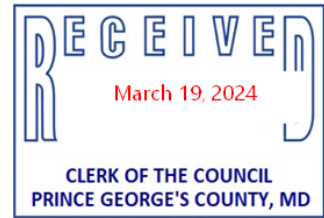




March 19, 2024



The Bernstein Companies, Inc.
3299 K Street, NW
Washington, DC 20007

Re: Notification of Planning Board Action on
Detailed Site Plan DSP- DSP-01002-04
Library Apartments (Toledo Road Garage
Redevelopment)

Dear Applicant:

This is to advise you that, on **March 14, 2024**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290 of the Prince George's County prior Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice (**March 19, 2024**) of the Planning Board's decision, unless:

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

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

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

Sincerely,
James R. Hunt, Chief
Development Review Division

By: *Te-Sheng Huang*
Reviewer

Attachment: PGCPB Resolution No. **2024-014**

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

PGCPB No. 2024-014

File No. DSP-01002-04

R E S O L U T I O N

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the applicant, The Bernstein Companies, Inc., submitted an application for approval of a detailed site plan; and

WHEREAS, the property subject to the application ("subject property") is within the Regional Transit-Oriented, High-Intensity (RTO-H-C) Zone; and

WHEREAS, Conceptual Site Plan CSP-00024 was approved by the Planning Board on October 20, 2020; and

WHEREAS, pursuant to Section 27-1704 of the Zoning Ordinance, at the request of the applicant, projects which received development or permit approval prior to the effective date of the current ordinance may continue to be reviewed and decided in accordance with the Zoning Ordinance under which they were approved; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on February 22, 2024, regarding Detailed Site Plan DSP-01002-04 for Library Apartments (Toledo Road Garage Redevelopment), the Planning Board finds:

1. **Request:** This detailed site plan (DSP) application requested an amendment to DSP-01002 to allow for the demolition of half of the existing parking garage ("Garage A") and the construction of a seven-story multifamily building with 209 residential units, while retaining the other half of the parking garage. The owner of Garage A, New Town Parking, LLC., is a subsidiary of the applicant, The Bernstein Companies, Inc.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	RTO-H-C (prior M-X-T/T-D-O)	M-X-T/T-D-O
Use(s)	Parking Garage	Approved Multifamily Residential (Existing remaining Parking Garage)
Gross Tract Acreage	2.87	2.87
Lots	0	0
Parcels	1	1
Gross floor area (Total square footage)	0 (Existing parking garage “Garage A” 456,342 sq. ft.*)	171,062 sq. ft. residential building (and Remaining parking garage “Garage A” 231,466 sq. ft.*, total 402,528 sq. ft.)
Dwelling Units	0	209

Note: *Section 27-107.01(105) of the prior Zoning Ordinance defines gross floor area as “the total number of square feet of floor area in a “Building,” excluding those portions of a “Basement” used exclusively for storage or other areas used exclusively for the mechanical elements of a “Building,” and uncovered steps and porches, but including the total floor area of “Accessory Buildings” on the same “Lot.” All horizontal measurements shall be made between the exterior faces of walls, columns, foundations, or other means of support or enclosure. It includes walkways or plazas within “Wholly Enclosed” shopping malls, but does not include covered walkways or plazas in other shopping centers, or other areas covered solely by “Canopies.” For this application, the square footage of the remaining half of Garage A is excluded from the calculation of gross floor area.

Other Development Data

Parking and Loading

Pursuant to Section 27-548.06(d)(1) of the prior Zoning Ordinance, the requirements of Part 11 concerning the minimum number of spaces in, and design of, off-street parking and loading areas shall not apply within a Transit District unless otherwise specified within the Transit District Standards. Therefore, the applicant has provided a parking tabulation displaying the approved use and associated parking within the overall site, approved under DSP-01002, although this application only applies to the parking garage known as Garage A on the subject property. Garage A currently houses 1,455 parking spaces. The applicant’s proposal would reduce the existing parking spaces within Garage A by 727 parking spaces, to allow for the construction of the multifamily building. The remaining portion of Garage A would contain 728 parking spaces.

The applicant provided an assessment of the parking demand to determine how the proposal will impact parking in Garage A. The applicant’s report uses data compiled over the month of February 2022, showing that the highest number of parked cars within Garage A over the course

of an entire day was 308. The applicant also notes that this number includes Kaiser Permanente employees who had been directed to park in Garage A, while the new Kaiser Permanente facility was under construction at the West Hyattsville Metro Station. The applicant's parking memo uses the Institute of Traffic Engineers (ITE) parking generation, which estimated that 262 spaces would be required to accommodate 200 multifamily units. The applicant's proposal has since been increased to 209 multifamily units, which would increase the minimum number of spaces to 274 to accommodate the 209 units. Using the 308 maximum daily parking spaces, combined with the 274 parking spaces needed for residents of the site, an estimated 582 spaces would be needed within Garage A, of which 728 would be available after construction of the multifamily building.

In two separate emails from the applicant (dated January 8, 2024, and January 29, 2024), the applicant plans to add four electric vehicle (EV) charging stations to Garage A and provide the associated infrastructure for installation of these chargers. A condition is included herein requiring the applicant to note the provision of four EV parking spaces and label their location on the plan.

Downtown Core	Requirement	Approved
Residential at 1.5 spaces per dwelling unit (max. permitted) *	314	-
Total Parking Provided	-	0
Total Parking Spaces on-site	1,455 (Garage A)	728** (Remaining half of Garage A)
Standard spaces (9.0 feet x 18 feet)	-	713
Handicap Accessible	-	12
Handicap Van-accessible	-	3
Electric Vehicle Charging Stations	-	4

Notes: *There is no required minimum number of off-street parking or loading spaces within the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (TDDP), only a maximum number of off-street parking, as specified on pages 258–259.

**The subject DSP application does not offer additional parking spaces, but retains 728 parking spaces within the remaining portion of Garage A. In an email from the applicant dated January 8, 2024, the applicant noted that the 728 parking spaces located in Garage A will not be reserved for future tenants because these spaces remain open to the public. In addition, Garage A is open 24/7 and is operated on a first-come first-served basis. The Planning Board finds that adequate parking is provided in Garage A to service the building, and no additional parking spaces are needed.

Page 263 of the TDDP notes that there is no required minimum number of off-street loading spaces in the Transit District. However, the required number of such spaces shall be determined at the time of DSP, and these spaces may only be located in the rear of buildings. In an email from the applicant, dated January 29, 2024, the applicant describes that most residential units in

the approved development are 103 studios (49 percent); 93 one-bedroom units (45 percent); and only 13 units (6 percent) are to be two-bedroom. Due to limited space per unit, the size and quantity of belongings that future residents will move in will be significantly limited. Therefore, future residents will be most likely instructed to use Garage A for on- and off-loading. When future residents are not able to access Garage A, they will be directed to access the tower from Constitution Drive as an alternative way to move into their respective units. In these occasions, future residents' moving trucks will be temporarily parked on Constitution Drive until their move is complete. Given that the maximum entrance height for Garage A is approximately 98 inches, any regular 15- or 16-foot trucks, approximately 90 inches in height, will be able to enter Garage A. In addition, standard parking spaces in Garage A will be able to accommodate these trucks with length and width ranging between 15 and 16 feet and between 92 and 96 inches, respectively. Since Constitution Road is a private right-of-way (ROW) and is located in the rear of the approved building, occasional use of this road for temporary on- and off-loading will not significantly impact the traffic flow of the area. Based on these reasons, the Planning Board agreed not to include off-street loading spaces in this development. However, the coversheet (DSP-1) has a discrepancy, stating that one off-street loading space is included. A condition is included herein to resolve this discrepancy.

Page 259 of the TDDP indicates that one bicycle parking space shall be required for every 20 units for multifamily residential development.

Bicycle Spaces per the Sector Plan

Required (1 space per 20 units for multifamily residential development)	11
Provided	11
Interior (long-term parking)*	7
Exterior (short-time parking)**	4

Notes: *Four bike lockers for long-term bicycle parking are to be located in the half of Garage A that will remain. Each bike locker has the capacity for two bicycles. As a result, the total number of bike parking appears to be eight. A condition is included herein for clarification.

**This development provides two bike racks on Toledo Road for four short-term bicycle parking spaces.

- Location:** The subject property is located on the south side of Toledo Road, approximately 265 feet east of its intersection with Adelphi Road, and is located within Planning Area 68, Council District 2. Specifically, the property is known as Parcel H in the Prince George Center development, as recorded in a plat of subdivision among the Land Records of Prince George's County in Plat Book REP 196 at Plat 29. In addition, the site is located in the Transit District Overlay (T-D-O) Zone of the TDDP, which indicates that the property is located in the Downtown Core Character Area.

