encompassed by the easement. The area of future dedication to the City of Hyattsville may remain delineated at 25 feet wide.
 - b. On the proposed Toledo Road extended street section, make the following changes:
 - (1) Show a buffer zone, tree and furniture zone, sidewalk clear zone, and minimum and maximum build-to lines within the frontage zone.
 - (2) Remove the 5-foot, 18-foot, and 23-foot values from the frontage zone and its components.
 - (3) Add a note beneath the street section stating that “the minimum and maximum depth of the frontage zone, and the width of the buffer, tree and furniture, and clear zones, shall be determined at the time of detailed site plan and shall meet the Transit District Standards unless an amendment to the standards is granted.”
 - c. In the legend, correct the easement label to read “proposed access easement.”
 - d. Revise General Note 11 and the plan drawing to indicate the new zoning of the property and surrounding properties, as of April 1, 2022. Include in General Note 11 a line listing the prior zoning.
2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
3. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 41463-2021, once approved, and any subsequent revisions.
4. Prior to approval of a final plat, in accordance with the approved preliminary plan of subdivision, the final plat shall include the granting of public utility easements along the public roadways.
5. Prior to approval of a final plat, a draft public access easement over Toledo Road Extended shall be approved by the City of Hyattsville and be fully executed. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of the City. The limits of the easement shall reflect those shown on the preliminary plan of subdivision, unless the limits of the easement are modified at the time of detailed site plan due to a change to the width of the buffer zone, tree and furniture zone, or sidewalk clear zone within the frontage zone. The easement shall be recorded in the Prince George’s County Land Records, and the

liber/folio of the easement shall be indicated on the final plat prior to recordation. If the City of Hyattsville does not desire to be the beneficiary of the public access easement, the Maryland-National Capital Park and Planning Commission (M-NCPPC) may approve the easement, in which case the easement documents shall include the rights of M-NCPPC.

6. Prior to approval of a final plat, a draft public access easement for access to Parcel 3 shall be approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. The limits of the easement shall reflect those shown on the preliminary plan of subdivision. The easement shall be recorded in the Prince George's County Land Records, and the liber/folio of the easement shall be indicated on the final plat prior to recordation.
7. In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
8. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Triggers for construction shall be determined at the time of DSP.
9. Prior to submission of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA shall be noted on the final plat prior to plat recordation.
10. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.
11. Total development within the proposed preliminary plan of subdivision (PPS) shall be limited to uses which generate no more than 844 AM peak-hour trips and 3,318 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities and a new PPS.
12. The applicant shall provide a bicycle and pedestrian facilities plan that illustrates the location, limits, specifications and details of the pedestrian and bicycle adequacy improvements approved with Preliminary Plan of Subdivision 4-21032, consistent with Section 24-124.01(f) of the Prince George's County Subdivision Regulations, prior to acceptance of the detailed site plan.

13. Prior to approval of any residential building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required off-site and on-site adequate pedestrian and bikeway facilities have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency, in accordance with the applicant's bicycle and pedestrian impact statement (BPIS) submission and Section 24-124.01 of the Prince George's County Subdivision Regulations:
 - a. Off-site Improvements:
 - (1) Upgrade five existing bus stops to include shelters and benches at locations displayed in Exhibit 2-d, 3-b, and 4-b of the applicant's BPIS submission.
 - (2) Upgrade the median crossing at MD 410 (East West Highway) and Editor's Park Drive to provide adequate space to install crosswalk across the entirety of MD 410, as shown on Exhibit 2c-i of the BPIS submission.
 - (3) Upgrade 12 street ramps and crosswalks to Americans with Disabilities Act standards along Nicholson Street as shown on Exhibit 6a-6d of the BPIS submission.
 - b. On-Site Improvements:
 - (1) Provide a four-foot bicycle lane on Toledo Road Extended along its frontage on Parcel 2.
 - (2) Provide a buffer zone, tree and furniture zone, and sidewalk clear zone within the frontage zone along Toledo Road Extended on Parcel 2, with the width of the zones to be determined at the time of detailed site plan.
 - (3) Provide painting and reflectors for bicycle safety on Toledo Road Extended, along its frontage on Parcel 1.
14. Prior to acceptance of a detailed site plan, additional analyses as outlined below shall be provided to determine if the ultimate development results in the need for the following improvements:
 - a. An existing observational queue analysis and a calculated queue analysis with future traffic conditions to determine if a median connection between the two medians along the eastbound approach of the intersection of Toledo Road, Toledo Road Extended, and Belcrest Road is needed, in order to restrict the existing access driveway immediately west of this intersection, or other alternative improvements, to prevent the stacking of vehicles and blocking of the intersection.

- b. An operational analysis of Toledo Road Extended, at its intersection with Toledo Terrace, to determine if a free-flowing right-turn lane is needed at the westbound approach to prevent queuing along Toledo Road Extended, with the additional improvements to this intersection provided in Condition 15.
15. Prior to approval of the fine grading permit for the residential development on Parcel 2, the applicant and the applicant's heirs, successors, and/or assignees shall include the following improvements at the intersection of Toledo Road Extended/Toledo Place/Toledo Terrace within the permit drawings and shall be implemented in conjunction with the fine grading of Parcel 2:
 - a. Provide a stop sign at the southbound left movement located between Toledo Terrace and Toledo Road Extended.
 - b. Provide a stop sign and stop bar at the northbound approach of the intersection of Toledo Road Extended/Toledo Place/Toledo Terrace.
 - c. Remove the stop bar and stop sign at the eastbound approach of the intersection of Toledo Road Extended/Toledo Place/Toledo Terrace.

These improvements shall be shown on the detailed site plan submission prior to its acceptance.

16. Prior to approval of the fine grading permit for the residential development on Parcel 2, the applicant and the applicant's heirs, successors, and/or assignees shall include in the plans the restriping of all existing center lines, speed bumps, and crosswalks along Toledo Road Extended. A restriping plan for these improvements shall be provided as part of the detailed site plan, prior to its acceptance. These improvements will be implemented in conjunction with the fine grading of Parcel 2.
17. Prior to signature approval of the preliminary plan of subdivision, an approved stormwater management concept plan and letter shall be submitted. The limits of disturbance shall be consistent between the plans.
18. Toledo Road Extended shall be dedicated upon demand by the City of Hyattsville. When the entirety of Toledo Road Extended between Toledo Terrace and Belcrest Road is improved to a public standard including two 10-foot-wide travel lanes and a 4-foot-wide bike lane, the applicant shall file a confirmatory deed stating that the roadway is to be publicly dedicated to the City of Hyattsville, upon inspection by and approval of the City of Hyattsville. The right-of-way to be dedicated shall be as delineated on this preliminary plan of subdivision, unless the City of Hyattsville determines additional right-of-way is needed to connect Toledo Road Extended to either the intersection of Toledo Place and Toledo Terrace, or the intersection of Toledo Road and Belcrest Road.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The site is located on the north side of MD 410 (East West Highway), between Toledo Terrace and Belcrest Road. The property consists of one parcel known as Parcel A-1, which is recorded in Plat Book VJ 186 page 9. The site has an address of 3500 East West Highway and is commonly known as The Mall at Prince George's. The 51.07-acre property is in the core area of the Regional Transit-Oriented, High-Intensity (RTO-H-C) Zone. However, this preliminary plan of subdivision (PPS) was reviewed pursuant to the prior Mixed Use-Infill (M-U-I) and Transit District Overlay (T-D-O) zoning of the subject property, and pursuant to the prior Prince George's County Zoning Ordinance and Subdivision Regulations, as required, in accordance with Section 24-1703(a) of the Subdivision Regulations. The property is subject to the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment (TDDP)*.

This PPS includes subdivision of the property into three parcels for development of 380 multifamily dwelling units and 1,068,471 square feet of existing commercial gross floor area, to remain. The total existing commercial gross floor area on site is 1,129,017 square feet, but 60,546 square feet are to be razed. Of the three parcels, Parcel 1 is to contain 1,000,325 square feet of existing commercial gross floor area, the bulk of which is part of the existing mall building, and the remainder of which is contained in commercial pad site buildings near the perimeter roadways. Parcel 2 is to contain two new multifamily buildings containing the 380 dwelling units. Parcel 3 is to contain 68,146 square feet of existing commercial gross floor area, which are also part of the mall building. No change to the existing commercial uses is included with this PPS, as the commercial gross floor area to be razed is currently vacant. A PPS is required in order to obtain greater entitlement for traffic generation, permit the division of land, and construct multiple dwelling units.

