

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



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

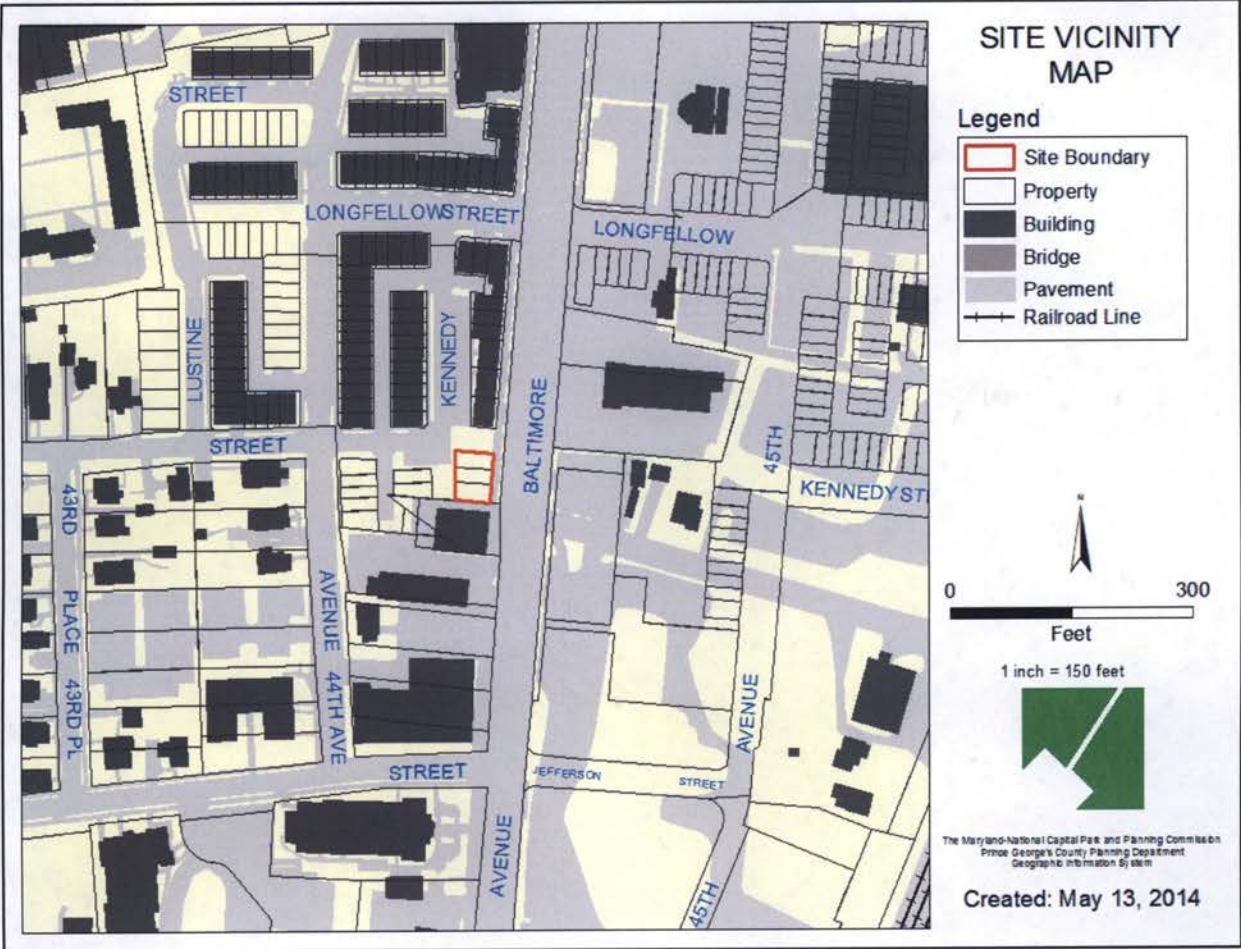
Detailed Site Plan

DSP-04076-04

Application	General Data	
Project Name: EYA Hyattsville Redevelopment, Phase 1 Location: In the southwestern quadrant of the intersection of Baltimore Avenue (US 1) and Madison Street. Applicant/Address: Gregory Shron, Vice President LH West Associates Limited Partnership 4800 Hampton Lane, Suite 300 Bethesda, MD 20914	Planning Board Hearing Date:	06/12/14
	Staff Report Date:	05/30/14
	Date Accepted:	06/05/14
	Planning Board Action Limit:	08/14/14
	Plan Acreage:	6.77
	Zone:	M-U-I/D-D-O
	Dwelling Units:	133
	Gross Floor Area:	6,610 sq. ft.
	Planning Area:	68
	Council District:	02
	Election District:	16
	Municipality:	Hyattsville
	200-Scale Base Map:	207NE04

Purpose of Application	Notice Dates	
To convert three live/work units to residential units with related architectural changes; revise the layout of the tot lot; add land to the application; revise the Lot 129/130 courtyard, building footprint, lot line, and trash enclosure; add a privacy fence to Lot 127; add a crosswalk; and revise all sheets and tables that reference the total number of live/work units or identify Lots 127-129 as live/work units.	Informational Mailing:	05/06/14
	Acceptance Mailing:	06/05/14
	Sign Posting Deadline:	05/13/14

Staff Recommendation		Staff Reviewer: Ruth Grover, M.U.P., A.I.C.P. Phone Number: 301-952-4317 E-mail: Ruth.Grover@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-04076-04
EYA Hyattsville Redevelopment, Phase 1

The Urban Design staff has reviewed the subject application and relevant referral comments received on the project. The following evaluation and findings lead to a recommendation of APPROVAL with conditions as described in the Recommendation section of this report.

EVALUATION

The detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.
- b. The requirements of the Prince George's County Zoning Ordinance in the Mixed Use-Infill (M-U-I) and Development District Overlay (D-D-O) Zones.
- c. The requirements of the 2010 *Prince George's County Landscape Manual*.
- d. The requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance.
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- f. The requirements of Preliminary Plan of Subdivision 4-04192.
- g. The requirements of Detailed Site Plan DSP-04076 and its revisions.
- h. Referral comments.

FINDINGS

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

1. **Request:** The application requests approval of the following amendments to the previously approved plans: convert three live/work units to residential units with resulting architectural changes; revise the layout of the tot lot; add 156 square feet of land to the application; revise the

Lot 129/130 courtyard, building footprint, lot line, and trash enclosure; add a privacy fence to Lot 127; and revise all sheets and tables that reference the total number of live/work units or identify Lots 127-129 as live/work units.

2. **Development Data Summary:**

Zone Use(s) Acreage Parcels Lots Building Square Footage/GFA	EXISTING	PROPOSED
	M-U-I/D-D-O Mixed-Use (under construction)	M-U-I/D-D-O Mixed-Use
	6.77	6.77
	2	2
	133	133
	6,610	6,610

OTHER DEVELOPMENT DATA

SUMMARY OF PROVIDED PARKING					
Type of parking space	Regular	Compact	Nonstandard	Handicap	Total
A. Surface Parking Structures	25	3	0	3	31
B. Garage parking spaces*	75	161*/93	0	0	236*/168
Subtotal*	100	164*96	0	3	264*/196
C. Parallel parking spaces	3	0	33	0	36
Total Parking Provided	103	164*/96	33	3	303*235
(176*108) First number = all optional unit types / second number = all standard unit types					
Parking Required					
Note: The Lustine Community Center will include approximately 6,000 square feet of museum, art gallery, cultural center, library or similar facility. The sector plan allows 2.5 spaces per 2,000 sq. ft. for these uses, requiring 7.5 (8 rounded up) total spaces.					
Parking required: 1*122 units + 1.5* 10 live/work units + 8 spaces for the Lustine Community Center.					
Handicap: 3 spaces total required by ADA, 1 being van accessible (garage parking not considered in calculation).					
Additional Parking Information					
Type of Parking Space	Regular	Compact	Nonstandard	Handicap	Total
D. Lustine Community Center parking	4	3	0	1	8
E. Surface parking for live/work units	17	0	0	2	19
F. Unassigned surface/on-street parking	7	0	33	0	40
G. Garage parking in unit type A	24	24*	0	0	48*/24
H. Garage parking in unit type B	44	44*	0	0	88*/44
I. Garage parking in unit type C	0	66	0	0	66
J. Garage parking in unit type D	0	24	0	0	24
K. Garage parking in unit type E	3	3	0	0	6
L. Garage parking in unit type F	4	0	0	0	4
Total Parking					303*/235
Notes:					
1. Regular parking space (PS) is 9.5' x 19' (parallel 8.0' x 22.0')					
2. Compact parking space (PS) is 8.0 x 16.5 (parallel 7.0 x 19.0')					
3. Nonstandard parking spaces are parallel 7' x 22'.					
*Occurs only when optional ground floor is selected. Max total is 303 spaces. Minimum total is 235 spaces.					

3. **Location:** The site is in Planning Area 68, Council District 2. More specifically, it is located on the west side of Baltimore Avenue (US 1), south of its intersection with Madison Street.
4. **Surrounding Uses:** The subject property is bounded to the north by DeMatha High School, single-family residential land use, and commercial retail land use along Baltimore Avenue (US 1); to the west by multifamily and single-family residential land use; to the east by commercial retail and residential land use; and to the south by residential and commercial retail land use.
5. **Previous Approvals:** The site is the subject of Preliminary Plan of Subdivision 4-04192, which was approved by the Planning Board on September 8, 2005, and formalized in PGCPB Resolution No. 05-191, adopted by the Planning Board on September 29, 2005. The site is also the subject of Detailed Site Plan DSP-04076 approved by the Planning Board on September 8, 2005 and formalized in PGCPB Resolution No. 05-188, adopted by the Planning Board on September 29, 2005. The site is also subject to the requirements of three revisions of that DSP as follows: DSP-04076/01 approved by the Planning Board on February 12, 2006 and formalized in PGCPB Resolution No. 06-271, adopted by the Planning Board on December 21, 2006; DSP-04076/02 approved by the Planning Board on June 21, 2007 and formalized in PGCPB Resolution No. 07-133, adopted by the Planning Board on July 12, 2007; and DSP-04076/03 approved by the Planning Director on July 23, 2009. The site is also subject to the requirements of Final Plats 5-06041 and 5-06042, approved by the Planning Board on March 9, 2006, which were recorded in the Prince George's County Land Records on April 20, 2006 as Arts District Hyattsville, West Village, Plats 1 and 2, for 82 and 55 attached units, respectively. The site is also subject to approved Stormwater Management Concept Plan 9124-2005.
6. **Design Features:** The application involves the following revisions to the DSP and landscape plans, and to the architectural elevations:
 - The addition of a triangle of land measuring 156 square feet partially adjacent to Lot 126 of the development;
 - Minor revisions to the design and grading of the courtyard to meet accessibility requirements;
 - Building 14A shifted six inches to the south and the interior lot lines were adjusted commensurately;
 - The trash enclosure was reduced in size to accommodate six instead of nine trash cans;
 - Privacy fence was added between the townhome on Lot 139 and the property line to discourage access from the sidewalk along the Baltimore Avenue (US 1) frontage;
 - Revision of all sheets and tables that reference the total number of live/work units or identify Lots 127 through 129 as live/work units;
 - A striped crosswalk has been provided for handicapped accessibility and pedestrian safety between Lot 124, Building 13, and the ramp in the courtyard located between townhomes 141 and 130;

- Added more picket fencing and a gate around the tot lot located in the southeastern corner of the development;
- Relocated the benches and chess tables outside the play structure fall zone; and
- The conversion of townhomes on Lots 139, 140, and 141 along Baltimore Avenue (US 1) in the northwestern corner of Phase 1, also known as the West Village of the EYA Hyattsville Redevelopment, from live/work to purely residential units, with resultant modifications to the architecture.

As justification for the conversion of the three live/work units located on Lots 127–129 to residential units and a resultant change to the architecture of the building, the applicant’s representative offered the following:

“The conversion of the three live/work units on Lots 127–129 to residential units, including a conforming change to the architecture of this building, is the result of my client’s experience with other live/work units within this development. In short, my client has found, through its experience in this development that live/work units cannot be financed and there is no demand for these units. If the building on Lots 127–129 were to be built as currently approved, these three units would simply remain vacant, which would obviously have an extremely negative impact upon both my client and the community. Given this scenario, my client is now proposing to convert these units to residential only, with a conforming change to the architecture of the building. The remaining proposed revisions are very minor in nature and self-explanatory.

“With regard to the conversion of the proposed live/work units to residential units, I would respectfully suggest that this ‘represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of a proposed development for its intended use.’ In fact, given the certainty of failure for live/work units at this point in time, I would suggest that failing to approve the requested amendment in this regard would require unreasonable costs, and would detract substantially from the utility of the proposed development for its intended use. The other minor amendments all quite clearly meet the above-described finding for this application as well.”

COMPLIANCE WITH EVALUATION CRITERIA

7. **2004 Approved Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts District:** The subject revision does not alter the previous findings of conformance made at the time of approval of the underlying DSP.
8. **Prince George’s County Zoning Ordinance in the Mixed Use–Infill (M-U-I) and Development District Overlay (D-D-O) Zones:** The subject application does not affect the findings made during the approval of the underlying DSP-04076 for EYA Hyattsville regarding compliance with the requirements of the Zoning Ordinance in the M-U-I and D-D-O Zones.
9. **2010 Prince George’s County Landscape Manual:** The proposed development is not subject to the requirements of the 2010 *Prince George’s County Landscape Manual*, per County Council Bill CB-17-2013, because it is located in a Mixed-Use Zone subject to a DSP approved before December 13, 2010.

10. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The application is not subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because, although the gross tract area of the subject property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland. A standard Letter of Exemption (S-096-05) from the ordinance was issued by the Environmental Planning Section dated March 30, 2005.
11. **The Prince George's County Tree Canopy Coverage Ordinance:** This revision application is not subject to the requirements of the Tree Canopy Coverage Ordinance, as it is located in a mixed-use zone and was subject to a DSP prior to September 1, 2010, per County Council Bill CB-19-2013.
12. **Preliminary Plan of Subdivision 4-04192:** Preliminary Plan of Subdivision 4-04192 was approved by the Planning Board on September 8, 2005 and formalized in PGCPB Resolution No. 05-191, adopted by the Planning Board on September 29, 2005, subject to nine conditions. The subject application does not affect previous findings of conformance to these requirements.
13. **Detailed Site Plan DSP-04076 and its revisions:** The site is the subject of Detailed Site Plan DSP-04076 for 151 residential units including 30 condominiums, 109 townhouses, and 6,619 square feet of commercial retail land use approved by the Planning Board subject to five conditions. The site is also subject to the requirements of three revisions to the DSPs as follows: DSP-04076-01 for architectural façade and other miscellaneous revisions; DSP-04076-02 to delete five lots, add signage guidelines, architecture for the loft units, and miscellaneous plan revisions; and DSP-04076-03 for the addition of a sidewalk necessary for compliance with the requirements of the Americans with Disabilities Act and revisions to the architectural elevations. The Urban Design Section has reviewed the subject project against the relevant requirements of these previous approvals and found it in compliance.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Subdivision Review Section**—In a revised memorandum dated May 29, 2014, the Subdivision Review Section stated that this 6.77-acre subdivision, found on Tax Map 42 in Grid C-4, was approved through Preliminary Plan of Subdivision 4-04192 for the EYA Hyattsville Redevelopment, Phase I and formalized in PGCPB Resolution No. 05-191, adopted by the Planning Board on September 29, 2005. The DSP proposes a lot line adjustment between Outlot A (recorded by plat PM 217-73 on February 20, 2007) and Outlot C (recorded by plat MMB 235-50 on February 28, 2012). PGCPB Resolution No. 05-191 contains nine conditions and the following conditions in **[bold text]** relate to the review of this application:

Comment: Outlot C should be and by proposed condition in the Recommendation Section of this staff report would be included in the limits of this DSP as a part of this revision as it was not originally.

5. **Development of the site shall be in accordance with the approved stormwater management concept plan (9124-2005-00) or any approved revision thereto.**

Comment: Condition 5 is reflected in General Note 13 of the DSP, which also provides

the approval date for the stormwater management concept plan. As of the time of this writing, staff has not received referral comments from the Department of Permitting, Inspections and Enforcement (DPIE) nor a confirmation that the subject project conforms to the requirements of Stormwater Management Concept Plan No. 9124-2005-00. A proposed condition in the Recommendation Section of this staff report would require that the applicant provide, prior to signature approval, written confirmation from the Department of Permitting, Inspections and Enforcement stating that development of the site is in accordance with the requirements of approved Stormwater Management Concept Plan 9124-2005-00 or any approved revision thereto.

7. **Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 3.8± acres of land (Parcel A). Land to be conveyed shall be subject the following...**

Comment: The land designated as Parcel A in the Preliminary Plan of Subdivision 4-04192 and has been conveyed to the Arts District Hyattsville West Homeowner's Association, Inc., per a deed recorded in Liber 25862 at Folio 644. Outlot A was approved on February 12, 2007 and recorded in Plat Book PM 217-73. Outlot C was approved on February 23, 2012 and recorded in Plat MMB-235-50. The record plats contain nine notes and two notes, respectively; and the following notes in [bold text] from Plat PM 217-73 relate to the review of this application:

1. **This plat is subject to Declaration of Covenants, Conditions and Restrictions recorded in Liber 24556 at Folio 612.**
2. **This plat is subject to Recreational Facilities Agreement recorded in Liber 24707 at Folio 075.**

Comment: By condition of this approval Notes 1 and 2 should be reflected in the general notes of the DSP.

The Subdivision Review Section also offered the following notes:

The lot line adjustment between Outlot A (446 square feet) and Outlot C (478 square feet) will require a minor final plat, pursuant to Section 24-108(a)(2) of the Subdivision Regulations. This resubdivision will result in the creation of Parcel A-3 and Outlot D. An exhibit provided by the applicant on May 28, 2014 indicates that Parcel A-3 is to be conveyed to the HOA, and will include 156 square feet of existing Outlot C. The remaining 322 square feet of Outlot C, along with Outlot A, will be consolidated to create Outlot D, which is to be retained by the applicant and conveyed to the owner of the adjacent property to the southeast, identified under Tax ID #1827575. At the time of final plat, the applicant should submit an executed deed for the conveyance of Outlot D. The site plan should be revised to show and label the proposed Outlot D and Parcel A-3, and provide the proposed bearings and distances, and lot sizes. An inset should be provided on the plan to clarify the amount of square-footage being adjusted between existing Outlots A and C. If the applicant should no longer intend to convey Outlot D to the owner of the adjacent property, a DSP revision shall be submitted for the conversion of the outlot into a parcel that will be conveyed to the HOA.

Comment: A proposed condition in the Recommendation Section of this staff report would require that the applicant, the applicant's heirs, successors, and/or assignees submit an executed deed of conveyance for Outlot D to the owner of the adjacent property identified under Tax ID No. 1827575 prior to approval of the final plat and that, if the applicant should no longer intend to convey Outlot D, a DSP revision shall be submitted for the conversion of the outlot into a parcel that will be conveyed to the HOA.

In closing the Subdivision Review Section noted that failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

- b. **Trails**—In a memorandum dated May 28, 2014, the Transportation Planning staff stated that they had reviewed the subject DSP for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The Transportation Planning staff reviewed the trails-related conditions of the approval of Preliminary Plan of Subdivision 4-04076 (PGCPB Resolution No. 05-188) and concluded that conformance to their requirements was not impacted or amended by the subject application. Expressing their support for the proposed improvements to handicapped accessibility, they concluded that they had no additional recommendations for bicycle or pedestrian facilities for the subject project.
- c. **Permit Review Section**—In comments dated March 15, 2010, the Permit Review Section indicated that the proposal appeared to meet all of the applicable zoning standards. In a subsequent email received May 14, 2014, the Permit Review Section indicated that, as no changes have been made to parking and loading on the site, they had no comment regarding the subject project.
- d. **The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of this writing, DPIE had not commented on the subject project.
- e. **The Prince George's County Police Department**—In a memorandum dated April 3, 2014, the Police Department indicated that they had reviewed the plans for the project and found no crime prevention through environmental design (CPTED) issues connected with the project.
- f. **The Prince George's County Health Department**—In a memorandum dated May 16, 2014, the Health Department stated that the Environmental Engineering Program has completed a health impact assessment review of the DSP submission for the '-04' revision of the EYA Arts District, and has the following comment:
 - There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. It is recommended that light levels at residential property lines should not exceed 0.05 footcandles.

Comment: As the subject revision application does not involve any new site lighting, the

Prince George's County Health Department's above recommendation has no application to the subject project at this time.

- g. **The Maryland State Highway Administration (SHA)**—SHA stated that, as the work is outside the SHA right-of-way, they would have no comment on the subject project.
 - h. **City of Hyattsville**—In an e-mail dated May 28, 2014, a representative of the City of Hyattsville stated that the City had no comments on the subject project.
15. Based on the foregoing and as required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
16. Section 27-285(b)(4) of the Zoning Ordinance requires that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. As the site does not contain any regulated environmental features, this normally required finding need not be made.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-04076-04, EYA Hyattsville Redevelopment, Phase 1, subject to the following conditions:

- 1. Prior to certification of the subject revision to the detailed site plan, the following corrections shall be made or additional materials submitted:
 - a. Outlot C shall be included in the limits of this DSP and the new DSP boundary shall be clearly identified.
 - b. The applicant shall provide to staff written confirmation from the Department of Permitting, Inspections and Enforcement (DPIE) stating that the proposed development of the site is in accordance with the requirements of approved Stormwater Management Concept Plan 9124-2005-00 or any approved revision thereto.
 - c. The following Notes 1 and 2 of Record Plat PM 217-73 shall be included in the General Notes of the DSP:
 - (1) This plat is subject to Declaration of Covenants, Conditions and Restrictions recorded in Liber 24556 at Folio 612.
 - (2) This plat is subject to Recreational Facilities Agreement recorded in Liber 24707 at Folio 075.
 - d. The proposed Parcel A-3 and Outlot D shall be shown and labeled with new bearings, distances and square footage calculations on the plan. Parcel A-3 shall be labeled as "To Be Conveyed to the HOA" and Outlot D shall be labeled as "To Be Conveyed to the Owner of Adjacent Property Identified Under Tax ID No. 1827575."

- e. The applicant shall provide an inset on Sheet C3.00 of the DSP, detailing the proposed lot line adjustment of Outlots A and C.
2. Prior to approval of the final plat, the applicant, the applicant's heirs, successors, and/or assignees shall submit an executed deed of conveyance for Outlot D to the owner of the adjacent property identified under Tax ID No. 1827575. If the applicant should no longer intend to convey Outlot D, a DSP revision shall be submitted for the conversion of the outlot into a parcel that will be conveyed to the HOA.

