

June 23, 2020

Werrlein WSSC LLC  
522 Defense Highway  
Annapolis, MD 21401



Re: Notification of Planning Board Action on  
**Detailed Site Plan DSP-18005**  
**Magruder Pointe**

Dear Applicant:

This is to advise you that, on **June 18, 2020**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Acting Clerk of the County Council, at 301-952-3600.

***Please be advised that, pursuant to Council Resolution 10-2020, adopted on March 17, 2020, the District Council suspended certain time periods that may be applicable to an appeal of the matter approved by the Planning Board in the attached resolution. For questions concerning your right to appeal, please contact the Office of the County Clerk at [Clerkofthecouncil@co.pg.md.us](mailto:Clerkofthecouncil@co.pg.md.us).***

Sincerely,  
James R. Hunt, Chief  
Development Review Division

By: Henry Zhang 6/23/2020  
Reviewer

Attachment: PGCPB Resolution No. **2020-105**

cc: Donna J. Brown, Acting Clerk of the County Council  
Persons of Record



14741 Governor Oden Bowie Drive  
 Upper Marlboro, Maryland 20772  
 www.pgplanning.org

PGCPB No. 2020-105

File No. DSP-18005

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on June 11, 2020, regarding Detailed Site Plan DSP-18005 for Magruder Pointe, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) application proposes to develop 15 single-family attached units and 16 single-family detached units on the upper parcel, where the former Washington Suburban Sanitary Commission (WSSC) Headquarters building was located.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
<b>Zones</b>	R-55/D-D-O	R-55/D-D-O
<b>Use</b>	Office	Single-Family Detached and Attached
Gross Acreage	8.26	8.26*
Dwelling Units	0	31
Single-family detached units	-	16
Single-family attached units	-	15

**Note:** \*The applicant is proposing development on the upper 3.59-acre parcel only with a total of 31 residential dwelling units. The lower 4.66-acre parcel shows infrastructure only and is identified as an outparcel, in accordance with Preliminary Plan of Subdivision 4-18001, for future development.

Architectural Model	Based Finished Square Footage (BFSF)	Below Grade BFSF	Total BFSF	Garage
<b>Single-family detached</b>				
Alexandra	2,064	1,176	3,240	
Camella	2,122	1,428	3,550	
Claudia	2,540	960	3,500	
Julia	1,680	880	2,560	
Theresa	1,200	640	1,840	
Detached Garage			528	2-car
<b>Single-family attached</b>				
Chelsea	1,599	445	2,044	2-car
Isabella	1,799	481	2,280	2-car

Parking Spaces	Min. Required*	Max.	Provided
15 single-family attached units	15	30	30
16 single-family detached units	16	32	32
<b>Total</b>	<b>31</b>	<b>62</b>	<b>62</b>

**Note:** \*In accordance with D-D-O-Zone standards for parking in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (page 148).

- Location:** The larger 8.26-acre property is located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, in Planning Area 68, Council District 2. The upper parcel, where the development is proposed in this DSP, is located north of Gallatin Street, south of Hamilton Street, and east of 41st Avenue. The lower parcel, which is known as proposed Outparcel 1, is located between 40th Place and Magruder Park. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA).
- Surrounding Uses:** To the north and east of the property, beyond Hamilton Street and 41st Avenue, are existing single-family detached houses in the One-Family Detached Residential (R-55) Zone; to the west, beyond 40th Avenue, is an existing public park known as Magruder Park, owned by the City of Hyattsville, and Magruder Woods Park owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC) in the Open Space (O-S) Zone; to the south are midrise apartment buildings in the Multifamily High Density Residential Zone. All surrounding properties are in the TRN Character Area and in the Development District Overlay (D-D-O) Zone.

5. **Previous Approvals:** The subject property is located on Tax Map 50 in Grid B1, consists of 35 existing lots, and contains a total of 8.26 acres. Lots 80–93 of Wine and Johnson’s Revised 1st Addition to Hyattsville 1882, recorded in Plat Book LIB A-20 on June 12, 1884, and a portion of land west of Lots 88 and 88½, recorded in Liber 21981 folio 165, comprise 3.6 acres of the subject property and are zoned R-55. Lots 23–33 and Lots 52–61 of Block 1 of Holladay Company’s Addition to Hyattsville, MD recorded in Plat Book LIB A-30 on May 19, 1887, comprise 4.1 acres of the subject property and are zoned O-S. The Gateway Arts District Sector Plan and SMA also placed a D-D-O Zone over the property and retained the R-55 Zone, but downzoned the 4.66-acre parcel to the O-S Zone.

The Prince George’s County Planning Board approved a Conceptual Site Plan, CSP-18002, on July 26, 2018 to recommend rezoning the 4.66-acre southern portion of the property from the O-S to R-55 Zone, and amending the list of allowed uses to allow townhouses to be developed on the property, in addition to single-family detached houses. On January 15, 2019, the Prince George’s County District Council remanded CSP-18002 back to the Planning Board to consider specific issues. On March 14, 2019, the Planning Board reheard the case, but took no position, and provided an amended resolution (PGCPB Resolution No. 18-74(A)). On May 13, 2019, the District Council reheard the CSP and on June 10, 2019, they issued an order to approve the rezoning from O-S to R-55 with three conditions, to facilitate R-55 development of the entire 8.26 acres for single-family attached units and single-family detached units.

On March 12, 2020, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-18001 for 31 lots, 2 parcels, and 1 outparcel for development of 15 townhouses and 15 single-family detached dwelling units, subject to 13 conditions (PGCPB Resolution No. 2020-35). PPS 4-18001 is pending final signature approval as of the preparation of this resolution.