The TDDP contains recommendations for The Mall at Prince George's site aimed to facilitate its long-term (post year 2035) redevelopment. Specifically, the TDDP proposes a street network on the site with block dimensions that can accommodate medium-to-high-density mixed-use development (page 73). Because this project represents a first step into infill development of the mall site, a street network cannot yet be established. However, the PPS will allow for future development of a street network, as other portions of the mall site experience infill development or are redeveloped. The multifamily buildings will be adjacent to a master-planned road known as Toledo Road Extended, located just south of the mall site's northern boundary. This road currently exists as a drive aisle for the mall, but is proposed for improvement, and it is to be ultimately dedicated to the City of Hyattsville. The PPS includes a curb-to-curb street section for this road, which is acceptable to the City of Hyattsville, as well as a sidewalk/frontage zone for the road which is in line with the TDDP vision. Substantial improvements to Toledo Road Extended and its frontage are included with this PPS only along the northern boundary of Parcel 2. However, the entirety of Toledo Road Extended is expected to ultimately be developed with the street section specified on this PPS, with improvements provided as parcels along this street are improved or redeveloped. The City has asked that the road be dedicated at a future time

when it is fully improved to a public standard. Further discussion of the TDDP recommendations, and what is needed for conformance to them, is contained in the Community Planning, Bicycle/Pedestrian, Transportation, and Urban Design findings of this resolution.

The applicant filed a variation request from Section 24-121(a)(3) of the Subdivision Regulations to allow three existing vehicular entrances to the mall site from MD 410, an arterial roadway. The request is discussed further in the Transportation finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 41 in Grids F-1 and F-2 and Tax Map 42 in Grid A-2 and is within Planning Area 68. The site is bound to the south by MD 410, to the north by multifamily apartments in the RTO-H-C (formerly M-U-I) Zone, to the west by commercial office space in the RTO-H-C (formerly M-U-I) Zone, and to the east by Belcrest Road. Surrounding the property are a variety of retail and multifamily uses formerly in the M-U-I, Multifamily High Density Residential, Mixed Use–Transportation Oriented, and Multifamily Medium Density Residential Zones, now in the core and edge areas of the RTO-H Zone.

The site and its surroundings are all formerly within the T-D-O Zone, and the project is evaluated according to the T-D-O standards. The site is within the City of Hyattsville, and the northern and most of the western property lines are coterminous with the city limits. A proposed master-planned road, Toledo Road Extended, is located with its future roadbed on the subject property and runs along the property’s northern boundary. The property is in proximity to the Prince George’s Plaza Metro Station, which is located south of MD 410.

4. **Development Data Summary**—The following information relates to the subject PPS and the approved development.

| | EXISTING | APPROVED |
|----------------|-----------------|--|
| Zones | RTO-H-C | RTO-H-C (reviewed per M-U-I and D-D-O standards) |
| Use(s) | Commercial | Commercial and Residential |
| Acreage | 51.07 | 51.07 |
| Parcels | 1 | 3 |
| Lots | 0 | 0 |
| Dwelling Units | 0 | 380 |
| Outparcels | 0 | 0 |
| Variance | No | No |
| Variation | No | Yes (Section 24-121(a)(3)) |

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on February 18, 2022. Along with the PPS, the requested variation from Section 24-121(a)(3) was accepted on

February 11, 2022, and also heard at the SDRC meeting on February 18, 2022, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The original existing development on the site was an enclosed shopping mall that was developed in the late 1950s to early 1960s. The 2016 *Approved Prince George's Plaza Transit District Overlay Zoning Map Amendment* placed the property in the M-U-I Zone and retained it in the T-D-O Zone.

A prior PPS covering the property, PPS 4-97084 (PGCPB Resolution No. 97-355), was approved in December 1997 for two parcels, Parcels A-1 and A-2. Parcel A-1 was created to support the existing mall and is now the subject site of the current PPS. Parcel A-2 was created to support an existing bank pad site at the northwest corner of MD 410 and Belcrest Road. The current PPS will supersede PPS 4-97084 for Parcel A-1 only.

A detailed site plan, DSP-99044, was originally approved for the site in July 2001. Since that time, 17 amendments to the DSP have been approved. Of these, the original DSP and the -01, -04, and -17 amendments resulted in additions to the commercial gross floor area of 87,842 square feet, 57,121 square feet, 7,685 square feet, and 8,285 square feet, respectively. The latter two additions were freestanding pad sites. In 2017, an 8,568-square-foot addition to the mall building was approved through the permitting process without a required DSP. These additions together with the 959,500 square feet in existence prior to 2001 result in the total existing commercial gross floor area of 1,129,017 square feet.

Two additional DSP amendments are relevant to the subject PPS. DSP-99044-20 was approved by the Prince George's County District Council in January 2022. This DSP approved 796 consolidated storage units in the basement of the mall building. Though this DSP did not result in any addition to the mall site's gross floor area, a traffic analysis was conducted for the new use. That analysis determined that a trip cap of 696 AM and 2,619 PM peak hour trips exists for the site, and that the existing 1,129,017 square feet of commercial gross floor area generate 573 AM and 2,613 PM peak hour trips, just below the cap. The traffic impact of the consolidated storage itself was determined to be de minimis, but the analysis concluded that any substantial change in use or addition of square footage within the site would trigger a new process for entitlements. The subject project activates this trigger, and so this PPS is necessary for the applicant to obtain a new trip cap for the property.

DSP-99044-20 also approved one-way circulation for the consolidated storage, where vehicles would be able to enter underground near the east end of the mall (just west of the Marshall's, on the north side of the building), and emerge near its west end (just east of the former JCPenney's, again on the north side of the building). The existing exit ramp bisects proposed Parcel 2 in such a way that the two multifamily buildings proposed on Parcel 2 would be on either side of the exit ramp.

DSP-99044-22 was approved administratively in February 2022. The purpose of this amendment was to demolish a portion of the former JCPenney's as well as one freestanding building on the north side of the site, resulting in a reduction of 60,546 square feet gross floor area. This

demolition is the same as reflected on the current PPS. This DSP amendment also redesigned the mall elevation, site area, and on-site parking and circulation affected by the demolition. Though DSP-99044-22 did not approve any new development, the approved plan does demarcate a space to be occupied by the future multifamily buildings proposed with this PPS, and the redesigned parking and circulation areas are intended to serve both the multifamily buildings and the existing mall. A DSP will be required for development of the multifamily buildings and, if the buildings approved with the future DSP have a different layout from what the applicant has proposed, changes may also be needed to the approved parking and circulation.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the transit district development plan are evaluated as follows:

Plan 2035

Plan 2035 places this PPS in the Prince George's Plaza Metro Downtown, which is also one of the County's eight Regional Transit Districts. Regional Transit Districts are characterized as medium- to high-density areas that should feature high-quality urban design, incorporate a mix of complementary uses and public spaces, provide a range of transportation options (such as Metro, bus, light rail, bike, and car share), and promote walkability" (page 19).

Transit District Development Plan (TDDP)

The TDDP recommends mixed-use land uses on the subject property. The property is in the Downtown Core Character Area.

In addition, the TDDP includes the following policies and strategies that affect the subject property:

Policy LU1: Promote a pedestrian-friendly, transit-supportive development pattern in the Transit District.

Strategy LU1.1: Provide consolidated public parking facilities, underground utilities, new sidewalks, street trees, bicycle facilities, landscaping, and public spaces to build the urban fabric and infrastructure needed to support and facilitate new development opportunities.

Strategy LU1.2: Incorporate an integrated and safe pedestrian, bicycle, and transit circulation network into the overall design of the Transit District (see the Transportation and Mobility section).

Policy LU2: Create sufficient residential capacity to help meet the County's Growth Management Goal of 50 percent of new dwelling units within Regional Transit Districts.

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

Strategy LU2.2: Encourage high-rise and mid-rise apartments, condos, and townhouses, consistent with the Regional Transit District Growth Management Goal.

Strategy LU2.3: Rezone commercially zoned properties to mixed-use zones, increasing available space for dense residential construction.

