



he Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

# Conceptual Site Plan Detailed Site Plan 5600 Ager Road

**CSP-19009**  
**DSP-19053**

REQUEST	STAFF RECOMMENDATION
CSP and DSP: Property owner request to change the list of allowed uses for the subject property, in accordance with Section 27-548.09.01(b).	APPROVAL with conditions

<b>Location:</b> On the northwest quadrant of the intersection of Ager Road and Jamestown Road.	
Gross Acreage:	0.32
Zone:	M-X-T/T-D-O
Dwelling Units:	0
Gross Floor Area:	1,134 sq. ft.
Planning Area:	68
Council District:	02
Election District:	17
Municipality:	Hyattsville
200-Scale Base Map:	207NE02
<b>Applicant/Address:</b> Mariachiara "Meri" Baroni Hyattsville West One, LLC 140 Q Street, NE Washington, DC 20002	
<b>Staff Reviewer:</b> Adam Bossi <b>Phone Number:</b> 301-780-8116 <b>Email:</b> Adam.Bossi@ppd.mncppc.org	



Planning Board Date:	03/26/2020
Planning Board Action Limit:	03/27/2020
Staff Report Date:	03/12/2020
Date Accepted:	01/17/2020
Informational Mailing:	08/15/2019
Acceptance Mailing:	01/14/2020
Sign Posting Deadline:	02/25/2020

# Table of Contents

EVALUATION .....	3
FINDINGS .....	3
1. Request .....	4
2. Development Data Summary.....	4
3. Location .....	4
4. Surrounding Uses.....	4
5. Previous Approvals .....	4
6. Design Features .....	4
COMPLIANCE WITH EVALUATION CRITERIA.....	5
7. Prince George’s County Zoning Ordinance .....	5
8. <i>2006 Approved Transit District Development Plan and Transit District Overlay Zoning         Map Amendment for the West Hyattsville Transit District Overlay Zone</i> .....	8
9. <i>2010 Prince George’s County Landscape Manual</i> .....	11
10. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance .....	11
11. Prince George’s County Tree Canopy Coverage Ordinance .....	12
12. Referral Comments .....	12
RECOMMENDATION FOR CSP-19009.....	15
RECOMMENDATION FOR DSP-19053 .....	16

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION  
PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conceptual Site Plan CSP-19009  
Detailed Site Plan DSP-19053  
5600 Ager Road

The Urban Design staff has reviewed the conceptual site plan and detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

**EVALUATION**

The conceptual site plan and detailed site plan were reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance for the Transit District Overlay (T-D-O) Zone and the Mixed Use-Transportation Oriented (M-X-T) Zone;
- b. The July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and,
- f. Referral comments.

**FINDINGS**

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The subject applications are a property owner’s request to change the list of allowed uses for the subject property, in accordance with Section 27-548.09.01(b) of the Zoning Ordinance.

2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	M-X-T/T-D-O	M-X-T /T-D-O
Use(s)	Commercial	Commercial
Acreage	0.32	0.32
Parcels	1	1
Building Square Footage/GFA	1,134	1,134

3. **Location:** The site is in Planning Area 68 and Council District 2. More specifically, it is located in the northwest quadrant of the intersection of Ager Road and Jamestown Road.

4. **Surrounding Uses:** The subject property is bounded to the north by vacant land in the Mixed Use-Transportation Oriented (M-X-T) and Transit District Overlay (T-D-O) Zones, which was part of the infrastructure Detailed Site Plan, DSP-16029, for Riverfront at West Hyattsville Metro. To the east of the site is the right-of-way for Ager Road, an arterial roadway. Beyond Ager Road are commercially developed properties in the Townhouse (R-T) Zone. To the south is the bus entrance for the West Hyattsville Metro Station. The West Hyattsville Metro Station is located approximately 900 feet southwest of the subject site.

5. **Previous Approvals:** The existing building on-site was built in approximately 1956 and used as an automobile filling station and repair shop for many years. In 1998, the gas station use was discontinued, and the storage tanks were removed. In 2000, a permit (5157-98-CU) was issued for a grocery store use, which remained active into 2010. Upon cessation of the grocery store use, the site remained unused for approximately 16 months. In 2006, the *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* (West Hyattsville TDDP) was adopted, and the property was placed in the Townhouse Preferred Land Use Plan Category, which prohibited most commercial uses. In 2011–2012, three permit applications were filed that sought to utilize the site for commercial operations, including a consignment shop, hair salon, and food and beverage store. These applications were denied and in 2012 a request for a Certification of Nonconforming Use (CNU-28266-2012) was disapproved due to the cessation of operations at the site for greater than 180 days. The site has not been regularly utilized since the cessation of the grocery store in 2010.

6. **Design Features:** The subject site is developed with an existing 1,134-square-foot building and paved parking area. This conceptual site plan (CSP) and DSP request only a change in the list of allowed uses for the subject property, with no physical changes proposed at this time. The following is a description of the existing layout of the property.

The subject site is approximately 0.32 acre, rectangular in shape, relatively flat, mostly paved, and free of any trees, landscaping, or significant vegetation. Existing development on the subject site is limited to a one-story, rectangular commercial building totaling 1,134 square feet. The building is located adjacent to the western property boundary. Two

curb cuts provide access from Ager Road. Sections of metal guardrail are located along parts of the northern and western property lines. Multiple donation drop-off bins are in the paved area of the site, adjacent to Ager Road.

As defined by the West Hyattsville TDDP, the site is located in the Hamilton Square neighborhood and is in the Townhouses 2-4 Stories Preferred Land Use Category. The TDOZ use table for this category includes a single permitted retail/ commercial use, specifically for seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261 of the Zoning Ordinance. The subject CSP and DSP propose to permit nine additional retail/commercial uses on the subject site, as follows:

- Eating or Drinking Establishment—such as a casual, fast-casual, or quick-service restaurant or coffee shop.
- Food or Beverage Store—such as a routine convenience store.
- Food or Beverage Goods Preparation on the Premises of a Food and Beverage Store—such as a bakery, sandwich shop, pizza shop or similar, preparing and selling food.
- Barber, Hair Salon, or Beauty Shop—such as a routine convenience service.
- Hardware Store, Clothing, or Dry Goods Retail—such as a household supplies and apparel store.
- Banks, Savings and Loan Associations, or Other Savings and Lending Institution—such as a bank branch.
- Medical or Professional Office—such as a doctor, dentist, orthodontist, physical therapist, accountant, tax prep, attorney, insurance office or similar professional services.
- Pet Grooming Shop—such as pet food, pet supplies and pet grooming, with no pet boarding.
- Non-Automobile Repair Shop—such as watch repair, electronics and computer repair, appliance repair.

The applicant's statement of justification did not initially request a food or beverage store, just food or beverage preparation on the premises of a food or beverage store. In order to have the latter, the former needs to be permitted and is currently not for this property. Therefore, staff recommends the addition of a food or beverage store, as permitted for the subject property since it is in keeping with the example uses listed by the applicant.

## **COMPLIANCE WITH EVALUATION CRITERIA**

7. **Prince George's County Zoning Ordinance:** The subject CSP and DSP applications propose a change in the allowed uses for the subject site only from the West Hyattsville TDDP. This document supersedes the Table of Uses for permitted uses in the Zoning Ordinance for the

M-X-T Zone. In addition, since the building exists and no new construction is proposed, the site plan design guidelines of the Zoning Ordinance are not applicable at this time.

The applicant has submitted the required applications for CSP and DSP pursuant to Section 27-548.09.01(b)(6), Amendment of Approved Transit District Overlay Zone. Staff has evaluated the proposed uses and finds that all of them meet the requirements of Section 27-548.09.01, which specifies the required findings for an amendment to the list of allowed uses. Staff has reviewed the CSP and DSP against the criteria for approval in the M-X-T Zone, as set forth in Section 27-546(d) of the Zoning Ordinance and offers the following comments:

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

There is no development proposed with these plans, as the proposed changes to the permitted uses will only allow for additional commercial and retail uses on the subject site only. All proposed uses for which approval is recommended would be consistent with the purposes and other provisions of Division 2, Part 10 (Mixed Use Zones), of the Zoning Ordinance.

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

This does not apply, as the site was zoned M-X-T before October 1, 2006.

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

The existing site has not changed significantly since it was converted from a gas station use in 1998. Several minor renovations were completed in the 2000s, but building and site conditions were not substantially modified. The proposed changes to the list of allowed uses will result only in a change of commercial and retail uses allowed on the site, with no new construction proposed. Therefore, the proposed CSP and DSP will have no impact on the existing development's outward orientation, or its physical or visual integration with existing adjacent development.

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

Proposed changes to the list of allowed uses, as limited by the conditions of approval, will be compatible and complimentary to existing and proposed development in the vicinity. Mixed-use developments are proposed to abut the subject site and the West Hyattsville Metro station. The expanded potential uses of

the subject site will allow for a greater mix of small-scale commercial options to serve the neighborhood and transit users of the Metro station.

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

The mix of uses will be enhanced by the expansion of permitted uses, as limited by the conditions of approval, and better enable the creation of an independent environment of continuing quality and stability on-site and in the surrounding neighborhood. The single existing retail/commercial use permitted on-site is a hinderance to satisfying this M-X-T Zone requirement.

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

No site development activity is proposed, and as such this requirement is not applicable at this time. Should the proposed CSP and DSP be permitted, future development of the site to accommodate a new use will need to demonstrate conformance with all applicable M-X-T and T-D-O standards.

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

The subject site is served by public sidewalks along its frontage of Ager Road and the Metro station bus entrance. Proposed changes to the list of allowed uses, as limited by the conditions of approval, will not reduce or compromise the convenience or design of facilities provided for pedestrians in the development.

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

The existing site provides a moderate level of quality urban design with a human-scale building located close to existing sidewalks and the Metro station. The proposed changes to the list of allowed uses will not reduce or compromise the existing quality of urban design. In fact, as the site has been vacant for approximately ten years, its activation with a retail or commercial use will help enliven a space directly adjacent to the Metro station. Future physical improvement of the site, if proposed, will be required to demonstrate conformance with this design criteria.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and**

**implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The CSP does not propose any new development on the subject property and therefore, presents no new transportation demands or requirements.

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

This requirement does not apply as no new development is proposed that would require additional public facilities.

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

This requirement does not apply as the property contains less than 250 acres and is not proposed as a Mixed-Use Planned Community.

- 8. 2006 Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone:** The Transit District Development Plan (West Hyattsville TDDP) places 5600 Ager Road within the Hamilton Square neighborhood, in the Townhouse: 2-4 Stories Preferred Land Use Category.