4. **Surrounding Uses:** To the north, the property abuts Toledo Road and multifamily and commercial uses approved for development beyond in the RTO-H-C Zone (formerly in the Mixed Use-Infill (M-U-I) and T-D-O Zones). To the west of the property are commercial and multifamily developments (within the town center) that are in the same current and prior zoning as the subject property. To the south, the property abuts Constitution Drive and beyond, with the same type of development in those properties to its west. To the east, the property abuts Democracy Avenue and a public library beyond in the Residential, Single Family-65 (RSF-65) Zone (formerly in the One-Family Detached Residential (R-55) and Development District Overlay Zones).
5. **Previous Approvals:** Conceptual Site Plan CSP-00024 was approved by the Prince George's County Planning Board on October 19, 2000 (PGCPB Resolution No. 00-195) for a mixed-use development, and later affirmed by the Prince George's County District Council on January 8, 2001. CSP-00024-01 was filed to amend CSP-00024 for the purpose of approving a different style of lighting pole, and was approved by the Planning Board on November 15, 2001 (PGCPB Resolution No. 01-248).

DSP-01002 was approved by the Planning Board on May 24, 2001 (PGCPB Resolution No. 01-118), for an office building and parking garage. The site had an approved Conceptual Stormwater Management Plan, 8328349-2000-00.

DSP-01002-01 was approved by the Prince George's County Planning Director on October 31, 2002, for the purpose of reducing the approved parking garage from 519,859 square feet to 444,778 square feet, adding a pedestrian plaza, and changing the paving materials.

DSP-01002-02 was approved by the Planning Director on September 10, 2003, for the purpose of revising the exterior finish of the parking garage.

DSP-01002-03 was approved by the Planning Board on November 4, 2004, for the purpose of removing the requirement for a greenscreen to cover the east and north sides of the parking garage.

Preliminary Plan of Subdivision (PPS) 4-01092 was approved by the Planning Board on April 25, 2002 (PGCPB Resolution No. 02-62). This PPS was superseded by PPS 4-22004.

PPS 4-22004 was approved by the Planning Board on March 16, 2023 (PGCPB Resolution No. 2023-33(C)), for one parcel for development of 209 multifamily dwelling units. Certificate of Adequacy, ADQ-2022-055, was approved by the Planning Director on March 7, 2023. This ADQ is valid for 12 years from the date of approval of the associated PPS 4-22004, subject to additional expiration provisions of Section 24-4503(c) of the Subdivision Regulations.

6. **Design Features:** The applicant plans to construct a multifamily building with 209 residential units to replace a portion of Garage A that was approved with DSP-01002 in 2001. As a result, the footprint of the building is confined within the existing garage footprint due to the existing foundation and retaining walls. The design intent of this development is to maximize natural lighting and ventilation for each residential unit. The floor circulation to residential units on each

building floor is strategically organized in order to create two large courtyards. This design approach enables each unit to have views of these courtyards with plantings.

The seven-story multifamily building is oriented towards Toledo Road, approximately 78 feet in height above ground-level. The building conforms to the 10-story maximum building height permitted by the TDDP (page 237). The main entrance to the building is located on Toledo Road, with side entrances directly connecting to the portion of Garage A that will remain. The northern portion of the first floor (facing Toledo Road) includes the lobby, a fitness center, and a mail and package room for residential use. The 209 residential units are located in the middle and southern portions of the first floor and between floors two through seven. Among 209 units, 103 units are studios, 93 units are one-bedroom apartments, and 13 units are two-bedroom apartments.

Improved sidewalks around the approved multifamily building are shown along Toledo Road and Democracy Avenue. Three crosswalks are shown on the plan. One crosses the drive aisle at the entry/exit point of the remaining portion of Garage A on Toledo Road. The other two cross Democracy Avenue and a private roadway to the west of the garage, respectively. These crosswalks connect gaps in the sidewalk network of the area while bringing attention to motorists that pedestrians may be crossing. The Americans with Disabilities Act (ADA) ramps are also incorporated to enhance connectivity. Because the approved development is through the repurposing of Garage A, the existing retaining walls not only dictate the footprint and placement of the building but also make the construction of a sidewalk along Constitution Drive impossible. If future residents would like to walk to the Hyattsville Crossing (formerly known as Prince George's Plaza) Metro Station and the Mall at Prince George's Plaza, located to the south of the development, they will first use the walkway located to the west of Garage A and cross Constitution Drive to access the sidewalk on the south side of Constitution Drive to access the sidewalk network in the University Town Center.

Architecture

The architectural design of the multifamily building is contemporary, with a flat roof. Materials used for the building comprise of multiple metal panels and glass elements and are arranged in a geometric pattern.

The front façade of the building on Toledo Road is paired with a metal canopy, not only reinforcing the building entrance but also providing shelter from the rain and sun. On the street level, the building corner at Toledo Road and Democracy Avenue is articulated by recessing the ground floor walls from the streets. This design approach also enables the formation of a quasi-open space at this corner.

With the provision of the two courtyards, the façade along Democracy Avenue appears to be broken down into three separate buildings, which mitigates the massing of the building. The incorporation of metal cornices not only gives emphasis to the building roofline but also clearly defines each floor vertically and creates depth and shadow to the building.

Improvement of the approved building should also extend to the remaining portion of Garage A. To fully activate the street frontage of Toledo Road and bring life to the street, the applicant needs to improve the Toledo Road façade of Garage A, based on the guidelines contained in the

TDDP. Specifically, page 245 of the TDDP notes that, “[m]urals or works of public art are encouraged in the Transit District. Wherever possible, such displays should reflect the aesthetic and cultural traditions of Hyattsville and Prince George’s County, including their past, present, and future, and the environmental and geographic characteristics that make both the City and the County unique places.” A condition is included herein requiring the applicant to provide details of improvements to the Toledo Road façade of the remaining portion of Garage A to include additional architectural details, such as murals, decorative panels, and/or similar design features.

Recreational Facilities

Recreational facilities for the project are provided on-site and include the following:

- a. Outdoor benches around the building entrance.
- b. Tables and chairs in the lobby and on the courtyard terrace, between the fitness center and the northern courtyard.
- c. Various exercise machines and equipment in the fitness center located on the first floor of the building, including weight machines, treadmills, ellipticals, and exercise bikes.

Seating with or without tables serves temporary activities (e.g., rest or wait for someone). Their existence can potentially foster social interactions among future tenants, such as impromptu conversations. However, the site plan does not show other furniture or storage in the lobby or hallway for storing tables games, arts and crafts, or other passive recreational amenities to make available to the users. A condition is included herein requiring the applicant to provide amenities, such as table games and arts and crafts, and furniture to store these items, as one type of recreational facilities.

Inside the fitness center, the applicant provides various amenities. The submitted plans also show that there is a discrepancy between the Recreational Facilities Calculation Table on the coversheet and the recreation furniture list on Sheet DSP-22. A condition has been added to ensure information between the calculation table and furniture list is consistent. No bike rooms or courtyard pools are included in this DSP, which is stated in Note 14 in the general notes. A condition is included to update information associated with this note. In addition, this development includes a linear space for a dog run between the approved building and Garage A. The wall around the dog run is concrete masonry unit blocks and double-paned windows will be used for the openings, all of which prevent sound transfer. A condition is included herein requiring the applicant to provide a dog drinking fountain in the approved dog run area.

Finally, the applicant also provides street amenities, along Toledo Road, including a dog waste station, bike racks and trash and recycling bins, with details. Conditions are included herein requiring the applicant to provide one dog station, and trash and recycling bins along Democracy Avenue. Additional seating is necessary on both Toledo Road and Democracy Avenue.

Signage

The applicant has provided a sign package, showing the two letter signs approved for this development. One sign is for the name of the development and the other sign is for the address

number. Both signs are non-illuminated. The package also shows information regarding materials and dimensions (including the clear height above the sidewalk). Information regarding wayfinding signage is also included in this DSP. A condition is included herein requiring the location of wayfinding signs to be shown on the plan, subject to modification by the operating agencies.

Lighting

The DSP approves integrating seven types of lighting throughout the site. While street light fixtures are provided along Toledo Road, path bollard lighting will be installed within the street frontage of Democracy Avenue. Building-mounted lighting is also installed on the eastern building façade along Democracy Avenue, to ensure appropriate lighting in the evening for the purposes of security and safety. Other lighting, such as recessed downlights and patio bollard lights, are primarily for the common areas of the building.