Policy LU4: Concentrate medium- to high-density development in the Downtown Core.

Strategy LU4.1: Frame streets in the Downtown Core with mixed-use buildings containing active ground uses, such as retail, community spaces, and institutions to enliven these key routes.

Strategy LU4.2: Explore opportunities to co-locate or relocate public facilities and community services to the Downtown Core to help catalyze redevelopment in the Transit District.

Strategy LU4.3: Concentrate the largest buildings at key intersections and near the Metro station.

Policy LU5: Create sufficient commercial capacity to help meet the County's Growth Management Goal of 50 percent of new jobs in Regional Transit Districts.

Strategy LU5.1: Use mixed-use zoning to allow for market responsiveness in the Downtown Core.

Strategy LU5.2: Work with property owners to retain current retail and commercial tenants while simultaneously marketing the Transit District to new retailers, offices, and other commercial enterprises.

Policy TM3: Construct the envisioned network of Complete and Green Streets to support the circulation and urban design goals of the TDDP.

Strategy TM3.1: Extend Toledo Road (P-202) as a two-lane municipal street with on-street parking and bicycle accommodation from its current terminus at Belcrest Road westbound along the existing drive aisle on the northern border of The Mall at Prince George's to a new terminus at Toledo Terrace. (see Figure 4 for an illustrative section of the new street).

Policy HN1: Provide a variety of housing types and unit sizes, and neighborhoods to accommodate and meet the demands of existing and future residents in the Transit District.

Policy HD1: Redevelop the Transit District at a walkable scale, with a network of Complete and Green Streets as its backbone.

Strategy HD1.1: Limit the size of blocks to 500 feet maximum; smaller blocks are strongly encouraged.

Strategy HD1.2: Permit the highest densities closer to the Metro station and the intersection of Belcrest Road and MD 410 (East West Highway).

Strategy HD1.3: Create a hierarchy of new Complete and Green Streets to provide connectivity and allow for all buildings to front directly onto the street network. Require sidewalks on both sides of all streets. Retrofit existing streets to meet Complete and Green Streets standards. Require separation of blocks by streets, and encourage the subdivision of blocks by streets, public open spaces, or pedestrian promenades.

Strategy HD1.4: Encourage infill redevelopment in the Downtown Core to precede residential redevelopment in the Neighborhood Edge.

Strategy HD1.5: Prohibit culs-de-sac or other truncated streets in the Downtown Core, except where topography necessitates.

Strategy HD1.6: Prohibit pad site development.

The proposed development is in support of the above policies and follows the recommended strategies, where appropriate, in order to support those policies.

Zoning Map Amendments

The 2016 *Approved Prince George's Plaza Transit District Overlay Zoning Map Amendment* placed the subject property in the M-U-I Zone and retained it in the T-D-O Zone.

The 2021 *Approved Countywide Sectional Map Amendment* reclassified the subject property into the RTO-H-C Zone.

Overlay Zone Conformance

The proposed building layout of the project is not approved with this PPS, but rather will be reviewed and considered for approval at the time of DSP. Nevertheless, review of the PPS and the proposed building layout (shown on the stormwater management (SWM) concept plan, as well as a conceptual illustration submitted by the applicant) has identified potential future conformance issues to the T-D-O Zone, resulting from the following transit district standards:

Streets and Frontage | Streets: Alleys or service drives, where necessary, shall be included within blocks and shall not divide one block from another (page 207).

Streets and Frontage | Blocks: The street network shall define blocks of up to 500 linear feet on each side. Each side of a block shall not be more than 500 linear feet from right-of-way to right-of-way (page 208).

Streets and Frontage | Blocks: A block shall be divided by an A, B, or Pedestrian Street, or a Promenade, to allow a pedestrian or vehicular connection from the front of the block to the rear of the block (page 208).

Streets and Frontage | Blocks: Alleys or service drives, where necessary, shall be included within blocks and shall not divide one block from another (page 208).

The proposed building layout includes two new multifamily buildings along Toledo Road Extended, separated only by a service drive (the exit loading ramp from the underground storage facility). Therefore, the buildings would be part of the same block. There are approximately 650 feet between the intersection of Toledo Road Extended and Toledo Terrace and the eastern wall of the eastern building, which would result in a block length over 500 feet. At the time of DSP, the applicant will need to meet the requirements of the T-D-O Zone, including the standards for block length, which may require revising the building layout or securing the necessary amendments to the transit district standards through the procedures of Section 27-548.08 of the Zoning Ordinance. It is noted that Parcel 2 has been approved with this PPS, regardless of the ultimate dimensions of any new block established, as the parcel would be able to accommodate a new private street within its boundaries.

Based on the forgoing, pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this PPS conforms to the land use recommendations of the TDDP.

7. **Stormwater Management**—An unapproved SWM Concept Plan (41463-2021) was submitted with this PPS, which shows a series of inlet and outfall connections on-site. An approved SWM concept plan will be required as part of the application at time of DSP review.

In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the SWM concept plan, and any subsequent revisions, to ensure no on-site or downstream flooding occurs.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the TDDP, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreation and facilities.

The subject property is not adjacent to any Maryland-National Capital Park and Planning Commission (M-NCPPC) property, however, there are several M-NCPPC parks within a 1.5 mile radius of the subject property including: Prince George's Plaza Community Center to the northeast which includes a community center, gymnasium and playground; Northwest Branch Stream Valley Park to the west which includes a master-planned trail and picnic tables; Lewisdale Park to the west which includes a trail and playground; Heurich Park to the southwest which

includes a trail, picnic tables, and a turf athletic field; and Hyattsville-Dietz Park to the southeast which includes a playground and trail.

The TDDP indicates the locations of several desired parks and future recreational facilities on or near the subject property. As noted on Map 20 (page 115), items 6, 7, and 9 affect the subject plan area. The specific areas are further identified on Table 17 (page 116):

- **Location 6:** Intersection of Toledo Road extended and Toledo Terrace—a central commons or greenspace. This is the area noted on the north side of proposed Parcel 2 (off the subject property), and the future development plans for the residential development north of the site could address this concept.
- **Location 7:** South side of Toledo Road extended—a plaza or commons square. This is a floating location but is generally central to the northern boundary of the site on proposed Parcel 1 (east of the new multifamily buildings). Future plans submitted for development of this area must address this concept.
- **Location 9:** Main entrance to The Mall at Prince George’s—a plaza or linear park. This is a floating location but is generally located central to the southern boundary of the site on proposed Parcel 1. Future plans submitted for development of this area must address this concept.

Per Section 24-134(a) of the Subdivision Regulations, at the time of PPS, the residential portion of this subject property (Parcel 2) is subject to mandatory dedication. Based on the density, 0.77-acre of parkland dedication is needed to meet this requirement.

Per Section 24-135 of the Subdivision Regulations, the Prince George’s County Planning Board may approve a fee-in lieu of parkland dedication or on-site recreational facilities to meet the parkland dedication requirement. Per Section 24-135(b) of the Subdivision Regulations, recreational facilities may be approved, provided the following:

- (1) **Such facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication.**
- (2) **The facilities will be properly developed and maintained to the benefit of future residents.**

The PPS identifies the use of on-site private recreation facilities to meet the mandatory dedication requirements. On a conceptual basis, the proposal indicates the provision of a main courtyard pool with grilling areas and lounge areas that will be located within the courtyards of the multifamily buildings.

Based on the ability of future development to provide the public parks and recreational facilities recommended by the TDDP, it is acceptable for the applicant to provide on-site private recreation facilities to meet the needs of the new residents of the proposed multifamily buildings. The

design of the recreational facilities will be reviewed with the DSP. With the submission of the DSP, the applicant should also consider facilities or amenities on-site that would enhance off-site Location 6, as identified on the TDDP.

Future residents would be best served by the provision of on-site recreational facilities, and the on-site recreational facilities will meet the requirements of mandatory park dedication, as required by Section 24-135(b).

The PPS is in conformance with the applicable master plans and the requirements of Subtitle 24, as they pertain to parks and recreation facilities.

9. **Bicycle/Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the TDDP, and the Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation recommendations.