The applicability section of the West Hyattsville TDDP states that all new development must show compliance with the West Hyattsville TDDP standards in the site plan review process. Since the subject CSP and DSP show no new development, they are not required to meet development standards at this time. However, this should not be taken to validate the existing physical development in any way or to exempt any future development or redevelopment of this property from the need to show conformance with the TDDP standards.

The applicant contends that the Table of Uses for this Preferred Land Use Category is too restrictive, does not allow many uses common to similar, small commercial properties, and does not allow for retail or commercial uses that are complimentary to the vision of the West Hyattsville TDDP on this site, which is directly adjacent to the West Hyattsville Metro Station. The property was retained in the M-X-T Zone at the time of the approval of the West Hyattsville TDDP. The subject site was developed approximately 50 years prior to adoption



of the West Hyattsville TDDP, and has been vacant for approximately ten years. Increasing the types of permitted retail and commercial uses for this property would provide needed opportunities to activate the site in a manner consistent with the vision of the West Hyattsville TDDP.

The applicant has requested the following nine retail/commercial uses be added to the list of allowed uses for the subject property only:

- Eating or Drinking Establishment—such as a casual, fast-casual, or quick-service restaurant or coffee shop.
- Food or Beverage Store—such as a routine convenience store.
- Food or Beverage Goods Preparation on the Premises of a Food and Beverage Store—such as a bakery, sandwich shop, pizza shop or similar, preparing and selling food.
- Barber, Hair Salon, or Beauty Shop—such as a routine convenience service.
- Hardware Store, Clothing, or Dry Goods Retail—such as a household supplies and apparel store.
- Banks, Savings and Loan Associations, or Other Savings and Lending Institution—such as a bank branch.
- Medical or Professional Office—such as a doctor, dentist, orthodontist, physical therapist, accountant, tax prep, attorney, insurance office, or similar professional services.
- Pet Grooming Shop—such as pet food, pet supplies and pet grooming, with no pet boarding.
- Non-Automobile Repair Shop—such as watch repair, electronics and computer repair, appliance repair.

Prior long-time uses of the property consisted of a gas station, which operated for approximately 50 years, and a grocery store, which operated for approximately 10 years. The grocery store use ceased around 2010, and property has not been utilized since that time. The adoption of the West Hyattsville TDDP in 2006 made nearly all commercial and retail uses of the property nonconforming. As provided by the Table of Uses Permitted, the only permitted retail and commercial use of the subject property, within the Townhouse: 2-4 Stories Preferred Land Use Category, is seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261.

In accordance with Section 27-548.09.01(b)(5), in approving the subject applications, the Prince George's District Council shall find that the proposed development conforms with the purposes and recommendations for the Transit Development District, as stated in the Transit District Development Plan, and meets applicable site plan requirements. Staff supports the addition of the nine retail/commercial uses proposed by the applicant, with

conditions, for the subject site only and offers the following discussion as to conformance with the goals of the West Hyattsville TDDP (page 1):

**The goal of the West Hyattsville TDDP is to provide a clear and predictable path for transit-oriented development (TOD) within the West Hyattsville TDOZ...The 2002 Prince George's County Approved General Plan (page 44) defines TOD as development that actively seeks to increase the transit use and decrease automobile dependency by:**

- **Locating homes, jobs, and shopping closer to transit services;**

The subject site is located directly adjacent to the West Hyattsville Metro Station. Providing for new retail/commercial uses would create shopping and job opportunities directly adjacent to the West Hyattsville Metro Station.

- **Locating the mix of critical land uses (living/working/shopping) in closer proximity to one another; and**

Allowing additional commercial uses on the subject site will allow for a wider variety of land uses to activate the site, creating a better mix of shopping and basic service choices adjacent to the Metro station and residential communities.

- **Establishing land use/transit linkages that make it easier to use transit (rail and bus).**

As previously noted, the existing site is located directly adjacent to the West Hyattsville Metro Station, which makes it easily accessible from trains and bus routes. The existing, vacant site can be considered an undesirable condition that, when activated with a small-scale commercial or retail operation, would make for a more comfortable pedestrian linkage between existing neighborhoods, the Metro station, and associated bus stops.

As stated on page 4 of the West Hyattsville TDDP:

**The main purpose of this plan is to maximize the public benefits from the West Hyattsville Metro Station. The plan sets out primary goals emphasizing the neighborhood, environment, transportation, and low-impact development (LID):**

- **Promote TOD near the Metro Station and create a sense of place consistent with the neighborhood character areas.**

The existing site is underutilized and activating the property with a new commercial or retail use will create a stronger sense of place consistent with the neighborhood character area and vision of the West Hyattsville TDDP. Additional retail/commercial uses proposed for the site would provide greater opportunity for site activation with a use to serve transit users and the local community. Conditions have been included in the Recommendation

section of this report setting limitations on the proposed uses to ensure those adopted are consistent with the vision and goals of the West Hyattsville TDDP.

- **Ensure that all new development or redevelopment in the transit district is pedestrian-oriented.**

The applicant is not proposing any new development or redevelopment to the existing site. However, the existing development is small-scale, includes sidewalks along the western and southern frontages, and is walkable to the West Hyattsville Metro Station. The proposed additional uses for the site would allow for the sale of goods and services, catering to transit users and the local community within walking distance of the Metro station.

- **Restore, protect, and enhance the environment by protecting environmentally sensitive areas, minimizing impacts of development, and expanding recreational opportunities and trail and bikeway connections.**

There are no known environmentally sensitive areas on or directly adjacent to the site, and no new physical development proposed. Therefore, this goal does not apply to the subject CSP or DSP.

- **Maximize residential development opportunities within walking distance of the Metro Station.**

The subject site lies within the Townhouses 2-4 Stories Preferred Land Use Category within the TDDP. The small size of the site limits opportunities for residential development, in accordance with the guidelines of the West Hyattsville TDDP. Providing for small-scale retail or commercial use of the property without major physical modifications would provide existing and future residents with a new opportunity for shopping within walking distance of the Metro station.

9. **2010 Prince George's County Landscape Manual:** The CSP and DSP applications are not subject to the *Prince George's County Landscape Manual* (Landscape Manual), as the applications propose no increase in gross floor area or impervious surface, and there is no change of use from a lower to higher impact use category. The prior grocery store use and the uses proposed to be permitted on the site are all medium impact as provided by the Landscape Manual. Future proposals to amend allowed uses or alter existing site conditions will need to demonstrate conformance to the applicable requirements of the Landscape Manual at that time.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is exempt from the Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of existing woodland. Per Sections 27-273(e) and 27-282(e) of the Zoning Ordinance, an approved natural resources inventory, and tree conservation plan or letter of exemption are submittal requirements for a CSP and DSP. As part of the CSP and DSP application, the applicant submitted applications for a Woodland Conservation Letter of Exemption, and for a natural resources inventory

equivalency letter. Approved exemption and equivalency letters must be submitted prior to certificate approval of the CSP and DSP, as conditioned herein.

**11. Prince George’s County Tree Canopy Coverage Ordinance:** This property is not subject to the Tree Canopy Coverage Ordinance at this time because no building, grading, or other development activity is proposed. At such time that disturbance or gross floor area more than 5,000 square feet is proposed, conformance with the Tree Canopy Coverage Ordinance will be reevaluated. The tree canopy coverage schedule should be removed from the plan, as conditioned herein.

**12. Referral Comments:** The subject applications were referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. **Permit Review**—In a memorandum dated February 7, 2020 (Shaffer to Bossi), the Permit Review section recommended six revisions to the CSP and DSP plans. These revisions have been incorporated into each plan set.

b. **Community Planning**—In a memorandum dated February 25, 2020 (Mierow to Bossi), incorporated herein by reference, the Community Planning Division supports a change to the list of allowed uses, as requested by the property owner.

Future uses of the site should activate the pedestrian realm, minimize the number of curb cuts, and avoid drive-through service.

c. **Prince George’s County Police Department**—In a memorandum dated February 3, 2020 (Contic to Planner Coordinator), the Police Department noted they have no comments on the CSP or DSP application.

d. **City of Hyattsville**—In a letter dated March 2, 2020 (Hollingsworth to Hewlett), incorporated herein by reference, the City of Hyattsville indicated the City Council voted in support of the applicant’s request to allow for the following uses to be permitted at 5600 Ager Road:

- (1) Eating or drinking establishment (without drive-through service)
- (2) Food or beverage goods preparation on the premises of a food and beverage store
- (3) Barber/hair salon and beauty shop
- (4) Hardware store
- (5) Offices
- (6) Pet grooming shop

The City further requested the following uses be approved by the Planning Board subject to Special Permit only:

- (a) Banks, savings and loan association, or other savings and lending institution

(b) Non-Automobile Repair shop

Subject to these conditions, the City believes the applicant's request is in conformance with the vision and land-use goals of the West Hyattsville TDDP.

However, there is no requirement for special permit uses in the TDOZ; so staff is recommending these as permitted uses, subject to limitations, as conditioned herein to ensure such uses are transit-supportive and conform with the West Hyattsville TDDP land-use goals.

13. As required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP will, if approved in accordance with proposed conditions and limitations on proposed uses, represent a most 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.

In addition, per Section 27-276(b)(4), which became effective on September 1, 2010, a required finding for approval of a conceptual site plan is as follows:

**The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

There are no regulated environmental features found on the subject property; therefore, no preservation or restoration is necessary.

14. As required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP will, if approved in accordance with proposed conditions and limitations on proposed uses, represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

In addition, per Section 27-285(b)(4), which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

**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).**

There are no regulated environmental features found on the subject property; therefore, no preservation or restoration is necessary.

15. Based upon the foregoing analysis and as required by Section 27-548.08(c)(2), the following findings can be made relative to the DSP:

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

The subject DSP, for the addition of allowed uses within the existing building, is consistent with the land use vision of the West Hyattsville TDDP, which is to create a compact, high-density, pedestrian-friendly, mixed-use center around the Metro station. The DSP conforms to the applicable mandatory requirements of the TDDP.

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

The subject site is within the West Hyattsville TDDP and the development proposal is consistent with the development standards and guidelines.

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

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

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

The subject site is within the West Hyattsville TDDP and the development proposal is consistent with the development standards and guidelines, as all improvements are existing to remain.

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

The subject DSP proposes the addition of nine commercial uses as allowed on the subject property. The proposed uses are compatible with the adjacent Metro station and the commercial uses across Ager Road.

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

The above does not apply to the subject application, as there is no minimum parking requirement.