Loading and Trash Facilities

This DSP does not include any off-street loading spaces, with reasons discussed in Finding 2 above. Regarding trash facilities, one trash room will be located internally on the first floor of the building, as the central waste location with compactors. Each floor above will have a room with trash chutes directly connecting to the trash room on the first floor. An email from the applicant dated February 1, 2024, notes that, on the trash pick-up dates, the maintenance employees will move trash bins to Constitution Drive for trash collection.

COMPLIANCE WITH EVALUATION CRITERIA

7. ***2016 Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment:*** The subject site is located within the Downtown Core Character Area of the TDDP (page 71). The Downtown Core is the transit district's central activity hub, with a mix of compact residential, retail, and office development that complement each other and frame lively, walkable streets. These pedestrian-friendly streets are envisioned by the TDDP to be lined with cafés and stores, which draw commuters between the Hyattsville Crossing Metro Station and the Mall at Prince George's Plaza, activating the streetscape.

The land-use goal for the Downtown Core is to accommodate the anticipated amount and mix of development through a significant redevelopment of the Transit District that further implements the TDDP's vision for the Downtown Core area (page 70). The TDDP recommends mixed use on the subject property (page 74).

The subject DSP application has been reviewed for conformance with the T-D-O general standards and the standards of the Downtown Core (pages 187–274), and has been found to meet all applicable T-D-O Zone standards, except for seven standards. The applicant included the applicable standards to this DSP and provided their findings on Sheet DSP-11. The Planning Board has reviewed the applicant's findings and agree that they meet the applicable standards with the exception of the seven requested modifications, which are analyzed for compliance with Section 27-548.08(c)(3) of the prior Zoning Ordinance, as follows:

- (3) **The applicant may ask the Planning Board to apply development standards which differ from mandatory requirements in the Transit District Development Plan, unless the plan provides otherwise. The Board may amend any mandatory requirements except building height restrictions and parking standards, requirements which may be amended by the District Council under procedures in Part 10A, Division 1. The Board may amend parking provisions concerning the dimensions, layout, or design of parking spaces or parking lots.**

In approving the Transit District Site Plan, the Planning Board shall find that the mandatory requirements, as amended, will benefit the proposed development and the Transit District and will not substantially impair implementation of the Transit District Development Plan, and the Board shall then find that the site plan meets all mandatory requirements which apply.

The following analysis reviews the applicant's modification requests (all page numbers reference the TDDP, and modification requests have been grouped by sections):

- a. **Streets and Frontage, Frontage Zones** (page 208)—Per page 10 of PGCPB Resolution No. 2023-33(C) for PPS 4-22004, the applicant is required to improve Democracy Boulevard (currently contained within a 28-foot-wide access easement, recorded in Book 16693 page 721 of the Prince George's County Land Records) to meet the design standards of a B street, as set by the TDDP.

The submitted plans show the transformers to be located within the southern courtyard, subject to the approval of the Potomac Electric Power Company (PEPCO). This location does not require a modification to the design standards. If PEPCO does not support the location within the southern courtyard, the alternative location the applicant plans for the transformers will be located in the mid-point of the street frontage of Democracy Avenue, away from its intersection with Toledo Road and above the ground. The alternative location will require modification of the design standards because the TDDP (page 208) states that, "on A Streets, B Streets, Pedestrian Streets, or Promenades, no new public utilities, including, but not limited to, transmission or distribution lines and mechanical equipment, are permitted above-ground." Given that the above-ground transformers are adjacent to the approved multifamily building and the sidewalk, the applicant plans to add a decorative metal screen to screen the above-ground transformers, with landscaping for screening enhancements. Pages 31–35 of the applicant's statement of justification (SOJ) further details justification for the requested modifications. The Planning Board finds that the screening requirements will achieve the purpose of this mandatory requirement and still benefit the TDDP, and will not substantially impair implementation of the TDDP and recommend approval of this modification request. A condition is included herein requiring the applicant to provide the final decorative metal screen for approval by the Urban Design Section and the City of Hyattsville, prior to the Certification of Approval (COA).

- b. **Streets and Frontage, Build-to Lines and Zones** (page 211)—As discussed above, the applicant intends to improve Democracy Avenue for conformance with the design standards of B Streets contained in the TDDP. Because the approved multifamily building sits on the footprint of the garage that is partially razed, the remaining footings and the structural elements, such as retaining walls, set the limits of this development.

The design standard requires the minimum frontage zone depth/build-to line, on all existing B Streets, to be 15 feet and the maximum frontage zone depth/build-to line to be 20 feet. The applicant requests a modification because, given the site constraints, the designed building frontage varies from 9 feet to 23 feet in depth. The Planning Board finds the variations in frontage, that both exceed and fail to reach required amounts, are minimal differences and the overall frontage will still accomplish the purposes of the TDDP and not substantially impair its implementation.

- c. **Streets and Frontage, Street Lights** (page 234)—The design standards contained in the TDDP state that street light fixtures shall be spaced a maximum of 40 feet apart in the Downtown Core. Currently, there are streetlights existing on Toledo Road and the applicant plans to retain them. A modification is required because these streetlights are located between 40 to 45 feet from each other. The Planning Board finds that the small difference in distances will still accomplish the purposes of the TDDP, in providing adequate and appropriate street lighting, and will not substantially impair its implementation.

- d. **Bulk and Height, Density and Building Height, Maximum Building Heights, Single-Story Building Height and Frontage** (page 240) and **Building Form** (Figure 27 on page 269)—The design standards contained in the TDDP state that, commercial, institutional, mixed-use, or multifamily residential buildings: the first (ground) floor shall be at least 20 feet high, with a floor to ceiling height of at least 14 feet. A similar requirement is also stated in Figure 27 on page 269 of the TDDP, requiring a clear floor to ceiling height not be less than 14 feet. Given the repurposing of the existing footings of Garage A, the need for the requested modification is to ensure that the first floor of the approved multifamily building aligns with the first floor of the other half of the garage that will remain, which is approximately 12 feet. The Planning Board finds that ensuring such alignment will better meet the goals of the TDDP in providing a more uniform and safe design than would be accomplished complying with the mandatory standard and, therefore, finds the alternative proposal accomplishes the purposes of the TDDP and will not substantially impair its implementation.

- e. **Downtown Core Standards, Figure 27. Downtown Core Multistory: Commercial, Residential, Institutional Standards, Building Placement, Side (Side Street)** (page 269)—The design standard contained in the TDDP state that the build-to-line is required to be a minimum of 100 percent for A Street, Pedestrian Street, or Promenade and 60 percent for B Street for the side street building placement. Repurposing the existing garage results in the build-to-line to be approximately 33 percent and, therefore, not in conformance with the 60 percent minimum side standard for Democracy Avenue, because the existing retaining walls dictate the location of the approved building. In

addition, the curved build-to Zone (BTZ) reflecting the shape of Democracy Avenue casts challenges for this DSP to meet this requirement. Therefore, the Planning Board recommends approval of this modification request because it will not impair implementation of the TDDP.

- f. **Downtown Core Standards, Figure 27. Downtown Core Multistory: Commercial, Residential, Institutional Standards, Building Placement, Miscellaneous No. 4** (page 269)—The design standard contained in the TDDP state that, any buildings wider than 50 feet shall be designed to be seen as a series of building fronts no wider than 50 feet each. The spatial constraints created by repurposing the existing garage hinder conformance to this standard. The Planning Board finds that the architectural treatments and design of the multifamily building intends to break up the façade and provide visual interest. The vertical banding, and the changes in building material between metal panels and glass, break up the building mass and reduce the scale of the building. The Planning Board finds this alternative design approach still accomplishes the purposes of the TDDP and will not impair its implementation of the TDDP.
8. **Prince George’s County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-X-T and T-D-O Zones, and the site design guidelines of the Zoning Ordinance:
 - a. Section 27-548.08(c) of the prior Zoning Ordinance requires that the Planning Board must make the following findings in order to approve a DSP in a T-D-O Zone, as follows:
 - (1) **In addition to the findings required by Section 27-276(b) for approval of a Conceptual Site Plan in the T-D-O Zone, the Planning Board shall find that the Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan.**

Page 190 of the TDDP notes that “All property in the Transit District is exempt from Conceptual Site Plan requirements.” Similar information is also noted on Page 195 of the TDDP. In addition, this zoning ordinance specifically refers to these plans as Transit District Site Plans (TDSP), not DSPs. Therefore, there are additional application requirements for TDSPs that do not apply to other DSPs, in accordance with Section 27-548.08(b) of the prior Zoning Ordinance.
 - (2) **The findings required by Section 27-285(b) shall not apply to the T-D-O Zone. Instead, the following findings shall be made by the Planning Board when approving a Detailed Site Plan in the T-D-O Zone:**
 - (A) **The Transit District Site Plan is in strict conformance with any mandatory requirements of the Transit District Development Plan;**

The DSP is in strict conformance with the mandatory requirements of the TDDP, with some exceptions that request modifications to the design standards, which have been addressed in Finding 7 above. These requested amendments do not substantially impair the implementation of the TDDP.