ITEM:

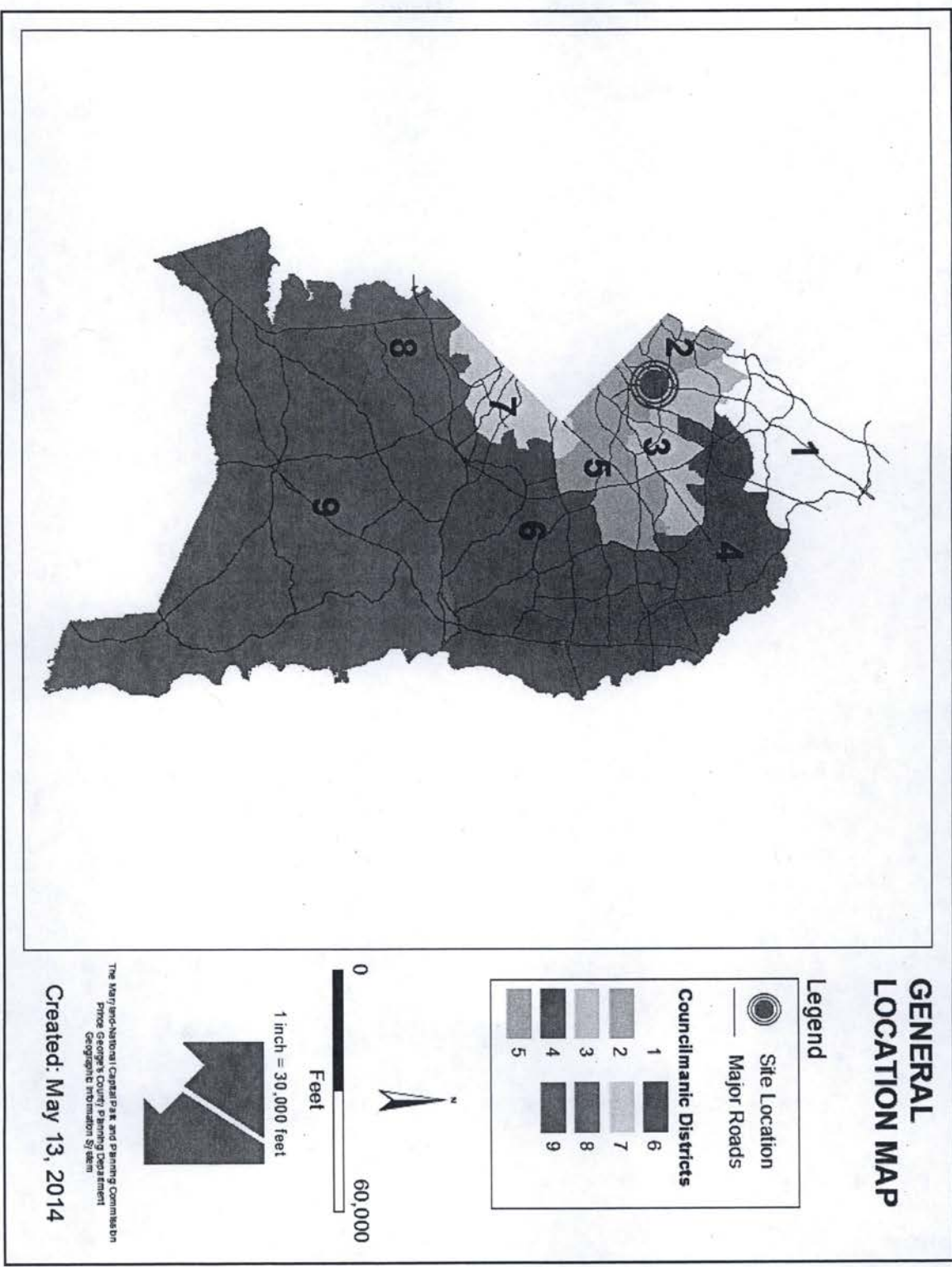
CASE: DSP-04076-04

EYA ARTS HYATTSVILLE REDEVELOPMENT

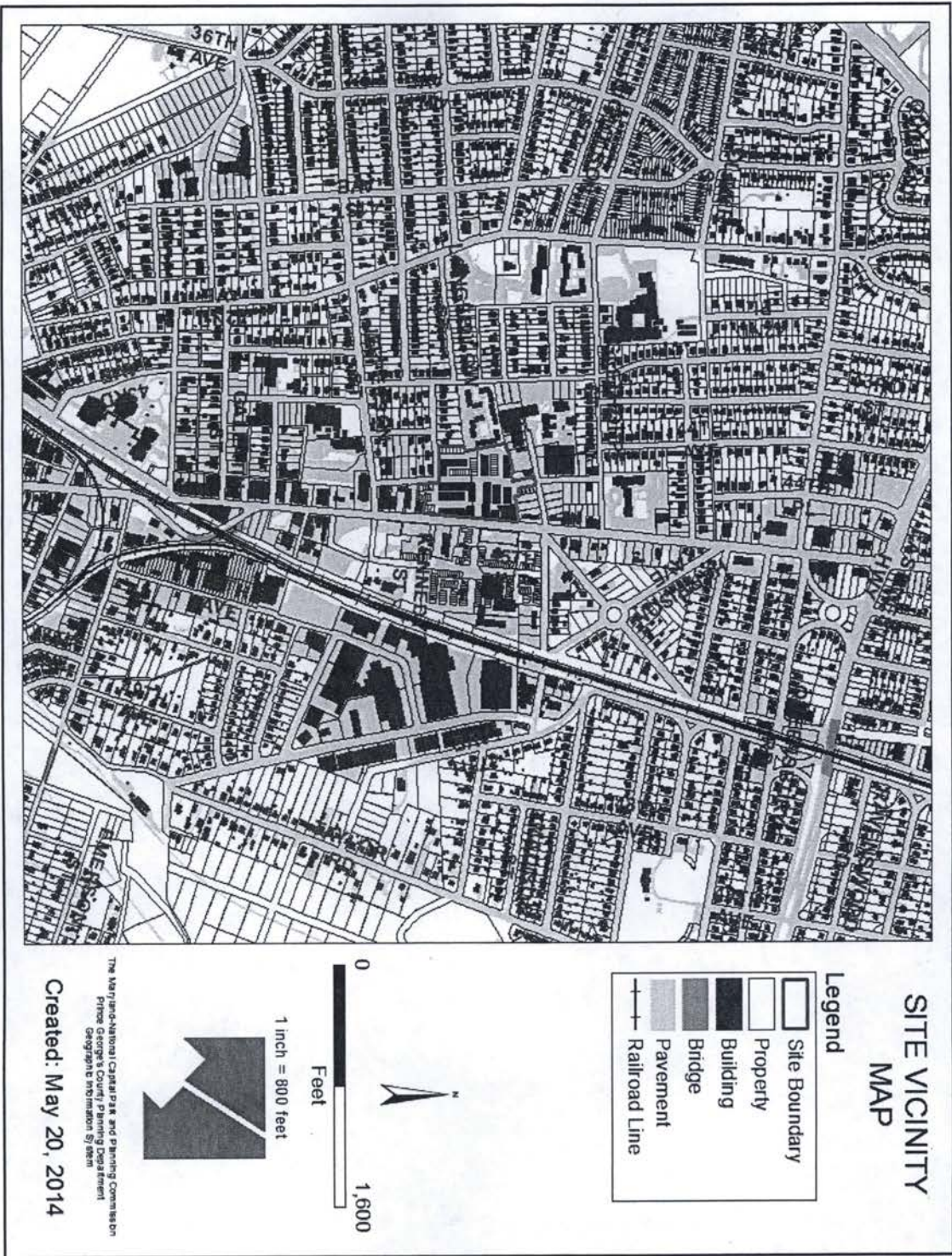
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



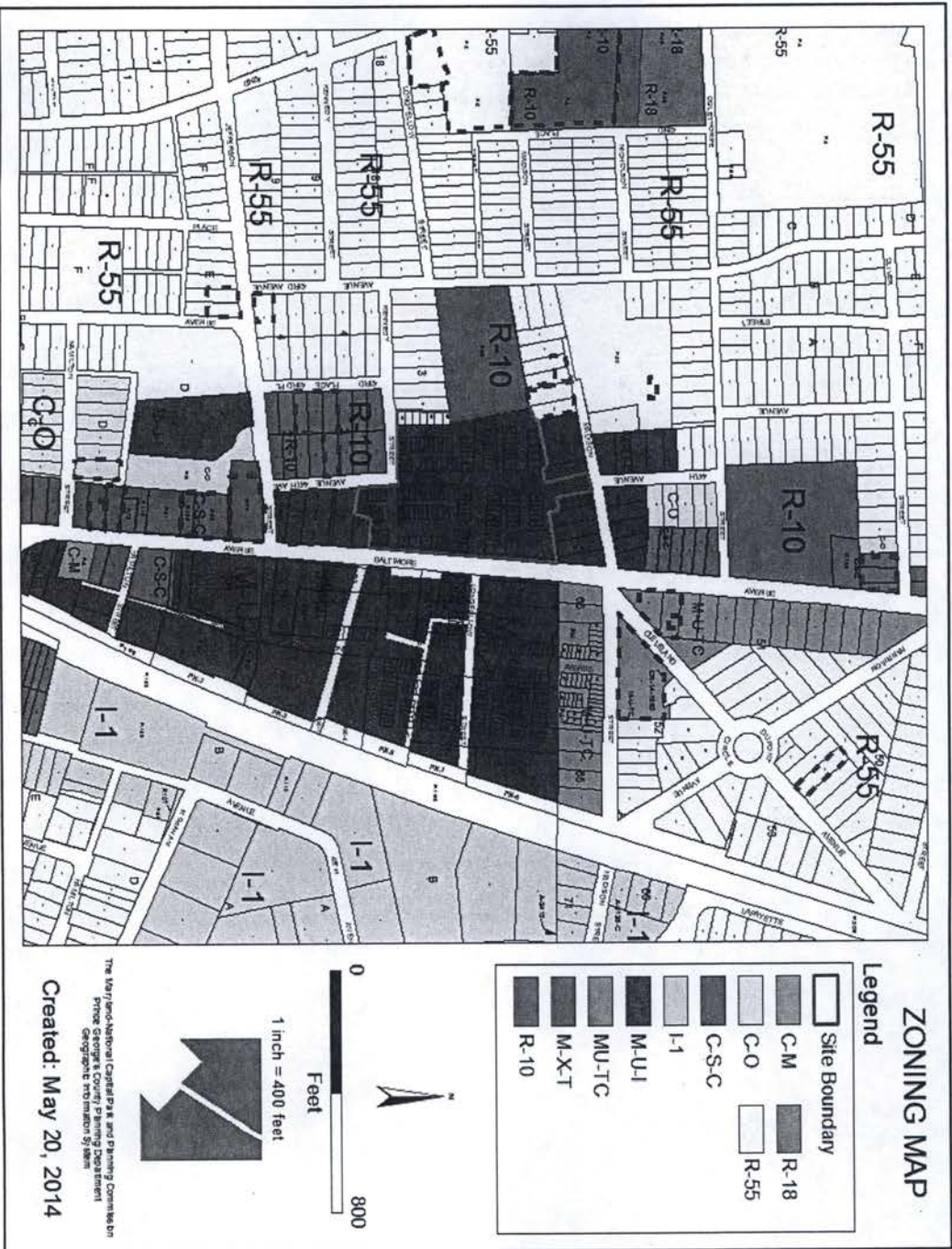
GENERAL LOCATION MAP



SITE VICINITY

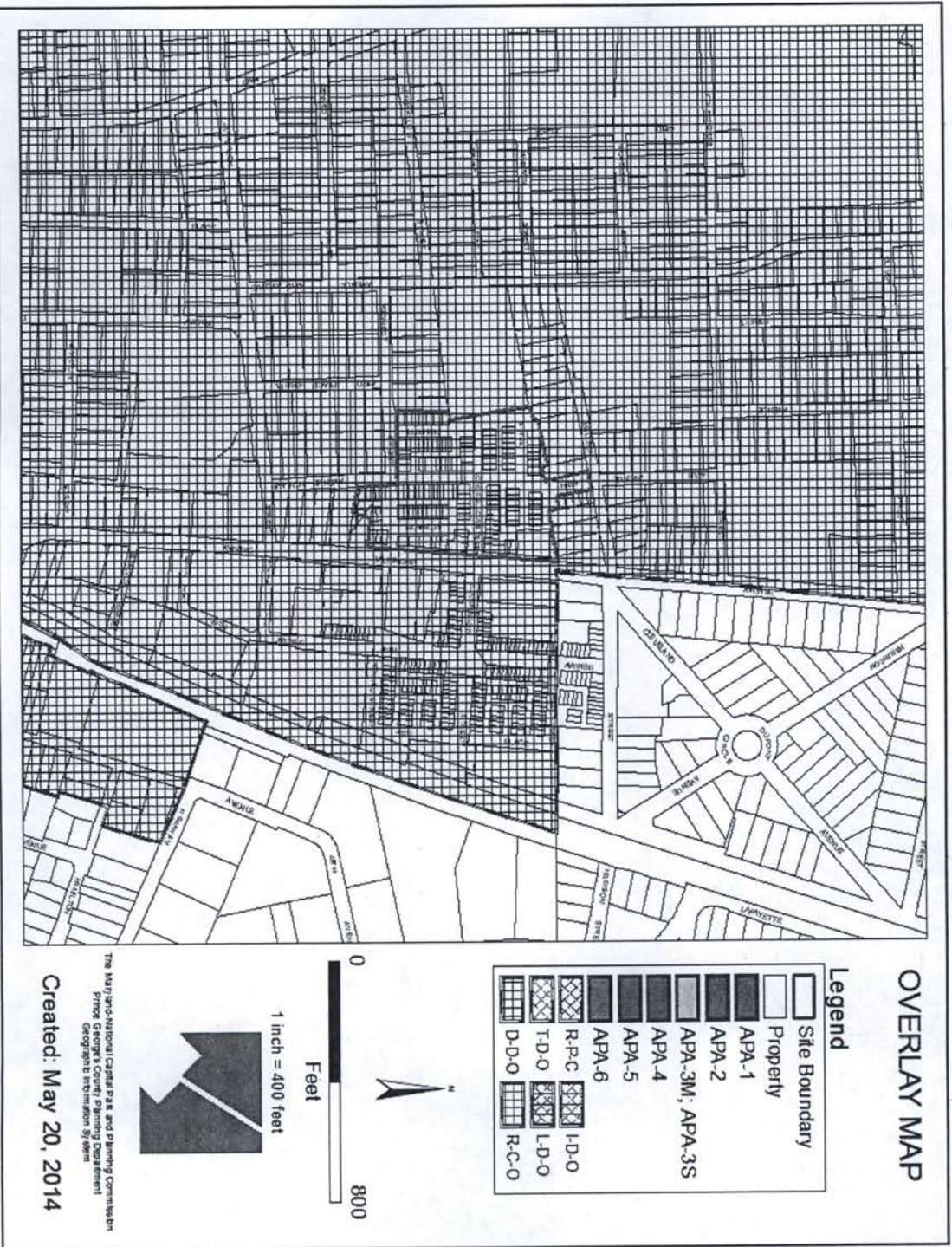


ZONING MAP



OVERLAY MAP

Case # DSP-04076-04



OVERLAY MAP

Legend

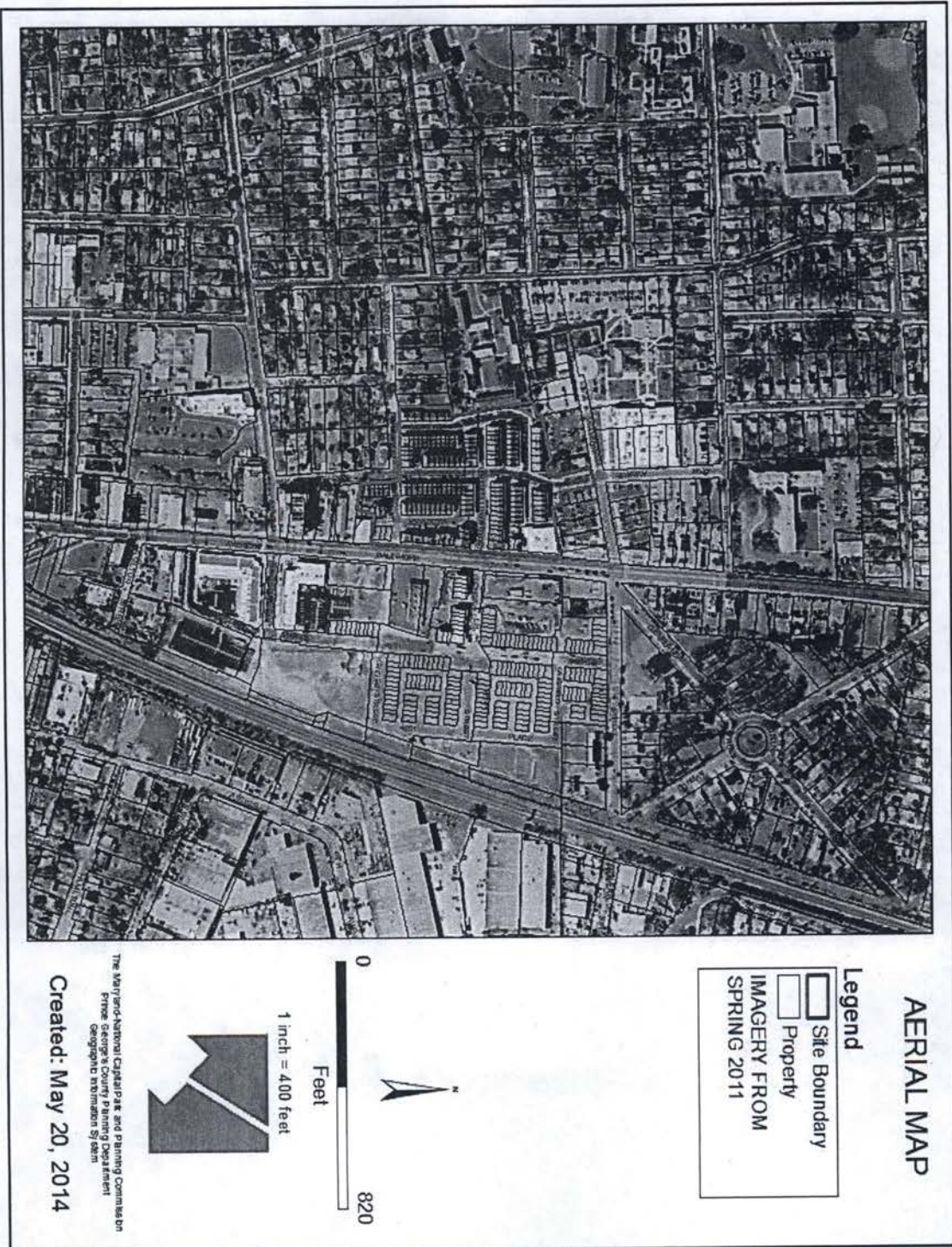
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[Medium-dark gray box]	APA-2
[Medium gray box]	APA-3M, APA-3S
[Light gray box]	APA-4
[White box with diagonal lines]	APA-5
[White box with horizontal lines]	APA-6
[White box with vertical lines]	R-P-C
[White box with cross-hatch]	T-D-O
[White box with grid]	D-D-O
[White box with diagonal lines]	I-D-O
[White box with cross-hatch]	L-D-O
[White box with grid]	R-C-O



The Maryland National Capital Park and Planning Commission
 Planning and Design Department
 Prince Georges Information System
 Created: May 20, 2014