## RECOMMENDATION FOR CSP-19009

Based on the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and recommend to the District Council that it APPROVE Conceptual Site Plan CSP-19009, 5600 Ager Road, subject to the following conditions:

1. Prior to certification of the plan, the applicant shall:
  - a. Submit a copy of an approved natural resources inventory equivalency letter.
  - b. Submit a copy of an approved Woodland Conservation Letter of Exemption.
  - c. Remove the tree canopy coverage schedule from the plan and provide a note regarding the applicable exemption.
  - d. The following permitted uses for the subject property, 5600 Ager Road, shall be listed on the plan:
    - (1) Eating or drinking establishment (without drive-through service)
    - (2) Food or beverage store
    - (3) Food or beverage goods preparation on the premises of a food and beverage store
    - (4) Barber/hair salon and beauty shop
    - (5) Hardware store
    - (6) Savings and loan association or other savings and lending institution
    - (7) Offices
    - (8) Pet grooming shop
    - (9) Repair shop (non-automotive) for small items (such as bicycles, watches, electronics, clothing, and shoes)

The uses hereby approved for 5600 Ager Road are subject to the following limitations:

- (1) No automobile dependent uses are permitted.
- (2) No drive-through services are permitted.
- (3) No check-cashing businesses are permitted.

## RECOMMENDATION FOR DSP-19053

Based on the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and recommend to the District Council that it APPROVE Detailed Site Plan DSP-19053, 5600 Ager Road, subject to the following conditions:

1. Prior to certification of the plan, the applicant shall:
  - a. Submit a copy of an approved natural resources inventory equivalency letter.
  - b. Submit a copy of an approved Woodland Conservation Letter of Exemption.
  - c. Remove the tree canopy coverage schedule from the plan and provide a note regarding the applicable exemption.
  - d. The following permitted uses for the subject property, 5600 Ager Road, shall be listed on the plan:
    - (1) Eating or drinking establishment (without drive-through service)
    - (2) Food or beverage store
    - (3) Food or beverage goods preparation on the premises of a food and beverage store
    - (4) Barber/hair salon and beauty shop
    - (5) Hardware store
    - (6) Savings and loan association or other savings and lending institution
    - (7) Offices
    - (8) Pet grooming shop
    - (9) Repair shop (non-automotive) for small items (such as bicycles, watches, electronics, clothing, and shoes)

The uses hereby approved for 5600 Ager Road are subject to the following limitations:

- (1) No automobile dependent uses are permitted.
- (2) No drive-through services are permitted.
- (3) No check-cashing businesses are permitted.