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

As noted above, this DSP is consistent with and reflects the guidelines and criteria for development contained in the TDDP, with some amendment requests to the design standards, which have been addressed in Finding 7 above.

(C) The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones, unless an amendment to the applicable requirement or regulation has been approved;

This DSP, with the requested amendments, meets the requirements of the T-D-O Zone and the underlying zone as discussed throughout this resolution.

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

As discussed in Findings 2, 6 and 7 above, this DSP demonstrates that the approved development will minimize the costs of extending or expanding public services and facilities because it repurposes Garage A for residential use that is located in the vicinity of transit stations. Improvements with this DSP maximize safety and efficiency for pedestrians and drivers and are adequate to meet the purposes of the T-D-O Zone. The resulting outcomes demonstrate a good urban design relationship with adjacent buildings and adjoining areas, as a way to complement and enhance the character of University Town Center.

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

The existing University Town Center contains a mixture of different development projects and uses, with the capability of sustaining as an

independent environment of continuing quality and stability. The approved structure and use are compatible with the existing and planned development within the center. Specifically, the approved multifamily building helps frame a common street wall. In addition to the two courtyards, the improved streetscape around the building helps activate surrounding streets, as envisioned by the TDDP. The massing and scale of the building will help transition from the high-rise development to the south and the mixed-use building with 321 residential units, currently under construction, across Toledo Road to the north.

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

This requirement is not applicable to the subject DSP application because there are no total minimum required parking spaces.

- (3) The applicant may ask the Planning Board to apply development standards which differ from mandatory requirements in the Transit District Development Plan, unless the plan provides otherwise. The Board may amend any mandatory requirements except building height restrictions and parking standards, requirements which may be amended by the District Council under procedures in Part 10A, Division 1. The Board may amend parking provisions concerning the dimensions, layout, or design of parking spaces or parking lots.**

As discussed in Finding 7 above, the subject DSP application is in conformance with the T-D-O general standards and the standards of the Downtown Core (pages 187–274), except for seven standards. None of these requested modifications are related to building height restrictions or parking standards.

- b. In accordance with Section 27-546 of the prior Zoning Ordinance, the Planning Board must make the following findings, as follows:

Section 27-546. Site Plans.

- (d) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:**
- (1) The proposed development is in conformance with the purposes and other provisions of this Division;**

The approved development is in conformance with the purposes of the M-X-T Zone as stated in Section 27-542 as follows:

Section 27-542. Purposes.

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The DSP promotes the orderly development of land by allowing for the repurposing of Garage A in the vicinity of a major Metro station and will contribute a desirable living opportunity for its residents.

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The University Town Center has always been envisioned as a dense, walkable, mixed-use development and the subject DSP application conforms with the *Plan Prince George's 2035 Approval General Plan* (Plan 2035) and the applicable design standards of the TDDP.

- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The subject DSP application takes full advantage of the development potential inherent in the M-X-T Zone by placing an approved residential use in close proximity to existing commercial and residential uses and major transit lines, including the Hyattsville Crossing Metro Station and MD 410 (East-West Highway).

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**

The approved development is in proximity to existing commercial and residential uses and a major Metro station, which will facilitate walking, biking, and transit use.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

The approved development will add a residential use to the existing commercial and residential uses in the University Town Center that will support a vibrant 24-hour environment as the patrons will be those who live in, work in, or visit the area.

- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;**

The residential use this DSP approves will be located within one building. However, the larger University Town Center development offers existing office, retail and residential uses, enabling the subject development to be a diverse land use, that will blend together harmoniously.

- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

The subject DSP application will provide a residential use to a large town center that will create dynamic, functional relationships with other existing and planned uses in the area.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**

The approved development reuses much of the existing structures to reduce waste and uses energy efficient appliances and LED light fixtures to save energy. The two approved courtyards not only serve for visual aesthetics, but also function as bio-retention basins for stormwater management purposes.

- (9) **To permit a flexible response to the market and promote economic vitality and investment; and**

The M-X-T Zone is one of the mixed-use zones that was created to allow flexibility to respond to the changing market. The DSP re-purposes one half of Garage A for residential use, which will improve the economic vitality of the property.

- (10) **To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

Constraining by the footprint of Garage A, the freedom of architectural design enables the development to maximize land use while managing to create two courtyards to enhance lighting and ventilation of residential units and improve the streetscape to activate street life.

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

This subject property was placed in the M-X-T Zone through a sectional map amendment approved before October 1, 2006; therefore, this requirement does not apply.

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

The subject site is surrounded by existing public and private roadways with sidewalks, lighting, and public spaces. Repurposing half of Garage A will not affect the existing physical integration with the adjacent development. The approved residential use will catalyze the adjacent community and rejuvenate the economic vitality of the property.

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

The approved structure and use are compatible with the existing and proposed development within the University Town Center.

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

The existing University Town Center reflects a cohesive development, capable of sustaining an independent environment of continuing quality and stability. The approved multifamily building will enhance the existing development and contribute to the transit district.

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

This requirement is not applicable because this DSP contains one phase only.

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

The DSP significantly improves the sidewalks within the subject site, which has been addressed in Finding 6 above. The improved sidewalks will enhance the pedestrian system established within the area and encourage pedestrian activities.

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

The design utilized for the development pays attention to human scale and other urban design perspectives for fostering pedestrian activities, which has been discussed in Finding 6 above.

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

to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

This requirement is not applicable because the subject application is a DSP.

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

The property is the subject of Certificate of Adequacy, ADQ-2022-055, approved in 2023 and accompanied with PPS 4-22004 (PGCPB Resolution No. 2023-33(C)). The subject DSP application approves 209 residential units which is consistent with the development evaluated with PPS 4-22004.

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

This requirement is not applicable because the subject site contains a total of 2.87 acres.

- c. The DSP application is in conformance with additional regulations of the M-X-T Zone as follows:

Section 27-544. Regulations.

- (a) Except as provided in Subsections (b) and (c) of this Section, additional regulations concerning the location, size, and other provisions for all**

buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

The DSP has been reviewed, in accordance with the applicable requirements from the above sections of the prior Zoning Ordinance, in Findings 2, 6, 8 and 12 within this resolution.

Section 27-548. M-X-T Zone.

(a) Maximum floor area ratio (FAR):

- (1) Without the use of the optional method of development — 0.40 FAR;
and**
- (2) With the use of the optional method of development — 8.00 FAR.**

Section 27-545(b)(4) states that “additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.” The subject DSP application approves 209 residential units. Utilizing the residential optional method, the total FAR permitted is 1.40. This DSP approves approximately 1.37 FAR, which is in conformance with this requirement.

(b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.

The DSP satisfies this requirement because the approved use is located in one building on one lot (Parcel H).

(c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.

The DSP shows the dimensions for the location and height of the approved development, but does not include lot coverage. A condition is included herein requiring the applicant to add the lot coverage of the development to the general notes on the coversheet.

(d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.

The landscaping, screening, and buffering issues have been reviewed along with this DSP. Finding 12 below provides a detailed discussion on the plan's conformance with the Landscape Manual.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The FAR for the approved development, 171,160 square feet on the 2.87-acre property, is approximately 1.37, which is under the permitted 1.4 FAR. In addition, the subject DSP application is not subject to approval of any CSPs for the site, in accordance with the TDDP (page 195), which is discussed in Finding 9 below.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

The approved development does not have any private structures in the air space above, or in the ground below the surrounding public ROWs.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The subject property, Parcel H, has direct frontage on and vehicular access to Toledo Road, in conformance with this requirement.

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots...**

This requirement is not applicable to this DSP because no townhouse units are being included.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

This requirement is not applicable to this DSP because the subject site is located within a T-D-O Zone.

- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance). Notwithstanding any other provision of this Code, this regulation shall not apply to property subject to the provisions of Section 27-544(f)(2)(I), above.**

This requirement does not apply to this DSP because the subject property was placed in the M-X-T Zone through a sectional map amendment approved before October 1, 2006.

- d. The DSP application is also in conformance with additional regulations of the T-D-O Zone as follows:

Sec. 27-548.06. - Regulations.

(a) Density.

- (1) **Development within a Transit District shall not exceed the specified maximum residential density and any floor area ratio (FAR) requirements of the underlying zones, as those requirements would normally be applied if the property were not zoned T-D-O. If an underlying zone has provisions for awarding increased density or FAR above base requirements through furnishing amenities or benefit features, those provisions shall still apply within the T-D-O Zone and shall be applied when the Transit District Development Plan is approved.**

As discussed above, the subject DSP application approves approximately 1.37 FAR, which is lower than the permitted 1.4 FAR.