Master Plan Pedestrian and Bike Facilities

The subject site is located adjacent to Toledo Terrace, which contains a constructed bicycle lane from its intersection with MD 410 to its terminus at Belcrest Road, per MPOT recommendations. The subject PPS contains a street section of Toledo Road Extended, which has been modified by the City of Hyattsville, and displays a four-foot-wide future bicycle lane along the south side of Toledo Road Extended. The street section also displays a tree and furniture zone and a sidewalk clear zone along the north frontage of the subject property within the frontage zone. The improvements shown in the street section will, in the interim condition between development of this project and full development of Toledo Road Extended, only be provided along the frontage of Parcel 2. The applicant shall provide painting and reflectors for bicycle safety along the portion of Toledo Road Extended, fronting Parcel 1, in order to provide connectivity to the bicycle lane fronting Parcel 2.

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

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.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The pedestrian and bicycle facilities meet the MPOT and TDDP recommendations.

Analysis of Bicycle and Pedestrian Impacts

The subject property falls within the Prince George's Plaza Metro Center per Plan 2035, and therefore, is required to provide bicycle and pedestrian adequacy improvements, pursuant to

Section 24-124.01 of the Subdivision Regulations and the “Transportation Review Guidelines, Part 2.” The applicant submitted a bicycle and pedestrian impact statement (BPIS) to evaluate bicycle and pedestrian adequacy and established a cost cap of \$133,922, per Section 24-124.01(c) of the Subdivision Regulations.

Off-Site Adequacy

The applicant’s BPIS includes several off-site improvements that are within the projected cost cap as provided in Exhibit 7 of the BPIS. The applicant’s off-site improvements will include the following:

1. Upgrades to five bus stops to provide shelters and benches for patrons waiting for bus arrivals. Two of these shelters will be located directly south of the intersection of Toledo Terrace and Toledo Place as displayed on Exhibit 3b of the BPIS. Two additional shelters will be located along Belcrest Road, north of its intersection with Toledo Terrace as displayed on Exhibit 4b of the BPIS. The final shelter is located along the north side of MD 410 directly west of the primary mall entrance as displayed on Exhibit 2d of the BPIS.
2. Upgrades to the median crossing at MD 410 and Editor’s Park Drive to provide adequate space to install crosswalk markings across the entirety of MD 410, as shown on Exhibit 2c-i of the BPIS.
3. Upgrades to 12 street ramps and crosswalks to bring them to Americans with Disabilities Act standards, located along Nicholson Street as shown on Exhibit 6a–6d of the BPIS. Additional details and the specific location of these improvements are contained within the BPIS.

It is noted that the applicant’s BPIS includes a list of alternative improvements (on page 6) proposed to meet off-site adequacy requirements in case any of the above three primary proposed improvements cannot be constructed. However, the BPIS did not include enough information about these alternatives to determine if they would provide an equal level of pedestrian and bicycle adequacy to the primary improvements. Therefore, these proposed improvements shall not be used as alternatives, if any of the primary improvements cannot be constructed.

On-site Adequacy

On-site pedestrian and bicycle adequacy facilities are also required pursuant to Section 24-124.01(b) of the Subdivision Regulations. The BPIS indicates that the site will be served by a series of interconnected pedestrian facilities and on-road bicycle facilities that will allow pedestrian and bicycle users to safely navigate the site and the existing bicycle/pedestrian facilities fronting the mall. The PPS shows that the layout and design of the internal network will accommodate these pedestrian and bicycle facilities. As previously mentioned, the applicant will provide a four-foot-wide bike lane and an improved streetscape along Toledo Road Extended fronting Parcel 2. The applicant shall provide painting and reflectors for bicycle safety along the eastern portion of Toledo Road Extended fronting Parcel 1, in the interim condition, in order to

provide adequate bicycle circulation on-site until the eastern portion of Toledo Road Extended is constructed to its ultimate condition.

Demonstrated Nexus

The off-site pedestrian and bicycle improvements are all within 0.50 mile of the subject property. The off-site pedestrian facilities and improvements will improve pedestrian and bicycle movement in the immediate vicinity of the subject property while also complementing nearby existing development.

Pursuant to Section 24-124.01, there is a demonstrated nexus between the off-site facilities and improvements for the development and nearby destinations.

Planning Board Meeting of April 21, 2022

At the Planning Board meeting on April 21, 2022, members of the Board raised concerns about the safety of the bicycle facilities to be provided along Toledo Road Extended, as well as the safety of the existing pedestrian connections going from the apartments north of the mall across Toledo Road Extended to the mall parking lot. The commissioners requested that the interim condition of Toledo Road Extended better address bicycle and pedestrian safety, especially on Parcel 1 where the applicant did not propose improvements.

Condition 16 is imposed (in part) to ensure that, in the interim condition, all existing crosswalks and other pedestrian safety measures such as speed bumps will be restriped, so that they will be clearly visible to both pedestrians and motorists and improve pedestrian safety. A restriping plan for Toledo Road Extended is required as part of the future DSP submission. The condition does not include striping of new crosswalks across Toledo Road Extended, as that would encourage pedestrians to cross the road more often, and in more locations than they do already, and that should be discouraged given the expected increase in motorist activity on the road. In the interim condition, crossings should be limited to the locations where they were planned under prior development, which are clearly demarcated by sidewalks and brick piers on the apartment property's side of the road. In the ultimate condition, pedestrian safety will be assured by having sidewalk frontage zones on both sides of Toledo Road Extended, and crosswalks at the road's intersections with future roads internal to the mall site.

Condition 13(b)(iii) is imposed to improve bicycle safety on Parcel 1, in the interim condition. Staff's recommendation for Parcel 1 was that the applicant should provide sharrows, however, the Board judged sharrows to be an inadequate improvement to properly address safety of bicyclists. In response, the applicant proffered to provide a plan at the time of DSP that would address bicyclist and vehicular painting, striping, and reflectors for the interim improvements for Toledo Road Extended on Parcel 1.

Based on the preceding findings, adequate bicycle and pedestrian facilities will exist to serve the proposed subdivision, in accordance with Subtitle 24.

10. **Transportation**—Transportation-related findings for adequacy are made for this PPS, in accordance with the Subdivision Regulations, along with any needed determinations related to dedication, access, and general subdivision layout.

Master Plan Right-of-Way

The subject site has frontage along Toledo Road Extended, which currently operates as a drive aisle along the northern edge of the Mall at Prince George's site. Toledo Road Extended does not carry a master plan designation in the 2009 MPOT. However, within the TDDP, Table 14 (page 84) of the plan recommends Toledo Road as a new local municipal road with 60 feet of right-of-way which shall be dedicated to the City of Hyattsville. This recommendation amends the MPOT. Though Toledo Road Extended fronts the entire northern section of the property, the subject PPS will only improve Toledo Road Extended along the frontage of Parcel 2. The remaining portion of Toledo Road Extended (which fronts Parcel 1) will remain in its existing configuration, in the interim condition, until the future development or redevelopment of Parcel 1 occurs and Toledo Road Extended is constructed to its ultimate condition. Per the City of Hyattsville's recommendation, the road will not be dedicated at this time, but rather after the full reconstruction of Toledo Road Extended. The applicant's submittal displays Toledo Road Extended from its intersection with Toledo Terrace to its intersection with Belcrest Road, and contains a note which reads, "Public access easement and area for future dedication to City of Hyattsville after full construction of ultimate right of way." In the interim condition, the applicant shall improve the section of the Toledo Road Extended drive aisle, along Parcel 1's frontage, to fully delineate the existing 12-foot-wide lanes. A study shall also be conducted to determine if additional improvements are needed at the drive aisle's intersection with Belcrest Road, to ensure adequate circulation and to enhance safety, given the new trips that will access the site at this intersection. This study is discussed in the Interim Improvements to Toledo Road Extended section below.

In addition, the site has frontage on MD 410 (an arterial road), Belcrest Road (a collector road), and Toledo Terrace (a primary road). No right-of-way dedication is needed to any of these roads. The PPS will conform with the MPOT and TDDP recommendations for master plan roadways.

Analysis of Traffic Impacts

Because the project is expected to generate more than 50 peak-hour trips, a traffic impact study was submitted. The traffic study was referred to the Prince George's County Department of Public Works and Transportation and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), as well as the Maryland State Highway Administration.