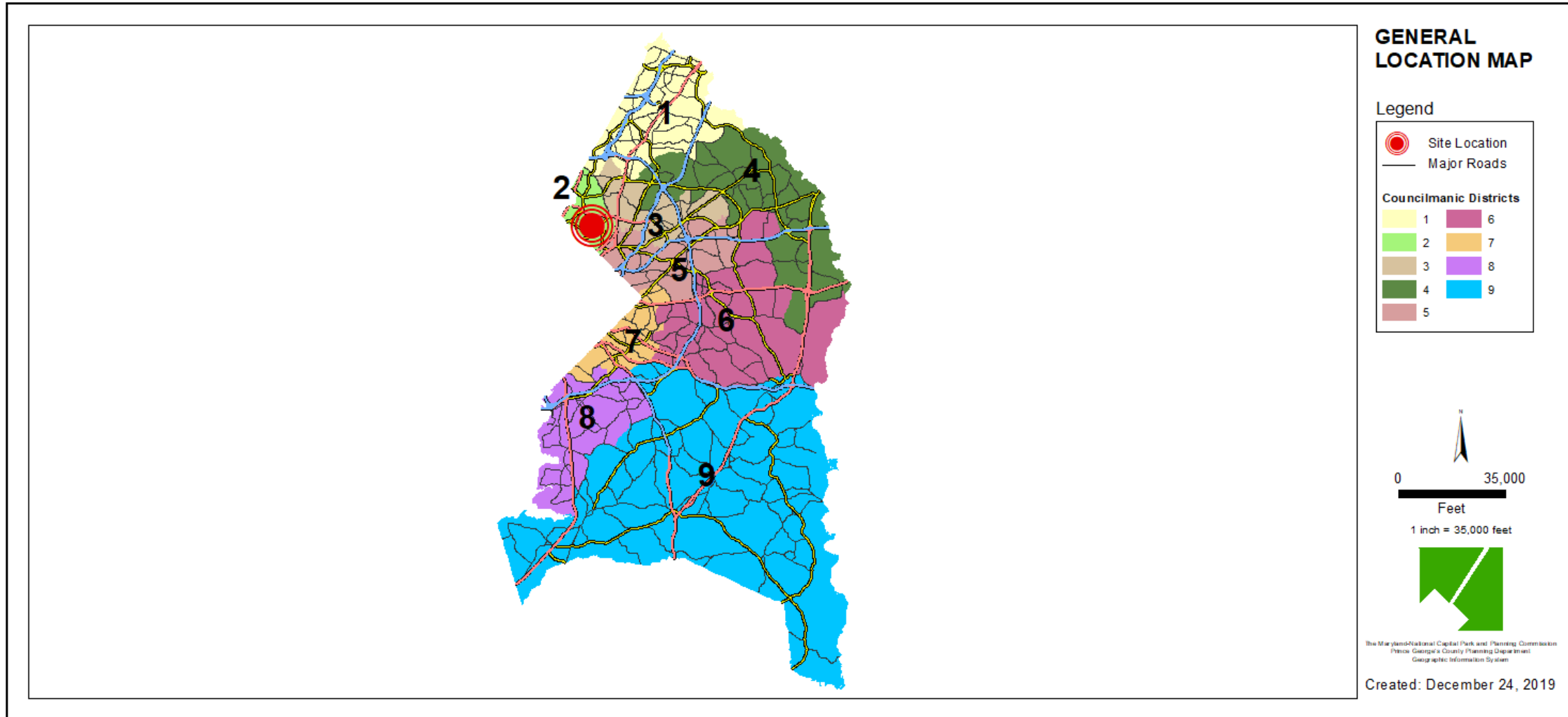


ITEM: 7 & 8

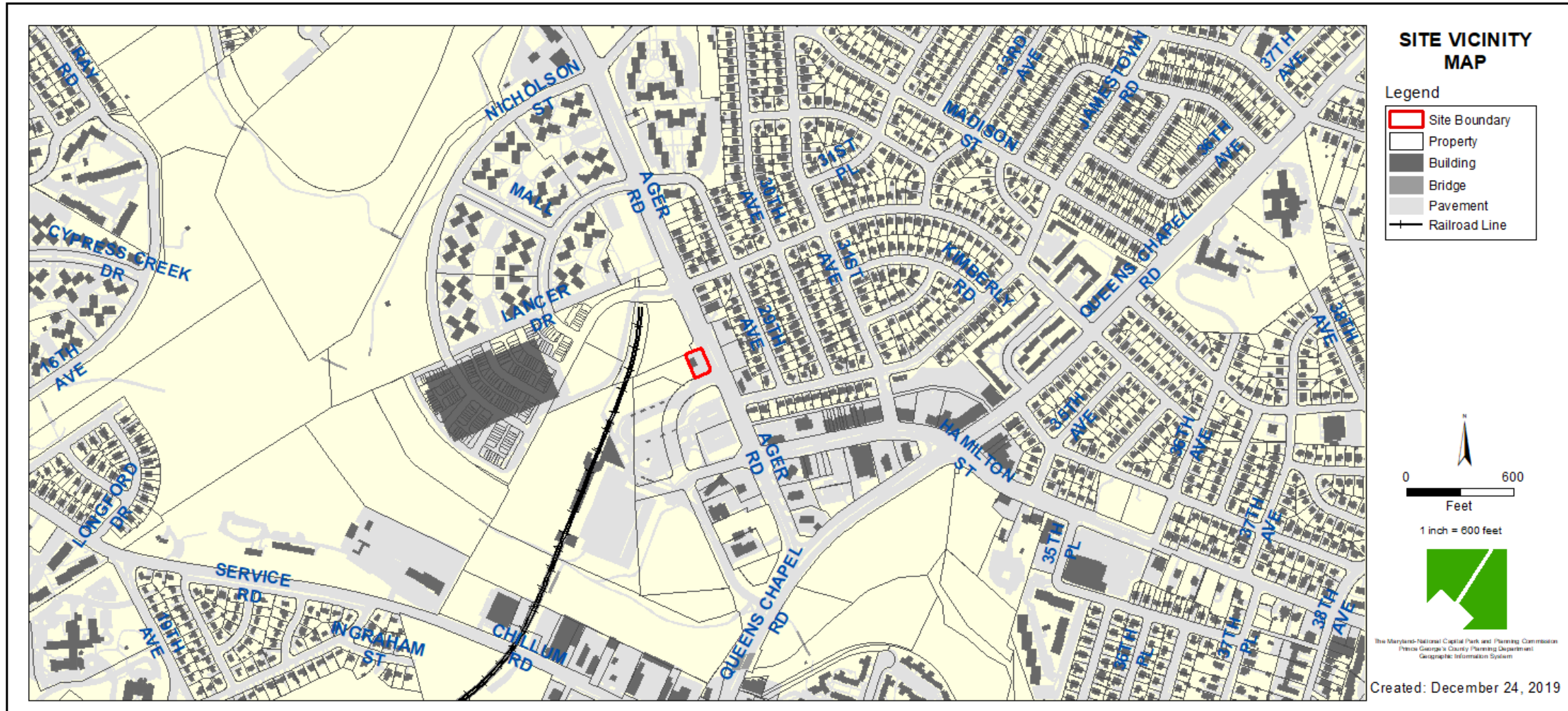
CASE: CSP-19009 & DSP-19053

## 5600 AGER ROAD

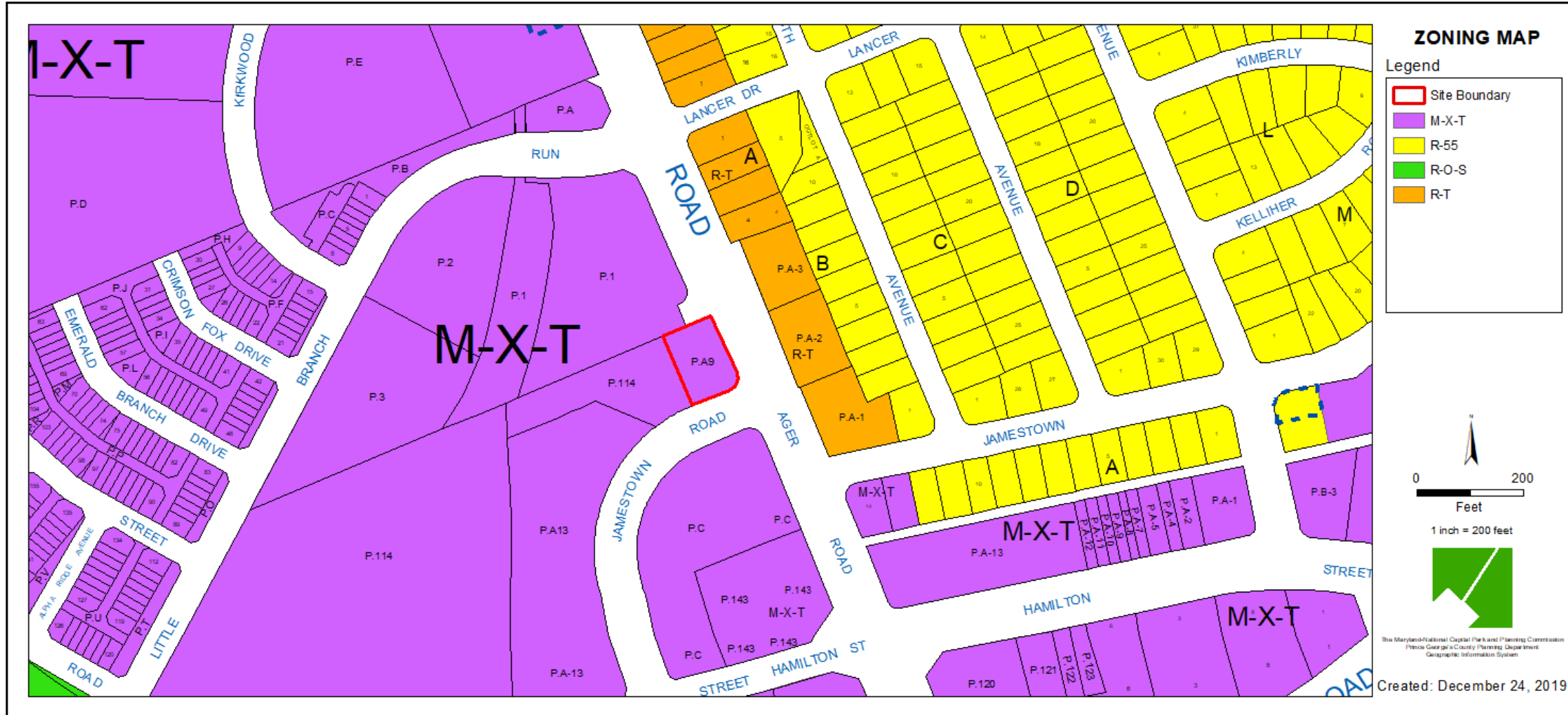
# GENERAL LOCATION MAP



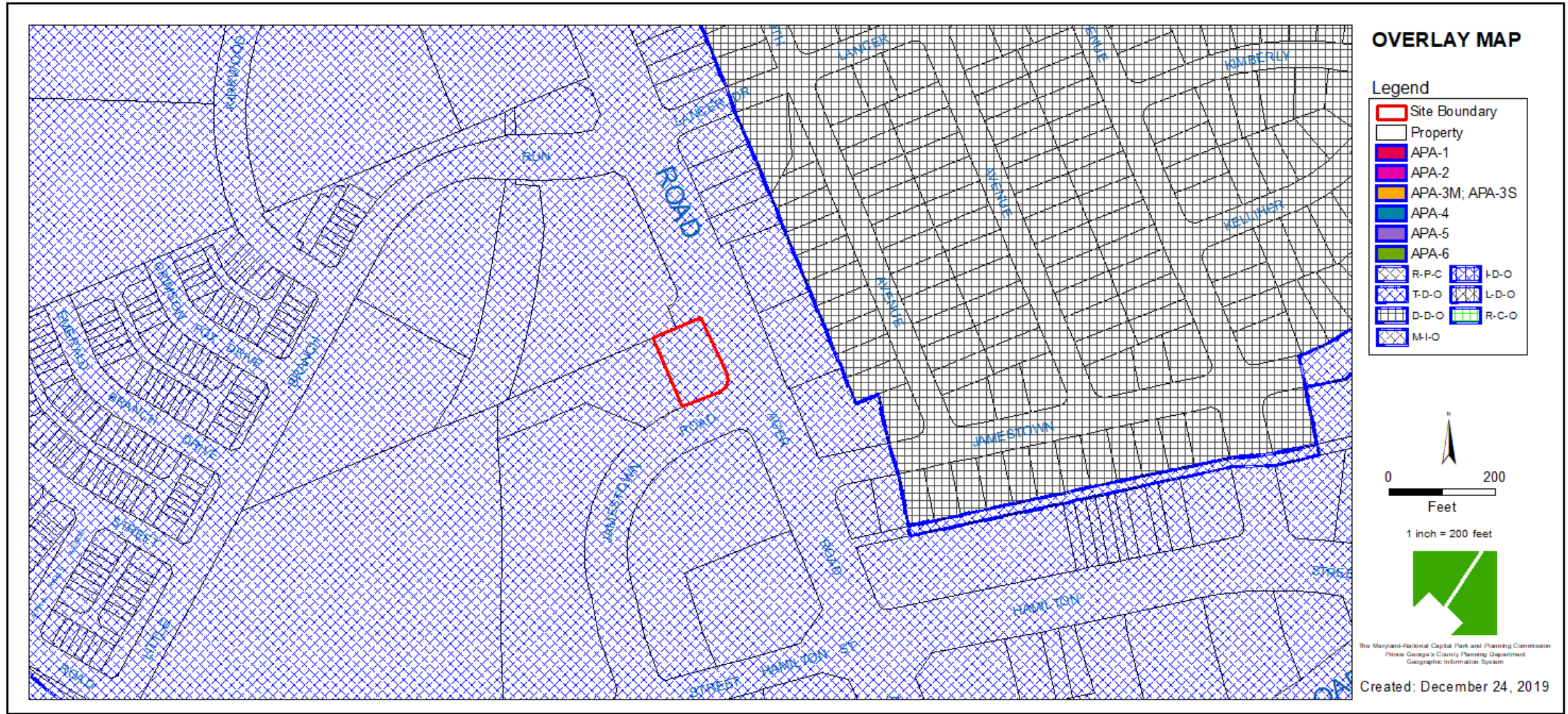
# SITE VICINITY



# ZONING MAP



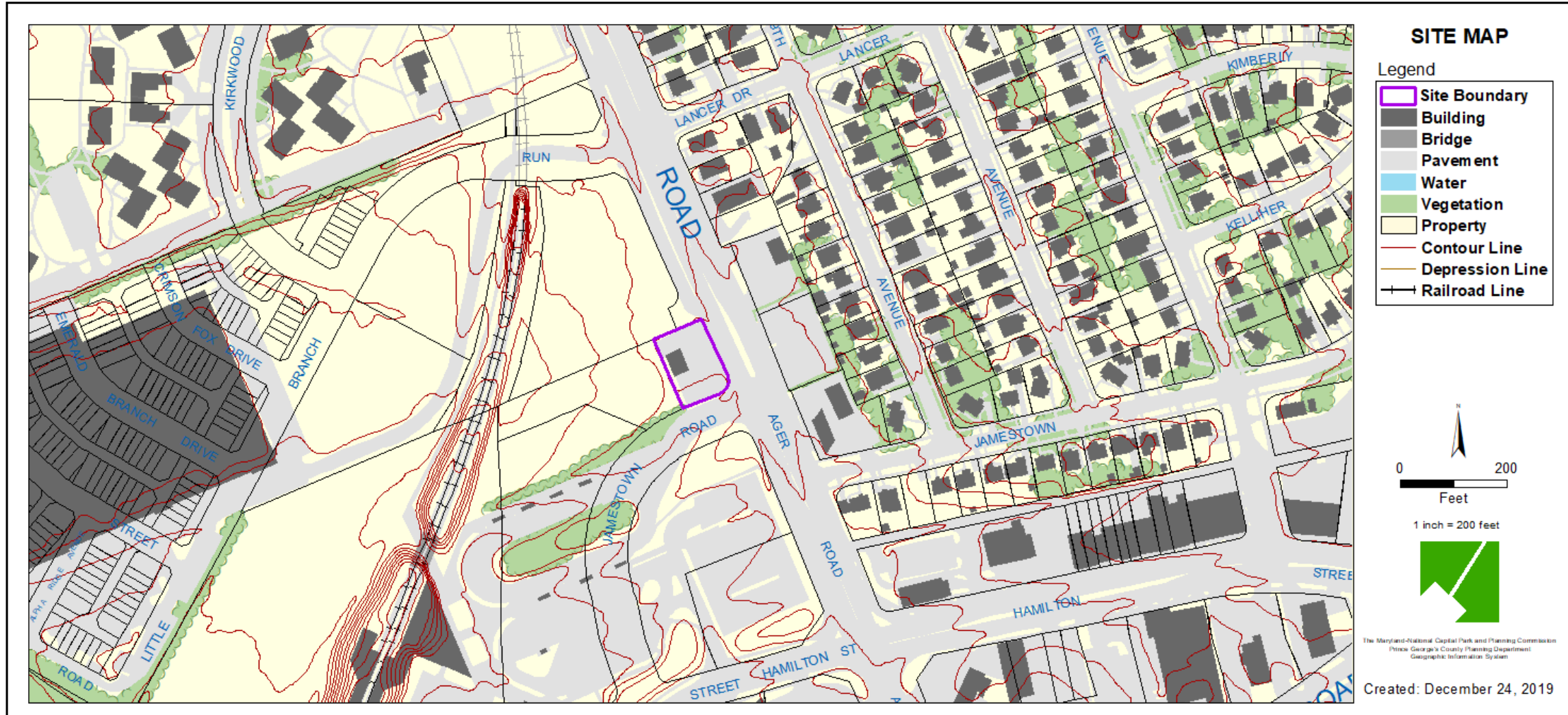
# OVERLAY MAP



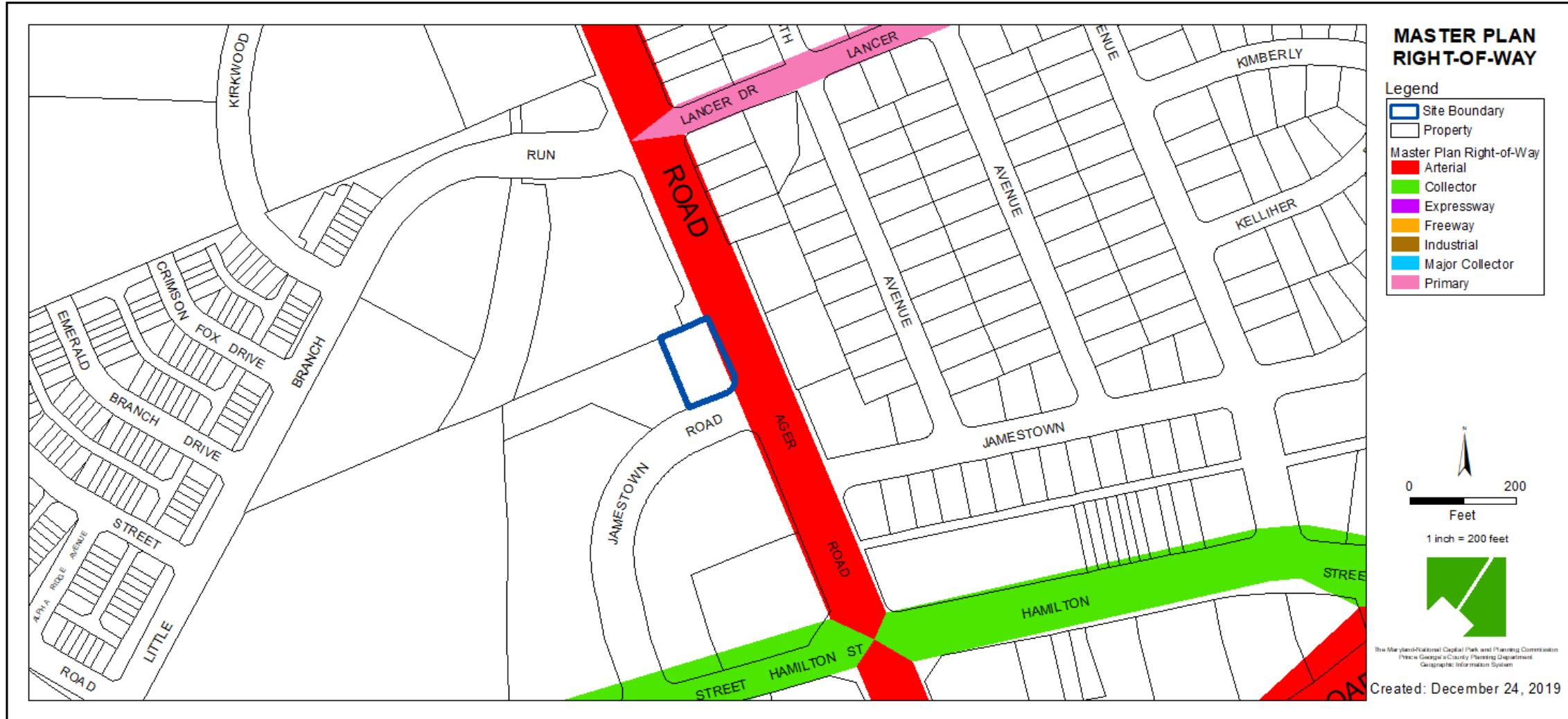
# AERIAL MAP



# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP

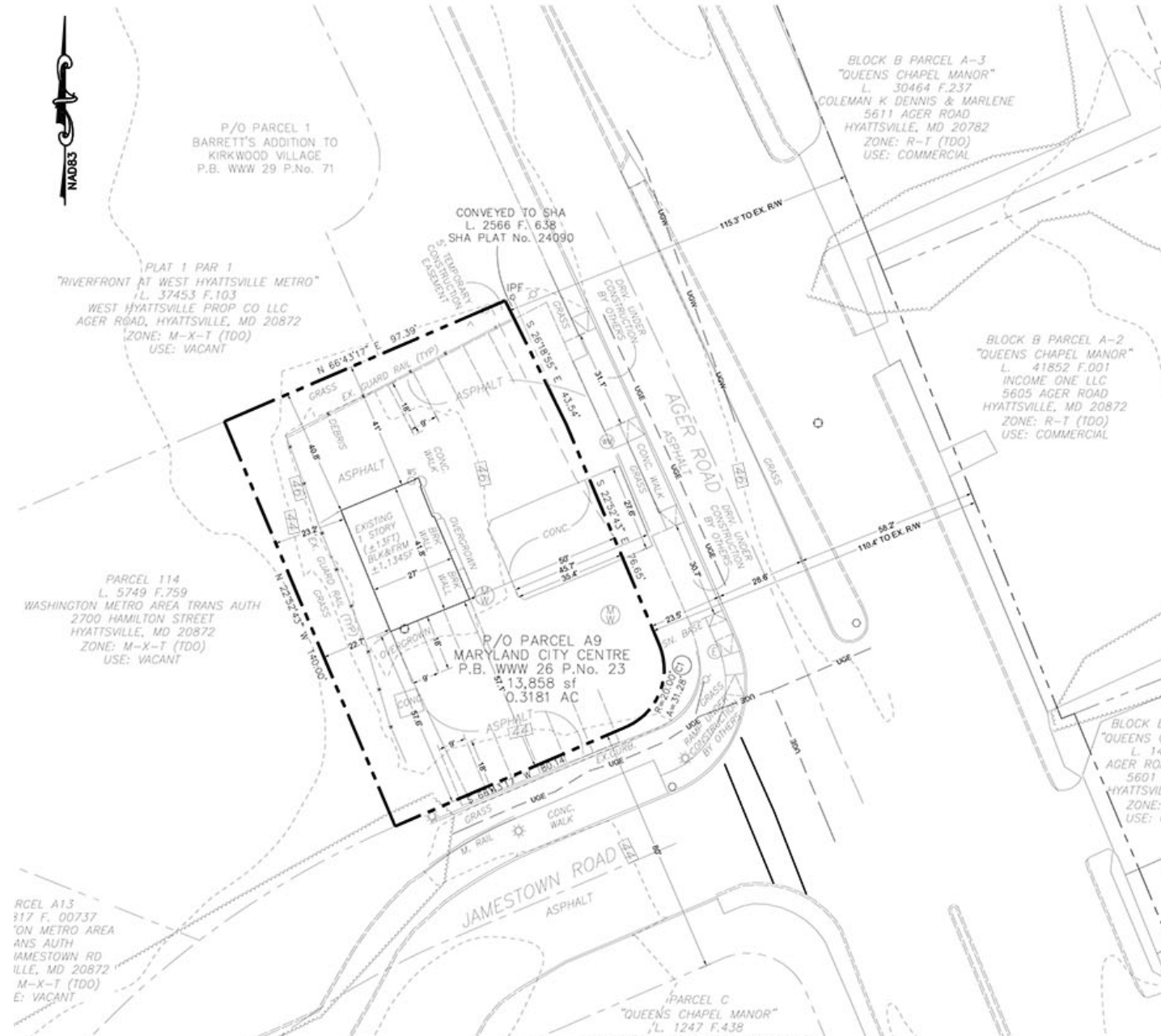




# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



# SITE PLAN



# EXISTING AND PROPOSED COMMERCIAL USES

## EXISTING ALLOWED USE:

Seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261

## PROPOSED ADDITIONAL USES:

1. Eating or Drinking Establishment (without drive-through service)
2. Food or Beverage Store
3. Food or Beverage Goods Preparation on the Premises of a Food and Beverage Store
4. Barber, Hair Salon or Beauty Shop
5. Hardware Store, Clothing or Dry Goods Retail
6. Banks, Savings and Loan Associations, or Other Savings and Lending Institution
7. Medical or Professional Office
8. Pet Grooming Shop
9. Non-Automobile Repair Shop

## I. INTRODUCTION

Hyattsville West One, LLC (hereinafter the "Applicant") by and through its attorneys, Lerch, Early, and Brewer, Chartered, submits this Conceptual Site Plan (hereinafter the "CSP") and Detailed Site Plan (hereinafter the "DSP") Justification Statement (hereinafter the "Statement") to demonstrate that amending the Table of Uses of the July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* (hereinafter the "TDDP") on the subject property is in compliance with the applicable provisions of Subtitle 27 of the Prince George's County Code (hereinafter the "Zoning Ordinance"), the TDDP, and other applicable review requirements and criteria. The subject property consists of approximately 0.319 acres located at 5600 Ager Road, Hyattsville Maryland 20782 (hereinafter the "Property"). The Property is currently in the M-X-T/T-D-O zone and is subject to the recommendations of the TDDP.