(b) Transit District Standards.

- (3) Where a property lies in both the M-I-O Zone and a T-D-O Zone, the maximum permitted height of structures shall be the more restrictive of the Transit District Standards and Section 27-548.54, whichever maximum permitted height is lower.**

The subject property is only located within a T-D-O Zone. Map 34, Maximum Building Heights of the TDDP, notes that the maximum building height for the subject property is 10 stories (page 237). The height of the approved building is to be seven stories, which complies with this requirement.

(c) Relationship to Landscape Manual.

- (1) Landscaping, screening, and buffering of development shall conform to Landscape Manual requirements...**

As discussed in Finding 12 below, this DSP complies with this requirement except the spacing of street trees, which is conditioned for correction.

(d) Parking and loading.

- (1) The requirements of Part 11 concerning the minimum number of spaces in, and design of, off-street parking and loading areas shall not apply within a Transit District unless otherwise specified within the Transit District Standards. Instead, a methodology for determining the number of off-street parking and loading spaces to be required for specific uses may be established on the Transit District Development Plan in the form of Transit District Standards. The Prince George's County Parking Authority shall be provided an opportunity to review any proposed parking methodology prior to transmittal of a Development Plan by the Planning Board to the District Council. The methodology should include, but not be limited to...**

This requirement was met when establishing the parking and loading requirements in the TDDP. The subject DSP application complies with the TDDP as required and as discussed in Finding 2 above.

- (2) If a Transit District Development Plan does not contain specific parking requirements, the requirements shall be determined at the time of Detailed Site Plan review by the Planning Board in accordance with the regulations of Part 11. Additionally, the Planning Board may apply reductions from the minimum parking requirements of Part 11 if it finds alternate approaches to parking, such as but not limited to car and bike share programs, car and van**

pools, executed shuttle and transit bus use agreements, and trip reduction measures, will effectively provide alternatives to single-occupant automobile use.

This requirement is not applicable to this DSP because the TDDP has specific requirements for parking (pages 258–264). Discussion on parking for this DSP has been addressed in Finding 2 above.

(h) Air rights and below-ground development.

(1) Private buildings and other structures may be located within the air space above, or in the ground below, public rights-of-way.

This requirement is not applicable to this DSP because the approved building is not located within the air space above, or in the ground below, public ROWs.

- e. Per Section 27-283(a) of the prior Zoning Ordinance, a DSP shall be designed in accordance with the design guidelines in Section 27-274. The applicable design guidelines are described as follows:

Section 27-274(a)(2)

(2) Parking, loading, and circulation.

(A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site...

This is not applicable to this DSP because it does not include a surface parking lot.

(B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians...

As discussed in Finding 2 above, future residents will be directed to use Garage A for on- and off-loading. Occasionally, future residents may temporarily use Constitution Drive, located in the rear of the building, for loading. Therefore, this temporary loading use will not significantly conflict with vehicles or pedestrians.

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers...

With improvements on the street frontages of Toledo Road and Democracy Avenue discussed in Finding 6 above, on-site vehicular and pedestrian circulation will be safe, efficient, and convenient for both pedestrians and drivers.

(3) Lighting.

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character...**

As discussed in Finding 6 above, the DSP includes integrating seven types of lighting throughout the site. The Planning Board finds that the submitted photometric plan shows adequate lighting for users on-site and is sufficient for illuminating site access, building entrances, and sidewalks.

(4) Views.

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.**

The site does not include vast scenic views. Building on the existing footprint of Garage A, the massing of the approved building is designed to minimize building impacts to nearby residential and commercial buildings. The provision of two courtyards is not only to maximize open views of the approved residential dwelling units from amenity space, but also break out the building façade along Democracy Avenue to appear to be three separate buildings.

(5) Green Area.

- (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use...**

The DSP includes two courtyards to serve as focal points for those interior residential units as well as bring air and light into these units. A courtyard terrace is located along the north side of the northern courtyard, with tables and chairs to support social activities within the development. These two courtyards also serve as landscaped micro-bioretenement facilities that aesthetically and naturally address the stormwater management needs of the site.

(6) Site and streetscape amenities.

- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site...**

Per the TDDP and Condition 11e of PPS 4-2204, the applicant provides a mix of street amenities, along Toledo Road, such as dog waste station, bike racks and trash and recycling bins, with details, which was also discussed in Finding 6 above.

(7) Grading.

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts...**

This requirement is not applicable to this DSP because the subject property has been developed and the approved building will be constructed on the footprint of the half of Garage A that will be demolished.

(8) Service Areas.

- (A) Service areas should be accessible, but unobtrusive.**

Services regarding loading and trash collection will be accessible because these activities mostly occurred within the approved building and the remaining half of Garage A, as discussed in Findings 2 and 6 above.

(9) Public Spaces.

- (A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.**

The development is approved on a developed property and is located in an urban area. Creating a public space system within this 2.87-acre property could be challenging. However, the design of the building corner is recessed at Toledo Road and Democracy Avenue to form a pseudo-plaza, as a way to enhance a public space system along Toledo Road and connect to adjacent civic facilities, such as a public library, a community center, and Wells Run Park beyond Adelphi Road.

(10) Architecture.

- (A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.**
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) These guidelines may be modified in accordance with Section 27-277.**

A detailed discussion regarding architecture has been addressed in Finding 6 above.

(11) Townhouses and Three-Story Dwellings.

This requirement is not applicable to this DSP because no townhouse or three-story units are included.

9. **Conceptual Site Plan CSP-00024 and its amendment:** CSP-00024 was approved by the Planning Board on October 19, 2000 (PGCPB Resolution No. 00-195), subject to 17 conditions. This decision was later affirmed by the Prince George's County District Council on January 8, 2001. CSP-00024-01 was approved by the Planning Board on November 15, 2001 (PGCPB Resolution No. 01-248), subject to two conditions.

The TDDP, page 195, includes language stating that pursuant to Section 27-548.08(c)(2) of the Zoning Ordinance, a DSP in a T-D-O Zone does not have to conform to a previously approved CSP. Accordingly, CSPs approved prior to July 9, 2016, have no bearing on the approval of a DSP for development in the T-D-O Zone. Therefore, CSP-00024 and its amendment are not applicable to this DSP.

10. **Preliminary Plan of Subdivision 4-22004:** PPS 4-22004 was approved by the Planning Board on March 16, 2023 (PGCPB Resolution No. 2023-33(C)), subject to 11 conditions. The conditions relevant to the review of this DSP are listed below in **bold** text. The Planning Board's analysis of the PPS conditions follows each one, in plain text:

2. **In accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.**

This DSP includes on-site recreational facilities, which have been addressed in Finding 6 above.

4. **The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Parks and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Timing for construction shall also be determined at the time of DSP.**

Information required for such a review has been included in this DSP, which is addressed in Finding 6 above.

6. **Development of this subdivision shall be in compliance with an approved Type 1 tree conservation plan (TCP1-004-2023). The following note shall be placed on the final plat of subdivision:**

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-004-2023), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

The subject DSP is in compliance with TCP1-004-2023 with modifications by TCP2-050-2023, which is addressed in Finding 12 below.

9. **Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a 10-foot-wide public utility easement along the public right-of-way, in accordance with the approved PPS.**

Ten-foot-wide public utility easements (PUEs) are shown along the public ROWs, in accordance with 4-22004.

10. **Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, 24001-2022-0, and any subsequent revisions.**

The applicant submitted an approved Stormwater Management (SWM) Concept Plan (24001-2022-00) and approval letter with the subject DSP. The approved SWM concept plan shows a layout approved with the PPS, which complies with this condition.

11. **The following facilities shall be shown on the detailed site plan:**

- a. **A 5-foot-wide marked bicycle lane along the property frontage of Toledo Road, consistent with the 2016 *Approved Prince George's Plaza Transit District Development Plan*, unless modified by the operating agency with written correspondence, or provided as part of another development.**

- b. **Unless an alternative development standard is requested, a minimum 6-foot-wide sidewalk and a 6- to 8-foot-wide landscape amenity panel along the property frontage of Toledo Road, consistent with the 2016 *Approved Prince George's Plaza Transit District Development Plan*. The final width shall be determined by the operating agency with written correspondence.**
- c. **An interconnected network of pedestrian facilities with minimum 5-foot-wide sidewalks and associated Americans with Disabilities Act curb ramps on-site.**
- d. **Long and short-term bicycle parking consistent with the 1999 *American Association of State Highway and Transportation (AASHTO) Guide for the Development of Bicycle Facilities* to accommodate residents and visitors.**
- e. **Waste, recycling bins, and street furniture such as benches or tables, along the property's frontage of Toledo Road.**

The detailed site plan accurately displays the above-listed improvements. However, additional seating along Toledo Road is necessary because the four benches close to the building entrance are considered to be one type of on-site recreational facilities for future residents, which is discussed in Finding 6 above. A condition is included herein requiring additional seating along Toledo Road.