The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level-of-Service E, with signalized intersections operating at a critical lane volume of 1,600 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

Trip Generation

The PPS is for residential and commercial development. The table below summarizes trip generation in each peak hour used in reviewing traffic and developing a trip cap for the site:

| Trip Generation Summary: PPS 4-21032: Hyattsville Crossing | | | | | | | | |
|---|---------------------|---------------|---------------------|------------|------------|---------------------|-------------|-------------|
| Land Use | Use Quantity | Metric | AM Peak Hour | | | PM Peak Hour | | |
| | | | In | Out | Tot | In | Out | Tot |
| Shopping Center (Existing Footprint) | 1,129,017 | Square Feet | 444 | 272 | 716 | 1568 | 1699 | 3267 |
| Shopping Center (gross floor area to be removed) | 60,546 | Square Feet | | | | | | |
| Net Shopping Center | 1,068,471 | Square Feet | 425 | 261 | 686 | 1505 | 1631 | 3136 |
| Net Shopping Center Trips lost due to gross floor area removal | | | -19 | -11 | -30 | -63 | -68 | -131 |
| Apartments (Garden and Mid-Rise) | 380 | Units | 40 | 158 | 198 | 148 | 80 | 228 |
| Apartments Transit Credit: 20% | | | -8 | -32 | -40 | -30 | -16 | -46 |
| Net Apartment Trips | | | 32 | 126 | 158 | 118 | 64 | 182 |
| Total Proposed Trips | | | 457 | 387 | 844 | 1623 | 1695 | 3318 |
| Recommended Trip Cap | | | | | 844 | | | 3318 |

The traffic generated by the PPS will impact the following intersections and links in the transportation system:

- MD 410 / Toledo Terrace (signalized)
- Belcrest Road / Toledo Terrace (converted from unsignalized to signalized)
- Belcrest Road / Toledo Road (signalized)

- Toledo Terrace / Toledo Place (unsignalized)
- MD 410 / Southwest site access (unsignalized)

Existing Traffic

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

| EXISTING TRAFFIC CONDITIONS | | | | |
|--|--|--|---------------------------------|---|
| Intersection | Critical Lane Volume (AM and PM) | | Level of Service (AM and PM) | |
| | MD 410 / Toledo Terrace | 944 | 1222 | A |
| Belcrest Road / Toledo Terrace | 129.7 Sec* (Converted to Traffic Signal) | 228.6 Sec* (Converted to Traffic Signal) | A | B |
| Belcrest Road / Toledo Road | 468 | 787 | A | A |
| Toledo Terrace / Toledo Place * | 16.5 Sec* | 27.7 Sec* | - | - |
| MD 410 / Southwest site access * | 11.2 Sec* | 13.0 Sec* | - | - |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy. | | | | |

Total Traffic

The critical intersections identified above, when analyzed with total future traffic as developed using the “Transportation Review Guidelines, Part 1” (Guidelines), including the site trip generation as described above, operate as follows:

| TOTAL TRAFFIC CONDITIONS | | | | |
|--|--|--|---------------------------------|---|
| Intersection | Critical Lane Volume (AM and PM) | | Level of Service (AM and PM) | |
| | MD 410 / Toledo Terrace | 1306 | 1552 | D |
| Belcrest Road / Toledo Terrace | 1008 (Converted to Traffic Signal) | 1026 (Converted to Traffic Signal) | B | B |
| Belcrest Road / Toledo Road | 670 | 1012 | A | B |
| Toledo Terrace / Toledo Place * | 27.7 Sec* | 147.5 Sec* | - | A |
| Step 2 – Minor Street Volume Test | | >100 Veh | | |
| Step 3 – Critical Lane Volume Test | | 970 | | |
| MD 410 / Southwest site access * | 12.4* | 15.6* | - | - |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy. | | | | |

The applicant's traffic impact study indicates an increase of new trips accessing the site at the intersection of Toledo Road, Belcrest Road, and Toledo Road Extended. Due to the intensification of traffic at this intersection, and in accordance with the required findings of Section 24-124 of the Subdivision Regulations, the applicant shall conduct additional analysis of this intersection, to determine if there is a need to limit the access of the internal driveway immediately adjacent to this intersection. The purpose of this analysis and any resulting improvements will be to eliminate additional conflicts and stacking at this location with the increase of new trips. This analysis is discussed further in the Interim Improvements to Toledo Road Extended section below.

Per the Guidelines, adequacy is to be determined with this PPS. Based on the traffic analysis above, all critical intersections will operate at adequate levels of service.

Interim Improvements to Toledo Road Extended

The applicant will use Toledo Road Extended as the northern access to the mall site and improve Toledo Road Extended along the frontage of Parcel 2, in accordance with the recommended standards from the City of Hyattsville. However, the portion of Toledo Road Extended fronting on Parcel 1 will remain in its existing configuration until future development or redevelopment occurs along the roadway.

In the interim condition, the PPS shows a proposed public access easement along the entirety of Toledo Road Extended. As previously discussed, the City of Hyattsville does not intend to accept the dedication of Toledo Road Extended, until it has been fully constructed. The PPS contains a street section showing two travel lanes and a 4-foot-wide bicycle lane within a 25-foot roadbed, and within the limits of the public access easement, in front of Parcel 2. The street section also shows pedestrian amenities along the south side of Toledo Road Extended, but the public access easement does not include these pedestrian amenities. Prior to signature approval of the PPS, the applicant shall update the plan to include a wider public access easement along the frontage of Parcel 2, for the purpose of including the pedestrian streetscape amenities. As discussed in the City of Hyattsville finding of this resolution, the public access easement shall be 38 feet wide in this location, but the width may be adjusted at the time of DSP and final plat, depending on the exact width of the pedestrian amenities approved. On Parcel 1, prior to signature approval of the PPS, the applicant shall expand or modify the public access easement, as needed, to ensure the existing interim drive aisles from Belcrest Road to Parcel 2 are fully encompassed by the easement. This is needed because the PPS, as submitted, shows part of the easement over Toledo Road Extended's delineated future location, rather than its current location. The easement must cover the existing access, in order to ensure it provides access to Parcel 2, in the interim condition.

In addition, prior to approval of the fine grading permit for the residential development on Parcel 2, the applicant shall restripe all center lines, speed bumps, and crosswalks along the portion of Toledo Road Extended on Parcel 1, which will remain in its current configuration in the interim condition. This will ensure continued safety and functionality of the drive aisles for motorists, bicyclists, and pedestrians, in the interim condition.

A median is currently located along the west leg of the Toledo Road/Toledo Road Extended/Belcrest Road intersection with an additional median located approximately 48 feet west of this median. This median break essentially creates a second intersection (driveway) along Toledo Road Extended approximately 125 feet from its intersection with Belcrest Road. This access configuration allows drivers entering the site to make an immediate left turn to access a north-south drive aisle located along the east side of the mall site. The proximity of the internal intersection/driveway to the Belcrest Road/Toledo Road intersection may have safety implications, with the addition of new vehicles added to the site. The additional traffic may increase conflicts along Toledo Road and cause additional queuing, which may impede traffic operations along Belcrest Road. To address this issue, the applicant shall perform an existing operational queue analysis and a calculated queue analysis with future traffic conditions to determine what improvement in this location, if any, is needed to prevent the stacking of vehicles and blocking of the intersection. The applicant may need to connect the first and second median along the eastbound approach; thereby, eliminating the ability for drivers to make an immediate left upon entering the mall site. Such a connection would allow for better flow of traffic at the intersection of Toledo Road and Belcrest Road. The connection would also create additional vehicle storage for the eastbound approach of the intersection, which would improve delays and queuing at this approach.

The applicant's submission contains an exhibit indicating proposed lane use and traffic controls at the intersection of Toledo Place/Toledo Terrace/Toledo Road Extended, which is the northwestern primary point of access for the subject site. Toledo Place extends south of Toledo Terrace here to intersect Toledo Road Extended. South of Toledo Terrace, the applicant will remove the southbound stop sign and stop bar along Toledo Place. The applicant will also install stop signs along the east and westbound portions of Toledo Road Extended at its intersection with Toledo Place, indicating that drivers entering the site from Toledo Place do not have to stop. A memo from DPIE was received stating that, during the permitting stage, the applicant will be required to extend Toledo Place between Toledo Terrace and Toledo Road Extended to account for the possibility of eastbound vehicular spillback onto Toledo Terrace. In addition, the applicant shall perform an operational analysis of this intersection to determine if a free-flowing right-turn lane is needed at the westbound approach, in order to prevent queuing along Toledo Road Extended resulting from the above-described lane use and traffic control changes. The lane use and traffic control changes shall be implemented with the fine grading of Parcel 2.