The subject site also has a Stormwater Management (SWM) Concept approval 10823-2018-00, which is valid through March 22, 2022.

6. **Design Features:** The subject DSP proposes development of the upper 3.59-acre parcel with 15 single-family attached units and 16 single-family detached units. The lower 4.66-acre parcel, which was formerly used as the WSSC surface parking lot, is shown with infrastructure only and labeled as proposed Outparcel 1. The 3.59-acre upper parcel is bounded on three sides by public rights-of-way (ROWS), specifically, to the east by 41st Avenue, to the north by Hamilton Street, and to the south by Gallatin Street. Hamilton Street and Gallatin Street create a Y-intersection on the west side of the site, and on the east side of the site both intersect perpendicularly with 41<sup>st</sup> Avenue to create a triangular site.

The proposed 16 single-family detached dwellings are located in two groups, one fronting on 41<sup>st</sup> Avenue and the other on Hamilton Street. This creates compatible streetscapes with the existing neighborhoods across both 41st Avenue and Hamilton Street. An alley divides the proposed single-family detached and attached units and has two access points, one off Gallatin Street, and the other off Hamilton Street. All garages for single-family detached units are accessed via the alley, except for Lot 21, which is accessed from 41st Avenue. The alley also

serves the 15 townhouse units, divided into two sticks that are perpendicular to each other, with all fronting Parcel A1, which is an open space with a SWM facility, along Gallatin Street. All of these townhouse units will have first-floor interior garages, accessed off the alley. One single-family detached unit stands alone, north of the intersection of Gallatin Street and 40th Place, with two surface parking spaces off the alley behind it.

In addition, two single-family detached units on Lots 21 and 30 have detached parking garages. The building form of the single-family detached units with the detached garages should be consistent with the existing single-family detached units across 41st Avenue and Hamilton Street. Buildings, including the detached garages, on Lots 1, 2, 10, 11, 16, 17, 21, 29, 30, and 31 are highly visible units that need special treatments of the front and side elevations that are visible from the public streets. A condition has been included in this resolution to require the applicant to provide highly visible elevation treatments for the lots identified.

**Architecture:** A total of seven architectural models are proposed in this DSP, five single-family detached models and two single-family attached models.

The five single-family detached models, as listed in the above Finding 2, have a base finished square footage varying from 1,200 to 2,540. With options including below grade finished areas, the total square footage of the models varies from 1,840 to 3,550. All houses will have a two-car attached garage, except for two lots that have detached garages and one that has a rear parking pad. The design of the single-family detached models draws heavily from the existing single-family detached neighborhoods across both Hamilton Street and 41st Avenue. The models feature pitched and hip roofs with cross gables, front and side porches, balconies, dormers, and various colors of Hardie-board siding that are consistent with the existing houses. For those units on Lots 1, 17, 21, 29, 30, and 31 that are highly visible from public streets, additional design or material treatments, such as adding a brick water table to both the front and side elevations, should be provided. In addition, the applicant should avoid siting two identical units adjacent to each other or directly across the street from each other to create a visually diverse subdivision. A condition requiring this has been included in this resolution.

Two townhouse models with a base finished square footage of 1,599 and 1,799 and an interior, rear-loaded, two-car garage are proposed. Total finished gross floor area with all options can be up to 2,044 or 2,280 square feet. The townhouse models are designed similarly to the single-family detached models by using pitched roofs and double porches with railings. For those units on Lots 2, 10, 11, and 16, that are highly visible from public streets and the alley, additional design or material treatments, such as adding a brick water table to both the front and side elevations, should be provided. A condition requiring this has been included in this resolution.

**Sustainable site and green building techniques:** Per the applicant, the detached and attached houses proposed in this DSP are anticipated to incorporate numerous green building features. In terms of the building envelope, all houses will meet or exceed current energy codes, including such things as R-49 insulation in the roof and R-20 insulation in the walls. All windows installed will be double glazed. All appliances within the houses will be Energy Star rated. The plumbing fixtures will all be selected with water conservation in mind. Every detached house will be

provided with at least one installed rain barrel. Every house will have an electric car charging station.

All houses will have deep eaves (most of them with porches), which will help to reduce the energy required to keep the house cool in the summer. All roofing materials will be lighter in color so as to absorb less heat in the summer. The houses will have numerous, tall windows that will enhance daylighting, which will reduce the energy required for lighting. All of the houses will be ready to be equipped with solar panels, especially the townhouses, which have a flatter roof condition. All the houses will be within a 20-minute walk of the West Hyattsville Metro Station, within a 2-minute walk of a bus stop and will come with a membership to the Capital Bikeshare system. There will be a bikeshare station installed within a 2-minute walk from all of the houses.

#### **COMPLIANCE WITH EVALUATION CRITERIA**

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the R-55 and D-D-O Zones and site design guidelines of the Prince George's County Zoning Ordinance, as follows:

- a. Since the site is within the D-D-O Zone superimposed by the Gateway Arts District Sector Plan and SMA, the D-D-O Zone standards replace all those contained in the Zoning Ordinance (page 142), including the site design guidelines for site plans. The proposed single-family detached use is permitted in the TRN Character Area, and the proposed single-family attached use is permitted, as approved in CSP-18002.
- b. Footnote 2 on page 144 of the Gateway Arts District Sector Plan and SMA states:

**R-55 zoned properties in the TRN character area within the incorporated City of Hyattsville are exempt from the development standards and will abide by the requirements of the R-55 Zone.**

However, in this case, the applicant obtained a conceptual site plan approval, CSP-18002, that rezoned the 4.67-acre lower parcel from the O-S Zone to the R-55 Zone and allowed for the single-family attached (townhouse) use on the subject property. In so doing, the District Council order conditioned that a DSP be required and that it be subject to the D-D-O Zone standards applicable to the Traditional Residential Neighborhood Character Area. This conformance is discussed in Finding 8 below.