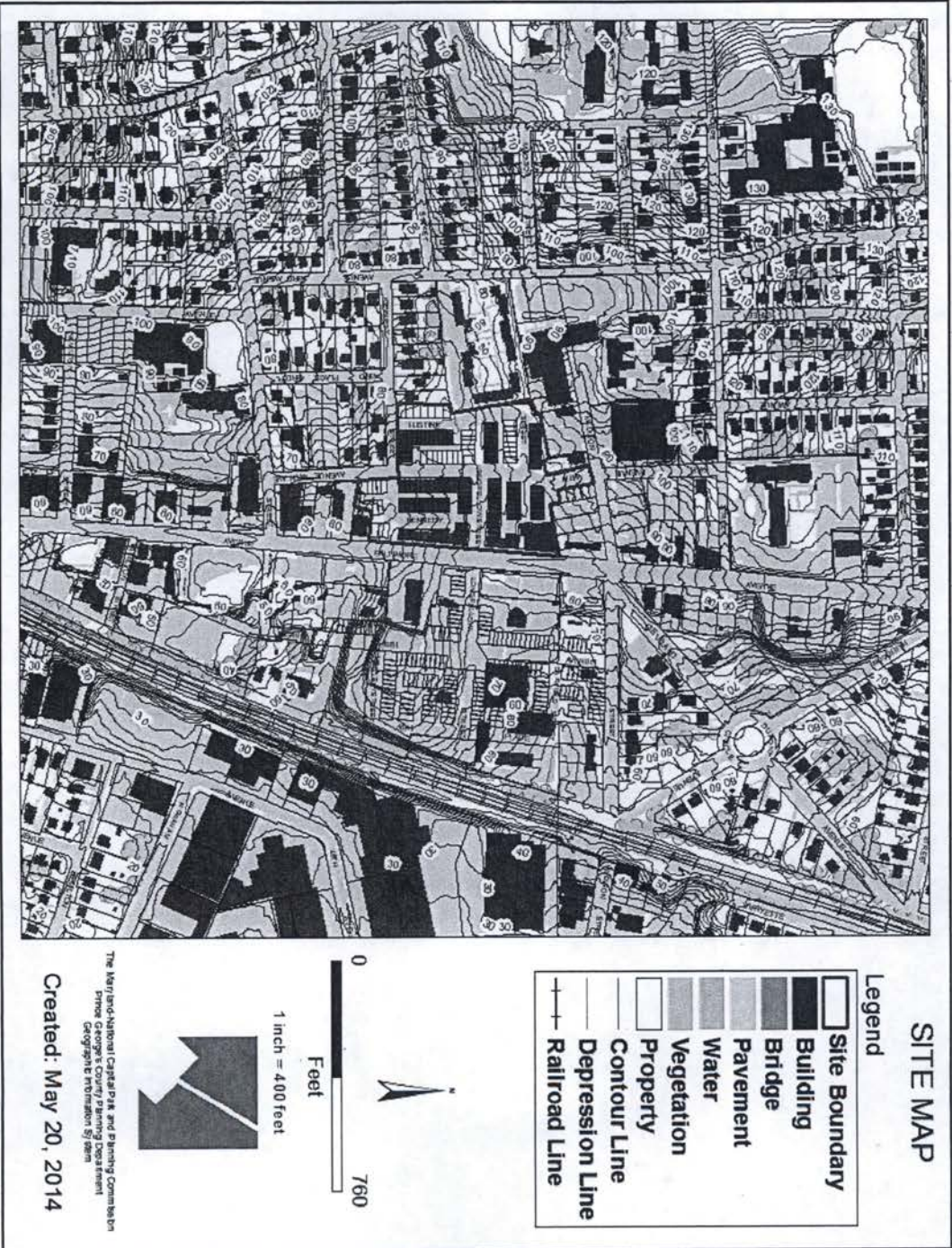


AERIAL MAP

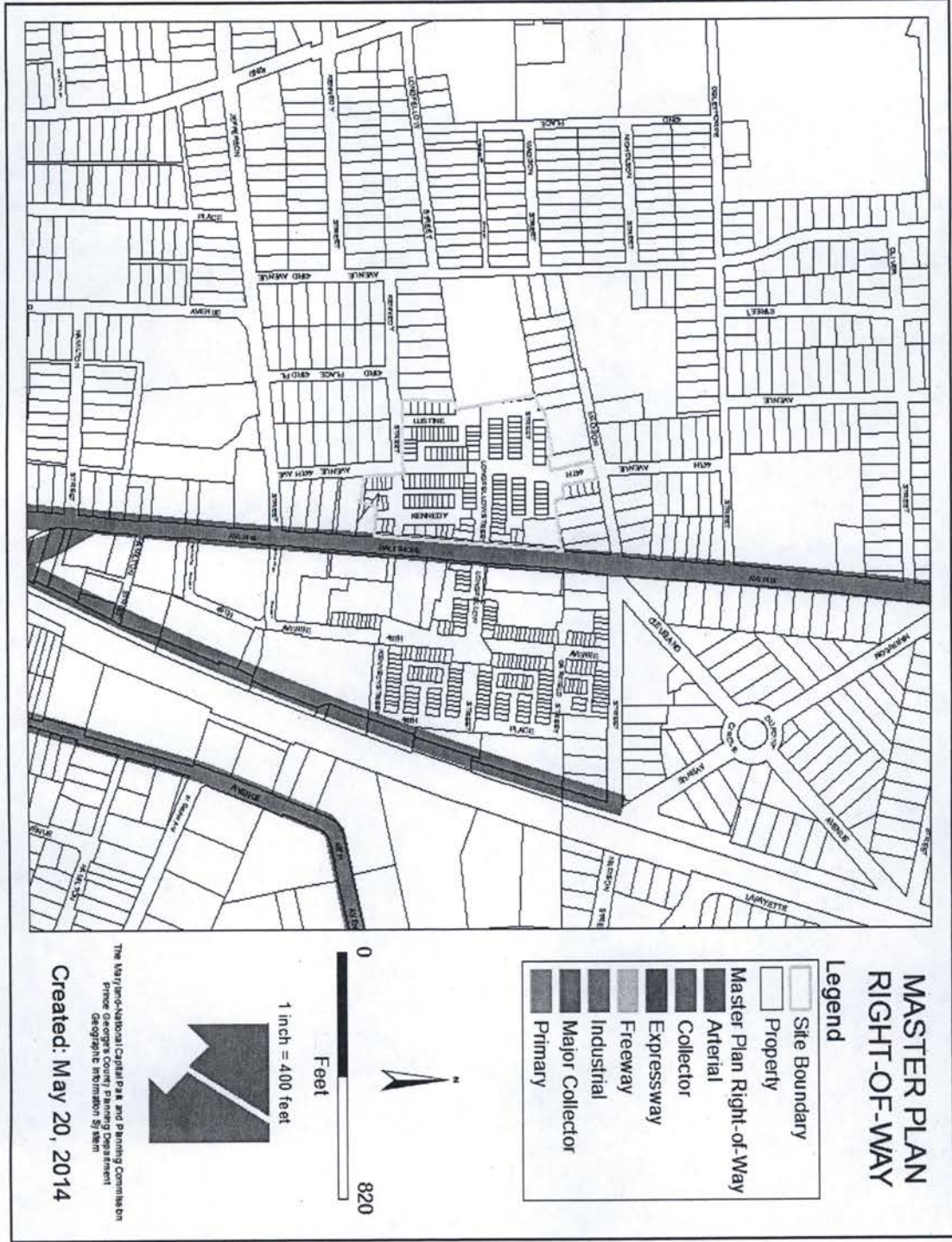


SITE MAP

Case # DSP-04076-04



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



THREE LOTS TO BE REVISED
TO BE RESIDENTIAL INSTEAD OF LIVE/WORK

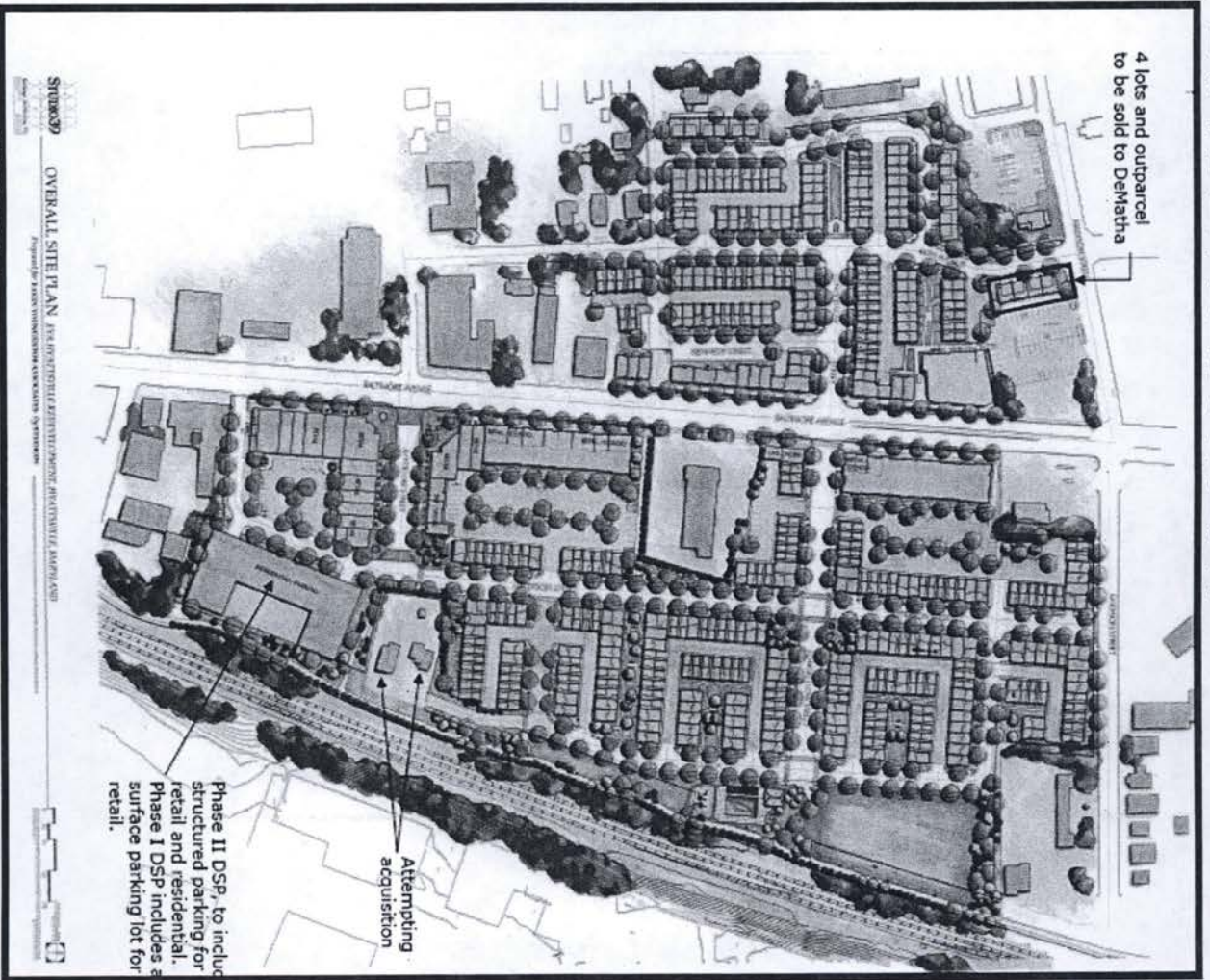


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5/29/2014

OVERALL EYA DEVELOPMENT

Case # DSP-04076-04



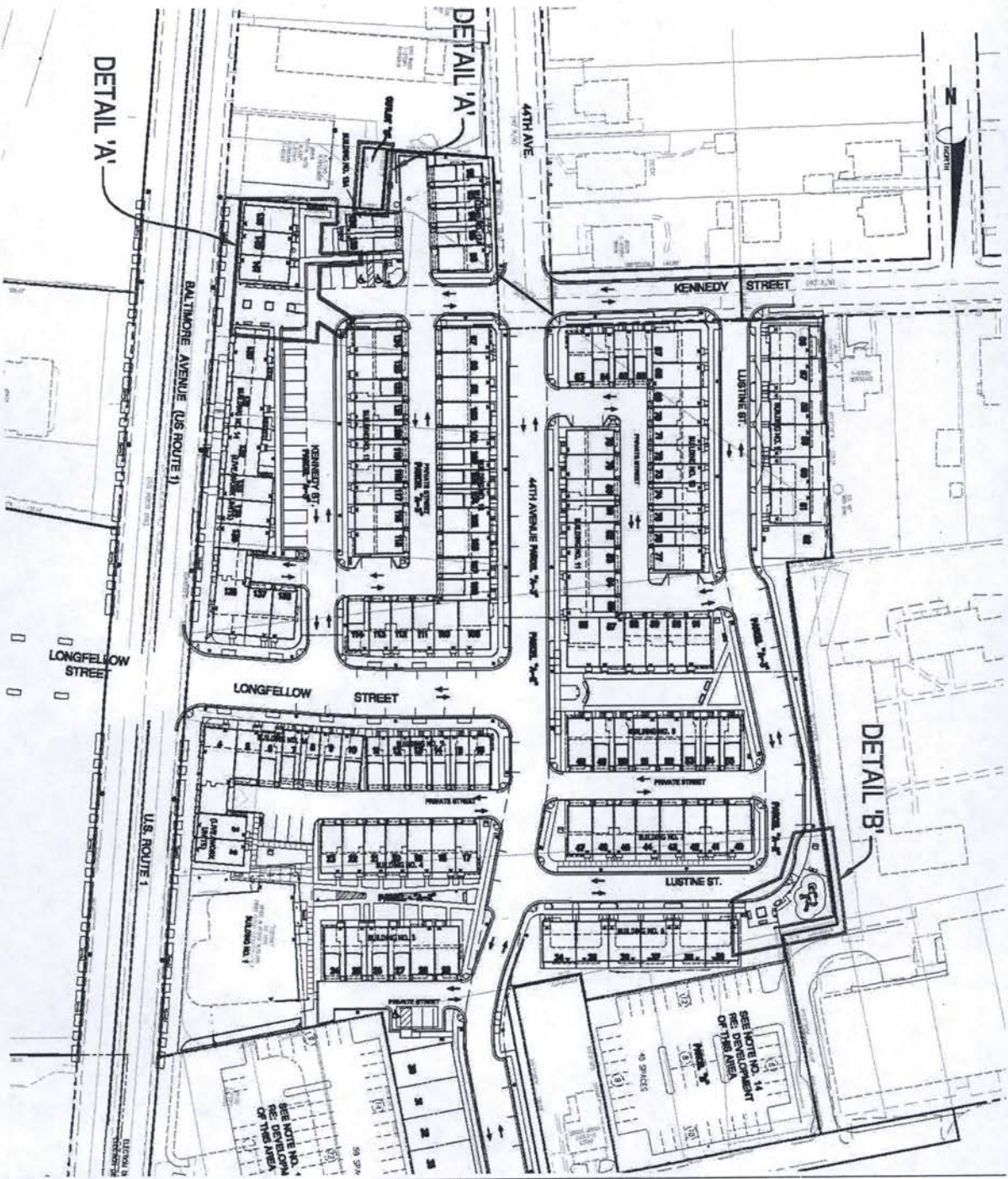
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5/29/2014



REVISIONS PROPOSED PAGE 1

Case # DSP-04076-04



Bowman
CONSULTING

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Alexandria, VA 22314

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OVERALL WEST VILLAGE
EYA HYATTSVILLE
REDEVELOPMENT - PH 1
PRINCE GEORGE'S COUNTY, MD

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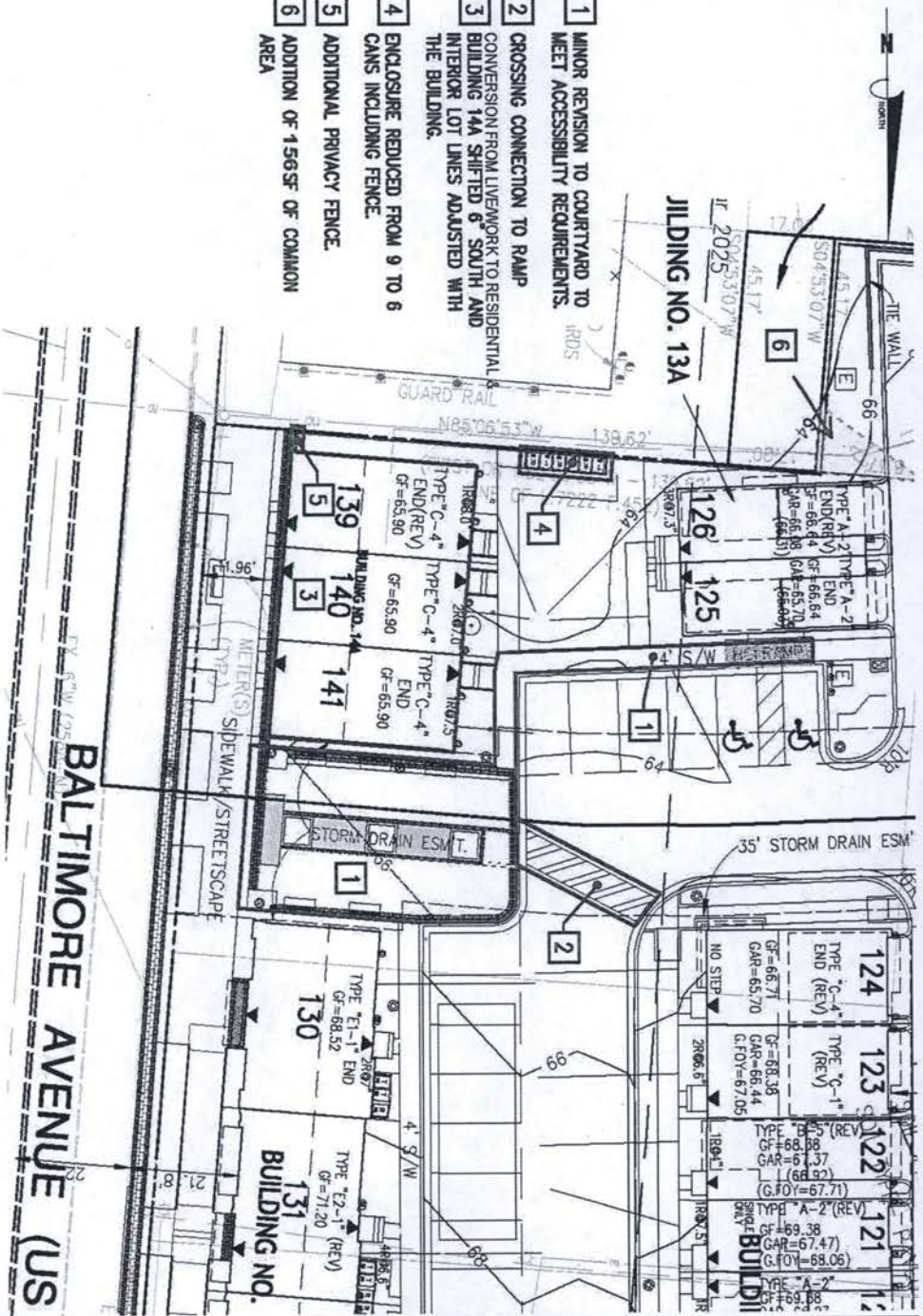
5/29/2014



REVISIONS PROPOSED PAGE 2

Case # DSP-04076-04

- 1 MINOR REVISION TO COURTYARD TO MEET ACCESSIBILITY REQUIREMENTS.
- 2 CROSSING CONNECTION TO RAMP CONVERSION FROM LIVESTOCK TO RESIDENTIAL
- 3 BUILDING 14A SHIFTED 6" SOUTH AND INTERIOR LOT LINES ADJUSTED WITH THE BUILDING.
- 4 ENCLOSURE REDUCED FROM 9 TO 6 CANIS INCLUDING FENCE.
- 5 ADDITIONAL PRIVACY FENCE.
- 6 ADDITION OF 156SF OF COMMON AREA



DETAIL 'A' - REV TO LOTS 127-129
**EYA HYATTSVILLE
 REDEVELOPMENT - PH 1**
 PRINCE GEORGE'S COUNTY, MD

Bowman
 CONSULTING

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 Suite 302 Fax: (703) 683-5781
 Alexandria, VA 22314 www.bowmanconsulting.com



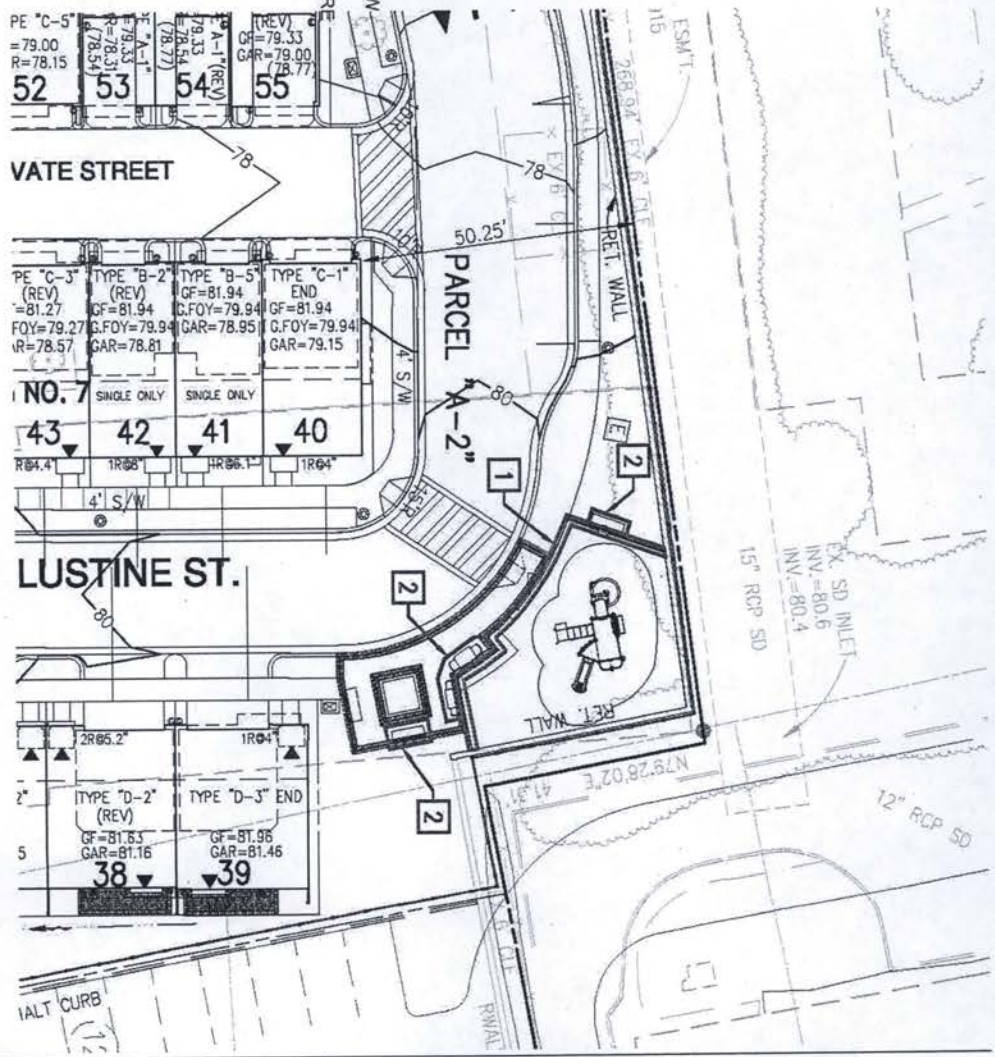
REVISIONS PROPOSED PAGE 3



AS BUILT CHANGES

1 ADDED ADDITIONAL PICKET FENCE AND GATE AROUND TOT LOT AT REQUEST OF HOA

2 BENCHES AND CHESS TABLES LOCATED OUTSIDE OF PLAY STRUCTURE FALL ZONE TO ALLOW ROOM FOR ADDITIONAL EQUIPMENT BY HOA IN THE FUTURE



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5/29/2014

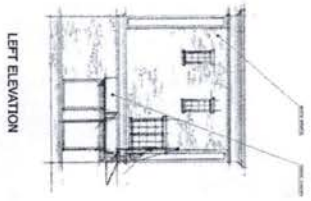
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DETAIL 'B' - REV TO TOT LOT EYA HYATTSVILLE REDEVELOPMENT - PH 1 PRINCE GEORGE'S COUNTY, MD
 Scale: 1" = 30'

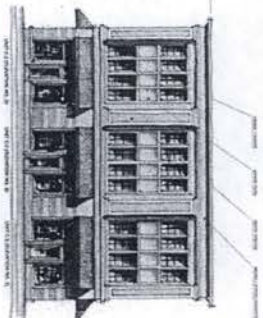
Case # DSP-04076-04



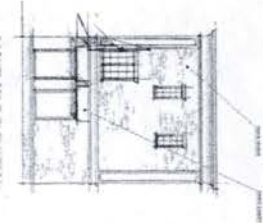
ELEVATIONS AS APPROVED AND AS PROPOSED



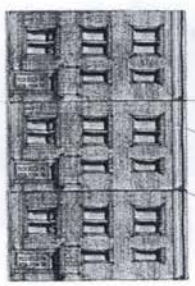
LEFT ELEVATION



FRONT ELEVATION

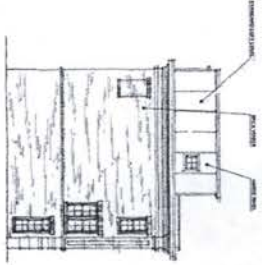


RIGHT ELEVATION

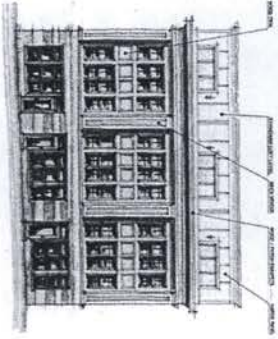


REAR ELEVATION

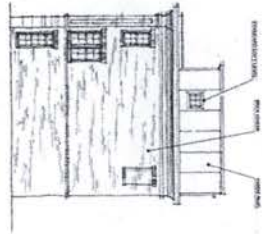
ELEVATIONS AS APPROVED



LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

ELEVATIONS AS PROPOSED



NOTES: ELEVATIONS SHOWN ARE FOR THE PROPOSED DEVELOPMENT AND NOT THE EXISTING BUILDING. THE EXISTING BUILDING IS SHOWN FOR REFERENCE ONLY.

NO.	DATE	DESCRIPTION
1	5/29/2014	ISSUED FOR PERMIT

LESSARD GROUP INC.
 8011 VERNON RD, SUITE 200 | WYOMING, WY 82182
 P: 307.338.5141 | F: 307.338.8781 | WWW.LESSARDGROUP.COM

SAMPLE TOWNHOUSE FACADE OLD VS NEW COMPARISON
 BUILDING 1A

DECEMBER 14, 2009
 REVISION # 09075-04

EVA HYATTSVILLE REDEVELOPMENT
 PHASE 1
 LH ASSOCIATES, LIMITED PARTNERSHIP c/o EVM
 EVM 1284.00

1/8"=1'-0"
 A18.1



29980 542

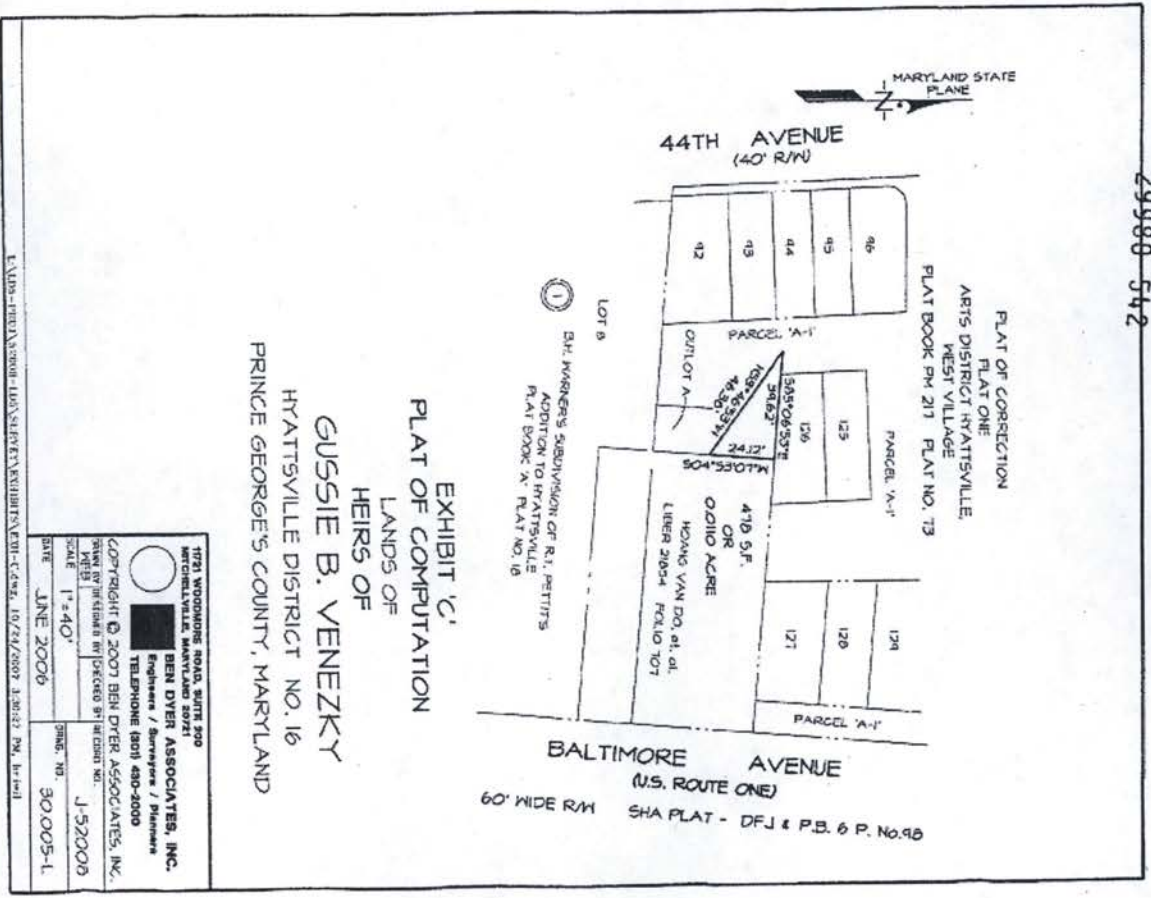


EXHIBIT 'C'
 PLAT OF COMPUTATION
 LANDS OF
 HEIRS OF
GUSSIE B. VENEZKY
 HYATTSVILLE DISTRICT NO. 16
 PRINCE GEORGE'S COUNTY, MARYLAND

1121 WOODMERE ROAD, SUITE 200
 HYATTSVILLE, MARYLAND 20781
BEN DYER ASSOCIATES, INC.
 Engineers / Surveyors / Planners
 TELEPHONE (301) 430-3000
 COPYRIGHT © 2007 BEN DYER ASSOCIATES, INC.
 DRAWN BY: J. S. D. / CHECKED BY: J. S. D.
 DATE: JUNE 2006
 SCALE: 1" = 40'
 SHEET NO. 30005-1



DEED PAGE 1

Case # DSP-04076-04

29980 538

TAX REC'D NO. 16-1828995

QUITCLAIM DEED
Clerk of the
Circuit Court

1 of 14

THIS QUITCLAIM DEED is made as of July 23, 2020 between ELIE M. VENEZKY, aka married (married) individual (Grantor) and ELI WEST ASSOCIATES LIMITED PARTNERSHIP, a Maryland limited partnership (Grantee).

WITNESSETH:

Clerk of the Court
Maryland

WHEREAS, Gussie B. Venezky (also known of record as Gussie B. Venesky) acquired certain real property located in Hyattsville, Prince George's County, Maryland shown as Parcel 93 of Tax Map 42, Grid C-4 (the "Land") pursuant to Deed dated July 22, 2020 and recorded July 23, 2020 in Liber 153 at folio 351 among the Land Records of Prince George's County, Maryland; and

WHEREAS, pursuant to a Petition made by David S. Venezky dated May 15, 1923 and filed in the Orphans' Court of Prince George's County, Maryland on May 15, 1923 in Liber No. 1 at folio 321, Gussie B. Venezky died intestate on May 9, 1923, and that at the time of her death, her only heirs at law and next of kin were her husband, David S. Venezky, and her children, Adelyn B. Venezky, 16 years of age, Julian Venezky, 14 years of age, and Samuel Bernard Venezky, 11 years of age; and

WHEREAS, Gussie B. Venezky owned the Land at the time of her death;

WHEREAS, the Grantor is a remaining heir of Gussie B. Venezky; and

WHEREAS, the Grantor wishes to convey to the Grantee all of the Grantor's right, title and interest in and to the Land, together with all improvements on the Land and all privileges, rights of way and easements appurtenant to and/or benefiting the Land, including, without limitation, all entitlements, development rights, air rights and water rights, and all mineral, oil and gas on or under the Land, and any easements or rights of way in, on, or under any land, highway, alley, street, or right of way abutting or adjoining the Land, and any rights of the Grantor to utilities serving the Land (collectively, the "Property").

I hereby certify that I am duly admitted to practice law in the State of Maryland and that this instrument was prepared under my supervision.

Brice Marcus

RECORDING FEE	29.00
STATE TAX	5.42
NOTARY FEE	73.13
RECORDING FEE	119.55
STATE TAX	22.25
NOTARY FEE	119.55
RECORDING FEE	29.00
STATE TAX	5.42
NOTARY FEE	73.13
RECORDING FEE	119.55
STATE TAX	22.25
NOTARY FEE	119.55
RECORDING FEE	29.00
STATE TAX	5.42
NOTARY FEE	73.13
RECORDING FEE	119.55
STATE TAX	22.25
NOTARY FEE	119.55
RECORDING FEE	29.00
STATE TAX	5.42
NOTARY FEE	73.13
RECORDING FEE	119.55
STATE TAX	22.25
NOTARY FEE	119.55

Grantor's Address:
ELI WEST ASSOCIATES LIMITED PARTNERSHIP
c/o EVA LLC
4800 Hampden Lane, Suite 300
Bethesda, Maryland 20814

Record and Return to:
Regional Title Incorporated
1620 L Street, N.W., Suite 900
Washington, D.C. 20036
Attention: ESU

SEP 02 2008

RECORDATION TAX PAID \$ 660
TRANSFER TAX PAID \$ 57.16

2028441



DEED PAGE 2

Case # DSP-04076-04

29980 539

NOW, THEREFORE, in consideration of the sum of One Thousand Eighty-Three and 34/100 Dollars (\$1,083.34) cash in hand paid by Grantee to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby quitclaim, release, grant, and convey unto Grantee, all of the Grantor's right, title and interest in and to the Property.

This conveyance is made subject to all easements, encumbrances, covenants, conditions and restrictions of record affecting the Property as of the date of this Quitclaim Deed.

TO HAVE AND TO HOLD said Property, together with all rights, privileges, and advantages thereto belonging or appertaining to the Grantee, its successors and assigns, forever.

The Grantor hereby certifies and makes affidavit under the penalties of perjury that One Thousand Eighty-Three and 34/100 Dollars (\$1,083.34) is the full consideration, paid or to be paid for the foregoing conveyance and that there are no mortgages or deeds of trust affecting the Property which are being assumed by the Grantee.

Witness the following signature(s) and seal(s):

Elie M. Venecky
Elie M. Venecky

STATE OF Illinois)
Cook)
CITY/COUNTY OF County) ss.