Access to MD 410

The mall site fronts on MD 410 and has three existing direct vehicular access driveways to this arterial roadway, which are proposed to remain. Section 24-121(a)(3) requires that when lots are proposed on land adjacent to a roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. The applicant, in order to allow the continued use of the direct access driveways to serve Parcel 1, submitted a request for a variation from Section 24-121(a)(3).

Variation

Section 24-113 of the Subdivision Regulations requires that the following criteria be met for the Planning Board to approve a variation. The criteria are in **bold** text below, while findings for each criterion are in plain text.

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.**

The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property. According to the applicant, the site has had three direct access driveways to MD 410 for approximately 60 years. The existing driveways allow safe access to the property. By contrast, if the access driveways were to be closed, all traffic entering the mall would have to be routed through the site entrances from Toledo Terrace and Belcrest Road, significantly increasing the traffic load on these entrance points. The increase in traffic could prove injurious to other property.

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

The mall is a large site with public roadways fronting on two sides and one corner. The three access driveways have been in use for approximately 60 years to provide primary access to the largest abutting public roadway and meet the needs of the existing mall development which is to remain at this time. These conditions are unique to the property and are not generally applicable to other properties.

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

The applicable regulation and the approval of a variation is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Therefore, granting the variation will not violate any other applicable law, ordinance, or regulation.

- (4) **Because of the particular 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 regulations is carried out.**

Given the property's unique physical surroundings, a particular hardship to the owner would result if the strict letter of these regulations is carried out. The area around the subject site is highly developed with infrastructure that has existed for almost 60 years. The surrounding development and infrastructure rely on the current location of the access driveways. Without the cooperation of adjoining and nearby property owners and the road operating agencies, the access driveways could not practically be located in any other place. In addition, requiring the applicant to comply with the strict letter of the regulations would have practical consequences. Due to MD 410's large volume of daily traffic and the many visitors the mall draws, access from MD 410 is the most suitable location for the site's primary ingress and egress. If traffic had to be rerouted onto Belcrest Road and Toledo Terrace to provide access, the roads would not be able to support the influx of traffic, which would create a hardship for the applicant, owners of surrounding properties, and anyone driving in the area.

- (5) **In the R-30, R-30C, R-18, R-18C, R-IOA, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This property is not in any of the above listed zones. Therefore, this section does not apply.

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations. Therefore, a variation from Section 24-121(a)(3) is approved to allow the three existing direct access driveways to remain.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, in accordance with Subtitle 24.

11. **Schools**—This PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George's County Council Resolutions CR-23-2001 and CR-38-2002, *Amended Adequate Public Facilities Regulations for Schools*. The subject property is located within Cluster 2, as identified in the 2020 Update of the

Pupil Yield Factors and Public-School Clusters. A school impact analysis was conducted and the results are, as follows:

Impact on Affected Public School Clusters by Dwelling Units

| | Affected School Cluster | | |
|--|-----------------------------|-------------------------|-----------------------|
| | Elementary School Cluster 2 | Middle School Cluster 2 | High School Cluster 2 |
| Multifamily Dwelling Units | 380 DU | 380 DU | 380 DU |
| Multifamily Pupil Yield Factor (PYF) | 0.162 | 0.089 | 0.101 |
| SFD x PYF = Future Subdivision Enrollment | 61.56 | 33.82 | 38.38 |
| Adjusted Student Enrollment 9/30/19 | 22,492 | 9,262 | 9,372 |
| Total Future Student Enrollment | 22,554 | 9,296 | 9,410 |
| State Rated Capacity | 19,425 | 7,121 | 8,494 |
| Percent Capacity | 116 % | 131 % | 111% |

Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$10,180 per dwelling if a building is located between I-95/495 (Capital Beltway) and the District of Columbia; \$10,180 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 \$17,451 per dwelling for all other buildings. This project is located between the Capital Beltway and the District of Columbia; thus, the surcharge fee is \$10,180. This fee is to be paid to DPIE at the time of issuance of each building permit.

- Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities will be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated February 16, 2022 (Thompson to Diaz-Campbell), incorporated by reference herein.

The PPS was reviewed for conformance to the TDDP recommendations for public facilities, as required by Section 24-121(a)(5) and Section 24-122 of the Subdivision Regulations. The TDDP provides goals and policies related to public facilities (pages 112–113). The proposed development aligns with the TDDP goal to provide “accessible, state-of-the-art public facilities that efficiently serve the Transit District and surrounding communities,” and the areawide General Public Facility, Schools, Library and Public Safety Policies and Strategies. There are no police, fire and emergency medical service facilities, schools, parks, or libraries proposed on the subject property by the TDDP.

13. **Use Conversion**—The total development included in this PPS is for 380 multifamily units and 1,068,471 square feet of existing commercial gross floor area in the M-U-I Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the existing public rights-of-way of MD 410 to the south, Belcrest Road to the east, and Toledo Terrace to the northwest. The plan shows the required PUEs along these roadways.

Though Toledo Road Extended is a master-planned roadway, it is not proposed for dedication at this time. Therefore, a PUE is not required along it. If the roadway is dedicated with a future PPS, a PUE will be required at that time.

15. **Historic**—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.

The sector plan includes policies, and strategies related to historic preservation (page 109). However, these relate to specific historic resources located off the subject site, and are not applicable to the subject development.

16. **Environmental**—The subject PPS (4-21032) was received on February 9, 2022. Comments were provided in a SDRC meeting on February 18, 2022. Revised information was received on March 11, 2022.

The following applications and associated plans for the subject site applicable to this case were previously reviewed:

| Development Review Case Number | Associated Tree Conservation Plan or Natural Resources Inventory Number | Authority | Status | Action Date | Resolution Number |
|--------------------------------|---|------------------|----------|-------------|-------------------|
| 4-97084 | NA | Planning Board | Approved | 12/11/1997 | 97-355 |
| NA | NRI-080-12 | Staff | Approved | 5/4/2012 | NA |
| NA | NRI-080-12-01 | Staff | Approved | 5/4/2012 | NA |
| NA | NRI-080-12-02 | Staff | Approved | 5/14/2012 | NA |
| NA | NRI-080-12-03 | Staff | Approved | 10/21/2021 | NA |
| DSP-99044 | TCPII-100-00 | District Council | Approved | 7/10/2001 | 01-77 |

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010, because it is a new PPS.

Conformance with Prior Approvals

Preliminary Plan of Subdivision

Under Subtitle 25, a site that has not been wooded since the 1989 Woodland Conservation and Tree Preservation Ordinance went into effect would be eligible for a standard letter of exemption. Under the current TDDP, there are no policies requiring afforestation on sites within the T-D-O area that would otherwise be exempt from the current 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO). However, at the time of review of PPS 4-97084, it was determined that although the site was exempt from the WCO, it would be assigned a Type II Tree Conservation Plan (TCPII-100-00). This was solely for the purpose of recording the 10 percent tree canopy requirement of the TDDP because the canopy requirement was allowed to be met in an offsite woodland conservation mitigation bank.

Because the canopy requirement was allowed to be met in a mitigation bank, it was necessary to assign a TCPII to this site to record the requirement associated with the bank. The TCPII is not associated with a WCO woodland conservation requirement. Therefore, this project qualifies for an exemption from the WCO requirements based on the existing conditions at the time of this PPS. A woodland conservation exemption letter will be required at the time of permit review.

Detailed Site Plan DSP-99044

There are no relevant conditions of approval in the approved resolution for DSP-99044 that are directly tied to this PPS. As previously mentioned, this project qualifies for an exemption from the WCO.

Conformance with Applicable Plans—Environmental

Plan 2035

The site is located within Prince George’s Plaza area of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental

Protection Areas Map, as designated by Plan 2035, and the Established Communities of the General Plan Growth Policy (2035).

TDDP Conformance

The site is located within the Downtown Core Land Use Character Area of the TDDP. In the T-D-O Zone, the Natural Environment section contains policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **bold** is from the master plan and the plain text provides comments on plan conformance.

Policy NE1: Manage stormwater volumes through a combination of measures to reduce impacts on receiving streams and downstream properties.