The Council order also approved CSP-18002 with the maximum density for single-family attached development at nine dwelling units per acre and the maximum density for single-family detached, as permitted in the R-55 Zone, at 6.7 dwelling units per acre, and indicates a total density of 72 units (31 units on Parcel 1, upper and 41 units on Parcel 2, lower), in accordance with Applicant's Exhibit 1, provided with CSP-18002.

The exhibit indicates that, when combining the dwelling unit types on Parcel 1, the density would result in approximately 8.6 dwelling units per acre on Parcel 1 and approximately 8.8 dwelling units per acre on Parcel 2, based on the gross acreages. The DSP is consistent with the CSP approval in regard to density and the Planning Board finds the proposed bulk standards achieve a context-sensitive, high-quality, single-family residential development, in accordance with Condition 3 of CSP-18002. Therefore, the proposed dwelling unit density conforms to the CSP approval.

The applicant shall provide the proposed density on the DSP, in accordance with the approved CSP. The Density Calculation Table as provided is misleading, showing a net acreage of 5.24, and should be revised to reflect what was approved with the CSP. A condition to that effect has been included in this resolution.

- c. The Gateway Arts District Sector Plan and SMA states, in the D-D-O Zone standards under Site Design, Parking and Loading (page 148), the following:

**Standard 5. - Parking for residential and live/work use shall consist of a minimum of 1 and a maximum of 2 on-site spaces per lot. If the dwelling lot fronts on a street with on-street residential parking, each 20 feet of linear frontage may be substituted for 1 space.**

The DSP proposes a total of 31 residential dwelling units. The minimum required parking spaces are 31, and maximum allowed parking spaces are 62. The applicant provides 62 on-site parking spaces, in conformance with this standard. In addition, the applicant identifies that the subject site is surrounded on three sides by public ROW and on-street parking may be available.

**8. 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District and the standards of the Development District Overlay (D-D-O)**

**Zone:** The Gateway Arts District Sector Plan and SMA defines long-range land use and development policies, detailed zoning changes, design standards, and a D-D-O Zone for the Gateway Arts District area. The land use concept of the Sector Plan divides the Gateway Arts District into seven interrelated areas for the purpose of examining issues and opportunities and formulating recommendations. Detailed recommendations are also provided for the seven distinct areas within the Sector Plan.

The subject site is located within the TRN, which calls for a development character that reinforces the existing single-family detached residential neighborhoods as calm, low-traffic, and child-safe. In order to achieve this land use vision, the Gateway Arts District Sector Plan and SMA prescribes D-D-O Zone standards under three categories of Site Design, Building Design, and Public Open Space that governs the development of the subject site.

Section 27-548.25(b) of the Zoning Ordinance requires that the Planning Board find that the site plan meets applicable development district standards. The applicant has submitted a statement of justification (SOJ) that provides a detailed explanation of how the proposed development

conforms to each development district standard and, if not, why and what amendments are required.

The DSP meets most of the applicable standards, with the exception of seven development district standards for which the applicant has requested amendments. In order to allow the plan to deviate from the development district standards, in accordance with Section 27-548.25(c), the Planning Board must find that the alternative development district standards will benefit the development and the development district and will not substantially impair implementation of the Sector Plan. The amendments that the applicant has requested are discussed below under the three categories of standards.

## **SITE DESIGN**

### **Building and Streetscape Siting**

- 12. On properties zoned R-55, the minimum lot area for new dwellings shall be 5,000 square feet. Where the depth of the lot is less than 100 feet, the minimum net lot area shall be 4,800 square feet. (page 146)**

All single-family detached lots meet the 5,000 square foot minimum, except for Lots 23 (4,150 square feet) and 29 (4,080 square feet). A comparative small lot (less than 5,000 square feet) is not uncommon within the close vicinity of the subject site. In fact, approximately two dozen existing homes within four blocks have lot sizes less than 5,000 square feet. The site design maintains a similar lot width at the street frontage to create a consistent lotting pattern that achieves a compatible streetscape with the existing single-family homes across Hamilton Street and 41st Avenue. The minor reduction of the lot size for two lots only will not be easily perceptible and will ensure context-sensitive development.

In addition, for the single-family attached (townhouse) lots, a 1,400 square feet minimum lot size has been requested. The County has previously approved similar or smaller townhouse lot sizes in the close vicinity of this site, some as small as 1,000 square feet. Given the infill nature of this development, the proposed lot size will allow sufficient usable space and urban living within the established traditional neighborhood.

Therefore, the alternate lot size standards for two single-family detached units and single-family attached units will benefit the development and development district and will not substantially impair implementation of the Sector Plan. The architecture is commensurate in details and design to the neighborhood to further enhance compatibility. The Planning Board approves this amendment.

- 16. The front yard shall not have more than 20 percent impervious surface and shall not include a paved area for parking between the dwelling and the street sidewalk. (page 146)**



All proposed single-family detached lots meet this impervious surface requirement, except for Lot 21, which is located at the intersection of Hamilton Street and 41st Avenue. Due to its corner lot location and the presence of various utility easements, Lot 21 does not have enough lot depth in either direction to accommodate normal house siting and has to utilize a stand-alone garage, in order to create a consistent streetscape along 41st Avenue. The driveway to the garage increases the total impervious surface over the maximum allowed 20 percent. The Planning Board supports this amendment because this slight increase of impervious surface area is limited to Lot 21 only and will not substantially impair implementation of the Sector Plan. However, the applicant should provide the specific percentage of the impervious surface of Lot 21 on the site plan, prior to certification of this DSP. The Planning Board approves this amendment.