11. **Certificate of Adequacy ADQ-2022-055:** ADQ-2022-055 was approved by the Planning Director on March 7, 2023, subject to five conditions. The conditions relevant to the review of this DSP are listed below in **bold** text. The Planning Board's analysis of the project's conformance to the conditions follows each one, in plain text:

1. **Total development within proposed the Preliminary Plan of Subdivision shall be limited to uses that generate no more than 87 AM peak-hour trips and 100 PM peak-hour vehicle trips.**

This DSP application approves 209 multifamily dwelling units, which is consistent with the development evaluated with PPS 4-22004. The trip cap established under ADQ-2022-055 was approved for 209 multifamily dwelling units. The subject DSP is within the trip cap established with ADQ-2022-055.

2. **Prior to the acceptance of the detailed site plan, the applicant shall provide a bicycle and pedestrian facilities plan that illustrates the location, limits, specifications, and details of the pedestrian and bicycle adequacy improvements approved with ADQ-2022-055 consistent with Section 24-4506(c)(G) of the Prince George's County Subdivision Regulations.**

The bicycle and pedestrian improvements shown on the submitted bicycle and pedestrian impact statement (BPIS) and DSP, illustrate the location, limits, specifications, and details of the pedestrian and bicycle adequacy improvements as required by this

condition. The Planning Board finds that the applicant's submission is in conformance with this requirement.

3. **The applicant shall provide a network of on-site pedestrian and bicycle facilities, consistent with Section 24-4506(c)(1)(A) of the Prince George's County Subdivision Regulations. The details of the on-site facilities shall be provided as part of the Detailed Site Plan submission.**

The subject DSP application displays on-site pedestrian and bicycle facilities, which are consistent with the subdivision regulations. The applicant's submission satisfies this condition.

4. **Prior to approval of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-4506 of the Subdivision Regulations ("Required Off-Site Facilities"), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:**
 - a. **Along the south side of Toledo Road, as detailed in Exhibit B-2 of the applicant's BPIS submission:**
 - i. **Upgrade to three ADA-compliant pedestrian ramps.**
 - ii. **Install a bus shelter and bench along Toledo Road in the vicinity of the library.**
 - iii. **Install bicycle route signage (D11-1) and wayfinding signage (D1-2b) directing eastbound cyclists to Adelphi Road and the Hyattsville Library and directing westbound cyclists to the Hyattsville Crossing Metro Station and Mall at Prince George's Shopping Center, in accordance with the City of Hyattsville sign standards.**
 - b. **Along the east side of Adelphi Road at its intersection with Beechwood Road, as detailed in Exhibit B-3 of the applicant's BPIS submission; install a thermoplastic crosswalk along the east leg.**
 - c. **Along the west side of Adelphi Road at the north point of vehicle access at University Park Church of Christ (6420 Adelphi Road), as detailed in Exhibit B-4 of the applicant's BPIS submission; upgrade to two ADA-compliant pedestrian ramps.**

- d. **Along the east side of Adelphi Road at its intersection with Van Buren Street, as detailed in Exhibit B-5 of the applicant's BPIS submission; install a thermoplastic crosswalk along the east leg.**
- e. **Along the west side of Adelphi Road at the north point of vehicle access at Northwest High School (7000 Adelphi Road), as detailed in Exhibit B-6 of the applicant's BPIS submission; install a thermoplastic crosswalk along the west leg.**

The above-referenced condition remains and will be addressed at the time of building permit unless modified by the operating agency with written correspondence.

- 12. **2010 Prince George's County Landscape Manual:** Per page 194 of the TDDP, the TDDP standards replace the comparable standards in the 2010 *Prince George's County Landscape Manual* (Landscape Manual). For standards not covered in the TDDP, the Landscape Manual shall serve as the requirement, unless explicitly stated otherwise. The landscape plan submitted with this DSP is in conformance with the applicable Landscape Manual requirements and the landscape requirements of the TDDP. Specifically, street trees, with shrubs and groundcovers, are located within the Tree and Furniture Zone. A condition is included herein requiring street trees be planted along each street with spacing of not greater than 40 feet on center, excluding driveway openings.
- 13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the 2018 Environmental Technical Manual because PPS 4-22004 separated the subject development from the prior tree conservation plan. A revision (-03) to the previously approved Type 2 Tree Conservation Plan (TCP2-015-01-02) is required, since a new approved Type 2 Tree Conservation Plan (TCP2-050-2023) matching the boundaries of the previously approved preliminary plan of subdivision (4-22004) and Type 1 Tree Conservation Plan (TCP1-004-2023), was submitted with the subject application.

The first original approved TCP2-015-01 covered a larger area than the current application, consisting of two subareas shown as Subarea 2 and Subarea 3. The current application is located within Subarea 3. The original TCP2 showed a separate worksheet for each subarea, and it was intended for the subareas to be processed as separate TCP2s. A separate TCP2 was processed for Subarea 3, which did not include Subarea 2 in determining the woodland conservation requirement. Subsequently, a new TCP1 and TCP2 were approved for Subarea 2 (TCP1-005-2019 and TCP2-042-2019).

At the time of approval of the original TCP2, all of Subarea 3 was mapped within the M-X-T Zone, and the TCP2 worksheet was calculated using the 1989 standard woodland conservation threshold (WCT) and afforestation threshold (AFT) values, which were both 10 percent. Subsequently, the zoning within Subarea 3 changed from M-X-T to a mixture of the M-X-T, M-U-I, and R-55 Zones. Under subsequent requirements, each of these zones had greater WCT and AFT values than was originally calculated under TCP2-015-01. Areas within the M-X-T and M-U-I Zone had a WCT and AFT of 15 percent, and areas within the R-55 Zone had

a WCT of 20 percent and an AFT of 15 percent. With the subdivision of 4-22004, the area was separated from the existing TCPI (TCPI-035-00-02) as a new TCPI (TCP1-004-2023), so the remainder of Subarea 3 was able to retain its grandfathered status, and the overall woodland conservation requirement would not be increased across all of Subarea 3. Similarly, to avoid undue hardship to adjoining property owners, TCP2-015-012-02 needs to be revised to remove the area of DSP-01002-04 from the prior TCP2 plan and worksheet, allowing the remaining area within Subarea 3 to maintain its grandfathered status. This separation will be required to be processed and approved through the Environmental Planning Section as a standalone revision to TCP2-015-01-02, prior to certification of DSP-01002-04 and TCP2-050-2023. The grandfathered worksheet on this plan should be modified by removing all of the area associated with this DSP application from the worksheet and modifying the footnote beneath accordingly. The new limits of the Subarea 3 boundary must clearly be drawn on the plan. The approval block needs to be revised on the plan by typing in all previous approval information and typing in all relevant information related to each revision.

The applicant submitted TCP2-050-2023 for review with this application, which shows the limited area associated with the current DSP application. The TCP worksheet incorrectly calculated a WCT of 20 percent and the AFT requirement of 15 percent for the M-X-T Zone for the 2.87 acres. The correct thresholds are both 15 percent; however, the total woodland conservation requirement based on the zoning, the net tract area, and the amount of clearing approved is correctly shown as 0.41 acre on the worksheet. The requirement is approved to be satisfied with 0.41 acre of off-site woodland conservation credits; 0.28 acre of which has been previously met off-site with TCP2-015-01 (which must be noted beneath the worksheet). The current worksheet template must be used on the plan. Since the prior M-X-T zoning is being applied to this application, only that zone shall be shown in the TCP2 worksheet. The correct WCT and AFT percentages must be used, which are both 15 percent. In order to determine how much off-site mitigation has already been provided for the area within the current DSP under TCP2-015-01, Environmental Planning staff determined that the woodland conservation requirement for this 2.87-acre area would have been 0.28 acre, which would have been met as part of the overall 2.62 acres of off-site woodland conservation provided for Subarea 3. The worksheet on TCP2-050-2023 should have a footnote added that states 0.28 acre of the overall 0.41-acre woodland conservation requirement for DSP-01002-04 has been previously met off-site with TCP2-015-01.