On this, the 31st day of January, 2007, before me, NEZI L. CICILIN, the undersigned officer, personally appeared Elie M. Venecky, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

[Notarial Seal] Nezi Cicilin
Notary Public

My commission expires:



3292641



DEED PAGE 3

Case # DSP-04076-04

29980 540

EXHIBIT A

Legal Description

That certain parcel of land located in Prince George's County, Maryland, more particularly described as follows:

32026114

Slide 20 of 22

5/29/2014



DEED PAGE 4

29980 541

11721 WOODMOORE ROAD, SUITE 200
MIDDLEVILLE, MD 20721

TELEPHONE: 301-430-5000
FAX: 301-480-2051

E-MAIL: ben@ben.com



BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

October 24, 2007
J-A5008/4906
WO-91759

DESCRIPTION
PART OF THE LANDS OF
GUSSIE B. VENESKY
HYATTSVILLE DISTRICT NO. 16
PRINCE GEORGE'S COUNTY, MARYLAND

Being part of the land conveyed by Jackson H. Ralston and Sara B. R. Ralston to Gussie B. Venesky by deed dated July 22, 1920 and recorded among the Land Records of Prince George's County, Maryland in Liber 153 at Folio 351, and being more particularly described as follows:

Beginning for the same at a point at the westerly end of the North 85°06'53" West, 139.62 foot plat line as shown on a Plat of Subdivision entitled "Plat of Correction, Plat One, Arts District Hyattsville, West Village," recorded among said Land Records in Plat Book PM4 217 at Plat No. 73; thence reversely with part of said line

1. South 85°06'53" East, 39.62 feet to a point; thence
2. South 04°53'07" West, 24.12 feet to a point at the southeasterly end of the South 53°46'53" East, 46.38 foot plat line as shown on the aforesaid plat; thence reversely with said line
3. North 53°46'53" West, 46.38 feet to the place of beginning, containing 478 square feet or 0.0110 of an acre of land.


5-Description Vexley 1004473.dwg




May 29, 2014

MEMORANDUM

TO: Ruth Grover, Urban Design Section

VIA: Whitney Chellis, Subdivision Section 

FROM: Williamayah, Subdivision Section 

SUBJECT: **REVISED EYA Arts District, DSP-04076/04**

This referral supersedes the referral dated April 10, 2014. The subject property is located within the EYA Hyattsville Redevelopment, Phase 1. This 6.77-acre subdivision, found on Tax Map 42 in Grid C-4, was approved through Preliminary Plan of Subdivision (PPS) 4-04192 a discussed further. The DSP proposes a lot line adjustment between Outlot A (recorded by plat PM 217-73 on February 20, 2007) and Outlot C (recorded by plat MMB 235-50 on February 28, 2012). Outlot C was not originally included in the limits of the DSP, and should be included with this revision.

The site is the subject of Preliminary Plan of Subdivision (PPS) 4-04192 for the EYA Hyattsville Redevelopment, Phase 1. The Prince George's County Planning Board adopted the resolution of approval (PGCPB Resolution No. 05-191) on September 29, 2005. The resolution of approval for the PPS contains nine conditions and the following conditions in **bold** relate to the review of this application:

- 5. **Development of the site shall be in accordance with the approved stormwater management concept plan (9124-2005-00) or any approved revision thereto.**

Condition 5 is reflected in General Note 13 of the DSP, which also provides the approval date for the stormwater management concept plan.

- 7. **Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 3.8± acres of land (Parcel A). Land to be conveyed shall be subject the following...**

The land designated as Parcel A in the Preliminary Plan has been conveyed to the Arts District Hyattsville West Homeowner's Association, Inc., per a deed recorded in Liber 25862 at Folio 644.

Outlot A was approved by the PGCPB on February 12, 2007. Outlot C was approved by the PGCPB on February 23, 2012. The record plats contain nine notes and two notes, respectively, and the following notes in **bold** from Plat PM 217-73 relate to the review of this application:

1. **This plat is subject to Declaration of Covenants, Conditions and Restrictions recorded in Liber 24556 at Folio 612.**
2. **This plat is subject to Recreational Facilities Agreement recorded in Liber 24707 at Folio075.**

Notes 1 and 2 should be reflected in the general notes of the DSP.

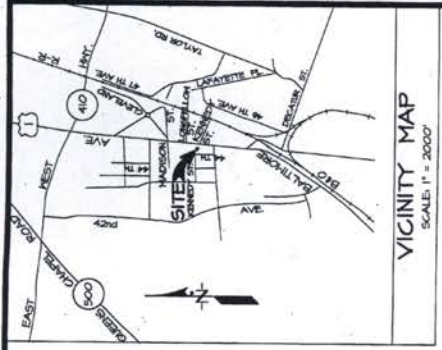
The lot line adjustment between Outlot A (446 square feet) and Outlot C (478 square feet) will require a minor final plat, pursuant to Section 24-108(a)(2) of the Subdivision Regulations. This resubdivision will result in the creation of Parcel A-3 and Outlot D. An exhibit provided by the applicant on May 28, 2014 indicates that Parcel A-3 is to be conveyed to the HOA, and will include 156 square feet of existing Outlot C. The remaining 322 square feet of Outlot C, along with Outlot A, will be consolidated to create Outlot D, which is to be retained by the applicant and conveyed to the owner of the adjacent property to the southeast, identified under Tax ID #1827575. At the time of final plat, the applicant should submit an executed deed for the conveyance of Outlot D. The site plan should be revised to show and label the proposed Outlot D and Parcel A-3, and provide the proposed bearings and distances, and lot sizes. An inset should be provided on the plan to clarify the amount of square-footage being adjusted between existing Outlots A and C. If the applicant should no longer intend to convey Outlot D to the owner of the adjacent property, a DSP revision shall be submitted for the conversion of the outlot into a parcel that will be conveyed to the HOA.

Site Comments:

The Subdivision Section recommends the following conditions:

1. Prior to certification of the revision to the detailed site plan the following technical corrections shall be required:
 - a) Reflect Notes 1 and 2 of Record Plat PM 217-73 in the general notes of the DSP.
 - b) Revise the limit of the DSP to include the boundary of existing Outlot C. Label the new DSP limit.
 - c) Show and label the proposed Parcel A-3 and Outlot D with new bearings, distances and square footage calculations on the plan. Parcel A-3 shall be labeled as "To Be Conveyed to the HOA" and Outlot D shall be labeled as "To Be Conveyed to the Owner of Adjacent Property Identified Under Tax ID #1827575."
 - d) Provide an inset on Sheet C3.00 of the DSP, detailing the proposed lot line adjustment of Outlots A and C.
2. Prior to approval of the final plat, the applicant, the applicant's heirs, successors, and/or assignees shall submit an executed deed of conveyance for Outlot D to the owner of the adjacent property identified under Tax ID #1827575. If the applicant should no longer intend to convey Outlot D, a DSP revision shall be submitted for the conversion of the outlot into a parcel that will be conveyed to the HOA.

Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.



SURVEYOR'S CERTIFICATE

I hereby certify that the plan shown hereon is correct;

That it is a subdivision of all of the land conveyed to LH West Associates Limited Partnership by certain individuals whose names are recorded among the Land Records of Prince George's County, Maryland as follows:

- 1) from Ella M. Venezia in Liber 24980 at Folio 536;
- 2) from Gail Venezia Wertheimer in Liber 24980 at Folio 544;
- 3) from Lisa Venezia in Liber 24980 at Folio 550;
- 4) from Carol Venezia in Liber 24980 at Folio 556;
- 5) from Carol Venezia in Liber 24980 at Folio 562;
- 6) from Susan Beach in Liber 24980 at Folio 564;
- 7) from David Venezia in Liber 24980 at Folio 575;
- 8) from Dina Venezia in Liber 24980 at Folio 581;
- 9) from Adrienne Hampson in Liber 24980 at Folio 587;
- 10) from Karen Venezia in Liber 24980 at Folio 593; and
- 11) from Jillian B. Venezia in Liber 24980 at Folio 591; and

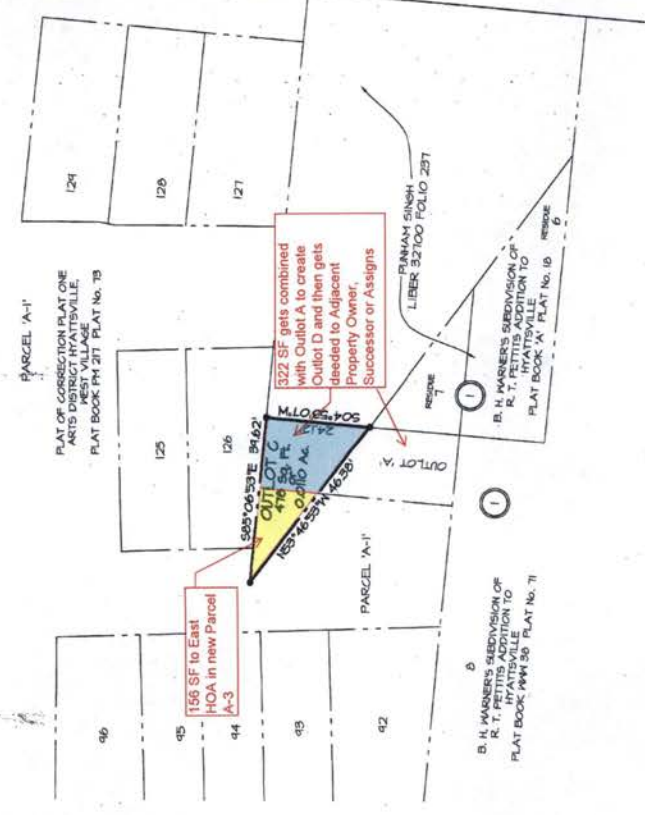
That the total area included in this plan of subdivision is 0.0110 of an acre

David Alan Hinch
 DAVID ALAN HINCH
 Property Line Surveyor
 Maryland No. 393
 License Expires 9-3-2009

1-19-2012
 DATE



BALTIMORE AVENUE (60' R/W)
 (L) S. ROUTE ONE
 SHA PLAT DR # P. B. P. No. 98



NOTES

1. Approval of this plat will have no impact on existing public water and sewer systems. The approval of in-lot building capacities based upon public water and sewer capacities being available prior to construction.
2. This plat has been prepared in accordance with Section 24-107 (c) (1) (b) and Section 24-107 (d) of the Subdivision Regulations, Prince George's County Code.

OWNER'S DEDICATION

We, LH West Associates Limited Partnership, a Maryland limited partnership, by LH West Development, Inc., a Maryland corporation, General Partner, by Robert D. Youngnicko, President, owner of the property shown hereon and described in the Surveyor's Certificate, hereby adopt this plan of subdivision and further certify:

That property line markers will be placed in accordance with section 24-120 (b) (6) (F) (i) of the Subdivision Regulations, Prince George's County Code.

There are no easements, liens, mortgages or inlets on the property included in the plan of subdivision.

LH WEST ASSOCIATES, LIMITED PARTNERSHIP
 BY LH WEST DEVELOPMENT, INC.
 General Partner (Seal)

1/24/12
 DATE

Robert D. Youngnicko
 BY: ROBERT D. YOUNGNICKO, President

PLAT THREE
 OUTLOT C
**ARTS DISTRICT HYATTSVILLE,
 WEST VILLAGE**

HYATTSVILLE ELECTION DISTRICT No. 16
 PRINCE GEORGE'S COUNTY, MARYLAND
 SCALE: 1" = 20'

BEN DYER ASSOCIATES, INC.
 ENGINEERS - SURVEYORS - PLANNERS
 1121 WOODHURST ROAD, SUITE 200
 MITCHELLVILLE, MARYLAND 20712
 PHONE: (301) 430-2000

RECORDED:	2-28-12
PLAT BOOK:	MMB 235
PLAT NO.:	50
ZONED:	M-J-1
207 NE 4	
PRELIMINARY PLAN NO.:	EXEMPT

DEPARTMENT OF ENVIRONMENTAL RESOURCES
 PRINCE GEORGE'S COUNTY, MARYLAND
 APPROVED: February 3, 2012
Dawn Handman-Nelson
 DIRECTOR OR DESIGNEE

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 PRINCE GEORGE'S COUNTY PLANNING
 APPROVED: FEBRUARY 23, 2012
Jim Pitt
 PLANNING DIRECTOR
 M.N.G.P.C. RECORD FILE NO. 5-12-074




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Countywide Planning Division, Transportation Planning Section

(301) 952-3680
www.mncppc.org

May 28, 2014

MEMORANDUM

TO: Ruth Grover, Development Review Division
FROM:  Fred Shaffer, Transportation Planning Section, Countywide Planning Division
SUBJECT: Detailed Site Plan Review for Master Plan Trail Compliance

The following Detailed Site Plan was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* and/or the appropriate area Master Plan in order to provide the Master Plan Trails.

Detailed Site Plan Number: DSP-04076/04

Name: EYA Arts District

Type of Master Plan Bikeway or Trail

Private R.O.W.*	<u> </u>	Public Use Trail Easement	<u> </u>
PG Co. R.O.W.*	<u> X </u>	Nature Trails	<u> </u>
SHA R.O.W.*	<u> </u>	M-NCPPC – Parks	<u> </u>
HOA	<u> </u>	Bicycle Parking	<u> </u>
Sidewalks	<u> X </u>	Trail Access	<u> </u>

*If a Master Plan Trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The Transportation Planning Section has reviewed the preliminary plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements. Staff recommendations based on current or proposed conditions are also included in this memo.

Review Comments (Master Plan Compliance and Prior Approvals)

The subject application consists of a revision to an approved detailed site plan. The application proposes several minor modifications, including a change in unit types for three lots, two ADA improvements/modifications, and other minor design changes. The site is covered by the 2009 Approved Countywide Master Plan of Transportation (MPOT) and the 2004 Approved Sector Plan and Sectional Map Amendment for the Gateway Arts District (area master plan).

Approved Detailed Site Plan 4-04076 included the following conditions of approval related to pedestrian access and master plan trails/bikeways:

1. Prior to signature approval of the plans, applicant shall revise the plans as follows:
 - a. Show a wide sidewalk along the entire length of the subject site's US 1 frontage providing at least six feet of clear space in all areas, including those with street furniture, planters and street trees.
 - b. Provide four-foot standard sidewalks along both sides of all internal roads.
 - c. Provide a crosswalk detail reflecting the surface material, dimensions, and other treatments to be provided. A contrasting and attractive surface material is encouraged and final design of the crosswalks shall be approved by the Urban Design Section as designee of the Planning Board.
 - d. A "Share the Road with a Bike" sign shall be indicated to be located on Baltimore Avenue (US 1), after the State Highway Administration has the opportunity to review the proposed location to ensure that it is acceptable.

Approved Preliminary Plan 4-04192 included the following conditions of approval related to pedestrian access and master plan trails/bikeways:

1. In conformance with the adopted and approved Gateway Arts District Sector Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. The adopted and approved Gateway Arts District Sector Plan recommends that Baltimore Avenue (US 1) be designated as a Class III bikeway with appropriate signage. Because US 1 is a state right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. However, prior to the Planning Board conditioning the placement of the signs, SHA should have the opportunity to review the proposed locations to ensure they are acceptable. The developer would purchase the signs from the state and install them in accordance with the state's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities. A note shall be placed on the final record plat that installation will take place prior to the issuance of the first building permit.
 - b. Provide a wide sidewalk along the entire length of the subject site's frontage of US 1. This sidewalk should be at least six feet wide in all areas, including those with street furniture, planters, and street trees.
 - c. Provide four-foot-wide (4') standard sidewalks along both sides of all internal roads.
 - d. Appropriate pedestrian safety measures will be incorporated into the development at the time of detailed site plan.

The above referenced conditions are not impacted or amended by the subject application and are still in effect. Transportation Planning staff supports the proposed modifications to improve accessibility to the courtyard and for a handicapped accessible path adjacent to Lot 129. Due to the previously approved conditions of approval, no additional recommendations for bicycle or pedestrian facilities are made at this time.



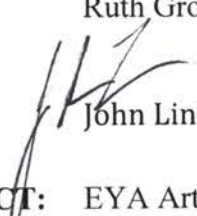
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

March 15, 2010

MEMORANDUM

TO: Ruth Grover, Urban Design

FROM:  John Linkins, Permit Review Section

SUBJECT: EYA Arts District, DSP-04076/04

1. This proposal appears to meet all zoning standards at this time.

Grover, Ruth

From: Linkins, John
Sent: Wednesday, May 14, 2014 10:21 AM
To: Grover, Ruth; Gallagher Deborah L
Cc: Adams, Steven
Subject: RE: DSP-04076-04, EYA

Ruth, as long as no changes are being made that affect the parking & loading all should be well. All other standards are determined by the DDO and the Planning Board.

John

From: Grover, Ruth
Sent: Wednesday, May 14, 2014 10:16 AM
To: Linkins, John; Gallagher Deborah L
Cc: Adams, Steven
Subject: DSP-04076-04, EYA

The above-captioned revision to the EYA project DSP-04076-04 encompasses the following:

Convert three live-work to residential units with resulting architectural changes; Revise the layout of the tot lot; Add land to the application; Revise the Lot 129/130 courtyard, building footprint, lot line and trash enclosure; Add privacy fence to Lot 127; and revise all sheets and tables that reference the total number of live-work units, or identify Lots 127-129 as live-work units.

The only comments I have from you on the case were issued on March 15, 2010 and state that the proposal appears to meet all zoning standards. Do you want to update/revise your comments or do they still stand? 2010 is quite a long time ago and my records indicate that we circulated new plans to you more recently, in 2014. This case is being expedited to the Planning Board, so your prompt attention to this matter would be most appreciated. Please let me know if you have any comments or questions regarding the above or any other aspect of the DSP-04076-04 case.

Thank you very much,
Ruth



Ruth E. Grover, M.U.P., A.I.C.P.
Planner Coordinator
Urban Design Section
Maryland-National Capital Park and Planning Commission
Prince George's County Planning Board
County Administration Building
14741 Governor Oden Bowie Drive



**PRINCE GEORGE'S COUNTY
POLICE DEPARTMENT**

MEMORANDUM

DATE: April 3, 2014

TO: Ruth Grover, Planner Coordinator
Urban Design Section
Development Review Division

FROM: Corporal R. Kashe #2357
Prince George's County Police Department
Community Services Division

SUBJECT: **DSP-04076/04, EYA Arts District**

After reviewing the plans there are no CPTED issues at this time.



Division of Environmental Health

Date: May 16, 2014

To: Ruth Grover, Urban Design, MNCPPC

From: *Manfred Reichwein*
Manfred Reichwein, Chief, Environmental Engineering Program

Re: DSP-04076.04, EYA Arts District

The Environmental Engineering Program of the Prince George's County Health Department has completed a health impact assessment review of the detailed site plan submission for the "04" revision of the EYA Arts District, and has the following comment:

There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. It is recommended that light levels at residential property lines should not exceed 0.05 footcandles (fc).

If you have any questions or need additional information, please contact me at 301-883-7682 or mreichwein@co.pg.md.us.



Environmental Engineering Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health



**** REFERRAL REQUEST ****

Date: March 14, 2014
 To: Pranoy Choudhury, MD State Highway Administration
 From: Ruth Grover Ruth.Grover@ppd.mncppc.org
 Subject: EYA Arts District, DSP-04076/04

IDENTIFICATION OF MAJOR ISSUES DUE DATE: 3/29/2014

***Note:** E-mail any major issues/problems to the reviewer by the above date.

SUBDIVISION REVIEW COMMITTEE DATE:

REFERRAL DUE DATE: April 12, 2014

- | | |
|--|---|
| <input type="checkbox"/> Full Review of New Plan | <input checked="" type="checkbox"/> Revision of Previously Approved Plan |
| <input type="checkbox"/> Limited or Special Review | <input type="checkbox"/> Plans/Documents Returned for Second Review Following Revision by Applicant |

NOTE: This case is being reviewed at: Planning Board level OR Planning Director level

COMMENTS: **CONVERTING 3 LIVE-WORK UNITS TO RESIDENTIAL ARCHITECTURAL FACADE CHANGES & MAKE 4TH FLOOR LOFT STANDARD, LOT LINE ADJUSTMENT & MISC. ITEMS**

Related Cases: DSP-04076

REFERRAL REPLY COMMENTS:

OKI - No Comments. Work Outside SHA Right of Way.

NOTE: IF YOU HAVE NO COMMENTS, PLEASE INDICATE ABOVE AND FORWARD OR FAX TO THE REVIEWER'S ATTENTION.

Grover, Ruth

From: James Chandler <JChandler@hyattsville.org>
Sent: Wednesday, May 28, 2014 6:46 AM
To: Grover, Ruth; Lawrence N. Taub
Subject: Re: Referral Comments for EYA Arts District, DSP-04076-04

Ruth,

We have no additional comments.

Jim

On May 27, 2014, at 10:43 AM, "Grover, Ruth" <Ruth.Grover@ppd.mncppc.org> wrote:

Thanks for letting me know.
Best,
Ruth

<image001.png>

Ruth E. Grover, M.U.P., A.I.C.P.
Planner Coordinator
Urban Design Section
Maryland-National Capital Park and Planning Commission
Prince George's County Planning Board
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772
301-952-4317-p
301-953-3749-f
ruth.grover@ppd.mncppc.org

From: James Chandler [<mailto:JChandler@hyattsville.org>]
Sent: Tuesday, May 27, 2014 10:26 AM
To: Grover, Ruth; Shaffer, Fred; Dorothy A. Richards (DARichards@co.pg.md.us)
Subject: RE: Referral Comments for EYA Arts District, DSP-04076-04

Ruth,

I expect we will provide you with comments tomorrow.

Jim Chandler, CEcd, LEED AP
Assistant City Administrator and
Director, Community & Economic Development
City of Hyattsville
4310 Gallatin Street
Hyattsville, Maryland 20781

RESOLUTION

WHEREAS, a 6080-acre parcel of land known as Parcels 7, 17, 54-59, 89, 95 and 101, said property being in the 16th Election District of Prince George's County, Maryland, and being zoned M-U-I; and

WHEREAS, on March 31, 2005, LH Associates Limited Partners filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 122 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04192 for EYA Hyattsville Redevelopment was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 8, 2005, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on September 8, 2005, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-04192, EYA Hyattsville Redevelopment for Lots 1-122 and Parcels A and B with the following conditions:

1. In conformance with the adopted and approved Gateway Arts District Sector Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. The adopted and approved Gateway Arts District Sector Plan recommends that Baltimore Avenue (US 1) be designated as a Class III bikeway with appropriate signage. Because US 1 is a state right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. However, prior to the Planning Board conditioning the placement of the signs, SHA should have the opportunity to review the proposed locations to ensure they are acceptable. The developer would purchase the signs from the state and install them in accordance with the state's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities. A note shall be placed on the final record plat that installation will take place prior to the issuance of the first building permit.
 - b. Provide a wide sidewalk along the entire length of the subject site's frontage of US 1. This sidewalk should be at least six feet wide in all areas, including those with street furniture, planters, and street trees.
 - c. Provide four-foot-wide (4') standard sidewalks along both sides of all internal roads.

- d. Appropriate pedestrian safety measures will be incorporated into the development at the time of detailed site plan.
2. The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, subject to the following:
 - a. Submission of three original, executed Recreational Facilities Agreements (RFA) to DRD for its approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
 - b. Submission to DRD of a performance bond, letter of credit, other suitable financial guarantee, or other guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.
 3. The developer, his heirs, successor, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
 4. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the detailed site plan.
 5. Development of the site shall be in accordance with the approved stormwater management concept plan (9124-2005-00) or any approved revision thereto.
 6. Prior to approval of the final plat, the applicant shall provide evidence of a contribution to the M-NCPPC Department of Parks and Recreation in the amount of \$75,000 for the development and/or maintenance of the Hamilton Aquatic Center.
 7. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 3.8± acres of land (Parcel A). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the portions of Parcel A to be used for parks, and all disturbed portions of Parcel A to be used for parks shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project. All portions of Parcel A not used for parks are for internal streets, and all waste matter of any kind shall be removed from these portions of Parcel A prior to the release of the bond for construction of said internal streets.
 - d. The portions of Parcel A to be used for parks shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar

waste matter after each such park is opened for use by the general public. The portions of Parcel A to be used for internal streets shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter after the release of the bond for construction of said internal streets.

- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
8. **MD 410 and US 1:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have the concurrence of and an agreed-upon timetable for construction with the appropriate operating agency:
- a. Restripe the existing right-turn lanes along both approaches of MD 410 to provide a combination through lane and right-turn lane.
 - b. Along eastbound MD 410, widen to the east of US 1 to provide a third receiving lane.
 - c. Along westbound MD 410, remove the triangular channelization island in the northwest quadrant of the intersection. This will allow westbound through traffic to utilize the third through lane west of US 1.

These improvements shall include all necessary modifications to traffic signals, signage and pavement markings.

9. In the event that the applicant and SHA agree to alternative road improvements, upon concurrence of the Transportation Planning Section staff that said improvements fulfill the requirements for the use of mitigation, the improvements shall take the place of Condition 10 above and shall be noted on the final plat of subdivision prior to its

approval by the Planning Board.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the west side of US 1 in the City of Hyattsville, just south of Madison Street and opposite Longfellow Street.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	M-U-I	M-U-I
Use(s)	Auto Sales/Service (Vacant)	Mixed/Use 124 townhouses 13 live/work units 6,610 square feet of community space
Acreage	6.77	6.77
Lots	7	138
Parcels	11	2

4. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils or Marlboro clays are not found to occur on this property. Baltimore Avenue is a planned four-lane major collector (MC-200) roadway not generally regulated for noise. The predominant soil type found to occur on the site, according to the Prince George's County Soil Survey, is Sandy and Clayey series. This soil series has limitations with respect to high shrink/swell potential and slow permeability, especially when steep slopes are present, which is not the case on the subject property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this application. This property is located in the Northeast Branch watershed of the Anacostia River basin and in the Developed Tier as reflected in the adopted General Plan.

Woodland Conservation

A forest stand delineation (FSD) was not submitted with this application and is not required. The subject property is predominantly cleared and developed. This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance; although the gross tract area of the subject property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland. A Type I tree conservation plan was not submitted with the review package and is not required. A standard letter of exemption from the Environmental Planning Section will be required as part of the application for any grading or building permit.

This site is within the Gateway Arts District Overlay Zone and is subject to site design requirements for tree cover and stormwater management. The recommendation states that afforestation be provided for a minimum of 10 percent of the gross site area. This coverage is measured by the amount of cover provided by a tree species in 10 years. Street trees planted along abutting rights-of-way may be counted toward meeting this standard. A landscape plan is required to show full compliance and this plan will be reviewed at time of detailed site plan review.