**24. Accessory buildings shall be set back a minimum of 40 feet from the front lot line. (page 147)**

All accessory buildings on the site plan are set back more than 40 feet from the front lot line, except for Lot 21. As discussed previously, Lot 21 is a corner lot that has a limited lot depth and is unable to meet this setback requirement for the stand-alone garage. In order to create a consistent development pattern along 41st Avenue, the garage is set back 20 feet, similar to the houses, and thus necessitates this amendment. This alternate standard will benefit the development and the development district and will not substantially impair implementation of the Sector Plan. The Planning Board approves this amendment.

**25. Side yards for one-family detached dwellings shall be a minimum of 8 feet wide on both sides but may be reduced as much as 4 feet on each side where the resulting building would be less than 14 feet in width. (page 147)**

The proposed residential development included in this DSP is an infill development project on the site where the former WSSC headquarters building was located. The proposed development will further strengthen the existing single-family traditional neighborhood characteristics by creating a compatible development pattern and streetscape through observing uniform front building setbacks and lot widths, as recommended by the Gateway Arts District Sector Plan and SMA. In order to make full use of the existing infrastructure and public service already in the area, the DSP utilizes a zero-lot line concept to push the building to one side as much as possible, for a minimum side yard setback of three feet, versus the required eight feet. This creates one usable side yard for outdoor activities since the rear yard area is largely occupied by the garages and driveways. However, all single-family detached lots have a minimum combined side yard of 18 feet, which is 2 feet larger than the total of 16 feet if the minimum 8 feet was provided on each side. Except for Lot 22, which has a combined side

yard of 10 feet, all the single-family detached lots have a combined side yard of 18 to 25 feet. Most of the houses have a porch element on the side, which would create covered outdoor space, in addition to the larger side yard.

In addition, several existing houses across Hamilton Street, and even existing houses within one block of the site, have similar narrower side yard setbacks. This alternate side yard setback of three feet will benefit the development and the development district and will not substantially impair implementation of the Sector Plan. The Planning Board approves this amendment.

**27. One-family detached dwellings shall have a rear yard a minimum of 25 feet in depth. (page 147)**

As discussed above, the DSP proposes a redevelopment of a commercial site with urban single-family dwelling units that feature higher density, narrow frontage, and an alley system to maximize unit yield. Except for Lot 21, all single-family detached units will be accessed via an alley and have walking paths to the front yards directly from the surrounding public streets. Most of the garages are attached to the rear of the buildings and therefore can only have a rear yard of 11 feet, instead of the required 25 feet.

In addition, the applicant also presents several reasons for creating irregular rear yards, which include allowing garages and tandem driveway parking, the existing Magruder Park is within walking distance, Parcel A-1 and A-2 are open space parcels on the site and urban living is not based on yard space. This alternate standard will benefit the development and the development district and will not substantially impair implementation of the Sector Plan. The Planning Board approves this amendment.

**Siting and Access**

**6. Driveways or private drive-aisles shall have a maximum width of 12 feet. (page 149)**

Insufficient parking has been a persistent issue in established neighborhoods in the County, including the neighborhoods surrounding the subject site. In order to minimize parking spill-over into the existing neighborhood, as is common with infill projects, this DSP proposes two-car garages for every unit, and an alley system with 19.5-foot-wide driveways that can accommodate additional parking. Given the fact that all wider driveways will be located interior to the site, except for one, this alternate standard will benefit the development and the development district by reducing parking spill-over into the existing neighborhood and will not substantially impair implementation of the Sector Plan. The Planning Board approves this amendment.

## **PUBLIC SPACE**

### **Streetscape**

- 6. Street trees shall be shade trees and shall be a minimum of 2.5- to 3-inch caliper. (page 155)**

The subject site has frontage on three surrounding public ROWs and will be required to provide street frontage improvements outside of the ROWs, in accordance with the County's standards. Technically, this standard is not readily applicable to the DSP. However, the applicant proposes to plant as many shade trees, in accordance with the required caliper size in the site areas on individual lots, adjacent to Hamilton Street, Gallatin Street, and 41st Avenue to functionally serve as street trees. Planting additional shade trees on the subject site will help reduce the heat island effect of the developed areas within the dense neighborhood and will benefit the development and the development district. The Planning Board approves this amendment.

- 9. Conceptual Site Plan CSP-18002:** The District Council approved Remanded CSP-18002 on June 10, 2019 with three conditions. The conditions that are relevant to the review of this DSP are discussed as follows:

- 2. At the time of Detailed Site Plan, as required in PGCC § 27-548.26, Applicant shall:**

- a. Provide evidence that impact to the floodplain has been approved by the authority having jurisdiction.**

In a letter (Hajazi to Freiland) dated September 27, 2018, the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) approved a Floodplain Waiver for this subject site. The DSP satisfies this condition.

- b. Provide sidewalks on both sides of all internal streets, excluding alleys, as appropriate.**

The subject site is bounded on three sides by the ROWs of Hamilton Street, 41st Avenue, and Gallatin Street. One alley has been provided through the site that links Gallatin Street to Hamilton Street. Sidewalks have been provided along the three frontages of the site. Additional pedestrian paths have been provided in front of the townhouse buildings and on Parcel A2 linking Hamilton Street to Gallatin Street. The DSP meets the requirements of this condition.