As described in detail herein and reflected on the CSP and DSP, the Applicant proposes to amend the Table of Uses contained in the TDDP in order to permit a wider array of commercial uses in the existing building. At this time, the Applicant is not proposing to redevelop the site; the Applicant merely wishes to use the existing structure in a commercial capacity. Accordingly, the Applicant respectfully requests District Council approval of the subject CSP and DSP.

## II. PROPERTY DATA

<i>Location:</i>	5600 Ager Road, Hyattsville, Maryland 20782.
<i>Tax Map #:</i>	41-E4.
<i>Frontage:</i>	Ager Road. Jamestown Road. <sup>1</sup>

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<sup>1</sup> According to [pgatlas.com](http://pgatlas.com), an extension of Jamestown Road has been dedicated for public use, but it has not yet been constructed.

<i>Election District:</i>	17.
<i>Legislative District:</i>	47A.
<i>Councilmanic District:</i>	2.
<i>Acreage:</i>	± 0.319 acres.
<i>Zoning:</i>	M-X-T/T-D-O.
<i>Subdivision:</i>	Maryland City Centre.
<i>Existing Water Company:</i>	W-3.
<i>Existing Sewer Company:</i>	S-3.
<i>Historic:</i>	N/A.
<i>Master Plan:</i>	2006 Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone.
<i>General Plan:</i>	Plan Prince George's 2035.

### III. EXISTING CONDITIONS AND SURROUNDING AREA

The Property is currently improved with a ±1,134 square foot building and associated surface parking. Temporary clothing donation bins are also provided at the perimeter of the site. The Property is located along the west side of Ager Road and is generally surrounded by undeveloped green area that is also zoned M-X-T/T-D-O.<sup>2</sup> The southern frontage of the Property currently abuts the bus drop off/pick-up location for the West Hyattsville Metro Station, however this is subject to change

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<sup>2</sup> This green area abutting the Property to the west and to the north is the site of the West Hyattsville Commons/Riverfront at West Hyattsville Metro project (CSP-05006/DSP 16029, PPS-15020), which has yet to be constructed.

if/when the planned extension of Jamestown Road is constructed.<sup>3</sup> The properties that confront the Property to the east across Ager Road are zoned R-T (Townhouse). The Property is in close proximity to the West Hyattsville Metro Station, which is approximately 900 feet to the southwest.