14. **Prince George's County Tree Canopy Coverage Ordinance:** Section 25-127(b)(1)(I) of the prior Zoning Ordinance states that, "Properties in a nonresidential or Transit-Oriented/Activity Center zone subject to a Detailed Site Plan or Specific Design Plan approved before September 1, 2010 or that have maintained an active grading permit since September 1, 2010," are exempt from the tree canopy coverage (TCC) requirements contained in this Division. Pursuant to this section, the TCC requirements for the T-D-O Zone shall be met through the provision of street, on-site, and other trees preserved by the property owner or provided to comply with other transit district standards and guidelines. The subject DSP provides trees along its two street frontages and additional trees in the courtyard that are in conformance with the applicable TCC requirements.

15. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and incorporated herein by reference:
- a. **Historic Preservation and Archeological Review**—The Planning Board has reviewed and adopts the memorandum dated August 28, 2023 (Stabler, Smith, and Chisholm to Huang). The Historic Preservation Section noted that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. A Phase I archeology survey will not be recommended. The subject property does not contain, and is not adjacent to, any Prince George's County historic sites or resources. This proposal will not impact any Prince George's County historic sites, historic resources, or known archeological sites.
 - b. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated December 22, 2023 (Bishop to Huang). The Community Planning Division finds that, pursuant to Section 27-548.08(c) of the prior Zoning Ordinance, this DSP application includes requests for amendments to the mandatory requirements of the T-D-O Zone that will benefit the approved development and the transit district and will not substantially impair the TDDP, because the approved multifamily use is consistent with the desired density and high-quality urban design needed to complement the Prince George's Plaza Metro Regional Transit Districts.
 - c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated December 26, 2023 (Ryan to Huang). The Transportation Planning Section offered an analysis of the prior approvals, which is incorporated into Findings 6, 10, and 11 above.

Master Plan Roads

The subject property has frontage on Toledo Road (P-202) along the northern bounds of the site. Per the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the TDDP, the portion of Toledo Road that fronts the subject property is designated as a two-lane primary roadway, with an ultimate ROW of 60 feet. The DSP submission displays the existing configuration of Toledo Road along the property's frontage with a ROW of 60 feet, which is consistent with MPOT and TDDP recommendations. This portion of Toledo Road has already been constructed, and as such, no additional ROW dedication is being pursued with this application.

The subject property also has frontage on Democracy Avenue along its eastern bounds. Democracy Avenue does not have any ROW recommendations per the MPOT or TDDP. The applicant treats Democracy Avenue as a one-way, northbound, private-access driveway. Transportation Planning staff would note that there is currently a point of vehicle entry from Garage A, along the portion of Democracy Avenue that fronts the subject property. This point of vehicle entry would be replaced by the construction of the multifamily building, leaving one location along Toledo Road for all site parking. Transportation Planning staff support this design feature as it consolidates all parking

on-site into one access point. In addition, the one-way vehicular directional movement along Democracy Avenue limits the likelihood of vehicular conflict, while establishing a more pedestrian friendly road frontage along the site's eastern bounds.

Master Plan Pedestrian and Bike Facilities

This development case is subject to the MPOT, which recommends the following facilities:

Planned Shared Roadway: Toledo Road

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

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

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

In addition, the site is subject to the TDDP. In this case, the bicycle and pedestrian recommendations contained within the TDDP supersede those made by the MPOT. Therefore, the following facilities are recommended.

Toledo Road – On-road bicycle lane – Entire length

The TDDP contains several policies and strategies provided to improve bicycle and pedestrian mobility in the plan area. The strategies relevant to the subject application are copied below (pages 80–87):

Policy TM1: Incorporate street planning and design practices that allow Complete and Green Streets to facilitate the efficient movement of people throughout the Transit District while simultaneously serving as great public spaces.

Strategy TM1.4: Provide ample sidewalks and protected bicycle facilities that give travelers multiple options through the corridor and can reduce vehicle trips. Sidewalks should, where appropriate, provide room for

outdoor dining and shopping, in addition to street furniture, queuing, and gathering.

Strategy TM1.5: Provide street trees to make streets more pedestrian-friendly and reduce urban heat island effects. Street trees should be part of an overall streetscape plan designed to provide both canopy and shade and to give special character and coherence to each street.

Strategy TM1.6: Provide a visually distinct wayfinding system for pedestrians, bicyclists, transit riders and drivers to help them reach destinations within the Transit District move easily and conveniently.

Strategy TM1.7: Provide attractive and durable street furniture such as benches, waste and recycling bins, and tables on all streets.

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

Policy TM4: Retrofit existing streets to create a street network that makes talking, bicycling, and transit use more comfortable and reliable.

Strategy TM4.3: Add the following on-street bicycle accommodations to existing streets:

The TDDP recommends a bicycle lane along the entire length of Toledo Road, which encompasses the subject property's frontage. This improvement was satisfied by PPS 4-21006 for 6400 America Boulevard (PGCPB Resolution No. 2021-137).

- d. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated December 26, 2023 (Diaz-Campbell to Huang). The Subdivision Section provided an analysis of the PPS prior approvals, as included in Findings 10 and 11 above. Subdivision staff also indicated that the property is known as Parcel H of Prince George Center, recorded in Plat Book REP 196 page 29. This plat is associated with prior PPS 4-01092. A new final plat will be required following approval of this DSP amendment.
- e. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated December 22, 2023 (Juba to Huang). The Environmental Planning Section offered the following:

Natural Resources Inventory/Existing Conditions

The site has an approved Natural Resources Inventory Plan, NRI-181-2022, which correctly shows the existing conditions of the property. According to the approved NRI, no specimen or historic trees are associated with this site. This site is not associated with regulated environmental features (REF) such as streams, wetlands, or associated buffers. However, the site is associated with a primary management area (PMA), comprised

entirely of developed County regulated 100-year floodplain (0.11 acre) situated along the northern edge of the site. The DSP is consistent with the approved NRI.

Specimen Trees

NRI-181-2022 indicates that no specimen, champion, or historic trees have been identified on the subject property, and no further information is required with this application.

Preservation of Regulated Environmental Features/Primary Management Area

Section 27-285(b)(4) of the Zoning Ordinance requires the following finding: “The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).”

At time of preliminary plan, the Planning Board approved the applicant’s request for 2,332 square feet (0.053 acre) to REF already fully impacted for the redevelopment of an existing multistory parking structure with a multifamily building. The request was for validation of existing conditions while also facilitating the construction of a new multifamily building on a portion of a significantly underutilized parking garage. The REF and impacts to PMA are entirely comprised of developed floodplain. These impacts were previously approved with PPS 4-22004 (PGCPB Resolution No. 2023-33).

No additional impacts are anticipated with this application. Environmental Planning staff find that the REF has been preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirement of Section 27-285(b)(4).

Soils

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Issue-Urban land complex, occasionally flood, and Urban land-Russett-Christiana complex (0–5 percent slopes).

No soil containing Marlboro clay is mapped on or within the immediate vicinity of this site; however, unsafe soils containing Christiana complexes have been identified on and within the immediate vicinity of this property. The soils containing Christiana complexes are contained in previously disturbed urban soils on relatively flat slopes. There are no geotechnical concerns with this project.

Stormwater Management

An approved SWM Concept Plan, 24001-2022-0, was submitted with this application from the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE). The submitted plan shows the installation of two micro-bioretenment facilities to treat and release stormwater leaving the site. No further information is required at this time regarding SWM with this DSP application.

Erosion and Sediment Control

The County requires the approval of an erosion and sediment control plan. Erosion and sediment control plans are reviewed for conformance with the Maryland Standards and Specifications for soil erosion and sediment control by the Prince George's County Soil Conservation District.

- f. **Permit Review Section**—The Planning Board has reviewed and adopts the memorandum dated November 13, 2023 (Jacobs to Huang). The Permit Review Section offered one condition, which is included in this resolution.
- g. **Prince George's County Department of Parks and Recreation (DPR)**—In an email dated October 25, 2023 (Thompson to Huang), DPR indicated that the subject property is located within the Park Service Area 2 (SA 2). The approved private recreation amenities, including an outdoor lounge, two courtyards, and a fitness center provide both active and passive recreation for future residents. DPR has no objection to the private recreational facilities, as approved.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated November 3, 2023 (Giles to Huang). DPIE provided comments pertaining to the approval of SWM. DPIE also noted that the applicant shall coordinate with the City of Hyattsville regarding any roadway improvements. Finally, DPIE indicated that water and sewer lines exist along Toledo Road, Constitution Drive, and Democracy Avenue, and abut Parcel H.
- i. **Prince George's County Fire/EMS Department**—In an email dated December 20, 2023 (Reilly to Hung), the Fire/EMS Department noted that the applicant has addressed their previous comments, and they do not have additional comments.
- j. **Prince George's County Police Department**—The Police Department did not offer comments on this application.
- k. **Prince George's County Health Department**—The Planning Board has reviewed and adopts the memorandum dated October 30, 2023 (Adepoju to Huang). The Health Department offered a health impact assessment of the approved development and comments addressing potential impact activities, such as noise and dust, extending into adjacent properties during construction. The department also notes that a raze permit should be obtained, prior to the demolition of half of Garage A.
- l. **Washington Suburban Sanitary Commission (WSSC)**—In an email dated October 30, 2023 (Snyder to Huang), WSSC offered comments regarding the subject project, which indicated that public water and sewer facilities are available to serve the development.
- m. **Washington Metropolitan Area Transit Authority (WMATA)**—WMATA did not offer comments on this application.