- 3. Prior to issuance of any building permit, Applicant shall, pursuant to PGCC § 27-548.26, obtain approval of a Detailed Site Plan (DSP) for the entire 8.26 acres. The DSP shall be subject to all Development District Overlay (D-D-O)**

**Zone standards applicable to the Traditional Residential Neighborhood Character Area. Additional bulk requirements shall be established with the approval of the DSP to implement the applicable goals and recommendations of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, to achieve context-sensitive, high-quality, single-family residential development.**

The applicant has filed this DSP, for the entire 8.26 acres; but shows only first phase of 31 dwelling units for development of the upper parcel, in accordance with this condition. The DSP has been reviewed for conformance with the applicable D-D-O Zone conditions, as discussed in the above Finding 8. The DSP meets all applicable D-D-O Zone standards, except for seven standards that the applicant has requested amendments to, in accordance with Section 27-548.25(c). The additional bulk requirements achieve a context-sensitive, high-quality, single-family development. The DSP satisfies this condition.

**10. Preliminary Plan of Subdivision 4-18001:** The Planning Board approved 4-18001 with 13 conditions (PGCPB Resolution No. 2020-35). The conditions that are relevant to the review of this DSP warrant the following discussion:

- 1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to provide density information in the general notes, in accordance with the approved Conceptual Site Plan, CSP-18002.**

As of preparation of this resolution, PPS 4-18001 has not obtained signature approval yet. A condition has been included in this resolution requiring 4-18001 to receive signature approval, prior to certification of the DSP.

- 3. Total development within the subject property shall be limited to uses that would generate no more than 23 AM and 26 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new PPS, with a new determination of adequacy transportation facilities.**

The Planning Board finds the proposed development is within the trip cap.

- 4. Prior to signature approval of the preliminary plan of subdivision, the applicant shall provide written verification from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) whether unsafe soils are present on-site. If present, the detailed site plan shall clearly delineate the location of any associated safety factor lines, as well as any accompanying building restriction lines that are required by DPIE.**

DPIE has provided written communication to both the applicant and the Environmental Planning Section regarding soil safety for this site. The written correspondence has been incorporated into the official file for this case. DPIE's written findings conclude that

there are no building soil safety factor lines required, but restrictions regarding Christiana Clays and unconsolidated fill apply to the site, specifically for SWM devices. The correspondence indicates that water infiltration and discharge on this site is prohibited. Geosynthetic liner is required under any proposed SWM devices. Downspouts shall all be connected to an extension that discharges into the nearest stormdrain inlet. These issues will be enforced by DPIE at the time of permitting.

5. **In conformance with the 2004 *Approved Sector Plan for the Prince George's County Gateway Arts District* and 2009 *Master Plan of Transportation*, the applicant and the applicant's heirs, successors, and/or assignees shall provide standard sidewalks along the frontages of Hamilton Street, Gallatin Street, and 41st Avenue. Wide sidewalks shall be provided along the frontage of Hamilton Street and Gallatin Street where feasible. Sidewalks shall be shown on the detailed site plan, prior to acceptance.**

The DSP has been revised to show the required sidewalks on the site plan, as conditioned.

7. **Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (10823-2018-00) and any subsequent revisions.**

The DSP is consistent with the approved SWM Concept Plan 10823-2018-00.

10. **If, at the time of detailed site plan, an amendment to the development district standards is approved to allow a reduced lot size, 31 lots may be platted pursuant to the applicant's sketch plan, given all other lot and density standards are met.**

Seven amendments to the D-D-O Zone standards, including the lot size for two single-family detached units and for single-family attached units, have been requested and the Planning Board approves all of them because the alternate standards will benefit the development and the development district and will not substantially impair implementation of the sector plan.

11. **Prince George's County Landscape Manual:** The D-D-O Zone includes development district standards that override all of the requirements of the Zoning Ordinance. On page 142 of the Gateway Arts District Sector Plan and SMA, it states:

**The development district standards replace all those contained in the Zoning Ordinance and Landscape Manual except (1) where noted for parking provision, (2) properties zoned R-80 except with respect to accessory buildings containing an artist studio, (3) where noted for home occupation signage, and (4) where noted for signage size. If an aspect of the physical development of a project is not included in the development district standards, the character area goals and the intent statement of those standards most closely relating to that aspect shall apply.**

The subject site is located in the TRN Character Area. The following D-D-O Zone standards related to landscaping are applicable to this DSP.

## **SITE DESIGN**

### **Landscaping**

**1. Existing trees should be preserved where feasible. (page 151)**

There are a few existing trees on this upper parcel that have been preserved, where feasible.

**2. Shade trees with a minimum of 2.5- to 3-inch caliper shall be provided at the rate of one shade tree per every 5,000 square feet of the gross site area (exclusive of street dedications). Existing trees and street trees to be planted within the abutting right-of-way may be counted toward meeting this standard.**

This standard requires 28 shade trees that have been provided on the site.

## **PUBLIC OPEN SPACE**

### **Parks and Plazas**

**1. At least one tree with a minimum 2.5- to 3-inch caliper should be planted per every 1,000 square feet of proposed open space.**

This standard requires 29 shade trees that have been provided on the site.

**3. A minimum of 1 shrub should be provided for every 100 square feet of area, and there should be a minimum of 3 varieties for spaces greater than 300 square feet.**

This standard requires 287 shrubs that have been provided on the site.

In addition, landscaping based on the 2010 *Prince George's County Landscape Manual*, requirements of Section 4.1, Residential Requirements, have been provided on each individual lot. Additional shade trees, with a minimum 2.5- to 3-inch caliper, are also provided along all frontages of Hamilton Street, Gallatin Street, and 41st Avenue. Moreover, the requirements of Section 4.9, Sustainable Landscaping Requirements, have been exceeded as the landscape plan shows that 100 percent of the provided shade trees, evergreen trees, ornamental trees, and shrubs are native species.