**IV. 2006 APPROVED TRANSIT DISTRICT DEVELOPMENT PLAN AND TRANSIT DISTRICT OVERLAY ZONING MAP AMENDMENT FOR THE WEST HYATTSVILLE TRANSIT DISTRICT ZONE**

The Property is within the area covered by the TDDP – the guiding planning document that supplements and/or modifies the development regulations associated with the underlying M-X-T Zone. The TDDP provides various goals and objectives to achieve transit-oriented development within the West Hyattsville Transit District Overlay Zone (the "TDOZ"). The TDDP is organized into three neighborhood character areas: (1) Hamilton Square, (2) North Park, and (3) Queenstown. The Property is located within the Hamilton Square neighborhood, which is envisioned as "the most active of the three neighborhoods." Centrally located within the TDDP area, it will contain the most diverse development mix – several types of residential units, office space, and stores." (See TDDP, pg. 10). The TDDP places the Property in the Townhouse: 2-4 stories Preferred Land Use Category.

The applicability section of the TDDP states that all new development must comply with the TDDP standards in the site plan review process. Since the subject CSP and DSP propose no new development, they are not required to meet the TDDP standards at this time. In regards to conformance with the TDDP, the Applicant offers the analysis contained in Section VI.A.i.2.A of this Statement.

**V. PROPOSED AMENDMENT TO TABLE OF USES**

The Applicant has reviewed the list of commercial uses permitted on the Property pursuant to the TDDP. The list of permitted uses is exceptionally narrow,

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<sup>3</sup> *Supra*, Fn. 1

especially with respect to commercial/retail uses.<sup>4</sup> Additionally, no commercial/retail uses exist immediately adjacent to the West Hyattsville Metro Station. Permitting commercial/retail uses on this Property, given its proximity to the West Hyattsville Metro Station,<sup>5</sup> presents a unique opportunity to fill a commercial gap and provide an amenity for residents and transit riders.

In order to use the existing structure on the Property for a substantial commercial purpose, the list of permitted uses outlined in the Table of Uses needs to be amended. (See TDDP, pgs. 41-47). A list of uses the Applicant would like to be permitted on the Property, along with an analysis regarding how these potential uses support the TDDP vision, are included below.

- *Eating or drinking establishment*<sup>6</sup>

Comment: In the immediate vicinity of this Property, the Riverfront at West Hyattsville Metro was approved. The infrastructure DSP for the Riverfront at West Hyattsville Metro was approved for, amongst other things, 183 townhouse units and 300 multifamily units. At a minimum, these residents, as they walk to and from the West Hyattsville Metro Station, will need Eating and Drinking Establishments to dine or to provide coffee. Additionally, transit riders who may work in the West Hyattsville area will need Eating and Drinking Establishments to patronize. Eating and Drinking Establishments near mass transit is essential.

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<sup>4</sup> The only Retail/Commercial use type currently permitted on the Property is: "Seasonal decorations and sales as a temporary use, in accordance with Sections 27-260 and 27-261." (See Master Plan, pgs. 42-43).

<sup>5</sup> Specifically, the Property is immediately adjacent to the Metro bus bays and the Kiss and Ride lot.

<sup>6</sup> Such as casual, fast-casual, or quick service restaurants or coffee shops.

- *Food or beverage goods preparation on the premises of a food and beverage store;*<sup>7</sup>

Comment: In the immediate vicinity of this Property, the Riverfront at West Hyattsville Metro was approved. The infrastructure DSP for the Riverfront at West Hyattsville Metro was approved for, amongst other things, 183 townhouse units and 300 multifamily units. At a minimum, these residents, as they walk to and from the West Hyattsville Metro Station, will need this use to dine. Additionally, transit riders who may work in the West Hyattsville area will need this use to patronize. This use near mass transit is essential.

- *Barber/hair salon and beauty shop;*

Comment: In the immediate vicinity of this Property, the Riverfront at West Hyattsville Metro was approved. The infrastructure DSP for the Riverfront at West Hyattsville Metro was approved for, amongst other things, 183 townhouse units and 300 multifamily units. At a minimum, these residents, as they walk to and from the West Hyattsville Metro Station, need this essential use. Additionally, permitting this use on this Property allows transit riders a convenient location to obtain these services prior to, during, and/or after work hours.

- *Hardware store, clothing, dry goods;*

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<sup>7</sup> Such as a bakery, sandwich shop, pizza shop or similar use.



Comment: In the immediate vicinity of this Property, the Riverfront at West Hyattsville Metro was approved. The infrastructure DSP for the Riverfront at West Hyattsville Metro was approved for, amongst other things, 183 townhouse units and 300 multifamily units. At a minimum, these residents, as they walk to and from the West Hyattsville Metro Station, need a location to purchase standard household items. Additionally, permitting this use on this Property allows transit riders to purchase clothing and other household items as they go to and from a West Hyattsville destination.

- *Banks, savings and loan association or other savings and lending institution:*

Comment: In the immediate vicinity of this Property, the Riverfront at West Hyattsville Metro was approved. The infrastructure DSP for the Riverfront at West Hyattsville Metro was approved for, amongst other things, 183 townhouse units and 300 multifamily units. At a minimum, these residents, as they walk to and from the West Hyattsville Metro Station, should be able to handle banking needs. Additionally, transit riders who may work in the West Hyattsville area will need a place to handle banking needs. This use near mass transit is essential.

- *Offices,<sup>8</sup>*

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<sup>8</sup> Such as doctors, dentists, orthodontist, physical therapist, accountants, tax preparation consultants, attorneys and other professional services.

Comment: In the immediate vicinity of this Property, the Riverfront at West Hyattsville Metro was approved. The infrastructure DSP for the Riverfront at West Hyattsville Metro was approved for, amongst other things, 183 townhouse units and 300 multifamily units. At a minimum, these residents should have the ability to use professional offices services in the West Hyattsville area. Additionally, permitting this use on this Property allows transit riders a convenient location to obtain these office services prior to, during, and/or after work hours.

- *Pet grooming shop;*<sup>9</sup>

Comment: In the immediate vicinity of this Property, the Riverfront at West Hyattsville Metro was approved. The infrastructure DSP for the Riverfront at West Hyattsville Metro was approved for, amongst other things, 183 townhouse units and 300 multifamily units. At a minimum, these residents should have the ability to have this use in the West Hyattsville area. Additionally, permitting this use on this Property allows transit riders to drop-off and pick-up pets, and pet supplies, when they are in the West Hyattsville area.

- *Non-Automobile Repair shop;*<sup>10</sup>

Comment: In the immediate vicinity of this Property, the Riverfront at West Hyattsville Metro was approved. The infrastructure DSP for the

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<sup>9</sup> This does not include pet boarding.

<sup>10</sup> Such as watch repair, electronics and computer repair, appliance repair. This does NOT include an auto-repair shop.

Riverfront at West Hyattsville Metro was approved for, amongst other things, 183 townhouse units and 300 multifamily units. At a minimum, these residents, as they walk to and from the West Hyattsville Metro Station, need this essential use. Additionally, permitting this use on this Property allows transit riders a convenient location to obtain these services prior to, during, and/or after work hours.

The Applicant seeks to amend the TDDP Table of Uses to permit the above referenced uses (collectively referred to as “Proposed Uses”) on the Property.

## VI. ANALYSIS

### A. Zoning Ordinance Conformance

The purpose of the subject CSP and DSP applications is to amend the Table of Uses contained in the TDDP. Pursuant to the applicable provisions of the Zoning Ordinance, the Applicant offers the following analysis:

#### i. Sec. 27-547(d) – Uses permitted.

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

*(1) Retail businesses:*

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

Comment: The subject CSP/DSP application requests to amend the Table of Uses in the TDDP. While the Property is zoned M-X-T/T-D-O, the Applicant is not proposing any "development" that would implicate the purposes of this provision. Notably, the Zoning Ordinance defines "development" as "any activity that materially affects the condition or use of dry land, land under water, or any structure." (See Section 27-107(a)(66.1)). The requested amendment to the TDDP Table of Uses does not "materially" affect the condition or use of the Property. The Applicant's request is merely a prospective change; it amends the Table of Uses to allow a wider array of use options – *i.e.*, commercial opportunities – that could be implemented into a future development proposal.

The Proposed Uses are also consistent with the vision outlined in the TDDP. (See TDDP, Chapter 3, titled "Vision: TOD in the West Hyattsville TDOZ). Hamilton Square is to be "the most active" of the three neighborhoods and "will contain the most diverse development mix." (pg. 10). When considering other pending residential development in the surrounding area, the Proposed Uses are appropriate. When the Property is redeveloped, the Applicant desires an opportunity to implement a market-responsive commercial use that helps to achieve the "diverse development mix" desired for the Hamilton Square neighborhood.

Furthermore, while the Applicant's proposed amendment may involve only one of the three categories listed under this provision (*i.e.*, retail businesses), the abutting property to the north will be the site Riverfront at West Hyattsville Metro development – a mixed-use development that will provide single-family attached and multifamily residential, and 10,000 square feet of gross floor area for commercial

development.<sup>11</sup> Thus, the purposes of the M-X-T/T-D-O zone, and specifically this provision, will inevitably be fulfilled.

ii. **Sec. 27-548.09.01(b) – Amendment of Approved Transit District Overlay Zone.**

*(1) A property owner may ask the District Council, but not the Planning Board, to change the boundaries of the T-D-O Zone, a property's underlying zone, the list of allowed uses, building height restrictions, or parking standards in the Transit District Development Plan. The Planning Board may amend parking provisions concerning the dimensions, layout, or design of parking spaces or parking lots.*

Comment: The Applicant respectfully requests that the District Council approve this CSP and DSP application to change the list of allowed uses on the Property.

*(2) The owner's application shall include:*

*(A) A statement showing that the proposed development conforms with the purposes and recommendations for the Transit District, as stated in the Transit District Development Plan; and*

Comment: The CSP and DSP substantially conform with the objectives of the West Hyattsville TDDP. The goal of the TDDP is to provide a clear and predictable path for transit-oriented development (TOD)<sup>12</sup> within the TDOZ by:

- *Locating homes, jobs, and shopping closer to transit services;*

Sub-Comment: The Property is located within 1,000 feet of the West Hyattsville Metro Station. Amending the Table of Uses to accommodate more commercial opportunities will offer residents and visitors of the West Hyattsville community increased access to retail choices, create more job

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<sup>11</sup> *Supra*, Fn. 2.

<sup>12</sup> The *Plan Prince George's 2035 Approved General Plan* describes TOD as walkable, transit-rich mixed-use communities that provide alternatives to owning a car. (pg. 148).

opportunities, stimulate economic activity, and encourage additional commercial and residential development within close proximity to the metro.