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

Section 24-121(a)(4) of the Subdivision Regulations requires residential lots fronting on arterial roadways (such as US 1) to have a minimum depth of 150 feet, with adequate protection from traffic nuisances being provided by earthen berms, plant materials, fencing, and/or the establishment of building restriction lines. None of the residential lots along US 1 meet this standard, having depths varying from 37 to 50 feet.

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

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

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

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

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

In addition to the above-mentioned build-to line, the sector plan also requires a 20-foot area from curb and building line to include a sidewalk, landscaping and street furniture to create a sense of separation from US 1. The companion detailed site plan to this application shows all of these features. Relaxing this standard would not be injurious to the public or adjoining properties, and is, in

fact, the only way this development can be found to be in concert with the sector plan.

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

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

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

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

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

The 2004 sector plan envisions a substantial amount of development on this site. Requiring a 150-foot lot depth along US 1 would encumber the front third of this site, thus cutting the development potential for this site well below that envisioned by the plan. Without approval of this variation, the development standards promulgated for the town center could not be met and the application would have to be denied.

Staff supports the variation request for the reasons stated above.

Water and Sewer Categories

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

5. **Community Planning**—The 2002 General Plan places this property in the Developed Tier on the Baltimore Avenue Corridor. The vision for Corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. The vision for the Developed Tier is a network of sustainable transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The property is subject to the recommendations of the 2004 Gateway Arts District Sector Plan and Sectional Map Amendment, as well as the development standards of the Gateway Arts District Development District Overlay Zone. The land use recommendation is for mixed-use residential. The proposed preliminary plan is consistent with the sector plan.

The sector plan sets goals, objectives, and concepts based on the identification of seven character areas: (1) town center, (2) arts production and entertainment, (3) neighborhood arts and production, (4) multifamily residential community, (5) traditional residential neighborhoods, (6) neighborhood commercial, and (7) stream valley park. Each character area has its own set of development district standards with the exception of the stream valley park character area. This property is in the town center character area that is described below:

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

This plan meets most of the development standards expressed in the approved 2004 Gateway Arts District Sector Plan and Sectional Map Amendment but several suggestions are recommended that enhance the ability to achieve the goal for the town center character areas. The goal for town center character areas is to enhance the walkability of the town centers by creating a framework for high quality, mixed-use, pedestrian-oriented development incorporating human-scale buildings, an attractive streetscape, landscaping, and small pocket parks.

Sidewalks that are five feet wide allow two people to walk side-by-side, where sidewalks that are four feet wide do not allow two people to walk comfortably side-by-side. Thus, the internal sidewalk width would better serve the community if they were at least five feet in width.

Since this site is heavily developed, the open space tucked at the southern edge and northwest corner of the site does not serve the community well and comes across as an afterthought that could be better designed to provide a central focal point. The play area east of 44th Avenue at the southern edge of the site should be moved to replace units 14 thru 18, which will provide a public space in the center of the development (e.g., a similar green space exists at Avalon of Arlington Square in Arlington, Virginia) and provide a landscaped green space that reflects the new urbanism sensibility more than the tot-lot tucked at the edge of the site adjacent to a car wash. Dwelling units 14 through 18 could be moved to replace the proposed play area and provide an architectural punctuation to the private street in this location.

6. **Parks and Recreation**— Section 24-134 of the Subdivision Ordinance (mandatory dedication of parkland) requires that one acre of the subject property be dedicated for public parkland. This acreage must be “suitable and adequate for active or passive recreation.” The sector plan envisioned this property as part of an arts district, which would be a focal point for art activities of all types and the place for entertainment, socializing, dining, shopping and living. The sector plan recommends small parks and amenities close to other related uses, for example, tot-lots closer to grocery stores and libraries; that mechanisms for public-private donations and stewardship be created; that partnerships with investors be created;

that businesses, municipalities, agencies and organizations work together to fund and strengthen programs and draw on local resources, such as talent from local schools and universities, to program arts events and activities throughout the art district.

The following public parks are within a one-mile radius of the project area:

- a. **Melrose Neighborhood Playground** (three acres) located on the south along the west side of Rhode Island Avenue and improved with basketball court.
- b. **Anacostia River Stream Valley Park** located south of Melrose Park and improved by hiker/biker/equestrian trails.
- c. **Hamilton Aquatic Center** (one acre) and **Hamilton Neighborhood Park** (15 acres) are located 0.8 mile southwest of the property and improved by swimming pool, softball field, playground, picnic shelter, picnic areas and fitness stations.

These parks are very popular and heavily used by Hyattsville area residents. The Capital Improvement Program (CIP) includes funds for conversion of the Melrose Neighborhood Playground basketball court into a skate park, which is very popular sport in the local community. Hamilton Aquatic Center is also a very popular local attraction; unfortunately, the pool needs a major renovation and no funding is allocated for this project in the CIP.

The applicant proposes to meet mandatory dedication requirements by providing on site private recreational facilities including outdoor tot-lots, plazas, and sitting areas. In addition, the applicant proposes to renovate and make 6,600 square feet of indoor space in the Lustine's showroom available for recreational uses. There will be 2,600 square feet programmed for arts programs. According to the applicant, the City of Hyattsville has expressed an interest in using this space to provide arts programs. The applicant is also proposing a contribution of \$75,000 to the Commission for the improvements or maintenance of the Hamilton Aquatic Center.

The Department of Parks and Recreation (DPR) staff believes that the combination of the private recreational facilities on site, the allocation of indoor recreational space for the Hyattsville area residents in restored Lustine's showroom, and the contribution of the \$75,000 for the renovation of the Hamilton Aquatic Center pool will adequately address the requirements of the approved sector plan and sectional map amendment for the Prince George's County Gateway Arts District and Subdivision Regulations as they pertain to public parks and recreation.

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

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

Recommendation 1 (sector plan, page 41) addresses on-road bicycle facilities. It recommends that all new roads and all retrofit road projects be developed in accordance with the AASHTO Guide for the Development of Bicycle Facilities, where feasible. These guidelines outline current “best practices” for accommodating bicycles on roads. The types of facilities addressed include designated bike lanes, wide outside curb lanes, paved shoulders, and shared-use roadways. More specifically, the sector plan recommends on-street bike lanes and continuous sidewalks along US 1.

Sidewalk Connectivity

An extensive network of standard and wide sidewalks is proposed on the subject application. These include standard sidewalks along both sides of all the local, internal roads, and a wide “streetscape” along US 1. The sidewalk along US 1 varies in width from approximately 6 feet to around 12 feet. Staff believes that this width is sufficient. However, staff recommends that the sidewalk width be no less than six feet in any area, including areas with street furniture, planters, or street trees.

8. **Transportation**—The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated March 2005 that was referred for comment. No comments were received from the county Department of Public Works and Transportation (DPW&T), as all identified intersections and roadways are maintained by either the State Highway Administration (SHA) or the City of Hyattsville. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

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

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

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized

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

Analysis of Traffic Impacts

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

The six signalized intersections reviewed are:

- US 1/MD 410 Addison Road
- US 1/ Queensbury Road
- US 1/Oglethorpe Street
- US 1/Madison Street
- US 1/ Jefferson Street
- US 1/Hamilton Street/ Alt. US 1

The six unsignalized intersections studied are:

- US 1 with Longfellow Street
- US 1 with Kennedy Street
- Cleveland Avenue with Madison Street
- 43rd Avenue with Ogethorpe Street
- 43rd Avenue with Kennedy Street
- 43rd with Jefferson Street

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
US 1 & MD 410	1,842	1,720	F	F
US 1/ Queensbury Road	888	1,011	A	B
US 1/Oglethorpe Street	875	650	A	A
US 1/Madison Street	946	717	A	A
US 1/ Jefferson Street	751	724	A	A
US 1/Hamilton Street/ Alt. US 1	747	870	A	A

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

While there is no other approved but not yet built development within the study area, a background traffic growth of two percent per year was assumed for US 1. There are no programmed improvements in the county Capital Improvement Program (CIP) or the state Consolidation Transportation Program (CTP). Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
US 1 & MD 410	1,956	1,825	F	F
US 1/ Queensbury Road	942	1,073	A	B
US 1/Oglethorpe Street	928	690	A	A
US 1/Madison Street	1,003	763	B	A
US 1/ Jefferson Street	797	769	A	A
US 1/Hamilton Street/ Alt. US 1	792	923	A	A

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

The site is proposed for development of only 137 residential townhomes as well as ancillary community space. The traffic study assumes 425 units, which includes units in the areas that are not part of this application. It is important to note that at the Subdivision Review Committee meeting staff informed the applicant that there is no assurance that similar findings can be made when the 2nd phase of the proposed development is submitted. Using the 425 units, the submitted study indicates that the proposed development would generate 298 (60 in, 238 out) AM peak-hour vehicle trips and 340 (221 in, 119 out) PM peak-hour vehicle trips. With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
US 1 & MD 410	1,972	1,858	F	F
US 1/ Queensbury Road	958	1,119	A	B
US 1/Oglethorpe Street	944	723	A	A
US 1/Madison Street	1,063	831	B	A
US 1/ Jefferson Street	863	802	A	A
US 1/Hamilton Street/Alt. US 1	853	1213	A	C

The results of the capacity analysis with the projected 2008 total traffic show that all six unsignalized intersections are projected to continue to operate with acceptable levels of service during both the morning and afternoon peak hours, with average vehicle delay for various

movements through these intersections below the acceptable range of 50.0 seconds, as

required by the guidelines.

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

As summarized above, the traffic study reports that the proposed development will result in the addition of 119 northbound and 30 southbound vehicle trips along US 1 at this intersection, which equates to 16 additional critical movements during the weekday morning peak hour. During the evening peak hour the proposed development will result in the addition of 60 northbound and 111 southbound vehicle trips along US 1, or 33 additional critical movements. In contrast, the development of 137 units proposed by the submitted plan will result in the addition of only 5 critical movements to this intersection during the weekday morning peak hour and 10 additional critical movements during the evening peak hour.

The applicant proposes restriping of eastbound and westbound approaches of MD 410, removal of the existing traffic island in northwest quadrant of the intersection, and the necessary traffic signal and pavement marking changes. These improvements are proposed as mitigation in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of criterion (1) in the Guidelines for Mitigation Action, which were approved by the District Council as CR-29-1994 (the site also meets criterion (3), and may also meet criterion (2)). The impact of the proposed mitigating improvement at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
US 1/MD 410				
Background Conditions	F/1,956	F/1,825		
Total Traffic Conditions	F/1,972	F/1,858	+16	+33
Total Traffic Conditions w/Mitigation	F/1,808	F/1,696	-164	-162

As the total CLV at US 1/MD 410 exceeds 1,813 during both peak hours, the proposed mitigation action must mitigate at least 100 percent of the trips generated by the subject property, and the resulting CLV can be no greater than 1,813, according to the guidelines. The above table indicates that the proposed mitigation action would mitigate in excess of 500 percent of site-generated trips during both peak hours. Therefore, the proposed mitigation at US 1/MD 410 meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

As required, the proposed mitigation plan was reviewed by SHA. SHA review has concluded that the proposed improvements are not acceptable. The SHA memo indicates that since the US 1/ MD 410 intersection is severely congested, the proposed improvements will have marginal overall benefits to US 1 and significant negative impacts for the eastbound and westbound MD 410 right-turn movements. Instead of the

proposed improvements, SHA recommends, in addition to any required signing/pavement markings and signal modifications, an 88-foot-wide section (curb-to-curb) be provided along MD 410. This, based on the SHA memo, will allow a 10-foot left turn lane, three 11-foot through lanes, a 10-foot right-turn lane, and a 2-foot median along both sides of MD 410.

The guidelines require that any recommended improvements strategy proposed as part of a mitigation plan must be in accordance with the standards or requirements of the appropriate operating agency (i.e., SHA). Therefore, unless a written indication is received from SHA expressing acceptance of the mitigation proposed at this location prior to the Planning Board hearing, the transportation staff cannot recommend approval based on this mitigation action.

Finally, the study proposes the utilization and reconfiguration of the existing two-way left-turn lane along US 1 at the two proposed main access points for the site's generated left-turn movements. In response to this, SHA is requiring the applicant to prepare sight distance evaluation for the site generated inbound and outbound turning movements at access points, as well as traffic queue projection analysis along US 1 at Kennedy, Longfellow, Hamilton, Jefferson, Madison and Oglethorpe Streets.

Conclusions

Based on the preceding findings, that adequate transportation facilities would not exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code. This is accordance with District Council guidelines on the use of mitigation, which require a written indication from SHA expressing acceptance of the mitigation.

Comment: The improvements proffered by the applicant as part of their mitigation plan far exceed the percentage reduction required under Section 24-124(a)(6). However, the *Guidelines for Mitigation* clearly call for some level of concurrence by the operating agency (i.e., SHA). Staff is aware of ongoing negotiations between the applicant and SHA that may lead to either acceptance of the applicant's proffer or a compromise that is agreeable to both parties. As such, and in recognition of the desirability of this type of development on the part of Prince George's County and the City of Hyattsville, staff is recommending to the Planning Board that the applicant's proffer be accepted, but with a caveat: The applicant will still need to gain a positive response from the SHA for either their existing proffer or a mutually agreeable compromise that still fulfills the minimum requirement for the approval of mitigation.

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

Commercial Uses

Portions of the above subdivision are exempt from a review for schools because they propose a commercial use.

Residential Uses

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	136 sfd	136 sfd	136 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	32.88	8.22	16.44
Actual Enrollment	36283	10786	16960
Completion Enrollment	268.56	67.5	135.6
Cumulative Enrollment	108.48	27.12	54.24
Total Enrollment	36692.92	10888.84	17166.28
State Rated Capacity	39607	10375	14191
Percent Capacity	92.64%	104.95%	120.97%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,161 per dwelling if a building is located between I-495 and the District of Columbia; \$7,161 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,276 per dwelling for all other buildings. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

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

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Riverdale Company 7, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 98.99 percent, which is within the standards stated in CB-56-2005.

The Fire Chief has reported by letter, dated 08/01/05 that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in District I. The Prince George’s County Police Department reports that the average yearly response times for that District are 17.59 minutes for nonemergency calls, which meets the standard of 25.00 minutes, and 9.19 minutes for emergency calls, which meets the standard of 10.00 minutes.

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers.

12. **Health Department**—The Health Department reviewed the application and reminds the applicant that raze permits are required prior to demolition of any structure on the site.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been approved (9124-2005-00, approved April 5, 2005). To ensure that development of this site does not result in on-site or downstream flooding, development must be in accordance with this approved plan.
14. **Historic Preservation**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law. The subject preliminary plan of subdivision includes 6.77 acres near the southwest corner of the intersection of Madison Street and Baltimore Avenue within the City of Hyattsville. The subject property does not include any buildings or properties regulated as historic sites or historic resources or contributing resources within a locally designated historic district regulated by the Prince George’s County *Historic Sites and Districts Plan*. No identified archeological resources are located within the subject property.

The entirety of the subject property is located within the Hyattsville Historic District, listed in the National Register of Historic Places in 1982. The documentation and boundaries of the Hyattsville Historic District nomination were amended and expanded in 2004. The developing property includes large expanses of pavement and two mid-twentieth-century automobile showrooms/repair shops. Both buildings, 5710 and 5720 Baltimore Avenue, are identified as contributing resources within the National Register Historic District. As contributing resources, restoration or rehabilitation expenses associated with these properties are eligible for both the Maryland Heritage Structure Rehabilitation Tax Credit Program (up to 20 percent of approved expenses) and the Federal Historic Preservation Tax Incentive Program (up to 20 percent of approved expenses).

Archeology

Phase I archeological survey is not recommended on the above-referenced property. Section 106 review may require archeological survey for state or federal agencies, however.

16. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be recorded on the final plat.

17. **City of Hyattsville**—In a letter dated August 10, 2005, the City of Hyattsville stated that the city and applicant have reached an agreement on contested issues described in an earlier letter dated June 27, 2005. The city has withdrawn its requests to connect Kennedy Street to US 1 and to place underground utilities along US 1. The applicant has agreed to retain the Lustine showroom (not including the garage portion) and renovate the exterior and interior in a way that preserves its historic, aesthetic, and cultural character and appearance.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire, Eley, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 8, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of September 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk

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 September 8, 2005, regarding Detailed Site Plan DSP-04076 for Eya Hyattsville Redevelopment (formerly Lustine Properties), the Planning Board finds:

1. **Request:** The subject application requests approval of a mixed-use development including 124 townhome units, 13 live/work units, and 6,610 square feet of community space, which may include an exercise room, meeting space, and other space for community functions in the M-U-I/D-D-O Zones.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	Vacant/residential	Mixed-Use
Acreage	6.77	6.77
Parcels	2	2
Lots	0	137
Building Square Footage/GFA	0	6,610*

*This is the square footage for Building 1, the adaptively used Lustine showroom. Although the square footage for the live/work units on Lots 127, 128, 129, 130, 131, 132, 133, 134, 135 136, 4, 3, and 2 is listed on the plans, the split between residential and commercial has not been provided. Therefore, staff has included a recommended condition below that would require the applicant to provide that information prior to signature approval.

OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Total parking spaces	151	290/232*
Handicapped parking spaces	3	3
Loading spaces	0	0

*First number is for all standard unit types; second number is for all optional unit types.

3. **Location:** The site is in Planning Area 68, Council District 2. More specifically, it is located on the west side of Baltimore Avenue (US 1), south of its intersection with Madison Street.

4. **Surroundings and Use:** The subject property is bounded to the north by DeMatha High School, single-family residential land use, and commercial retail land use along Baltimore Avenue; to the west by multifamily and single-family residential land use; to the east by commercial retail land use; and to the south by residential and commercial retail land use.
5. **Previous Approvals:** The subject site is subject to approved stormwater concept 9124-2005.
6. **Design Features:** Vehicular access into the development is provided from US 1 via Longfellow Street. Secondary vehicular accesses are provided via Madison Street to the north of the development and Kennedy Street to the southwest. A visual connection and pedestrian access to Baltimore Avenue from the development is provided by a landscaped plaza between the terminus of Kennedy Street in the development and Baltimore Avenue. Townhouse units in the development are organized in sticks as follows:

Number of Townhomes in a Stick	Number of Sticks of that Type in Development
2	2
3	2
4	2
5	1
6	5
7	3
8	3
10	1
11	1
12	1

The majority of sticks of townhomes in the proposed development front on a street in the development (44th Avenue, Longfellow Street, Road "A," Road "B," or Kennedy Street) and most back up to an alley. At three locations, two sticks placed perpendicularly to one another make up an individual building. These locations include:

- The southwest corner of 44th Avenue and Longfellow Street extended.
- The southeast corner of 44th Avenue and Longfellow Street extended.
- The northeast corner of Kennedy Street and Road A.
- The southwest corner of the intersection of Baltimore Avenue and Longfellow Street.
- The northwest corner of Longfellow Street and US 1.

The developer has identified each building in the development by number, with Building 1 as the Lustine showroom to be adaptively reused as community space with an exercise room, meeting space, and other space for community functions. Buildings 2 through 14A house the townhomes. The applicant has established design mixes of the various unit types to be included for each building and have identified the materials to be utilized as follows:

- Brick
- Brick with corrugated metal panels
- Cementitious masonry panels
- Cementitious masonry panel with corrugated metal panels
- Corrugated metal panels
- Vinyl siding

The proposed architecture includes 72 percent of front facades in all brick, 23 percent in brick with corrugated panels, 3 percent cementitious masonry panels, and 2 percent cementitious masonry panels with corrugated panels. Rear elevations for the development would be developed with 24 percent brick, 3 percent brick with corrugated panels, 3 percent with cementitious masonry panels, 3 percent cementitious masonry panels with corrugated panels and 67 percent vinyl siding. The side facades of the units are proposed to be constructed of 48 percent brick, 48 percent brick with corrugated panels, and 4 percent cementitious masonry panels with corrugated panels.

The unit types include: Types A, B, C, C-1, C-2 (Live/work), D, D-1 (Live/work), E, and E-1 (Live/work).

The facades for the various buildings have been organized as follows:

Building Number	Façade/Unit Types Included
2	D, D, D, D
3	B, B, B, B, C, C
4	B, C, C, B, B, B, B,
5A	C-1, C-1, E-2, C, B, B
5	A, A, B, B, B, B
6	D, D, D, D, D, D
7	C, C, C, C, B, B, B, B,
8	A, A, A, B, B, C, C, C
9	D, D, D, D, D, D, D
10	C, B, A, A, E, C-1, A, A, A, A, A, B, B, A, C
11	C, A, B, B, C-1, E, B, C, C, C, B, B, C, C
12	B, B, B, B, C-1, E, B, B, C, C, A, A, B, B, C, C, C, C
13	C, C, B, A, A, B, B, B, B, C, C
14	E-1, E-1, E-1, C-1, C-1 C-1, E-2, C, C

The design of the architecture is well articulated. The different materials are employed to create visual interest. Elevation drawings for the Lustine showroom are not available as of the writing of this staff report.

Recreational facilities for the development include a tot lot, plaza space in front of the Lustine building and one at the terminus of Kennedy Road at Baltimore Avenue, with tables and chairs provided for passive recreation.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the approved sector plan and sectional map amendment for the Gateway Arts District:** The sector plan and sectional map amendment superimpose a Development District Overlay Zone over designated subareas called “character areas” to ensure that the development of the land meets the sector plan goals. The Development District Standards follow and implement the recommendations in the sector plan and sectional map amendment. The proposed project falls within the “town center” character area under the sector plan. The Development District Standards are organized in three parts to address site design, building design and public space.

Section 27-548.25 (b) requires that in approving the detailed site plan, the Planning Board shall find that the site plan meets applicable Development District Standards. In general, the subject detailed site plan meets the applicable Development District Standards as explained below in the point-by-point response to the applicable Development District Standards. If the applicant intends to deviate from the Development District Standards, 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.

8. **Development District Standards of the Development District Overlay Zone (DDOZ):**

Overall the applicant meets the development standards pertinent to achieving the town center character area in Hyattsville. The following deviations from the standards do not impair the integrity of the sector plan and, nevertheless, implement the vision of the town center character area.

- **Building and Streetscape Siting** (Table 1, page 135)—The intent of the development standards for a build-to line rather than a setback is to create a consistent street wall and a pleasant, inviting streetscape along commercial and mixed-use streets and a coherent visual appearance along neighborhood residential streets.

The preliminary sector plan established a development standard of 20 feet from the face of curb as a minimum build-to line along US 1. In approving the sector plan, the District Council amended the standard to acknowledge the build-to line from the edge of the

ultimate 60-80 foot ROW along US 1 could be reduced to 10-12 feet. The applicant notes that Buildings 1, 5A and 14 are located approximately 15.5 feet from the US 1 ROW that is in compliance with the revised standard.

(Note: Ultimate ROW includes provision for a landscape strip and sidewalk. The travel lanes of this segment of US 1 account for 54 feet, which includes a six-foot median. The median could also provide some turning lane space. However, this area may be substandard for SHA to provide turning lanes. (SHA has not provided comment at this time). If SHA requires additional ROW to accommodate adequate turning lanes, the applicant's build-to line will continue to be sufficient to achieve the goals of the town center character area to achieve a consistent building street wall and adequate streetscape.)

Residential dwelling units 97, 114, 124, and 138 vary from 7.5 to 9.7 feet from the face of curb. This variation is within the 15± feet variation allowed for residential uses for all streets other than US 1 and meets the intent of the development standards to create a coherent visual appearance along neighborhood residential streets.

- **Access and Circulation** (#6, page 138) The applicant is providing alleys that are 20 feet wide as opposed to the 18-foot maximum per the standards. This variation does not impair the integrity of the development in the town center character area and is reasonable given that they serve homes on both sides of the alley.
9. **The requirements of the Zoning Ordinance in the M-U-I (Mixed-Use Infill) Zone:** The M-U-I Zone was introduced in May 2001. The general purpose of the M-U-I Zone is to permit, where recommended in applicable plans (in this case the sector plan), a mix of residential and commercial uses as infill development in areas that are already substantially developed. The proposed development is primarily residential with 13 live/work units and must be considered in view of the second phase of the project. Phase II will include more commercial retail along Baltimore Avenue and allows staff to conclude that the proposed project meets the purpose and intent of the M-U-I Zone as defined in the Prince George's County Zoning Ordinance.
 10. **Preliminary Plan of Subdivision, 4-04192:** Preliminary Plan of Subdivision 4-04192 is being considered by the Planning Board on the same day as the subject detailed site plan. The Transportation Planning Section has informed staff that it will not be possible to make the required findings of adequacy without SHA concurrence. If that becomes the case, staff would be prevented from recommending approval of the subject detailed site plan application because, per Section 27-270 (A)(3) and (4), when a detailed site plan is required, approval of the preliminary plan of subdivision must precede approval of the detailed site plan. The Transportation Planning Section is waiting on input from SHA in order to determine if they can make the required finding of adequacy.
 11. **Landscape Manual:** The proposed development is not subject to the requirements of the *Landscape Manual*.

12. **Woodland Conservation Ordinance:** In comments dated June 29, 2005, Environmental Planning Section staff stated that the property is not subject to the provision of the Prince George's County Woodland Conservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland. Further, they stated that a Type I tree conservation plan was not submitted with the review package and is not required. A standard letter of exemption (S-096-05) from the Ordinance was issued by the Environmental Planning Section, Countywide Planning Division, dated March 30, 2005.
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation—In a memorandum dated August 2, 2005, the Historic Preservation Planning Section offered the following:

The Historic Preservation Commission reviewed this application at its July 19, 2005, meeting and voted unanimously (7-0) in favor of forwarding the following findings, conclusions and recommendations to the Planning Board:

Background

The subject detailed site plan application includes 6.8± acres near the southwest corner of the intersection of Madison Street and Baltimore Avenue within the City of Hyattsville. The subject property does not include any historic sites or historic resources or contributing resources within a locally designated historic district regulated by the Prince George's County Historic Preservation Ordinance (Subtitle 29 of the Prince George's County Code). No identified archeological resources are located within the subject property.