**12. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site has less than 10,000 square feet of woodland on-site and no previously approved

tree conservation plans. A Standard Woodland Conservation Exemption Letter (S-043-2018) was submitted with the DSP application.

An approved Natural Resources Inventory (NRI-013-11) was submitted with the application. The site is comprised of two parcels with existing parking areas and buildings with small areas of open landscaped areas. No woodland exists on the site. The lower parcel contains primary management area (PMA) consisting of floodplain, stream buffer, and wetland buffer. Existing parking and landscaping are within the PMA. There are four specimen trees on the upper parcel, which are to be removed. Since the site is exempt from woodland conservation requirements, no variance request for specimen tree removal is required.

13. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. The subject site is in the R-55 Zone, which requires 15 percent of the site be covered in tree canopy. The upper parcel, where the development is located, measures 3.6 acres, and 0.54 acre (23,522 square feet) of TCC is required. A TCC schedule has been provided with this DSP that shows 23,625 square feet of TCC meets the requirements. The TCC requirement for Outparcel 1 will have to be met separately at time of development of that area.

14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. Their major comments are summarized, as follows:

- a. **Community Planning—** The Planning Board adopted, herein by reference, a memorandum dated May 7, 2020 (Mierow to Zhang), which provided the following summarized comments:

The Gateway Arts District Sector Plan and SMA retained the portion of the subject property between Hamilton and Gallatin streets in the R-55 Zone but reclassified the former parking lot portion of the property between 40th Avenue and 40th Place from the R-55 Zone to the O-S Zone, noting "Rezoning to O-S creates the opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area" (page 123). The SMA further superimposed the D-D-O Zone, placing the entire property in the TRN character area. Note that R-55-zoned properties in the TRN character area within the incorporated City of Hyattsville are exempt from the development district standards and abide by the requirements of the R-55 Zone (page 144). The TRN goals and recommendations are still applicable, however, regardless of the zone.

The memorandum listed nine amendments that the applicant initially requested. In the revised SOJ submitted on May 14, 2020, the applicant reduced the amendments to seven standards only. Detailed discussion has been provided in Finding 8 of this resolution.

In conclusion, the Planning Board finds that, pursuant to Section 27-548.25(c), this applicant requests development standards which differ from the development district standards of the Gateway Arts District Sector Plan and SMA that will benefit the development and will not substantially impair implementation of the Sector Plan.

- b. **Transportation Planning**— The Planning Board adopted, herein by reference, a memorandum dated May 12, 2020 (Hancock to Zhang), which offered comments on the subject application summarized, as follows:

PPS 4-18001 established the trip generation in each peak hour that was used for the analysis for the residential trip cap. The development of Phase I at full buildout is projected to generate 23 (4 inbound, 19 outbound) and 26 (17 inbound, 9 outbound) vehicle trips during the AM and PM peak hours, respectively.

There are two access points for Phase I; one on Gallatin Street and one on Hamilton Street. An internal alley, currently labeled Alley 1, will connect both access points and provide internal access to most of the homes in the subdivision. One house located on Lot 21 will not have access to Alley 1, rather it has access to 41st Avenue. The Planning Board has coordinated with the City of Hyattsville and they are in agreement with the access for Lot 21. The access plan and circulation on this site is acceptable.

From the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a DSP, as described in the Zoning Ordinance.

- c. **Historic Preservation**— The Planning Board adopted, herein by reference, a memorandum dated April 9, 2020 (Stabler to Zhang), which indicated that the subject property was the site of WSSC Headquarters (68-10-082), a documented property constructed in 1939. The building was demolished in 2019. There are no Prince George's County historic sites or resources on or adjacent to the subject property.

A Phase I archeology survey is not required on the subject property. As part of the pre-application review, the southern portion of the subject property that was formerly used as a parking lot, was thought to have some potential of containing intact archeological resources. However, the plan shows a sewer line, a gas line, and a drainage channel running through various portions of the subject site. The installation of these utilities has likely extensively disturbed any intact archeological resources that may have been present. Therefore, a Phase I archeology survey is not required.

- d. **Trail**— The Planning Board adopted, herein by reference, a memorandum dated May 6, 2020 (Smith to Zhang), which provided comments on nonmotorized transportation issues, summarized as follows:



All internal roads are proposed as alleys and therefore do not require sidewalks. The submitted plans indicate the existing 4-foot-wide sidewalks along Gallatin Street, Hamilton Street, and 41st Avenue. An additional 5-foot wide sidewalk connection is also included between Hamilton Street and Gallatin Street.

The subject site is adjacent to residential neighborhoods, and Magruder and Hamilton Parks, which are all connected via sidewalks. The Planning Board finds that the proposed pedestrian and bicycle circulation, along with the below requirements, will be safe, efficient, and convenient for both pedestrians and motorists, pursuant to Sections 27-283 and 27-274(a)(2)(C) of the Zoning Ordinance, and site design guidelines.

Three master-planned trails impact the subject site, including planned shared roadways along Hamilton Street, Gallatin Street, and 40th Place.

The submitted plans include sidewalks along all roadway frontages; however, the Planning Board conditioned a minimum of 5-foot-wide sidewalks be provided along all roadway frontages. Per PPS 4-18001, the proposed development is subject to a bikeway fee for the placement of signage along Hamilton Street, Gallatin Street, and 40th Place, which is an important component of a bicycle-friendly network.