Policy NE2: Restore and improve water quality in the Northwest and Lower Northeast Branch watersheds.

This project has an unapproved SWM concept plan currently under review by DPIE, Case No.41463-2021. DPIE will review the site for conformance with state and local stormwater design.

Policy NE3: Increase tree canopy coverage and reduce the amount of connected impervious surfaces within the Transit District.

The Development Review Division will review for conformance with the Prince George's County Tree Canopy Coverage Ordinance and opportunities to reduce the impervious surfaces, during DSP review.

Policy NE4: Encourage the integration of green building techniques into all building designs to help reduce overall energy and water consumption.

The use of green building and energy conservation techniques should be used as appropriate. The use of alternative and renewable energy sources such as solar, wind, and hydrogen power are also encouraged.

Policy NE4: Address adverse impacts of transportation-related noise.

The site abuts MD 410, an arterial roadway that is a significant source of transportation-related noise. However, the residential uses included with this PPS are located on the opposite side of the site from MD 410 (approximately 780 feet away), and so would not be affected by the noise generated by this roadway.

2017 Countywide Green Infrastructure Plan

The site does not contain any Regulated or Evaluation Areas within the designated network of the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource*

Conservation Plan: A Countywide Functional Master Plan (Green Infrastructure Plan). The site is entirely developed.

Based on the layout shown on the PPS, the project demonstrates conformance with the applicable policies and strategies of the Green Infrastructure Plan.

Environmental Review

Natural Resources Inventory Plan

The site has an approved Natural Resources Inventory plan (NRI-080-12-03) which correctly shows the existing conditions of the property. No specimen or historic trees are associated with this site. This site is not associated with any regulated environmental features such as streams, wetlands, or associated buffers. The site is not associated with any areas of County regulated 100-year floodplain.

Woodland Conservation

This site qualifies for an exemption from the WCO. As previously discussed, the previously approved TCPII for the site, TCPII-100-00, was assigned to the site to record a 10 percent tree canopy requirement that was required from a prior version of the TDDP. The canopy requirement was met and recorded in an offsite mitigation bank under TCPII-040-01; however, TCPII-100-00 was not associated with any requirement of the WCO. This unique action was taken to ensure the existence of a record to confirm that the site met the prior TDDP requirement. A Type 1 tree conservation plan is not required at this time.

Soils

The predominant soils found to occur, according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Urban land (0–2 percent slopes), Russet-Christiana-Urban land complex (0–6 percent slopes), and Christiana-Downer-Urban land complex (5–15 percent slopes).

No unsafe soils containing Marlboro clay have been identified on or within the immediate vicinity of this property. Christiana clay is mapped within or in close proximity of the site. However, there are no geotechnical concerns since no significant grading changes onsite are anticipated.

Preservation of Regulated Environmental Features

Section 24-130 (b)(5) of the Subdivision Regulations requires the following finding:

The Planning Board shall require that proposed subdivisions conform to the following: Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25.

No regulated environmental features will be impacted by the proposed development, and 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 Section 24-130(b)(5).

Specimen, Champion, or Historic Trees

In accordance with approved NRI-080-12-03, no specimen, champion, or historic trees have been identified on the subject property. No further information is required regarding specimen, champion, or historic trees.

- 17. **Urban Design**—The development project will be subject to DSP review.

Conformance with the Requirements of the Prince George’s County Zoning Ordinance and the Prince George’s Plaza Transit District Overlay (T-D-O) Zone Standards

In accordance with the TDDP, new development in the T-D-O-Zone is subject to DSP review. New development must show compliance with the Prince George’s Plaza T-D-O Zone standards in the site plan review process. For development standards not covered by the TDDP, the Zoning Ordinance, and the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) shall serve as the requirements, as stated in Section 27-548.04 of the Zoning Ordinance. The site’s conformance with the applicable T-D-O Zone standards will be evaluated at time of DSP approval.

The T-D-O Zone standards specifically applicable to this site will be reviewed for conformance at time of DSP, and are provided for informational purposes as follows:

- a. The T-D-O Zone standards in Table 42 (page 211) have specific requirements for building orientation and minimum frontage zone depths for development fronting on the existing public street system, including Toledo Terrace where the proposed multifamily buildings will have part of their frontage. The applicant should make certain that the following requirements can be accommodated:

| | Toledo Terrace |
|--|--|
| Building Orientation (entrance location) | Front, side |
| Total Frontage Minimum Depth Requirement/Minimum Build-To Line | 20 feet |
| Total Frontage Maximum Depth Requirement/Maximum Build-To Line | 25 feet (South/East Side of Toledo Terrace) |
| Off-Street Parking Type permitted | Structured |
| New Driveway permitted | No |

- b. The TDDP also recommends an extension of Toledo Road that will run along the northern boundary of the subject site and connect to Toledo Terrace. The multifamily buildings will front on this roadway as well, and a minimum frontage zone depth of 20 feet is recommended by the TDDP for this frontage. As discussed further in the City of Hyattsville finding of this resolution, the street

section proposed by the applicant shows a minimum frontage depth of only 18 feet. This would require an amendment to the TDDP standards, and such an amendment cannot be considered with the PPS, only the DSP. With this PPS, the proposed street section shall be revised to include a note saying that the minimum and maximum build-to lines will be determined with the DSP. This would be in lieu of showing specific values (an 18-foot minimum and a 23-foot maximum) on the street section.

Conformance with the Prince George's County Tree Canopy Coverage Ordinance

Section 25-127(b)(1)(l) states that properties subject to tree canopy coverage (TCC) requirements contained in an approved T-D-O Zone are exempt from the TCC requirements contained in this Division. In accordance with the TDDP, the TCC requirements for the T-D-O Zone shall be met through the provision of street, on-site, and other trees preserved by the property owner or provided to comply with other transit district standards and guidelines. Conformance with the TCC requirement will be evaluated at the time of DSP review.

Conformance with the Requirements of the 2010 Prince George's County Landscape Manual

The T-D-O standards have some landscaping elements that govern the development of the proposed project. For those landscaping standards not covered by the TDDP, the Landscape Manual will govern, based on review of this project under the prior M-U-I zoning. This project's conformance with the landscape standards will be evaluated at the time of DSP review.

Other Urban Design Issues

The two proposed multifamily buildings will be located to the rear of the existing mall building, and traffic exiting the underground consolidated storage facility will pass between the two buildings onto Toledo Road Extended. At the time of DSP, the applicant should pay special attention to the issues raised by the close proximity of the residential and commercial uses. These issues may include needed screening or visual mitigation of the rear of the existing mall building, design compatibility between the buildings, and the relationship between vehicular circulation on the multifamily site and moving traffic exiting the underground storage facility.

It is noted that Toledo Road Extended is considered an "A" Street within the TDDP, but accesses to parking lots, garages, and loading docks (such as the consolidated storage exit ramp) are generally recommended for "B" streets (page 203). This is to ensure a street hierarchy that allows tailoring of different service functions to different kinds of streets (page 207). Over the long term, as the mall site further redevelops, it may be appropriate to remove the existing exit ramp in order to allow Toledo Road Extended improved function as an "A" Street. At that time, a new use for the space between the buildings may be considered, such as an alley or pedestrian promenade (as they are defined in the TDDP). The DSP for the multifamily buildings should consider the future use of the space between the buildings in determining the wall-to-wall distance that should be provided. The SWM concept plan shows approximately 40 feet between the two buildings.

As previously discussed in the Community Planning finding of this resolution, the SWM concept plan shows approximately 650 feet between the intersection of Toledo Road Extended and

Toledo Terrace and the concept location of the eastern wall of the eastern multifamily building, which would result in a block length over 500 feet. At the time of DSP, the applicant will have to demonstrate conformance to the maximum block length requirement of the T-D-O or obtain a modification to the T-D-O standards.

18. **City of Hyattsville**—On Monday, March 7, 2022, the Hyattsville City Council reviewed the subject PPS. In a letter to the Planning Board (Croslin to Hewlett, incorporated by reference herein), the City stated they determined that the applicant’s proposed improvements to Toledo Road Extended were inconsistent with the vision for this roadway as outlined in the TDDP. The City Council voted in support of the PPS subject to three conditions asking for changes to the proposed improvements. These conditions were intended to balance the interim condition of Toledo Road Extended with the long-term vision outlined in the TDDP. The applicant submitted a revised PPS on March 11, 2022 intended in part to address the City’s requested conditions.