The applicant briefed the Historic Preservation Commission on the general details of the project at a work session preceding its March 15, 2005, meeting. Since the briefing, the Historic Preservation Commission received a number of letters about the EYA Hyattsville Redevelopment proposal and a request from Mayor Gardiner to review the proposal. Those letters, from the Maryland Historical Trust, the University of Maryland School of Architecture, the (Washington, D.C.) Latrobe Chapter of the Society of Architectural Historians, and the Hyattsville Preservation Association, among others, are included as attachments to the staff report (except as displayed on the Internet).

Findings

- (1) The entirety of the subject property is located within the Hyattsville Historic District, listed in the National Register of Historic Places in 1982. The documentation and boundaries of the Hyattsville Historic District nomination were amended and expanded in 2004. Both the City of Hyattsville and the Hyattsville Historic District include significant

portions of the Baltimore Avenue/US 1 commercial corridor that has historically linked numerous communities from the District of Columbia to the City of Laurel and beyond.

- (2) The applicant proposes to redevelop the largely paved, but otherwise undeveloped property, with two mixed-use buildings along Baltimore Avenue (ground-level retail with residences above) and townhouses on the remainder of the property. In order to fulfill the applicant's proposed plan, a large existing building within the property, the Lustine Chevrolet building, is proposed for demolition. The applicant proposes to evoke the architectural character of the Lustine Chevrolet showroom in a section of the mixed-use building to the north along Baltimore Avenue by constructing a storefront with a horizontal canopy surmounted by a sign with the word "LUSTINE."¹
- (3) The Lustine Chevrolet building is a large mid-twentieth-century automobile showroom/repair shop of unique architectural form. The building, located at 5710 Baltimore Avenue, at the northeastern edge of the developing property, is identified as a contributing resource within the National Register Historic District. Constructed in 1950, the Lustine Chevrolet showroom and repair facility is a substantial masonry and glass structure with a monumentally scaled, curvilinear, glass-walled roadside display facility in the modernist idiom, attached to a massive, rectangular plan, masonry and glass repair facility of utilitarian industrial design. The focus of the composition is the street-facing showroom designed to dramatically showcase automobiles to passing pedestrians and motorists. The highly transparent and modernist design of the showroom is emblematic of the importance placed on the automobile in post World War II America.
- (4) As a contributing resource, restoration or rehabilitation expenses associated with the Lustine Chevrolet building would be eligible for both the Maryland Heritage Structure Rehabilitation Tax Credit Program (up to 20 percent of approved expenses) and the Federal Historic Preservation Tax Incentive Program (up to 20 percent of approved expenses).
- (5) Phase I archeological survey is not recommended on the above-referenced property. Section 106 review may require archeological survey for state or federal agencies, however.

Conclusions

- (1) The Lustine Chevrolet Building at 5710 Baltimore Avenue, Hyattsville, is a historically and architecturally important structure within Prince George's County and the State of Maryland. The building's form appears to be unique in Maryland and the Washington, D.C., region. The rear service wing of the building is a typical example of mid-twentieth-

¹ It is not clear whether or not the applicant intends to preserve the remaining sign on the historic building or to commission a replica.

century industrial design, notable for its size. Nevertheless, the more significant feature of the overall structure is the uniquely designed showroom at the street.

- (2) The applicant's proposal to merely evoke the Lustine Chevrolet building once it is demolished, with either the remaining historic sign or a replication of it, should not be considered suitable mitigation for the loss of a building of demonstrable architectural significance to the county and state, and clear significance to the twentieth-century commercial history of the City of Hyattsville. *If the historic building is considered important enough to be evoked as a design element of the "redevelopment" project, the historic building should be retained rather than demolished.*

Further, the applicant's proposed "Lustine storefront" will have only a slightly larger scale than the other storefronts in the proposed building and lack the monumentality and transparency of the dramatic 1950 showroom. The proposed one-story shop windows, will have a shallow, more rectilinear footprint, and lack the depth and curvilinear composition of the historic building. The proposed storefront will be constructed of smaller panes of plate glass separated by heavy mullions rather than the delicate mullions of the original, which were combined with the large expanses of glass to create a highly transparent and imposing effect. As a result, the applicant's efforts are effectively limited to the potential reinstallation of an historic sign (or its re-creation).

- (3) As a contributing resource in the Hyattsville National Register Historic District, the Lustine Chevrolet Building is eligible for substantial state and federal tax incentives for the rehabilitation of historic property. **Because it may be the first significant project of its type in Prince George's County, the EYA Hyattsville Redevelopment should be encouraged to respond more directly to its context—the historic inner-Beltway community of Hyattsville—in order to provide for a project that is location-specific rather than generic in character.** To set an example for the reuse of historic buildings throughout the county, and particularly in the historic communities inside the Beltway, the applicant should be strongly encouraged to explore the adaptive reuse of the showroom portion of the building and possible state and federal tax credits for doing so.
- (4) The Planning Board should direct the applicant to work with the Urban Design and Historic Preservation staff to address the retention of the Lustine Chevrolet building as a significant element in the redevelopment of this portion of the Baltimore Avenue/US 1 corridor.

Recommendations

The Historic Preservation Commission recommends to the Planning Board that the following condition should be attached to any approval of DSP-4076–EYA Hyattsville Redevelopment:

Prior to the approval of Detailed Site Plan-04076, the applicant shall revise the plans to demonstrate the retention of the street-facing showroom portion of the Lustine Chevrolet building at 5710 Baltimore Avenue in order to adaptively reuse the building as part of the redevelopment plan. Additions to the structure shall be limited to the area behind the rear wall of the showroom in order to retain the building's traditional appearance from the sidewalk, and any additions should be carried out in a manner that preserves the building's singular and monumental architectural character.

As explained below in the letter from the City of Hyattsville, the applicant has agreed to keep and maintain the Lustine Showroom (not including the garage portion) and renovate the exterior and interior in a way that preserves its historic, esthetic, and cultural character and appearance.

Archeological Review—In a memorandum dated June 6, 2005, the consulting archeologist stated that while she would not require archeological investigations for the subject property, Section 106 review may require archeological survey for state and federal agencies.

Community Planning—In comments dated August 11, 2005, the Community Planning Division offered the following comments:

- This application is not inconsistent with the 2002 General Plan development pattern policies for the Developed Tier.
- This application conforms to the mixed-use-infill land use recommendations of the 2004 Gateway Arts District sector plan and sectional map amendment, as well as the development standards of the Gateway Arts District Development District Overlay Zone.

Transportation—In comments dated August 11, 2005, the Transportation Planning Staff stated that the adequacy of transportation facilities is not an issue in the review of a detailed site plan, as it would be during the review of the associated preliminary plan. Further, they stated that adequacy findings and off-site transportation conditions will be based on the review of the most recent traffic impact study submitted by the applicant in conjunction with the preliminary plan of subdivision 4-04192, and prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. They also stated that the transportation staff, in consultation with SHA and DPW&T staff, were in the process of reviewing the study and would be making findings and recommendations to ensure that transportation facilities are adequate, which would be forwarded to the Subdivision Section. Specifically, with respect to the detailed site plan, the Transportation Planning Section stated that:

The revised site plan has incorporated the suggested modifications to the proposed site accesses to US 1 and on-site circulation patterns. However, staff has a number of comments regarding the submitted detailed site plan:

- Along US 1, the plan shows provision of two substandard 11-foot wide lanes and a 6-foot wide median, and as a proposed left turn lane. As indicated by the applicant's counsel, the proposed lane configuration for US 1 and the necessary access and traffic signal(s) modification, as well as the needed pedestrian crossings along US 1, are being coordinated with the SHA. As of this writing, staff has not been provided with the required SHA approval.
- The plan also shows a number of internal roadways with cross sections that include between 22 and 29 feet of pavement (and going down to 20 feet along the proposed private streets.) These sections are substandard and do not conform to the approved county Department of Public Works and Transportation (DPW&T) cross sections. But as all these roadways are within the City of Hyattsville, these cross sections may be deemed adequate provided that the applicant has secured approval from the city, which has the final authority to determine the appropriate cross sections for such roads.
- A proposed parking space summary is shown on sheet C2.00. It is not clear how many parking spaces will be provided and whether or not the proposed sum meets the applicable parking standards recommended by the approved Gateway Arts District sector plan and sectional map amendment.

The Transportation Planning Section correctly noted jurisdiction for regulation of the US 1 corridor to be with the State Highway Administration and the jurisdiction of the internal streets to be with the city of Hyattsville. Therefore, plans for the roadways in the proposed development will be deemed acceptable by the Transportation Planning Section if the relevant approving authority finds them acceptable. However, should the Transportation Planning Section be unable to make a finding of adequacy predicated on the State Highway Administration's expected comments on the revised plans, the Transportation Planning Section would not be able to recommend approval of the preliminary plan and staff would, by Section 27-270 (A)(3) and (4), be unable to recommend approval of the subject detailed site plan. Please see Finding 10 above for a more detailed discussion of the requirements of Zoning Ordinance regarding the order of approvals. With respect to the parking schedule, staff has required a revised parking schedule in the recommended conditions below.

Subdivision—At the time of this writing, comment has not been received from the Subdivision Section.

Trails—In a memorandum dated June 29, 2005, the senior trails planner offered the following: The Gateway Arts District Sector Plan identifies pedestrian and bicycle facilities as potential transportation modes for some trips within the study area. Having bicycle-compatible roadways and pedestrian-friendly streetscapes make it possible for residents and employees to make some trips without using their automobiles. This is especially important in urban areas and areas around mass transit where higher residential, office, and commercial densities make it more feasible for some trips to be made without an automobile (Sector Plan, page 37).

The sector plan also recognizes that pedestrian safety is a priority for the community and that measures should be taken to ensure that area roads are safe and attractive for pedestrians. Recommendation 2 requires pedestrian safety measures at road crossings and trail intersections. Painted crosswalks are indicated on the detailed site plan, but no detailed drawing is included that shows the specifics of what will be provided. Staff recommends that stamped concrete or some other contrasting surface material be used for the crosswalks. This is especially important at the pedestrian crossings along US 1, where an attractive streetscape and high visibility crosswalks should be provided. The crosswalk detailed should be submitted to the Development Review Division and be acceptable to the case reviewer.

Recommendation 1 addresses on-road bicycle facilities. It recommends that all new roads and all retrofit road projects be developed in accordance with the AASHTO Guide for the Development of Bicycle Facilities, where feasible (Sector Plan, page 41). These guidelines outline current "best practices" for accommodating bicycles on roads. The types of facilities addressed include designated bike lanes, wide outside curb lanes, paved shoulders, and shared-use roadways. More specifically, the sector plan recommends on-street bike lanes and continuous sidewalks along US 1 (Sector Plan, page 41). The provision of bike lanes or wide outside curb lanes can be considered by SHA at the time of road resurfacing or reconstruction. These types of in-road bike facilities (within the curbs) should be considered for the road as a whole, and it may not be appropriate or feasible to implement improvements incrementally for individual properties. The subject application includes approximately 600 feet of road frontage along US 1. Staff recommends the provision of bikeway signage. However, if additional dedication or construction is required along the US 1 road frontage, adequate space for a designated bike lane (a 16-foot- wide outside curb lane) should be considered.

SIDEWALK CONNECTIVITY:

An extensive network of standard and wide sidewalks is proposed on the subject application. These include standard sidewalks along both sides of all the local, internal roads, and a wide "streetscape" along US 1. The sidewalk along US 1 varies in width from approximately 6-feet to around 12-feet. Staff believes that this width is sufficient. However, it recommends that the sidewalk width be no less than six-feet in any area, including areas with street furniture, planters, or street trees.

Sufficient pedestrian amenities appear to be provided. The submitted detailed site plan reflects sidewalks along the residential roadways, as well as marked crosswalks. Baltimore Avenue includes an enhanced wide sidewalk with street trees, brickwork, trash receptacles, and benches. These features appear to be adequate to accommodate pedestrians in a safe and attractive environment throughout and along the site. Additional details are requested concerning the crosswalks.

The senior trails planner's concerns have been reflected in the recommended conditions below.

Permits—In comments dated July 5, 2005, the Permit Review Section offered several comments. The comments have been addressed by revisions to the plans or in the recommended conditions below. Please note that sign details for the community or for the on-site commercial component were not provided for review and will require a revision to the detailed site plan at the time the applicant wishes to have such signs approved.

Public Facilities—In a memorandum dated June 10, 2005, the Public Facilities Planning Section stated that the proposed project is within the time guidelines for fire engine, ambulance, paramedic and ladder truck service. In addition, the Public Facilities Planning Section stated that the proposed project meets the current test for police, which is based on the ratio of officers to population generated. This is provided for information only, as there is no requirement for a finding of adequate public facilities in connection with a detailed site plan.

Environmental Planning—In a memorandum dated June 29, 2005, the Environmental Planning Section stated that the subject property is located on the west side of Baltimore Avenue (US 1) and south of Madison Street. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils or Marlboro clays are not found to occur on this property. Baltimore Avenue is a planned four-lane major collector (MC-200) roadway not generally regulated for noise. The predominant soil type found to occur on the site according to the Prince George's County Soil Survey is Sandy & Clayey series. This soil series has limitations with respect to high shrink-swell potential and slow permeability, especially when steep slopes are present, which is not the case on the subject property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this application. This property is located in the Northeast Branch watershed of the Anacostia River basin and in the Developed Tier as reflected in the approved General Plan.

Environmental Issues Addressed in the Gateway Arts District Sector Plan

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

"1c Stormwater Management: Existing regulations require adequate control of stormwater runoff (Subtitle 4, Division 2, Prince George's County Code)"

Comment: Stormwater management concept approval letter with conditions has been submitted with the application. The subject property involves the redevelopment of an existing developed site. No further information is required with regard to stormwater management.

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

Comment: The subject property is cleared, developed and contains no qualified woodland. The site is exempt from the requirements of the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and does not have a previously approved Tree Conservation Plan. A Standard Letter of Exemption from the Ordinance is required prior to the issuance of any permit.

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

Recommended Condition: Prior to certificate approval of the detailed site plan, a statement regarding how the subject application meets recommendation 2 in the environment section of the sector plan shall be submitted. The statement must include specifics regarding low-impact design features and how green building techniques have been included in the design.

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

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

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

- “5. **Require the following tree cover areas based on ten-year tree canopies: 10 percent tree cover on all properties not in the CBCA I-D-O overlay and within the industrial areas, 15 percent tree cover on property containing an L-D-O (limited development overlay), 20 percent tree cover within mixed-use or commercial areas, and 26 percent tree cover within residential areas. Establish street trees along main**

transportation corridors. Count trees planted in the public right-of-way but within 16 feet of a property line toward a development's tree coverage."

Comment: The location of the subject property requires that afforestation be provided for a minimum of 10 percent of the gross tract area. A revised landscaping plan is required to show full compliance of this requirement. Implementations of this requirement are discussed further in the Environmental Review Section of this memorandum.

- "6. Decrease impervious surfaces by sharing parking to the fullest extent, constructing green roofs, and following the County's Department of Environment Resources requirements to the fullest extent."**
- "7. Use micromanagement stormwater treatment methods on new development or redevelopment projects."**

Comment: The subject property has an approved stormwater management concept letter with conditions; however, full compliance of these requirements is yet to be determined.

Recommended Conditions: The technical stormwater management plan shall show the use of techniques that micromanaged stormwater. The approved technical stormwater management plan shall be submitted with the first permit application to demonstrate conformance with this condition.

ENVIRONMENTAL REVIEW

1. A Forest Stand Delineation (FSD) was not submitted with this application and is not required. The subject property is predominantly cleared and developed. Woodland on-site is less than 10,000 square feet.

Comment: No further action is needed with regard to Forest Stand Delineation.

2. This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan was not submitted with the review package and is not required. A standard letter of exemption (S-096-05) from the Ordinance was issued by the Environmental Planning Section, Countywide Planning Division, dated March 30, 2005.

Comment: No further action is needed at this time as it relates to woodland requirements. The letter of exemption should accompany all future applications for any grading or building permits.

3. This site is within the Gateway Arts District Overlay Zone and is subject to site design requirements for tree cover and stormwater management. The recommendation states that afforestation be provided for a minimum of 10 percent of the gross site area. This coverage is measured by the amount of cover provided by a tree species in 10 years. Street trees planted along abutting rights-of-way may be counted toward meeting this standard. A revised landscaping plan is required to show full compliance of this requirement.

Recommended Condition: Prior to certificate approval of the detailed site plan submission, provide a table on the landscape plan that shows the amount of tree cover credit to be provided for each tree shown. The total tree cover area, calculated at growth in 10 years, shall be equal to or greater than 10 percent of the gross site area. Street trees on adjacent streets may be counted toward meeting this requirement.

4. A stormwater management concept approval letter (CSD 9124-2005-00) dated April 5, 2004 was submitted with the subject application. The requirements for stormwater management will be addressed during subsequent reviews by the Department of Environmental Resources.

Comment: No further information regarding stormwater management is required at this time.

Staff has included the Environmental Planning Section's recommendation in the recommended conditions below.

Department of Environmental Resources (DER)—In comments offered June 7, 2005, DER stated that the site plan for EYA Hyattsville Redevelopment (Lustine Properties) is consistent with approved stormwater concept #9124-2005.

Prince George's County Fire Department (Fire Department)—At the time of this writing, comment has not been received from the fire department.

Department of Public Works and Transportation (DPW&T)—DPW&T indicates (Hijazi to Hirsch, June 16, 2005) that the site lies within the City of Hyattsville and does not impact any county-maintained roadways. US 1 is a state-maintained roadway; therefore, coordination with the Maryland State Highway Administration is required.

Washington Suburban Sanitary Commission (WSSC)—In comments dated June 8, 2005, WSSC stated:

- A water extension will be required.
- Existing WSSC facilities are on the site.
- Applicant has applied for a connection.

- Applicant should call the Development Services Center to follow-up.
- Project DA426Z05 is an unapproved project within the limits of the subject site.
- Applicant should contact WSSC for further information regarding Project DA426Z05.
- Additional right-of-way is required.
- Design issues and insufficient clearance from pipeline to buildings between lots 33-40 and 59-64 need to be mitigated. Requirements are that a minimum right-of-way width of 30 feet is required for both water and lines installed in the same right-of-way at normal depth. The minimum right-of-way width for one extension, either water or sewer installed at normal depth is 20 feet. Installation of deep water and/or sewer mains will require additional right-of-way width. The minimum clearance between a building and a WSSC pipeline is 15 feet. The absolute minimum spacing between adjacent buildings with both water and sewer between them is 40 feet with a preference of 45 to 50 feet. Balconies and other building appurtenances are not to be within the right-of-way. Also, abandonment and/or relocation of WSSC appurtenances and/or meters may be required. Water and sewer hose connections will not be allowed through sandfilters.

The requirements of WSSC will be enforced through their separate permitting process.

Maryland State Highway Administration (SHA)—In comments dated April 20, 2005, SHA staff stated that they are not in a position to offer support for Detailed Site Plan DSP-04076 at this time and asked that the following comments be placed in the subject staff report:

- The subject property is located along the west side of US 1 (Baltimore Avenue). The state highway location reference identifies US 1 (Baltimore Avenue) as a principle arterial state facility with an annual average daily trip (AADT) volume of 24,500 vehicle trips. According to the site plan, other road connections at 44th Street/ Madison Avenue intersection is proposed. 44th Street and Madison are local municipal facilities owned and maintained by the City of Hyattsville, Maryland.
- Coordination with SHA Engineering Access Permits Division is necessary for access to the property from the intersection of US 1 (Baltimore Avenue) and Longfellow Street. Improvements associated with ingress/egress must be consistent with State Highway Access Manual rules and regulations.
- Improvements such as deceleration/acceleration lanes, left turn lanes, bike lanes, and stormdrain items may be necessary for adequate public facility requirements. If existing right-of-way is not available an appropriate measure of mitigation may be acceptable.

- Based on the size, scope and potential trip generation of the development, M-NCPPC Transportation Planning staff may determine that traffic data is necessary to provide an adequate measure of mitigation. SHA recognizes that the proposed development could potentially impact operations along the US 1 (Baltimore Avenue) corridor and would, therefore, request the opportunity to make recommendations in support of the above when a traffic impact study becomes available.

City of Hyattsville—In a letter dated August 10, 2005, the City of Hyattsville stated that the city and applicant have reached an agreement on contested issues described in an earlier letter dated June 27, 2005. The city withdraws its request to connect Kennedy Street to US 1 and to underground utilities along US 1. The applicant has agreed to keep and maintain the Lustine Showroom (not including the garage portion) and renovate the exterior and interior in a way that preserves its historic, esthetic and cultural character and appearance.

Town of College Park—In a telephone conversation with a member of the Urban Design staff on May 28, 2005, a representative of the City of College Park stated that they had no comment on the proposed project.

Town of Cottage City—At the time of this writing, comment has not been received from staff.

Town of North Brentwood—On July 6, 2005, the Mayor of North Brentwood verbally stated to Urban Design staff that the Town of North Brentwood had no comment on the proposed project.

Town of Bladensburg—At the time of this writing, comment has not been received from the Town of Bladensburg.

Town of Brentwood—At the time of this writing, comment has not been received from the Town of Brentwood.

Town of Edmonston—In a telephone conversation held with a member of the Urban Design staff on May 28, 2005, a representative of the Town of Edmonston stated that they had no comment on the proposed project.

Town of Riverdale Park—At the time of this writing, comment has not been received from the Town of Riverdale Park.

Town of University Park—At the time of this writing, comment has not been received from the Town of University Park.

12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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 the Detailed Site Plan DSP-04076, subject to the following conditions:

1. Prior to signature approval of the plans, applicant shall revise the plans as follows:
 - a. Show a wide sidewalk along the entire length of the subject site's US 1 frontage providing at least six feet of clear space in all areas, including those with street furniture, planters and street trees.
 - b. Provide four-foot standard sidewalks along both sides of all internal roads.
 - c. Provide a crosswalk detail reflecting the surface material, dimensions, and other treatments to be provided. A contrasting and attractive surface material is encouraged and final design of the crosswalks shall be approved by the Urban Design Section as designee of the Planning Board.
 - d. A "Share the Road with a Bike" sign shall be indicated to be located on Baltimore Avenue (US 1), after the State Highway Administration has the opportunity to review the proposed location to ensure that it is acceptable.
 - e. A table shall be provided on the landscape plan that shows the amount of tree cover credit to be provided for each tree shown. The total tree cover area, calculated at growth in ten years, shall be equal to or greater than ten percent of the gross site area. Street trees on adjacent streets may be counted toward meeting this requirement.
 - f. The parking schedule shall be revised and corrected to:
 - (1) Include a detailed listing of the various uses and requisite parking. In that process, the applicant shall specify the use(s) of the 6,610 square feet of community space.
 - (2) The handicapped parking shall be provided in accordance with ADA requirements.
 - g. The applicant shall specify in the plans the square footage of the commercial and residential portions of the live-work units.
 - h. The technical stormwater management plan shall show the use of techniques that micromanage stormwater. The approved technical stormwater management plan shall be submitted with the first permit application to demonstrate conformance with this condition.
 - i. A statement regarding how the subject application meets recommendation 2 in the

environmental section of the sector plan shall be submitted. The statement shall include specifics regarding low-impact design features and how green building techniques have been included in the design.

2. Prior to the issuance of the first building permit, a "Share the Road with a Bike" sign, shall be installed. SHA shall have the opportunity to review the proposed locations to ensure they are acceptable. The developer shall purchase the signs from the state and install them in accordance with the state's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities.
3. Where split-face block is used on front-loaded garage units, it shall be used for no more than four feet (4') from the base of any such unit.
4. Sidewalks shall be continued across driveways, with the materials to be used at those locations to be approved by the Urban Design Section.
5. All street lamps on Route 1 shall be consistent with the existing street lamps currently installed on Route 1, south of the subject property, near the intersection of Gallatin Street.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 8, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of September 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on November 30, 2006, regarding Detailed Site Plan DSP-04076/01 for EYA Hyattsville (Lustine Properties), the Planning Board finds:

1. **Request:** This revision is for the purpose of removing a 600-square-foot appendage from the Lustine Building, revisions to landscaping plans for retaining walls, lot lines, riser information, utility location, garage and ground floor elevations, for the relocation of a handicap parking space and trash locations for the live/work units and other minor revisions.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	Vacant/residential	Mixed-Use
Acreage	6.77	6.77
Parcels	2	2
Lots	0	137
Building Square Footage/GFA	0	6,610

OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Total parking spaces	151	290/232*
Handicapped parking spaces	3	3
Loading spaces	0	0

*The first number is for all standard unit types; the second number is for all optional unit types.

3. **Location:** The site is in Planning Area 68, Council District 2. More specifically, it is located on the west side of Baltimore Avenue (US 1), south of its intersection with Madison Street.
4. **Surroundings and Use:** The subject property is bounded to the north by DeMatha High School, single-family residential land use, and commercial retail land use along Baltimore Avenue; to the west by multifamily and single-family residential land use; to the east by commercial retail land use; and to the south by residential and commercial retail land use.
5. **Previous Approvals:** The site is the subject of Preliminary Plan of Subdivision 4-04192, which was approved by the Planning Board on September 8, 2005, and formalized in PGCPB Resolution 05-191.

The site is also the subject of Detailed Site Plan DSP-04076 – EYA Hyattsville approved by the Planning Board on September 8, 2005, and formalized in PGCPB Resolution 05-188. Subsequent to that time, Final Plats 5-06041 and 5-06042, approved by the Planning Board on March 9, 2006, were recorded in the office of land records on April 20, 2006, as Arts District Hyattsville, West Village, Plats 1 and 2, for 82 and 55 attached units, respectively. The site is also subject to approved Stormwater Concept 9124-2005.