Based on the findings presented above, the Planning Board concludes that the pedestrian and bicycle access and circulation for this plan is acceptable, consistent with the site design guidelines pursuant to Section 27-283 of the Zoning Ordinance, and meets the findings required by Section 27-285(b) of the Zoning Ordinance for a DSP for transportation purposes, and conforms to the prior development approvals, and the Gateway Arts District Sector Plan and SMA.

- e. **Environmental Planning**— The Planning Board adopted, herein by reference, a memorandum dated May 12, 2020, (Schneider to Zhang), which provided an analysis of the DSP, and the relevant comments are summarized, as follows:

**Preservation of Regulated Environmental Features/Primary Management Area (PMA)**

The applicant has submitted the same SOJ for the impacts to the on-site regulated environmental features that was approved with PPS 4-18001, with this application. No new impacts are proposed with this DSP.

The approved PMA impacts include one area (Impact 1 from the PPS), which totals 2.54 acres for on-site stormdrain pipe installation and grading associated with the removal of impervious asphalt. The installation of the proposed floodplain compensatory storage required to serve the development on the lower parcel has not been requested, nor approved. All of the on-site impacts are located on proposed Outparcel 1, which has been previously impacted with existing paved parking areas, a stormdrain, and a stormdrain outfall. The existing stormdrain system will be upgraded with a new system to support the proposed development of the upper parcel.

**Stormwater Management/Unsafe Soils**

A SWM Concept Approval Letter 10823-2018-00 and associated plan were submitted with the application for this site. The approval was issued on March 22, 2019 with this project from DPIE. The concept plan shows two of the proposed six micro-bioretenion facilities on the upper parcel. The remaining four, as well as a compensatory floodplain storage area are not proposed with this application at this time.

The site contains Christiana clays and DPIE has stated that the site must follow unconsolidated clay requirements. DPIE has also stated that no buildings will be permitted on recycled materials or demolition debris. These recycled materials or demolition debris shall be removed from the site. A geotechnical certification will be required to confirm that removal before issuance of a Fine Grading permit. All asphalt from parking lot areas shall be recycled only at asphalt plants.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated May 8, 2020 (Sun to Zhang), DPR provided comments, as follows:

In conformance with PPS 4-18001, the requirements for mandatory parkland dedication will be addressed by a fee-in lieu payment. As per Condition 6 of PGCPB Resolution No. 2020-35, the fee in-lieu payment shall be made, prior to approval of the final plat.

The plans indicate that Outparcel 1 is for infrastructure only and will be used for flood plain compensatory 100-year storage that will be needed for this development. The outfall for the stormdrain system is shown on the adjacent property, which is owned by M-NCPPC. The applicant has not contacted DPR with regards to our consent for the outfall to be located on park property. DPR suggests that the applicant look at re-engineering the plans to not have the outfall on park property or to have any adverse impacts to park property.

DPR recommends approval of this DSP, subject to one condition that has been included in this resolution.

- g. **City of Hyattsville**—In a letter dated May 20, 2020 (Mayor Hollingsworth to Chairman Hewlett), the Hyattsville City Council requested that the applicant and the Planning Board delay its consideration of the DSP application until the City's legal appeal of the parent CSP application has been resolved. The City of Hyattsville believes that the District Council's decision to allow townhouses on an R-55-zoned property in the subject Traditional Residential Neighborhood is unlawful and contradictory to the goals and intent of the Gateway Arts District. The City Council provided eight requirements, if the Planning Board proceeds to consider this application, as follows:

- (1) All single-family attached units present on the upper lot of the site shall incorporate pitched roofs (as opposed to low-slope roofs), consistent with the architecture of the single-family detached dwelling units.
- (2) The shared driveway area between Lots 20 and 22, which does not reside on private property, shall be entrusted to the site's homeowners association for ownership and maintenance, as proposed in the City's Exhibit 1, submitted for the record.

Or

All lots should have dedicated driveway aprons, as proposed in the City's Exhibit 2, submitted for the record.

- (3) All single-family detached lots shall meet the minimum lot area standard of 5,000 square feet, without exception.
- (4) Three-foot side-yards of adjacent houses shall not abut.
- (5) Buyers of single-family detached homes that are not outfitted with a wraparound porch shall have an option to include a separate side porch in the design and construction of the dwelling.
- (6) The applicant shall ensure all walkways and entrances can accommodate individuals with accessibility and mobility issues.
- (7) For those units without rooftop decks, the roof of the garage shall match the pitch and style of the accompanying dwelling unit.
- (8) In order to mirror a more natural egress, a structured pathway shall be included on the west side of the site to give individuals a direct pathway from Hamilton Street to Magruder Park.

The City's requirements, as agreed to by the applicant, have been included as conditions herein, except for the requirement to meet the minimum lot area standard of 5,000 square feet. The applicant has requested, and the Planning Board approves an amendment to the lot size standard for two lots. The applicant also indicated that they prefer the second option under Requirement 2, to include the driveways to Lots 20 and 22, as part of the alley that will be dedicated to the City of Hyattsville.

- h. **Prince George's County Police Department**—In a memorandum dated April 14, 2020 (Contic to Planner Coordinator), the Police Department offered no comments on the subject application.