The City’s recommended conditions are shown in **bold** text below. Findings regarding each recommended condition are shown in plain text.

1. **The site plan shall be amended to reflect a 2-foot variance to the total frontage minimum depth requirement to accommodate other improvements between the building façade and right-of-way. The intent of the variance is to provide adequate width to support:**
 - a. **Two (2) 10-foot vehicle travel lanes**
 - b. **Four (4) feet of pavement between the tree and furniture zone and first travel lane shall be allocated to a future bike lane along the property pending future development along this right-of-way**

The TDDP includes a recommended street section for Toledo Road Extended (page 218), which includes within the street curbs two travel lanes, two bike lanes, and two parking lanes. Also included in the street section are a 20-foot minimum depth frontage zone on either side of the roadbed, each of which contains a buffer zone, a tree and furnishing zone, a sidewalk clear zone, and a retail zone (these zones are defined on page 205 and shown diagrammatically on page 206 of the TDDP).

The TDDP-recommended street section may be modified, to an extent, by the City of Hyattsville. Page 192 of the TDDP states that “within the street curbs, new streets within the City of Hyattsville shall be constructed to the city’s street design standards.” Following their review, the City Council has approved for this road a street section which includes within the street curbs two 10-foot-wide travel lanes and one 4-foot-wide bike lane. The street section on the PPS accurately reflects these approved lanes.

With the City’s recommended condition, they have also recommended that the total frontage minimum depth be reduced by two feet from 20 feet to 18 feet. This frontage zone would extend from the face of the street curb to the build-to-line, per page 205 of

the TDDP. While the submitted PPS reflects the City's recommended frontage depth, such a departure from the minimum 20 feet specified in the TDDP would require approval by the Planning Board at the time of DSP. Page 192 of the TDDP states that "where the Transit District Standards for sidewalk construction between a street curb and a building face conflict with the street standards of Prince George's County or the City of Hyattsville, the Transit District Standards shall apply." To allow 18 feet, the applicant would need an amendment to the transit district standards approved through the procedure given in Section 27-548.08. At the time of DSP, the Planning Board, in deciding whether to grant such an amendment, should consider the City's recommendation. It is also appropriate that this decision is made in context to the proposed building placement, which is not approved until the DSP stage.

Should the applicant request an amendment to the TDDP at the time of DSP to reduce the minimum frontage depth from 20 feet to 18 feet, the applicant may also request at that time that the tree and furniture zone and/or sidewalk clear zone be reduced below their minimum depths as well. The TDDP standards require that each of these two zones be a minimum of six feet deep along a new "A" Street such as Toledo Road Extended (page 212). The street section on the submitted PPS shows five feet each for each zone, which would require additional amendment to the TDDP. The specific width of each zone, as well as the frontage zone as a whole, shall not be specified with this PPS, but rather with the DSP. However, to ensure the tree and furniture zone and sidewalk clear zone are each of a minimally functional width, any amendment to the TDDP made at the time of DSP should not reduce the width of either zone below five feet.

In response to the City's recommendation, prior to certification of the PPS, the street section on the PPS shall be modified, as follows:

- Show a buffer zone, tree and furniture zone, clear zone, and minimum and maximum build-to lines within the frontage zone.
- Remove the 5-foot, 18-foot, and 23-foot values from the frontage zone and its components.
- Add a note beneath the street section stating that "the minimum and maximum depth of the frontage zone, and the width of the buffer, tree and furniture, and sidewalk clear zones, shall be determined at the time of DSP and shall meet the Transit District Standards unless an amendment to the standards is granted."

It is noted that the TDDP places the curb-to-curb width of Toledo Road Extended entirely on the mall property. Nevertheless, if the City of Hyattsville ever annexes the apartment property north of the mall site, should that property redevelop, the City may consider requesting additional right-of-way. The northern frontage zone recommended by the TDDP would also need to be provided upon redevelopment of that property.

2. While Toledo Road is at interim condition, a public access easement shall be granted over the improved portion of the roadway.

The PPS shows a 25-foot-distance between the mall's northern property line and the property line of proposed Parcel 2. A 25-foot-wide public access easement is shown between these property lines. The public access easement extends west to the intersection of Toledo Place and Toledo Terrace and east to the intersection of Toledo Road and Belcrest Road. A separate easement extending from this first easement is shown extending south to proposed Parcel 3. At this time, these easements will be adequate to provide access to the three proposed parcels, pursuant to Section 24-128(b)(8) of the Subdivision Regulations. Following the dedication of Toledo Road Extended as a public roadway, Toledo Road Extended will serve as the access to Parcel 2, while Parcel 3 will continue to be served by its easement.

The dimensions of the easement along Toledo Road Extended shall be revised in order to ensure public access is provided not only for motor vehicles and bicyclists within the street curbs, but also for pedestrians within the frontage zone. The width of the easement shall be expanded to cover the width of the buffer zone, tree and furniture zone, and sidewalk clear zone on Parcel 2. As specified above, the width of these zones must be established with the DSP; however, the width of the easement shall be preliminarily determined with the PPS. Based on the 25-foot-width of the roadway and the standards in the TDDP, it is estimated that a minimum 38-foot-wide public access easement would be needed to cover the roadway as well as the buffer, tree and furniture, and sidewalk clear zones.

Therefore, in response to the City's recommendation, prior to certification of the PPS, the width of the easement along Parcel 2's frontage on Toledo Road Extended shall be expanded from 25 feet to a minimum 38 feet. This will place the easement partially over the property line of Parcel 2. On Parcel 1, prior to certification of the PPS, the applicant shall expand or modify the public access easement, as needed, to ensure the existing interim drive aisles from Belcrest Road to Parcel 2 are fully encompassed by the easement. This is needed because the PPS, as submitted, shows part of the easement over Toledo Road Extended's delineated future location, rather than its current location. The easement must cover the existing access, in order to ensure it provides access to Parcel 2 in the interim condition. Future development projects improving the remainder of Toledo Road Extended will need to modify the easement on Parcel 1, to ensure it covers any modifications that will be made to the roadway, as well as the buffer, tree and furniture, and clear zone components of the frontage zones to be provided, in the event that the existing boundaries of the easement do not cover the future improvements.

At the time of DSP, the frontage zone along Toledo Road Extended on Parcel 2 shall be evaluated to determine if a different width for the easement is appropriate. If so determined, the width of the easement shall be revised and shown on the final plat, in accordance with the DSP.

It is noted that page 192 of the TDDP states an anticipation that “all new streets and sidewalks will either be owned and maintained by private property owners, owned by private property owners but maintained by a third party, or owned and maintained by the City of Hyattsville.” Therefore, the 25-foot-wide roadway should be maintained by the City of Hyattsville once they own it. The frontage zone, since it is not to be dedicated to the City, should remain the responsibility of the property owner.

3. When the entirety of Toledo Road between Toledo Terrace and Belcrest Road is improved to a public standard and with the conditions outlined above, the applicant must file a confirmatory deed stating that the roadway is to be publicly dedicated to the City of Hyattsville, upon inspection by, and approval of, the City of Hyattsville.

It is typical in the process of subdivision for a developer to dedicate right-of-way to public use first, and then for improvements within the right-of-way to be constructed either by the developer following permitting or by the operating agency at a later date. However, in this case the City has requested that Toledo Road Extended be improved to a public standard first and then dedicated. This will be achieved through a condition specifying that Toledo Road Extended is to be dedicated to the City of Hyattsville, upon the City’s demand.

The PPS includes a 25-foot-wide strip of land along the northern property line which is delineated as the area of future dedication to the City. On the submitted PPS, this delineated area has the same boundaries as the public access easement; however, based on the above-described requirements, the signature approved PPS will modify the boundaries of the access easement to cover the existing interim access. The delineated area does not align with the existing intersection of Toledo Road and Belcrest Road. At the time the northeast portion of the site is redeveloped, additional area may need to be dedicated to the City to ensure Toledo Road Extended has a functional intersection with these two roads.


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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Geraldo, and Shapiro voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, April 21, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of May 2022.

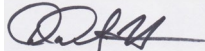
Peter A. Shapiro
Chairman



By Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: May 5, 2022