6. **Design Features:** The subject application proposes to demolish a 600-square-foot, one-story brick addition to the south elevation of the showroom portion of the Lustine Chevrolet Building. The building is a large mid-twentieth-century automobile showroom/repair shop of unique architectural form and a contributing resource within the Hyattsville Historic District, listed in the National Register of Historic Places in 1982. The Lustine Chevrolet Building is being adaptively reused as a community space with exercise and meeting rooms and other space for community functions. Additionally, the subject application seeks to reduce the southernmost pocket park, located on 44th Street, by 500 square feet.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*:** The subject revision does not alter the previous findings of conformance made at the time of approval of the underlying detailed site plan.
8. **Development District Standards of the Development District Overlay Zone (DDOZ):** The subject application does not affect the findings made regarding the DDOZ during the approval of the underlying detailed site plan, DSP-04076 for EYA Hyattsville.
9. **The requirements of the Zoning Ordinance in the M-U-I (Mixed-Use Infill) Zone:** The subject application does not affect the findings made during the approval of the underlying detailed site plan, DSP-04076 for EYA Hyattsville, regarding compliance with the requirements of the Zoning Ordinance in the M-U-I Zone.
10. **Preliminary Plan of Subdivision, 4-04192:** In a memorandum dated August 3, 2006, the Subdivision Section stated that the property is in general compliance with the requirements of Preliminary Plan of Subdivision 4-04192. Please see Finding 14 below for a more detailed discussion of its conformance.
11. **Landscape Manual:** The proposed development is not subject to the requirements of the *Landscape Manual*.
12. **Woodland Conservation and Tree Preservation Ordinance:** In comments dated June 29, 2005, Environmental Planning Section staff stated that the property is not subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland. Further, they stated that a Type I tree conservation plan was not submitted with the review package and is not required. A standard letter of exemption (S-096-05) from the

ordinance was issued by the Environmental Planning Section, Countywide Planning Division, dated March 30, 2005.

13. **Detailed Site Plan DSP-04076:** Staff has reviewed the subject project against the requirements of Detailed Site Plan DSP-04076 and found it to be substantially in compliance.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation—In a memorandum dated August 1, 2006, the Historic Preservation and Public Facilities Planning Section offered the following:

The subject application is a revision of approved Detailed Site Plan DSP-04070 involving the former Lustine Chevrolet Building, 5710 Baltimore Avenue, Hyattsville. The entirety of the subject property is located within the Hyattsville Historic District, listed in the National Register of Historic Places in 1982. The documentation and boundaries of the Hyattsville Historic District nomination were amended and expanded in 2004.

The Lustine Chevrolet Building is a large mid-twentieth-century automobile showrooms/repair shop of unique architectural form. The Lustine Building, at the northeastern edge of the developing property, is identified as a contributing resource within the National Register Historic District. Constructed in 1950, the Lustine Chevrolet showroom and repair facility is a substantial masonry-and-glass structure with a monumentally-scaled, curvilinear, glass-walled roadside display facility in the modernist idiom, attached to a massive, rectangular-plan, masonry-and-glass repair facility of utilitarian industrial design. The focus of the composition is the street-facing showroom designed to dramatically showcase automobiles to passing pedestrians and motorists. The highly transparent and modernist design of the showroom is emblematic of the importance placed on the automobile in post World War II America.

The applicant's approved detailed site plan was based in part on the demolition of the large rear service wing/repair facility of the building. The subject application to revise the approved detailed site plan, among other things, proposes to demolish a small, one-story addition on the south elevation of the showroom portion of the building to be retained. Historic Preservation staff has determined that this proposed selected demolition of the one-story addition to the south elevation will have no effect on the mid-twentieth-century character of the showroom, which will be enhanced and preserved through the proposed adaptive re-use.

Subdivision—In a memorandum dated August 3, 2006, The Subdivision Section stated that the property is the subject of Preliminary Plan 4-04192, approved by the Planning Board on September 8, 2005, for 1,378 lots and two parcels pursuant to PGCPB Resolution No. 05-191. The development proposal shown in the resolution is for 137 townhouse units and 6,610 square feet of community space. These lots have been recorded at Plat Book 211 at Plats 86 and 87. The proposed revised detailed site plan shows a lotting pattern consistent with the record plats.

Permits—In a memorandum dated August 11, 2006, the Permit Review Section stated that all parking spaces for the physically handicapped have either ramps or depressed curbing and that the top and bottom elevations for all retaining walls be indicated. Additionally, the section noted the lack of sign details for both the community and the commercial component of the development. Further, staff stated that should the applicant request approval of signs, in the future, a formal revision of the detailed site plan would be required. The concerns of the Permit Review Section have been addressed in the recommended conditions below.

Department of Environmental Resources (DER)—In comments dated September 8, 2006, DER stated that the site plan for EYA Hyattsville, DSP-04076/01 is consistent with approved Stormwater Concept 9124-2005.

City of Hyattsville—On August 4, 2006, Mayor William Gardiner verbally informed staff that Hyattsville had no comment on the subject project.

15. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan's proposed revision to DSP-04076 represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use. The recommended conditions below are intended to augment the requirements of the original approval, DSP-04076, which will remain in full force and effect.

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 the Detailed Site Plan DSP-04076/01, subject to the following condition:

Prior to signature approval of the plans, applicant shall revise the plans as follows:

- a. All parking for the physically handicapped shall be indicated to provide unhampered access by either ramps or depressed curbing.
- b. All top and bottom elevations shall be provided for all retaining walls.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Eley and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, November 30, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of December 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:bjs

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on June 21, 2007, regarding Detailed Site Plan DSP-04076/02 for EYA Hyattsville Redevelopment, the Planning Board finds:

1. **Request:** The request in this application is to delete five lots, add signage and signage guidelines, approval of architectural design of the elevations of the loft level of the units and other miscellaneous site plan revisions.
2. **Development Data Summary:**

	EXISTING M-U-I/D-D-O	PROPOSED M-U-I/D-D-O
Zone		
Use(s)	Mixed-use (under construction)	Mixed-Use
Acreage	6.77	6.77
Parcels	2	2
Lots	137	133
Building Square Footage/GFA	6,610	6,610

OTHER DEVELOPMENT DATA

SUMMARY OF PROVIDED PARKING					
Type of parking space	Regular	Compact	Nonstandard	Handicap	Total
A. Surface Parking Structures	25	3	0	3	31
b. Garage parking spaces*	75	161*/93	0	0	236*/168
Subtotal*	100	164*96	0	3	64*/196
C. Parallel parking spaces	3	0	33	0	36
Total Parking Provided	103	164*/96	33	3	303*235
(176(*108) First number = all optional unit types / second number = all standard unit types					
Parking Required					
Note: The Lustine Community Center will include approximately 6,000 square feet of museum, art gallery, cultural center, library or similar facility. The sector plan allows 2.5 spaces per 2,000 SF for these uses, requiring 7.5 (8 rounded up) total spaces.					
Parking required: 1*124 units + 1.5* 13 live/work units + 8 spaces for the Lustine Community Center.					
Handicap: 3 spaces total required by ADA, 1 being van accessible (garage parking not considered in calculation).					

Additional Parking Information					
Type of Parking Space	Regular	Compact	Nonstandard	Handicap	Total
D. Lustine Community Center parking	4	3	0	1	8
E. Surface parking for live/work units	21	0	0	2	23
F. Unassigned surface/on-street parking	3	0	33	0	36
G. Garage parking in unit type A	24	24*	0	0	48*/24
H. Garage parking in unit type B	44	44*	0	0	88*/44
I. Garage parking in unit type C	0	66	0	0	66
J. Garage parking in unit type D	0	24	0	0	24
K. Garage parking in unit type E	3	3	0	0	6
L. Garage parking in unit type F	4	0	0	0	4
Total Parking					303*/235

Notes:

1. Regular parking space (PS) is 9.5' x 19' (parallel 8.0' x 22.0')
 2. Compact parking space (PS) is 8.0 x 16.5 (parallel 7.0 x 19.0')
 3. Nonstandard parking spaces are parallel 7' x 22'.
- *Occurs only when optional ground floor is selected. Max total is 303 spaces. Minimum total is 235 spaces.

3. **Location:** The site is in Planning Area 68, Council District 2. More specifically, it is located on the west side of Baltimore Avenue (US 1), south of its intersection with Madison Street.
4. **Surroundings and Use:** The subject property is bounded to the north by DeMatha High School, single-family residential land use, and commercial retail land use along Baltimore Avenue; to the west by multifamily and single-family residential land use; to the east by commercial retail land use; and to the south by residential and commercial retail land use.
5. **Previous Approvals:** The site is the subject of Preliminary Plan of Subdivision 4-04192, which was approved by the Planning Board on September 8, 2005, and formalized in PGCPB Resolution 05-191. The site is also the subject of Detailed Site Plan DSP-04076—EYA Hyattsville approved by the Planning Board on September 8, 2005, and formalized in PGCPB Resolution 05-188. Subsequent to that time, Final Plats 5-06041 and 5-06042, approved by the Planning Board on March 9, 2006, were recorded in the Office of Land Records on April 20, 2006, as Arts District Hyattsville, West Village, Plats 1 and 2, for 82 and 55 attached units, respectively. The site is also subject to approved Stormwater Concept 9124-2005 and Detailed Site Plan DSP-04076/01.

6. **Design Features:** The case involves minor revisions to the detailed site plan, landscape and elevation plans as follows:
- Revisions to landscaping to change plant selection around four units
 - Relocate the wooden fence on the rear side of units 30-33 to be parallel to the lot line of Unit 30
 - Change the material for the walls behind Units 56-61 from segmented concrete block to split faced CMU
 - Add bollards to protect transformers where they are proximate to a road
 - Change in bulb type for the Route 1 pedestrian lights from 100 Metal Halide (MH) to 150 High Pressure Sodium (HPS) consistent with PEPCO and city standards
 - Move some of the mail boxes back from the curb, sometimes eliminating the need for a depressed curb in front of the mail boxes
 - Remove lot 62 and revise its strip elevation
 - Add signage guidelines
 - Add marquee signs, including text and design, on Lots 136 and 4, though text may be convertible to a commercial message.
 - Revise sheet C1.00 to show additional landscape and architectural sheets, remove lots 30-33 as they are being sold to DeMatha High School and revise the grading and utilities as a result of the loss of the units,
 - Reconfigure the accessible parking spaces and aisles to adhere to ADA requirements
 - Revise the public utility easement location and size
 - Make changes to hardscape on the landscape plans
 - Adjust plan view of building 9 so that it matches the elevations
 - Relocate the transformer after coordinating with utility companies and contractors
 - Make other minor changes, including slight spot grading changes, revising ground floor elevations and riser information
 - Have approved architectural elevations for the optional fourth story lofts

Included in the subject application is a request for approval of the architecture treatment of the optional loft level of the townhome units. The architectural style and materials proposed for the sides and rear of the loft level is identical to the lower stories of the townhome on those respective facades. On the front facades, however, the architectural treatment of the loft level differs slightly from the lower stories, in both materials and style, but remains substantially similar and complementary to the architectural treatment of the lower stories. In contrast to the variety of materials utilized on the lower stories, which includes brick and corrugated metal, the loft level utilizes "hardiepanel" consistently. The hardiepanel, however, is painted in a variety of colors either matching or complementing the color of the façade below. A painted metal cornice is provided on the loft level in a color matching that of the main cornice of the unit. One-inch by four-inch painted trim is provided around the glass sliding doors that offer access onto a roof-patio and as a vertical separation between units. Mill finished aluminum batten vertical accents provide additional visual interest to the loft level. Window embellishment in terms of provision of a sill and lintel is absent on the loft front façade because it is designed to have the glass sliding doors as its sole fenestration. The submitted prototype will be utilized on all the buildings. A recommended condition below would ensure its application. Please note that because revised sign guidelines are expected to be presented by the applicant at the public hearing for the project, a recommended condition below would ensure their appropriate inclusion in the approval of the subject project.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*:** The subject revision does not alter the previous findings of conformance made at the time of approval of the underlying detailed site plan.
8. **Development District Standards of the Development District Overlay Zone (DDOZ):** The subject application does not affect the findings made regarding the DDOZ during the approval of the underlying detailed site plan, DSP-04076 for EYA Hyattsville.
9. **The requirements of the Zoning Ordinance in the M-U-I (Mixed-Use Infill) Zone:** The subject application does not affect the findings made during the approval of the underlying detailed site plan, DSP-04076 for EYA Hyattsville, regarding compliance with the requirements of the Zoning Ordinance in the M-U-I Zone.
10. **Preliminary Plan of Subdivision, 4-04192:** The subject application does not affect previous findings regarding compliance with Preliminary Plan of Subdivision 4-04192.
11. **Landscape Manual:** The proposed development is not subject to the requirements of the *Landscape Manual*.
12. **Woodland Conservation and Tree Preservation Ordinance:** The application is not subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland. A standard letter of exemption (S-096-05) from the

ordinance was issued by the Environmental Planning Section, Countywide Planning Division, dated March 30, 2005.

13. **Detailed Site Plan DSP-04076 and DSP-04076/01:** Staff has reviewed the subject project against the requirements of Detailed Site Plan DSP-04076 and found it to be substantially in compliance.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation—In comments offered May 11, 2007, the Historic Preservation and Public Facilities Planning Section stated that the subject revision to the detailed site plan will have no effect on historic resources.

Subdivision—In a memorandum dated June 4, 2007, the Subdivision Section, noting that the property is the subject of Preliminary Plan of Subdivision 4-04076/02, which was approved by the Planning Board on September 8, 2005 and adopted via PGCPB Resolution 05-191 and is recorded in as Plats 73 and 74 in Book 217, stated that the subject application has no impact on the previous finding of conformance with the requirements of the preliminary plan of subdivision. In closing, they mentioned that Lot 62 is proposed to be removed as part of the subject application, apparently as a result of the need for additional stormdrain easement.

Permits—In comments dated May 31, 2007, the Permit Review Section stated that Sign 2, which contains the “New Homes Sales” wording, should be revised after complete buildout of the development to the name of the development or the Gateway Arts District or advertising for the commercial component. A condition to this effect has been included below.

Department of Public Works and Transportation—At the time of this writing, the Department of Public Works and Transportation has not offered comment on the subject project.

City of Hyattsville— In a letter dated June 4, 2007, the mayor of the City of Hyattsville indicated that the City Council has reviewed the requested revisions and voted to support the application provided that the applicant replace the “New Homes Sales” sign with more appropriate signage once a specific percentage of the dwellings become occupied. They suggest that the copy could be changed to “Arts District, Hyattsville.” A condition implementing the spirit of this suggestion is contained in the recommendation section of this report.

Other Municipalities—Although staff referred the project to the eight municipalities surrounding Hyattsville and located within a mile of the subject project’s boundaries, either comment was not offered or the municipality indicated that they did not intend to comment on the project.

15. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan’s proposed revisions to DSP-04076 represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed

development for its intended use. The recommended conditions below are intended to augment the requirements of the original approval, DSP-04076 and DSP-04076/01, the first revision, which will remain in full force and effect.

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 the Detailed Site Plan DSP-04076/02, subject to the following condition:

Prior to signature approval of the plans, applicant shall:

- a. Revise the plans to include a note stating that Sign 2, which contains the "New Home Sales" wording, shall be revised after 100 percent of the residential units have been sold, to read "The Gateway Arts District" or other commercial message.
- b. The Urban Design section, as designee of the Planning Board, shall approve revised signage guidelines in accordance with the materials presented at the Planning Board's public hearing on the subject property.
- c. Applicant shall submit and the Urban Design Section as designee of the Planning Board shall approve all four elevations of all buildings in the development inclusive of detailed depiction of the loft level, specifying materials and a color palette based on the prototype presented at the Planning Board's public hearing on the subject property.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Clark and Vaughns absent at its regular meeting held on Thursday, June 21, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of July 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:RG:bjs

CERTIFICATE OF APPROVAL

EYA HYATTSVILLE
DSP-04076/03

This revision to a Detailed Site Plan was approved on July 23, 2009, by the Development Review Division as designee of the Planning Director in accordance with Subtitle 27, Part 3, Division 9 of the Prince George's County Code.

This revision is for the purpose of adding sidewalk ramps for ADA compliance and revising architectural elevations.

The Planning Director's approval of this Detailed Site Plan is consistent with the required findings in Section 27-285(b) of the Prince George's County Zoning Ordinance. Conditions of the original approval shall remain in full force and effect.

This approval includes:

- 1 Cover Sheet
- 1 Approval Sheet
- 1 Detailed Site Plan
- 5 Landscape Plans
- 8 Architectural Elevations

APPROVED BY AUTHORITY OF: Fern V. Piret, Planning Director

By



Steven D. Adams

Urban Design Supervisor, Development Review Division

O'MALLEY, MILES, NYLEN & GILMORE, P.A.

Attorneys & Counselors at Law

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John D. Gilmore, Jr.
(1921-1999)

May 13, 2014

Ms. Ruth Grover
Urban Design Section, M-NCPPC
County Administration Building
Upper Marlboro, MD 20772

Re: DSP-04076-04
Letter of Justification

Dear Ms. Grover:

As you know, my client, LH West Associates, Limited Partnership has submitted an application for certain minor amendments to Detailed Site Plan No. DSP-04076-04. These amendments include the following:

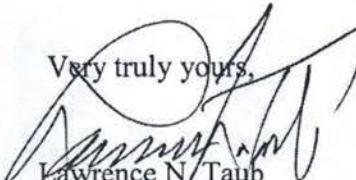
1. Conversion of the three live-work units on Lots 127-129 to residential units, with a conforming change to the architecture of the building in which these units are located, and conforming changes to the appropriate plan sheets and tables.
2. Reflect the actual location of the tot lot improvements, including benches, trash receptacle, new picket fence, and concrete chess table.
3. Addition of a portion of Outlot C, acquired by the applicant subsequent to the original detailed site plan approval.
4. Reflect final improvements made to the courtyard between Lot 129 and Lot 130, to address minor modifications made to accommodate accessibility requirements.
5. Reduction in the size of the trash enclosure required for the building on Lots 127-129, resulting from the conversion of the three units from live-work to residential.
6. Addition of a small section of privacy fence at the front corner of Lot 127, to prevent cut-through foot traffic.
7. An adjustment of approximately 6 inches to the building footprint for the building on Lots 127-129, and a conforming lot line adjustment.

Ms. Ruth Grover
Urban Design Section, M-NCPPC
May 13, 2014
Page 2

The conversion of the three live-work units on Lots 127-129 to residential units, including a conforming change to the architecture of this building, is the result of my client's experience with other live-work units within this development. In short, my client has found, through its experience in this development, that live-work units cannot be financed, and there is no demand for these units. If the building including Lots 127-129 were to be built as currently approved, therefore, these three units would simply remain vacant, which would obviously have an extremely negative impact upon both my client and the community. Given this scenario, my client is now proposing to convert these units to residential only, with a conforming change to the architecture of the building. The remaining proposed revisions are very minor in nature, and self-explanatory.

With regard to the conversion of the proposed live-work units to residential units, I would respectfully suggest that this "represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of a proposed development for its intended use." In fact, given the certainty of failure for live-work units at this point in time, I would suggest that failing to approve the requested amendment in this regard **would** require unreasonable costs, and **would** detract substantially from the utility of the proposed development for its intended use. The other six (6) proposed minor amendments all quite clearly meet the above-described finding for this application as well.

For all of the above-stated reasons, I respectfully request that each of the proposed amendments as set forth above be approved by the Prince George's County Planning Board. Thank you for your kind attention to all of the above. If you have any questions, please let me know. With best regards, I remain

Very truly yours,

Lawrence N. Taub

cc: Mr. Aakash Thakkar
Mr. Adam Hayes
Mr. Greg Shron
LH West Associates, Limited Partnership

REC'D BY PGCPB ON 6-12-14
ITEM # 8 CASE # D-04076-04
EXHIBIT # A. Exhibits 1A + 1B



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department
Planning Information Services
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

(301) 952-3208
TTY (301) 952-4366
www.mncppc.org

Date 5/2/2014

RECEIPT

This receipt is to acknowledge that _____ of (name
of company, if applicable) Ben Dyer
received:

<input checked="" type="checkbox"/> Registered community organization list	Total #:	<u>35</u>
<input checked="" type="checkbox"/> Adjoining property owners list	Total #:	<u>40</u>
<input checked="" type="checkbox"/> Municipalities within a mile list	Total #:	<u>9</u>

This list is valid for 30 days from the date referenced above. Applicants are encouraged to update the list if notifications do not occur within 30 days.

This property is located on WSSC Grid: 207NE04

lbi
Planning Information Services

The Maryland-National Capital Park & Planning Commission Results

Prince George's County Planning Department
Date: Friday, May 02, 2014
Time: 2:37:48 PM

Total Record(s): 9

Layer: Municipal One Mile Buffer

OBJECTID: 2
NAME: EDMONSTON
TITLE: Mayor
OFFICIALS_NAME: Robert L. Kerns ✓
ADDRESS: 5005 52nd Avenue
CITY: Edmonston
ZIP_CODE: 20781
MUNICIPAL_NUMBER: 85
SHAPE: Polygon
SHAPE.AREA: 183426188.289565
SHAPE.LEN: 48445.4406247389

Layer: Municipal One Mile Buffer

OBJECTID: 9
NAME: HYATTSVILLE
TITLE: Mayor
OFFICIALS_NAME: Marc Tartaro
ADDRESS: 4310 Gallatin Street ✓
CITY: Hyattsville
ZIP_CODE: 20781
MUNICIPAL_NUMBER: 88
SHAPE: Polygon
SHAPE.AREA: 398038454.57539
SHAPE.LEN: 74721.1801829151

Layer: Municipal One Mile Buffer

OBJECTID: 17
NAME: NORTH BRENTWOOD
TITLE: Mayor
OFFICIALS_NAME: Petrella A. Robinson ✓
ADDRESS: P.O. Box 196
CITY: North Brentwood
ZIP_CODE: 20722
MUNICIPAL_NUMBER: 92
SHAPE: Polygon
SHAPE.AREA: 128630694.265209
SHAPE.LEN: 40329.5310095324

Layer: Municipal One Mile Buffer

OBJECTID: 18
NAME: COLLEGE PARK
TITLE: Mayor ✓
OFFICIALS_NAME: Andrew M. Fellows
ADDRESS: 4500 Knox Road
CITY: College Park
ZIP_CODE: 20740

MUNICIPAL_NUMBER: 81
SHAPE: Polygon
SHAPE.AREA: 593606449.07052
SHAPE.LEN: 92838.3140671271

Layer: Municipal One Mile Buffer

OBJECTID: 19
NAME: BRENTWOOD
TITLE: Mayor
OFFICIALS_NAME: Roger E. Rudder
ADDRESS: 4300 39th Place
CITY: Brentwood
ZIP_CODE: 20722
MUNICIPAL_NUMBER: 78
SHAPE: Polygon
SHAPE.AREA: 189157050.673693
SHAPE.LEN: 49820.3289961947

Layer: Municipal One Mile Buffer

OBJECTID: 20
NAME: BLADENSBURG
TITLE: Mayor
OFFICIALS_NAME: Walter Lee James, Jr.
ADDRESS: 4229 Edmonston Road
CITY: Bladensburg
ZIP_CODE: 20710
MUNICIPAL_NUMBER: 76
SHAPE: Polygon
SHAPE.AREA: 266139699.911304
SHAPE.LEN: 60490.2587511298

Layer: Municipal One Mile Buffer

OBJECTID: 21
NAME: RIVERDALE PARK
TITLE: Mayor
OFFICIALS_NAME: Vernon F. Archer
ADDRESS: 5008 Queensbury Road
CITY: Riverdale Park
ZIP_CODE: 20737
MUNICIPAL_NUMBER: 93
SHAPE: Polygon
SHAPE.AREA: 319616234.12739
SHAPE.LEN: 64925.7615143387

Layer: Municipal One Mile Buffer

OBJECTID: 22
NAME: UNIVERSITY PARK
TITLE: Mayor
OFFICIALS_NAME: John Rogard Tabori
ADDRESS: 6724 Baltimore Avenue
CITY: University Park
ZIP_CODE: 20782
MUNICIPAL_NUMBER: 96
SHAPE: Polygon
SHAPE.AREA: 189950967.716063

municipalities - dsp-04076-04.txt

SHAPE.LEN: 49861.8350687179

Layer: Municipal One Mile Buffer

OBJECTID: 25
NAME: COTTAGE CITY
TITLE: Chairman
OFFICIALS_NAME: Aileen D. McChesney
ADDRESS: 3820 40th Avenue
CITY: Cottage City
ZIP_CODE: 20722
MUNICIPAL_NUMBER: 83
SHAPE: Polygon ✓
SHAPE.AREA: 174426279.602966
SHAPE.LEN: 48094.9026469718

O'MALLEY, MILES, NYLEN & GILMORE, P.A.

Attorneys & Counselors at Law

11785 Beltsville Drive, 10th Floor
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Peter F. O'Malley
(1939-2011)

Edward W. Nylan
(1922-2010)

John D. Gilmore, Jr.
(1921-1999)

May 6, 2014

To: Adjoining property owners; municipalities within a mile of the property; and registered civic associations

Re: Detailed Site Plan No. DSP-04076-04
Arts District Hyattsville, West Village

An application for certain minor revisions to Detailed Site Plan No. 04076-04 for the above-referenced project will be submitted for review to the Development Review Division of the Maryland-National Capital Park and Planning Commission ("M-NCPPC").

The subject property includes Lots 127-130, Outlot C, and a tot lot, all of which is located on the west side of Baltimore Avenue (Route 1) in Hyattsville, MD, as shown on Plat of Correction, Plat One, Arts District Hyattsville, West Village Subdivision; Plat of Correction, Plat Two, Arts District Hyattsville, West Village Subdivision; and Plat Three, Arts District Hyattsville, West Village Subdivision. The nature of the review is for proposed revisions to the above-referenced Detailed Site Plan, consisting of the following:

1. Conversion of the three live-work units on Lots 127-129 to residential units, with a conforming change to the architecture of the building in which these units are located, and conforming changes to the appropriate plan sheets and tables.
2. Reflect the actual location of the tot lot improvements, including benches, trash receptacle, new picket fence, and concrete chess table.
3. Addition of a portion of Outlot C, acquired by the applicant subsequent to the original detailed site plan approval.
4. Reflect final improvements made to the courtyard between Lot 129 and Lot 130, to address minor modifications made to accommodate accessibility requirements.
5. Reduction in the size of the trash enclosure required for the building on Lots 127-129, resulting from the conversion of the three units from live-work to residential.
6. Addition of a small section of privacy fence at the front corner of Lot 127, to prevent cut-through foot traffic.
7. An adjustment of approximately 6 inches to the building footprint for the building on Lots 127-129, and a conforming lot line adjustment.