- *Locating the mix of critical land uses (living/working/shopping) in closer proximity to one another; and*

Sub-Comment: This CSP and DSP do not propose any changes to the Property; the sole purpose is to amend the Table of Uses contained in the TDDP. As mentioned above, the requested amendment will allow the Property to support a broader range of commercial uses. This will result in a better mix of retail choices within Hamilton Square, which is intended to be the "most active" of the three West Hyattsville neighborhoods. Unlocking the commercial potential of the Property may facilitate additional mixed-use projects in close proximity to the Metro station.

- *Establish land use/transit linkages that make it easier to use transit (rail and bus).*

Sub-Comment: As stated above, the Property is in close proximity to the West Hyattsville Metro Station, which makes it easily accessible from the trains and buses en route to and from the metro station.

Additionally, as stated on Page 4 of the TDDP, "the main purpose of [the TDDP] is to maximize the public benefits from the West Hyattsville Metro Station. The [TDDP] sets out primary goals emphasizing the neighborhood, environment, transportation, and low-impact development (LID):

- *Promote TOD near the Metro Station and create a sense of place consistent with the neighborhood character areas.*

Sub-Comment: Amending the Table of Uses to broaden the spectrum of commercial opportunities on the Property will stimulate activity and create a stronger sense of place that is consistent with the TDDP's vision for the Hamilton Square neighborhood character area. Unlocking the Property's

commercial potential will help Hamilton Square become the "most active of the three [TDDP] neighborhoods."

- *Ensure that all new development or redevelopment in the transit district is pedestrian-oriented.*

Sub-Comment: At this time, the Applicant is not proposing any new development or redevelopment to the Property.

- *Restore, protect, and enhance the environment by protecting environmentally sensitive areas, minimizing impacts of development, and expanding recreational opportunities and trail and bikeway connections.*

Sub-Comment: The Applicant is not proposing any new development or redevelopment that would cause any adverse environmental impacts. The site is already developed with an existing structure.

- *Maximize residential development opportunities within walking distance of the Metro Station.*

Sub-Comment: Allowing more commercial opportunities on the subject Property will enhance the viability and attractiveness of the surrounding area, which could in turn attract developers to pursue more residential opportunities on surrounding sites that are within ¼ mile of the Metro Station. New commercial uses have the potential to incentivize complementary residential development and ultimately transform this area of West Hyattsville into a self-sufficient, transit-oriented community.

Furthermore, the specific purposes of the TDOZ are outlined under Section 27-548.03 of the Zoning Ordinance. The Applicant believes that amending Tables of Uses under the TDDP complies with these purposes as follows:

- *No. 1 – To enhance the development opportunities in the vicinity of transit stations;*

Sub-Comment: Permitting the Proposed Uses on the Property will enhance development opportunities in the vicinity of the West Hyattsville Metro Station. New commercial uses will activate the surrounding transit-oriented area and incentivize complementary development that does not currently exist.

- *No. 2 – To promote the use of transit facilities;*

Sub-Comment: The Property is located within 1,000 feet of the West Hyattsville Station. Furthermore, the site is located between major Maryland and Washington D.C. employment centers and which are accessible via the Metro transit system (e.g., College Park and Farragut North). Broadening the scope of commercial uses allowed on the Property, which is within such a short distance of this Metro station, will promote use of the transit system by residents and future patrons.

- *No. 3 – To increase the return on investment in a transit system and improve local tax revenues;*

Sub-Comment: Amending the Table of Uses will increase commercial opportunities and incentivize investment activity around the West Hyattsville Metro Station. The Applicant's Proposed Uses, such as an eating or drinking establishment, will help generate greater tax revenues for Prince George's County.

- *No. 4 – To create a process which coordinates public policy decisions, supports regional and local growth and development strategies;*

Sub-Comment: The Applicant's proposed amendment to the Table of Uses requires approval from the District Council. This process coordinate public policy decisions with the local growth and development strategies outlined in the TDDP.



- *No. 5 – To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;*

Sub-Comment: The TDOZ allows flexibility in the development process through the use of amendments to the TDDP. In this case, amending the Table of Uses under the TDDP through the CSP or DSP process will overcome deficiencies in the M-X-T/T-D-O Zone that severely restrict the uses permitted on the Property.

- *No. 6 – To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;*

Sub-Comment: Increasing the variety of commercial uses within close proximity to the West Hyattsville Metro Station gives residents (and West Hyattsville community visitors) the opportunity to patronize an accessible location and will lessen the commute to other retail establishments located further away. This change will not increase the cost of public services.

- *No. 7 – To provide mechanisms to assist in financing public and private costs associated with development;*

Sub-Comment: This purpose is not applicable; public financing is not proposed as part of this application.

- *No. 8 – To provide for convenient and efficient pedestrian and vehicular access to Metro Stations;*

Sub-Comment: Given that there is no development proposed with this CSP/DSP application, there will be no impact on pedestrian and vehicular access to the West Hyattsville Metro Station.

- *No. 9 – To attract an appropriate mix of land uses;*

Sub-Comment: The Applicant is proposing to amend the Table of Uses under the TDDP to grant more opportunities to the customer base of the West Hyattsville community. The underlying purpose of this CSP/DSP application is to broaden the Table of Uses, not only to provide greater commercial flexibility on the Property, but to incentivize future TOD.

- *No. 10 – To encourage uses which complement and enhance the character of the area;*

Sub-Comment: The vision statement of the TDDP, page 7, encourages "high quality, compact development that will create the economic base of new shops and stores that will enhance the quality of life for everyone in Hyattsville and its immediate neighbors." The existing Table of Uses places the subject Property at a competitive disadvantage. It restricts many common, yet essential commercial options for the community, such as eating or drinking establishments, clothing stores, or banks. The Proposed Uses aim to maximize the Property's transit-oriented location and attract a more diverse group of retail tenants that will enliven the Hamilton Square neighborhood character area, until broader redevelopment purposes are considered.

- *No. 11 – To insure [sic.] that developments within the Transit District possess a desirable urban design relationship with one another, the Metro Station, and adjoining areas; and*

Sub-Comment: The Applicant is not proposing any new development at this time. Amending the Table of Uses contained in the TDDP will allow a greater mix of uses on the Property. Allowing more commercial opportunities to the Townhouses: 2-4 stories category will facilitate a relationship that, pursuant to the Preferred Land Use Plan of the TDDP, page 14, is compatible with the other categories that are within 1,000 feet of the metro station.

- *No. 12 – To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.*

Sub-Comment: This specific purpose is not applicable, as no new development is proposed with the subject CSP and DSP.

*(B) A Detailed Site Plan or Conceptual Site Plan, in accordance with Part 3, Division 9.*

Comment: The Applicant is submitting a CSP and DSP in accordance with part 3, Division 9.

*(3) Filing and review of the application shall follow the site plan review procedures in Part 3, Division 9, except as modified in this Section. The Technical Staff shall review and submit a report on the application. When an amendment application proposes to enlarge the boundaries of the Transit District Overlay Zone by five (5) or more acres, the Technical Staff shall also provide an Adequate Public Facilities report as defined in Subtitle 24 of the County Code as part of the development review process for proposed development of the subject property. The Planning Board shall hold a public hearing and submit a recommendation to the District Council. Before final action the Council may remand the application to the Planning Board for review of specific issues.*

Comment: The Applicant is filing all necessary materials to facilitate the proper review of the subject CSP and DSP applications.

*(4) An application may be amended at any time. A request to amend an application shall be filed and reviewed in accordance with Section 27-145.*

Comment: In the event that it is necessary for the Applicant to amend the subject CSP/DSP application, the Applicant will submitted the request in accordance with Section 27-145.

*(5) The District Council may approve, approve with conditions, or disapprove any amendment requested by a*

*property owner under this Section. In approving an application and site plan, the District Council shall find that the proposed development conforms with the purposes and recommendations for the Transit Development District, as stated in the Transit District Development Plan, and meets applicable site plan requirements.*

**Comment:** The Applicant respectfully requests that the District Council approve the proposed amendment to the Table of Uses under the TDDP. Additionally, as discussed in great detail above, the Applicant has provided information to permit the District Council to find that the proposed amendment conforms with the purposes and recommendations for the TDOZ, as stated in the TDDP.

*(6) If a Conceptual Site Plan is approved with an application, the owner may not obtain permits without an approved Detailed Site Plan.*

**Comment:** In accordance with this provision, the Applicant is submitting a DSP for approval.

iii. Sec. 27-546(d) – Site Plans.

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

**Comment:** There is no development proposed with the subject CSP or DSP applications, as the proposed changes to the Table of Uses will only permit increased commercial uses on the Property. All Proposed Uses for which approval is recommended would be consistent with the purposes and other provisions of Division 2, Part 10 (Mixed Use Zones) of the Zoning Ordinance.

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

Comment: This provision is not applicable; the Property was zoned MXT before October 1, 2006.

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

Comment: There is no development proposed with the subject CSP or DSP, as the proposed changes to the Table of Uses will only permit increased commercial uses on the Property.

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

Comment: There is no development proposed with the subject CSP/DSP application. Additionally, the Property is currently improved with an existing building. This provision is therefore not applicable.

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

Comment: The mix of uses within the ¼ radius of the West Hyattsville Metro Station (See TDDP, Map 14, pg. 36) will be enhanced by expanding the commercial uses permitted on the Property, and better enable the West Hyattsville community to sustain an independent environment of continuing quality and sustainability. By unlocking the commercial potential of the Property, other retail tenants that otherwise might not be interested will consider the metro station area as a viable opportunity. The proposed amendment is consistent with the intentions of TOD, as defined in the General Plan<sup>13</sup>, and the objectives of the TDDP.

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<sup>13</sup> *Supra*, Fn. 4.

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

Comment: This provision is not applicable to this CSP/DSP application. No additional development is proposed at this time, and therefore no proposed staging.

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

Comment: The Property is located within 1,000 feet of the West Hyattsville Metro Station. Accordingly, the potential for a well-integrated pedestrian system is a realistic possibility, from which the Proposed Uses can capitalize.

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

Comment: This provision is not applicable to the subject CSP/DSP application. The Applicant is requesting an amendment to the Table of Uses under the TDDP. There is no development or redevelopment proposed at this time; and as such there are no areas proposed for pedestrian activities or gathering places.

*(9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities*

*financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.*

Comment: The subject CSP does not propose any new development on the subject Property and therefore, presents no new transportation demands or requirements. This provision is therefore not applicable to this application.