- i. **Prince George's County Health Department**—In a memorandum dated April 13, 2020 (Adepoju to Zhang), the Health Department provided comments that have been transmitted to the applicant. The subject site is located within the established area of the County and is close to numerous service and retail facilities, including grocery stores and restaurants. The site plan also demonstrates pedestrian connections to the neighboring communities, especially the Magruder Park to the southwest of the site. Notes regarding dust and noise impacts during demolition/construction shall be added to the plan, as conditioned herein.
  - j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of this resolution, DPIE did not offer comments on the subject application.
15. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, this DSP will, if approved with conditions, represent a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
16. As required by Section 27-285(b)(2), this DSP is in general conformance with the approved CSP-18002.
17. Section 27-285(b)(4) provides the following required finding for approval of a DSP:
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

All regulated environmental features are on the lower parcel, proposed Outparcel 1, which includes only infrastructure improvements at this time. The PPS 4-18001 approval included approval of impacts to the regulated environmental features. No new impacts are proposed with this DSP. Therefore, it can be said that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Detailed Site Plan DSP-18005 for the above described land, subject to the following conditions:

- A. APPROVES amendments to the Development District Overlay (D-D-O) Zone Standards, as follows:

1. **Site Design, Building and Streetscape Siting, Standard 12** (page 146): To allow the minimum lot area of Lots 23 and 29 to be smaller than the requirement, at 4,150 and 4,080 square feet, respectively. In addition, to allow the townhouse lots to be a minimum of 1,400 square feet.
2. **Site Design, Building and Streetscape Siting, Standard 16** (page 146): To allow Lot 21 to exceed the maximum allowed 20 percent impervious surface area, as shown on the site plan.
3. **Site Design, Building and Streetscape Siting, Standard 24** (page 147): To allow the accessory building (stand-alone garage) on Lot 21 to be set back 20 feet from the front lot line, instead of the required 40 feet, as shown on the site plan.
4. **Site Design, Building and Streetscape Siting, Standard 25** (page 147): To allow a minimum side yard of 3-feet-wide on single-family detached lots, with a minimum combined side yard of 10 feet.
5. **Site Design, Building and Streetscape Siting, Standard 27** (page 147): To allow a minimum rear yard depth of 11 feet for the single-family detached lots.
6. **Site Design, Siting and Access, Standard 6** (page 149): To allow driveways or private drive aisles to be a maximum of 19.5 feet wide, instead of the required 12 feet, in order to maximize on-site parking.
7. **Public Space, Streetscape, Standard 6** (page 155): To allow additional shade trees of the required caliper size to be planted on the subject site areas that are adjacent to the public streets to function as street trees.

B. APPROVES Detailed Site Plan DSP-18005, Magruder Pointe, subject to the following conditions:

1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:
  - a. Obtain signature approval of Preliminary Plan of Subdivision 4-18001, and revise the DSP, as necessary.
  - b. Revise site plan to be consistent with Development District Overlay Zone standard information included in the revised Statement of Justification.
  - c. Provide specific impervious area for Lot 21 on the site plan.
  - d. Provide a correct Density Calculation Table, in accordance with the approved Conceptual Site Plan, CSP-18002.

- e. Include a structured pathway on the west side of the site to give individuals a direct pathway from Hamilton Street to Magruder Park.
- f. Revise the site plan to show that all lots shall have a separate dedicated driveway apron, as shown in the City of Hyattsville's Exhibit 2.
- g. Provide the following architecture-related and general plan notes:

"All highly-visible single-family attached (townhouse) end units located on Lots 2, 10, 11 and 16, shall have, at a minimum, the water table or first floor finished with brick, or other masonry, with a minimum of three architectural features in a balanced and harmonious composition."

"The two side elevations of all highly visible single-family detached units, located on Lots 1, 17, 21, 29, 30 and 31, shall have, at a minimum, the water table or first floor finished with brick, or other masonry, with a minimum of three architectural features in a balanced and harmonious composition."

"No two single-family detached units that are adjacent to or across the street directly facing each other shall use the same model."

"All single family attached units present on the upper lot of the site shall incorporate pitched roofs (as opposed to low-slope roofs), consistent with the architecture of the single-family detached dwelling units."

"Three-foot side-yards of adjacent houses shall not abut each other."

"Single-family detached homes that are not outfitted with a wraparound porch shall have an option to include a separate side porch in the design and construction of the dwelling."

"For those units without rooftop decks, the roof of the garage shall match the pitch and style of the accompanying dwelling unit."

"The applicant shall ensure all walkways and entrances can accommodate individuals with accessibility and mobility issues."

"During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control."

“During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code. “

- h. Provide the storm water management (SWM) plan for review and approval by the Prince George’s County Department of Parks and Recreation (DPR) to assess the impact of stormdrain outfalls on adjacent parkland. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent parkland. If the outfalls require drainage improvements on land owned by the Maryland-National Capital Park and Planning Commission, DPR shall review and approve the location and design of these facilities. DPR shall also require, at a minimum, a Right of Entry Agreement, along with a grading and restoration bond for the park property affected. Should the SWM plan be revised to eliminate the outfall on park property, this condition shall be voided.

CONSIDERATION

- 1. During public hearing for townhouse developments, issues related to security on the models were discussed. Security in a compact townhouse development is important, and doorbell cameras may improve the security of individual units and help to create a safer neighborhood. The applicant should consider townhouse model designs where the general area around the front door allows for the installation of third-party doorbell cameras and external entryways are wide enough to allow such cameras broad peripheral coverage. The security options could be available in the model selection at the time of purchase or as a possible rough-in to facilitate a homeowner’s future installation.

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


\* \* \* \* \*

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Doerner temporarily absent at its regular meeting held on Thursday, June 11, 2020, in Upper Marlboro, Maryland.

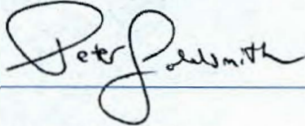
Adopted by the Prince George's County Planning Board this 18th day of June 2020.

Elizabeth M. Hewlett  
Chairman

By   
Jessica Jones  
Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department  
Date: June 17, 2020