If you wish to become a Person of Record to this application, you may submit your request online at www.pgplanning.org or by written request to the Development Review Division of the M-NCPPC, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please reference the Pre-Application Number and the Name of Project in your request. At this time no government agency has reviewed the application. After the application has been filed, you may contact the M-NCPPC at 301-952-3530.

IMPORTANT: This notice is your opportunity to interact with the applicant prior to the acceptance of the subject application. Once an application is accepted, it may be subject to mandatory action time frames that are established by law. Contacting the applicant as soon as possible after receiving this notice will help facilitate your ability to receive information and/or establish a time when the applicant may meet with you or your civic group to provide information and answer questions about the development proposed. Any concerns regarding an applicant's failure to provide information or engage in dialogue about the proposed development should be directed in writing to the same mailing address listed for becoming a party of record. Please be sure to include the application number with any such correspondence.

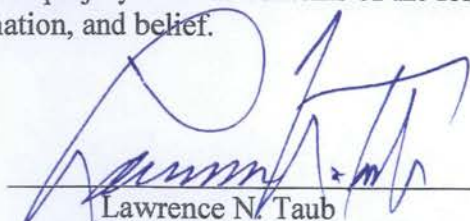
If you are interested in receiving more information about this application, reviewing a copy of a site plan, or meeting to discuss the project, you may contact Lawrence Taub at (301) 572-3274 or via e-mail at ltaub@omng.com.

AFFIDAVIT

DSP-04076-04

The purpose of this affidavit is to certify that pursuant to The Process Guidelines for Development Review Applications, informational letters regarding the application for DSP-04076-04 were mailed to all adjoining property owners, registered associations, municipalities within a mile, and previous parties of record, on May 6, 2014.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.



Lawrence N. Taub
O'Malley, Miles, Nylan & Gilmore, P.A.
1785 Beltsville Drive, 10th Floor
Calverton, MD 20705

REC'D BY PGCPB ON 6-12-14
ITEM # 8 CASE # DSP-04076-04
EXHIBIT # Applicant's Exhibit # 1B

O'MALLEY, MILES, NYLEN & GILMORE, P.A.

Attorneys & Counselors at Law

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(1922-2010)

John D. Gilmore, Jr.
(1921-1999)

May 13, 2014

To: Adjoining property owners; municipalities within a mile of the property; persons of record and registered civic associations

Re: Detailed Site Plan No. DSP-04076-04
Arts District Hyattsville, West Village

This letter is to inform you that The Maryland-National Capital Park and Planning Commission (M-NCPPC) is ready to accept the subject application. The subject property includes Lots 127-130, Outlot C, and a tot lot, all of which is located on the west side of Baltimore Avenue (Route 1) in Hyattsville, MD, as shown on Plat of Correction, Plat One, Arts District Hyattsville, West Village Subdivision; Plat of Correction, Plat Two, Arts District Hyattsville, West Village Subdivision; and Plat Three, Arts District Hyattsville, West Village Subdivision. The nature of the review is for proposed revisions to the above-referenced Detailed Site Plan, consisting of the following:

1. Conversion of the three live-work units on Lots 127-129 to residential units, with a conforming change to the architecture of the building in which these units are located, and conforming changes to the appropriate plan sheets and tables.
2. Reflect the actual location of the tot lot improvements, including benches, trash receptacle, new picket fence, and concrete chess table.
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5. Reduction in the size of the trash enclosure required for the building on Lots 127-129, resulting from the conversion of the three units from live-work to residential.
6. Addition of a small section of privacy fence at the front corner of Lot 127, to prevent cut-through foot traffic.
7. An adjustment of approximately 6 inches to the building footprint for the building on Lots 127-129, and a conforming lot line adjustment.

Once the application is formally accepted, it will be scheduled for a future Planning Board hearing. If you have not already registered to become a person of record, you are encouraged to

do so at this time. As a person of record, you will receive a notice of the Planning Board hearing date, the technical staff report, and the Planning Board resolution. You register online at http://www.pgplanning.org/Resources/Person_of_Record.htm or you may submit your name, address and above-referenced application number and name by mailing a written request to:

The Maryland-National Capital Park and Planning Commission
Development Review Division
14741 Governor Oden Bowie Drive
County Administration Building, 4th Floor
Upper Marlboro, MD 20772

If you have already registered to become a person of record from an earlier mailing for this application (DSP-04076-04), you do not have to register again. Being a person of record on a separate application on the same property does not make you a person of record for the subject application. You must request to become a person of record for each separate application (separate applications have different application numbers).

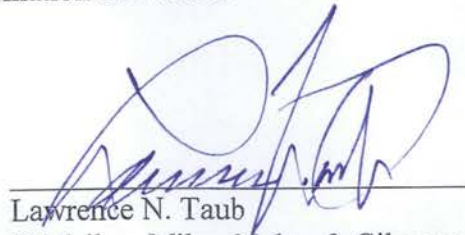
If you have any questions about this application, you may contact Lawrence Taub by phone at (301) 572-3274, or by e-mail at ltaub@omng.com, or the M-NCPPC case reviewer, Ruth Grover, at (301) 952-3530.

AFFIDAVIT

DSP-04076-04

The purpose of this affidavit is to certify that pursuant to The Process Guidelines for Development Review Applications, formal acceptance letters regarding the application for DSP-04076-04 were mailed to all adjoining property owners, registered associations, municipalities within a mile, and previous parties of record on May 13, 2014.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief.



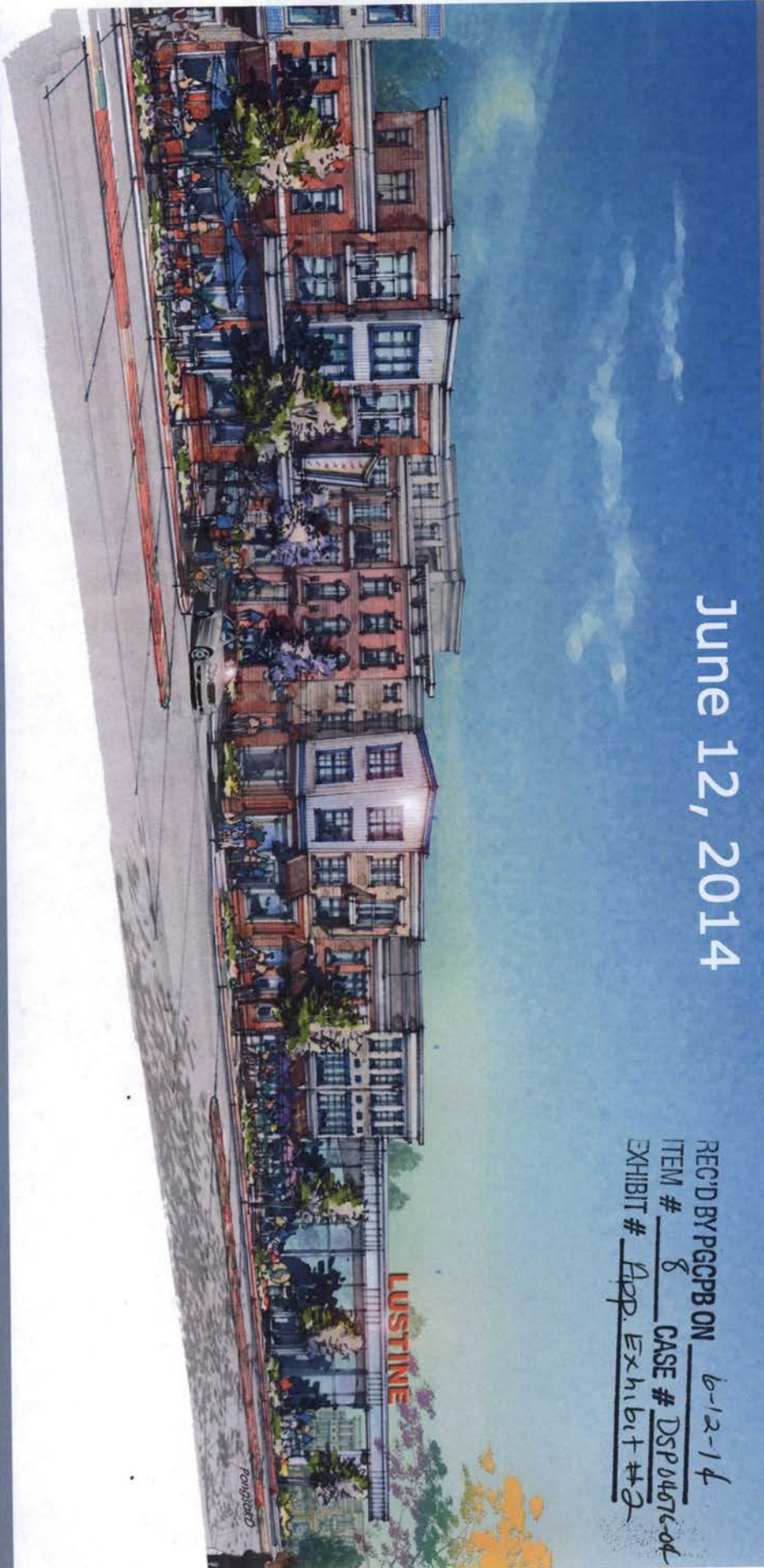
Lawrence N. Taub
O'Malley, Miles, Nylan & Gilmore, P.A.
11785 Beltsville Drive, 10th Floor
Calverton, MD 20705

M-NCPPC Planning Board Presentation

EYA Arts District Hyattsville

June 12, 2014

REC'D BY PGCPB ON 6-12-14
ITEM # 8 CASE # DSP04676-04
EXHIBIT # App. Exhibit #2



eya.com

THE NEIGHBORHOODS OF
EYA

Presentation Contents

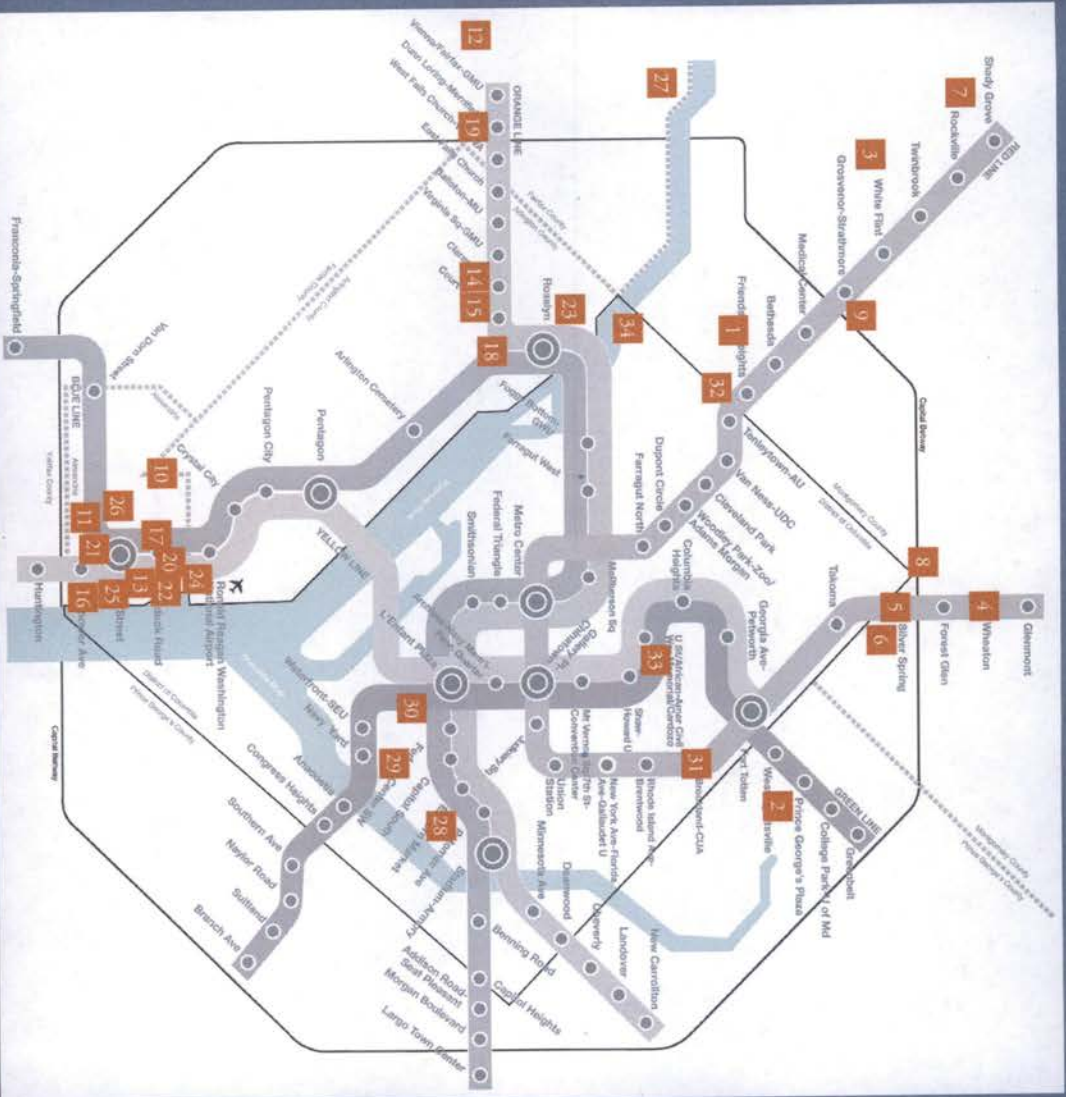
- I. EYA Intro
- II. Arts District Hyattsville Status
- III. Proposed Minor Revision
- IV. Next Steps and Questions

Introduction to EYA

- **Founded in 1992**
- **Infill Expertise:** High-quality, urban infill residential, mixed-use and mixed-income development
- **Proven Track Record:** \$100M/year, ~150-250 homes/year, over 4,000 units, \$1.5 billion in sales
- **Dedicated Team:** Fully-integrated, 80 employees - acquisition, land development, construction, and sales
- **High-Quality Projects:** Creative site plans with unique high-quality architecture compatible with surroundings
- **Catalyst for Revitalization:** Projects spark development and investment in surrounding community
- **Community Oriented:** Build consensus through participatory processes

“life within walking distance®”

The Neighborhoods of EYA



Maryland

1. Little Falls Place
2. Arts District Hyattsville
3. The Brownstones at Park Potomac
4. The Brownstones at Wheaton Metro
5. Cameron Hill at Silver Spring Metro
6. Chelsea Heights
7. Fallsgrove
8. National Park Seminary
9. Strathmore Park at Grosvenor Metro

Virginia

10. Alexandria Crossing
11. Carlyle City Residences
12. Centerpointe
13. Chatham Square
14. Clarendon Park
15. Courthouse Hill
16. Ford's Landing
17. The Lofts at Braddock Metro
18. Monument Place
19. Mosaic District
20. Old Town Commons
21. Old Town Village
22. The Orontoco
23. Pallsades Park
24. Potomac Greens
25. Rivergate
26. The Villages of Stonegate
27. Westwood Village

Washington, D.C.

28. Bryan Square
29. Capitol Quarter
30. Capitol Square
31. Chancellor's Row
32. Courts of Chevy Chase
33. Harrison Square
34. Hillendale

Arts District Hyattsville Hyattsville, MD

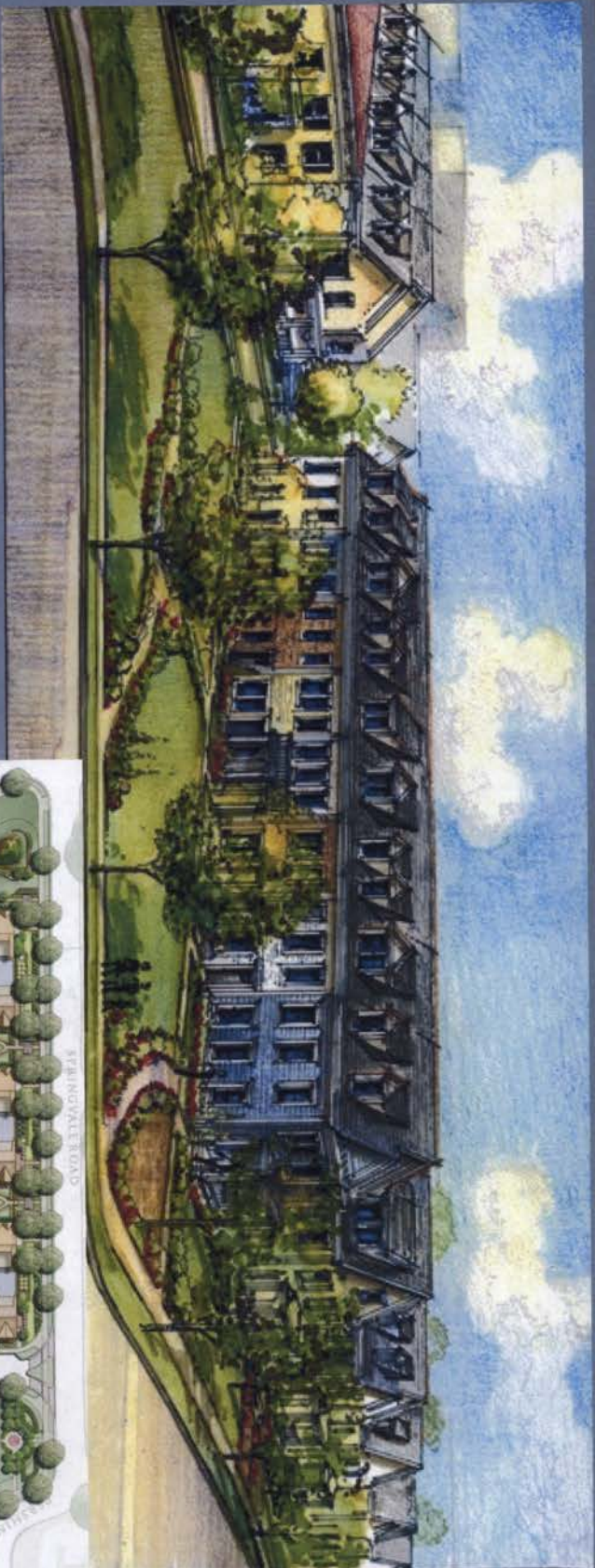


350 Rowhomes, 100-200 Condominiums,
200+ Multi-family Units, 40,000 sf Retail

eya.com

THE NEIGHBORHOODS OF
EYA

Chelsea Heights silver Spring, MD



Total Units: 55 Market Rate

8 Affordable

Riggs Thompson Renovation



Little Falls Place Bethesda, MD



25 Market Rate
5 MPDU

eya.com



The Oronoco Alexandria, VA



60 Condominiums

eya.com

THE NEIGHBORHOODS OF
EYA

Mosaic District Fairfax, VA



112 Townhomes (EYA)

500,000 sf of Retail (Edens)

75,000 sf Hotel

900 Multifamily Rental Units

eya.com

THE NEIGHBORHOODS OF
EYA

ADH Site Plan



Development Program

- Focused Retail Core
- 335 Urban Rowhomes
- 10 Live-Work Units
- 276 Multi-Family Units
- 36,000 SF leaseable retail with 175 Parking Spaces – 6/1000 SF and street parking
- 8,000 SF Retail Condo
- Rehabilitated Lustine Center
- Despite hard times, project almost complete

Before





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EYVA



west elevation



south elevation

BUILDING 2

PROJECT
perspective

eya.com





RETAIL layout

Arts District Hyattsville Retail



Busboys and Poets

BUSBOYS
AND
POETS



eya.com

Restaurant – Breakfast, Brunch, Lunch, Dinner, After Party!

THE NEIGHBORHOODS OF
EYA

Busboys and Poets



eya.com

Restaurant – Breakfast, Brunch, Lunch, Dinner, After Party!



Busboys and Poets

BUSBOYS
AND
POETS



eya.com

Non-Profit Bookstore – focus on community preferences

THE NEIGHBORHOODS OF
EYA

Busboys and Poets

BUSBOYS
AND
POETS



skvhiqhart.com

eya.com

Live Performance Space
– music, poetry, art, movies, politics, etc.

THE NEIGHBORHOODS OF
EY.A

Yes! Organic Market



eya.com

THE NEIGHBORHOODS OF
EYA

Yes! Organic Market



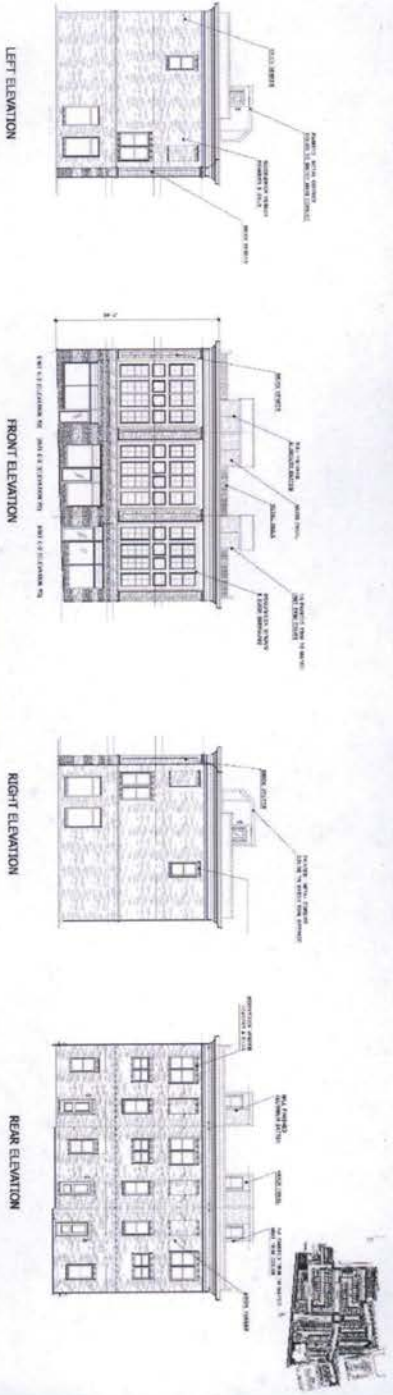
Live Work Concerns

- Good in theory, not in practice
- 10 current live-works have very poor retail performance, several foreclosures
- Spaces too small and ceilings too low (10 feet) for retail uses
- More parking is needed to drive business to live-work retailers
- Conventional investors and banks will not provide the equity necessary to build live-work units
- Banks will not provide loans to purchasers of the units – they are considered two units, on commercial and one residential
- The better approach to retail is the pure retail with ample parking – great success with that approach across Route 1 (show picture)
- Retail core must be established and maintained – all commercial up and down R1 is not viable

Live Work Performance

- Lot 2 – Retail vacant, 3 leases all failed – top rented out
- Lot 3 – Buyer lives upstairs. Uses downstairs as IT company office with no walk in traffic
- Lot 4 – Buyer nationwide insurance – open regular business hours and with walk-in traffic, nobody lives in.
- Lot 136- Café Azul – open for 5 years, limited hours retail walk in – top floor occupied by owner and family
- Lot 135 – Business failed and now in foreclosure – went to auction once and nobody showed up to buy - vacant
- Lot 134 – Psychiatrist – has by appointment office not open to public on retail level
- Lot 133 – Hair Salon – 4 hair salons in there since it opened years ago – top level rented out
- Lot 132 – Nail/Hair – coming soon for last 6 months
- Lot 131 – Grocery Store closed and now art space – no posted hours
- Lot 130 – Pretty Girl Cup Cake, top level rented out – now for sale
- Difficulty leasing retail in apartments across Route 1 without tall ceiling heights and parking
- Some of these uses are important but in general they do not bring vibrancy and foot traffic
- Many of the commercial spaces are vacant

Approved and Proposed



ELEVATIONS AS APPROVED



ELEVATIONS AS PROPOSED

BOSSARD

2021 Building Dept. 700, Room 4010
 1711 S. 10th Street, Suite 1000, Phoenix, AZ 85010
 P: 602.498.8888 | F: 602.498.8881 | www.bossardph.com

BUILDING 14A
 JANUARY 8, 2018
 REVISION # 04078-04

EVA HYATTSVILLE REDEVELOPMENT
 PHASE 1
 141 WEST MARICOPA, LIMITED PARTNERSHIP AS EYA
 DALLAS, TX 75201

A18.1

NOTES: 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PHOENIX ZONING ORDINANCE AND THE CITY OF PHOENIX DESIGN STANDARDS MANUAL.

DATE: 01/08/18

BY: [Signature]

FOR: [Signature]

SCALE: 1/8" = 1'-0"

Proposed

- No changes to footprint or parking
- Minimal changes to architecture
- Change in use **ONLY** of first floor to make buildings viable
- New units will bring more rooftops, more people, more tax base and complete the project
- ADH has significant successful retail in the core **AND** significant new retail opportunity

Public-Private Partnership

EYA has worked with Hyattsville, Riverdale, MNCPPC, County, and State. We appreciate the hard work and good faith of all involved. Despite the times, we have collectively devised a way to move this long-awaited project forward. We respectfully request your support today so we can complete the project as promised. Thank You.

Contact Information

aakash r. thakkar | vice president

D 301-634-8617 C 202-427-4066

E athakkar@eya.com

THE NEIGHBORHOODS OF



life within walking distance™

4800 Hampden Lane, Suite 300 | Bethesda, MD 20814

T 301-634-8600 F 301-634-8601 W eya.com

June 12, 2014

DSP-04076-04 – Item 8

EYA Hyattsville, Phase I

Opponent's Exhibit No. 1A thru C

3 Pictures









Town of Riverdale Park

5008 Queensbury Road
Riverdale Park, Maryland 20737

June 12, 2014

REC'D BY PGCPB ON 6-12-14
ITEM # 8 CASE # DSP-04076-04
EXHIBIT # Town of Riverdale Park
Exhibit No. 1

The Honorable Elizabeth M. Hewlett, Chair
Prince George's County Planning Board
M-NCPPC Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: DSP-04076-04 EYA Hyattsville Redevelopment, Phase 1

Dear Chair Hewlett and Planning Board Members:

The Town of Riverdale Park respectfully requests a continuance for DSP-04076-04 EYA Hyattsville Redevelopment, Phase 1. The Town was not included on the referral list for the project.

The Council will meet in work session on June 30, 2014 and will take a position during their legislative session on July 7, 2014.

Sincerely,

Sara Imhulse
Town Administrator