*(10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).*

Comment: This provision is not applicable. The Applicant is not proposing new development that would require additional public facilities.

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

Comment: This provision is not applicable. The Property contains less than 250 acres.

iv. Sec. 27-274 – Design Guidelines.

*(a) The Conceptual Site Plan shall be designed in accordance with the following guidelines:*

*(1) . . .*

\*\*\*

Comment: This provision is not applicable to the subject CSP/DSP application that seeks to amend the Table of Uses in the TDDP. As discussed above in Section VI.A.i of this Statement, the Applicant is not pursuing a development (as defined by the Zoning Ordinance) of the Property at this time. Accordingly, the CSP Design Guidelines under Section 27-274 are not implicated and do not need to be considered for purposes of this application.

**v. Sec. 27-276(b) – Required Findings for Conceptual Site Plans.**

Given the limited nature of this CSP/DSP application and the fact that no development of the Property is proposed, an analysis of each provision under Sec. 27-276(b) of the Zoning Ordinance is not necessary. As required by Sec. 27-276(b)(1) of the Zoning Ordinance, the CSP will, if approved in accordance with proposed conditions and limitations on proposed uses, represent a most 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. All other findings required for CSP approval are not applicable or relevant to this application that requests an amendment to the Table of Uses.<sup>14</sup>

**vi. Sec. 27-285(b) – Required Findings for Detailed Site Plans**

Given the limited nature of this CSP/DSP application and the fact that no development of the Property is proposed, an analysis of each provision under Sec. 27-285(b) of the Zoning Ordinance is not necessary. As required by Sec. 27-285(b)(1) of the Zoning Ordinance, the DSP will, if approved in accordance with proposed

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<sup>14</sup> The regulated environmental features on the subject Property will not be impacted by this CSP/DSP application.



conditions and limitations on proposed uses, 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. All other findings required for DSP approval are not applicable or relevant to this application that requests an amendment to the Table of Uses.

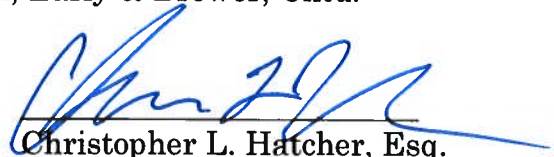
## VII. CONCLUSION

The Applicant respectfully requests that the Planning Board recommend approval of this CSP/DSP application to amend the Table of Uses. The Proposed Uses are consistent with existing development in the area, and align with the purposes and recommendations outlined in the TDDP. At this time, the Applicant is not proposing a redevelopment of the Property; the Applicant only seeks District Council approval to permit the Proposed Uses in the existing commercial structure. The above analysis and submitted plans establish that the subject applications satisfy the required findings under the Zoning Ordinance and all other applicable criteria.

Respectfully submitted,

Lerch, Early & Brewer, Chtd.

By:



Christopher L. Hatcher, Esq.  
7600 Wisconsin Avenue, Suite 700  
Bethesda, Maryland 20841  
(301) 986-1300  
Attorneys for Applicant

February 7, 2020

**MEMORANDUM**

TO: Adam Bossi, Urban Design

FROM: Kelsey Shaffer, Permit Review Section, Development Review Division *KS*

SUBJECT: Referral Comments for CSP-19009 – 5600 Ager Road

1. The centerline and right of way of all streets abutting the subject property must be demonstrated on the site plan.
2. The height and type of all existing and/or proposed fencing must be demonstrated on the site plan.
3. The dimensions of the existing 1 story building must be demonstrated on the site plan.
4. All off street parking and loading requirements must be demonstrated on the site plan per Part 11 of the Zoning Ordinance. A parking schedule for each proposed use must be included that shows the required and provided parking and loading spaces for each use, and the calculations for each. Any future proposed use that is not included may require an amendment to the DSP.
5. The limitations of any proposed outdoor components must be demonstrated on the site plan.
6. The adjacent uses to the subject property must be revised to demonstrate what specific uses are operating on each lot/parcel.
7. This review does not include the review of any signage.

February 7, 2020

**MEMORANDUM**

TO: Adam Bossi, Urban Design

FROM: Kelsey Shaffer, Permit Review Section, Development Review Division *KS*

SUBJECT: Referral Comments for DSP-19053 – 5600 Ager Road

1. The centerline and right of way of all streets abutting the subject property must be demonstrated on the site plan.
2. The height and type of all existing and/or proposed fencing must be demonstrated on the site plan.
3. The dimensions of the existing 1 story building must be demonstrated on the site plan.
4. All off street parking and loading requirements must be demonstrated on the site plan per Part 11 of the Zoning Ordinance. A parking schedule for each proposed use must be included that shows the required and provided parking and loading spaces for each use, and the calculations for each. Any future proposed use that is not included may require an amendment to the DSP.
5. The limitations of any proposed outdoor components must be demonstrated on the site plan.
6. The adjacent uses to the subject property must be revised to demonstrate what specific uses are operating on each lot/parcel.
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# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


Prince George's County Planning Department  
Community Planning Division

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.pgplanning.org  
301-952-3972

February 25, 2020

## MEMORANDUM

TO: Adam Bossi, Planner Coordinator, Urban Design, Development Review Division

VIA: David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Karen Mierow, AICP, Planner Coordinator, Neighborhood Revitalization Section,  
Community Planning Division KM

SUBJECT: **CSP-19053 5600 Ager Road**

## FINDINGS

Community Planning Division staff finds that, pursuant to Section 27-548.08(c) of the Zoning Ordinance this Detailed Site Plan application will not substantially impair implementation of the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* because it includes a request to amend the Permitted Use Table that will benefit the intent of the plan.

The Community Planning Division supports a change to the West Hyattsville Transit District Overlay Zone Use Table to allow the following transit supported uses:

- Eating or drinking establishment
- Food or beverage goods preparation on the premises of a food and beverage store
- Barber/hair salon and beauty shop
- Hardware store, savings and loan association or other savings and lending institution
- Offices
- Pet grooming shop
- Repair shop

Future uses and the site should activate the pedestrian realm, minimize the number of curb cuts and avoid drive-thru service.

## BACKGROUND

### **Application Type: Detailed Site Plan in a Transit/Development District Overlay Zone**

**Location:** 5600 Ager Road, Hyattsville, MD 20782

**Size:** 0.319 acres

**Existing Uses: Vacant commercial building**

**Proposal: To amend the existing Permitted Use Table**

**GENERAL PLAN, MASTER/TRANSIT DISTRICT DEVELOPMENT PLAN, AND ZONING**

**General Plan:** Plan 2035 designates the subject site is in the West Hyattsville Local Transit Center. Local Transit Centers are focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium-to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available.

**Master/Transit District Development Plan:** The 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amending for the West Hyattsville Transit District Overlay Zone* recommends Townhouse (2-4 stories R-T zone) land uses on the subject property (Map 14, pg. 36). In addition, the subject property is located within ¼ mile of the West Hyattsville Metro Station and was a commercial use

**Planning Area:** 68

**Community:** Hyattsville /Hamilton Square neighborhood

**Aviation/MIOZ:** This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

**SMA/TDOZMA/Zoning:** The 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* retained the subject property as the Transit District Overlay M-X-T zone and superimposed a Transit District Overlay Zone (TDOZ). The Mixed-Use Transportation Oriented (M-X-T) Zone is intended to encourage transit- and pedestrian-friendly, mixed-residential and commercial development around transit stations or stops (pg. 50).

c: Long-range Agenda Notebook

Frederick Stachura, Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


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February 25, 2020

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VIA: David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Karen Mierow, AICP, Planner Coordinator, Neighborhood Revitalization Section,  
Community Planning Division KM

SUBJECT: **DSP-19053 5600 Ager Road**

## FINDINGS

Community Planning Division staff finds that, pursuant to Section 27-548.08(c) of the Zoning Ordinance this Detailed Site Plan application will not substantially impair implementation of the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* because it includes a request to amend the Permitted Use Table that will benefit the intent of the plan.

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- Hardware store, savings and loan association or other savings and lending institution
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Future uses and the site should activate the pedestrian realm, minimize the number of curb cuts and avoid drive-thru service.

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c: Long-range Agenda Notebook

Frederick Stachura, Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division



**INTER-OFFICE MEMORANDUM  
PRINCE GEORGE'S COUNTY  
POLICE DEPARTMENT**



**M E M O R A N D U M**

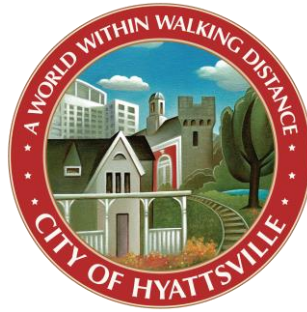
DATE: February 3, 2020  
TO: Planning Coordinator, Urban Design Application Section  
Development Review Division  
FROM: Captain Wendy Contic, Assistant Commander, Planning & Research Division  
SUBJECT: DSP-19053 5600 Ager Rd.

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Upon review of these site plans, there are no comments at this time.



Candace B. Hollingsworth  
Mayor



Tracey E. Douglas  
City Administrator

March 2, 2020

Honorable Elizabeth Hewlett  
Chairman  
Prince George's County Planning Board  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

RE: 5600 Ager Road - Conceptual Site Plan (CSP-19001) and Detailed Site Plan (DSP-19050)

Dear Chairman Hewlett:

On Monday, March 2, 2020, the Hyattsville City Council reviewed the Conceptual Site Plan (CSP-19001) and Detailed Site Plan (DSP-19050) applications for 5600 Ager Road.

The Hyattsville City Council voted in support of the applicant's request, provided that the Planning Board limit the permitted uses of the site to the following:

1. Eating or drinking establishment without drive-thru uses;
2. Food or beverage goods preparation on the premises of a food and beverage store;
3. Barber/hair salon and beauty shop;
4. Hardware store, clothing, dry goods;
5. Offices;
6. Pet grooming shop;

Furthermore, the City is requesting that the following uses be approved by the Planning Board be subject to Special Permit only:

- a. Banks, savings and loan association or other savings and lending institutions (allowable by Special Permit only);
- b. Non-Automobile Repair shop (allowable by Special Permit only)

It is our opinion that these conditions bring the applicant's request into conformance with the vision and land-use goals contained within the 2016 Prince George's Plaza Transit District Development Plan.

We thank the Planning Board in advance for consideration of these requested revisions and look forward to your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Hollingsworth", with a long horizontal stroke extending to the right.

Candace B. Hollingsworth  
Mayor

cc: City Council  
Adam Bossi, Planner Coordinator  
Christopher L. Hatcher, Lerch, Early, & Brewer, Chtd.