- n. **Public Utilities**—The subject DSP was referred to Verizon, Comcast, AT&T, the Potomac Electric Power Company (PEPCO), and Washington Gas on December 20, 2023, for review and comments. No correspondence has been received from these public utility companies.
- o. **City of Hyattsville**—The subject property is located within the geographical boundary of the City of Hyattsville. The DSP application was referred to the municipality for review. The application was heard at the City Council meeting on February 5, 2024, with final action during its February 5, 2024 meeting. City staff provided the following recommendation, on the subject application, in their staff report to the City Council:
 - “1. SUPPORT the following alternative development district standards, as noted below:
 - “a. The City Supports the applicant’s request for a modification from the design standards to locate transformers above-ground along Democracy Ave where TDDP standards require that on A Streets, B Streets, Pedestrian Streets, or Promenades, no new public utilities, including, but not limited to, transmission or distribution lines and mechanical equipment, are permitted above-ground, if applicable.
 - “b. The City Supports the applicant’s request for a modification from the design standards for building frontage that varies from 9’ - 23’ deep where the requirement for minimum frontage zone depth/build -to line, on all existing “B” Streets, is 15’ and the maximum frontage zone depth/build-to line is 20’.
 - “c. The City Supports the applicant’s request for a modification from the design standards for street light fixtures to be spaced between 40’ to 45’ apart where a maximum of 40’ is required.
 - “d. The City Supports the applicant’s request for a modification from the design standards to allow ground floor ceiling to maintain an 11’6” clearance where TDDP Standards requires the ground floor ceiling to have a minimum 14’ clearance.
 - “e. The City Supports the applicant’s request for a modification from the design standards for buildings wider than 50’ shall be designed as a series of building fronts no wider than 50’. The applicant is requesting a deviation from this standard due to the unique elements and structural constraints of the proposed development which seeks to re-purpose 50% of an existing parking garage to incorporate a multifamily building.
 - “f. The City Supports the applicant’s request for a modification from the design standards for building placement that requires 100% minimum A street, Pedestrian Street, or Promenade and 60% Minimum B street for

the side street building placement. The applicant is requesting to validate the existing conditions due to the unique nature of repurposing of an existing parking garage to incorporate a multi-family building which is further constrained by an existing retaining wall.”

City staff also recommended the following conditions of approval in their staff report to the City Council:

- “1. All transformers associated with this development shall be located subgrade within the southern courtyard pending the approval by PEPCO. Alternatively, all transformers shall be relocated further south of the northern most staircase and properly screened as indicated in Sheet DSP-25.
- “2. Prior to issuance of building permit, the applicant shall coordinate with the City of Hyattsville to finalize the building elevation along Democracy Avenue to incorporate public art features to mitigate the volume/massing of the three staircases.
- “3. The applicant shall further address plans for the designated trash collection area which we believe does not adequately safeguard interactions with pedestrians and vehicular traffic within the garage.
- “4. Prior to approval of the final plat, the applicant shall provide a public access easement to the City of Hyattsville for any sidewalk along Toledo Road not located in the ROW.
- “5. During the construction phase, the applicant shall coordinate with the City of Hyattsville as it relates to staging and hours of operation to mitigate noise, traffic and other concerns, as needed.
- “6. After the construction phase, the applicant’s heirs, successors and/or assignees shall be responsible for improvements and maintenance of areas outside of the Toledo Road ROW, which include, but not limited to the maintenance of pedestrian light fixtures, landscaping and sidewalks, unless modified by the operating agency.”

Conditions 1 and 3 have been addressed in Findings 6 and 7 above, respectively. Condition 6 is mostly related to the property’s responsibilities and is not under the purview of the Planning Board. Conditions 2, 4, and 5 are included in the conditions of this resolution. In addition, City staff recommended one consideration to the City Council, which is also added to this resolution, as follows.

- “1. Page 245 of TDDP notes that “Works of art, architectural enhancements and special landscape treatments should be located in areas where residents and visitors live, work, or congregated and should be highly visible and accessible.

Therefore, the applicant should consider the addition of an outdoor public art feature to further enhance the public street scape.”

16. **Community Feedback:** Ms. Ruth Grover, representing Mr. Macy Nelson, contacted staff multiple times for materials related to the subject DSP application, including the SOJ and plans and the Planning Board’s opinions on the approved development.
17. The subject application adequately takes into consideration the requirements of the T-D-O Zone and the TDDP. The amendments to the TDDP standards required for this development would benefit the development and the development district, as required by Section 27-548.08(c)(3), and would not substantially impair implementation of the plan.

Based on the foregoing, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if approved with conditions, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the prior Prince George’s County Code, without requiring unreasonable cost and without detracting substantially from the utility of the approved development for its intended use.

18. **Planning Board:** The Planning Board held a public hearing on this application on February 29, 2024. At the hearing, and in rendering its decision, the Board considered all written and oral testimony, along with all exhibits submitted according to the Board’s procedures.

Prior to the hearing, and in accordance with the Board’s procedures, the Town of University Park provided an exhibit (Government Exhibit 1), which expressed their support of the subject application, subject to recommendations made by the City of Hyattsville.

The hearing began with a technical staff presentation, followed by the applicant’s presentation. Mr. Grant Giel from Mr. Macy Nelson’s office registered to speak at the hearing and testified in opposition to the subject application. Mr. Giel argued that the application does not meet the purposes of Section 27-542 of the Zoning Ordinance, that it conflicts with the applicable requirements of the TDDP, that there is not sufficient evidence to support the requested modifications to the TDDP, and that the project does not comply with the requirements of Plan 2035. The Planning Board finds that staff’s analysis of the project’s conformance with the purposes of Section 27-542, as adopted on pages 13–16 of this resolution, is supported by evidence provided by the applicant and that the project conforms to the vision of the TDDP, as evaluated on page 8 of this resolution, and outweighs the arguments made by Mr. Giel. The Planning Board also reviewed and agrees with staff that the applicant has carried its burden of showing that the requirements for approving the requested modifications to the TDDP have been met and, therefore, adopts staff’s analysis and recommendation of approval, as further discussed on pages 8–11 of this resolution. The Planning Board also agrees with staff that the University Town Center has always been envisioned as a dense, walkable, mixed-use development and that the subject DSP application provides the type of vibrant development envisioned by Plan 2035.

Following this discussion, the Planning Board voted to approve DSP-01002-04 and TCP2-050-2023, subject to the recommended conditions of approval within the technical staff report.

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 Type 2 Tree Conservation Plan TCP2-50-2023, and further APPROVED Detailed Site Plan DSP-01002-04 for the above-described land, subject to the following conditions:

A. APPROVAL of the modification of standards:

1. **Streets and Frontage, Frontage Zones** (page 208): To allow the placement of the above-ground transformers within the Democracy Avenue frontage if Potomac Electric Power Company does not support locating the transformers within the southern courtyard.
2. **Streets and Frontage, Build-to Lines and Zones** (page 211): To allow for the building to deviate from the minimum and maximum frontage zone depth/build-to line along Democracy Avenue, as shown on the plan.
3. **Streets and Frontage, Street Lights** (page 234): To allow the spacing between streetlights to deviate from the required 40 feet spacing in the Downtown Core, as shown on the plan.
4. **Bulk and Height, Density and Building Height, Maximum Building Heights, Single-Story Building Height and Frontage** (page 240) and **Building Form** (Figure 27 on page 269): To allow a ground floor to ceiling height to be reduced from a minimum of 14 feet to approximately 12 feet (11 feet and 6 inches).
5. **Downtown Core Standards, Figure 27. Downtown Core Multistory: Commercial, Residential, Institutional Standards, Building Placement, Side (Side Street)** (page 269): To allow the building to deviate from the 60 percent Minimum B Street for the side street building placement along Democracy Avenue, as shown on the plan.
6. **Downtown Core Standards, Figure 27. Downtown Core Multistory: Commercial, Residential, Institutional Standards, Building Placement, Miscellaneous No. 4** (page 269): To allow the width of the building to deviate from not wider than 50 feet, as shown on the plan.

B. APPROVAL of Detailed Site Plan DSP-01002-04 for Library Apartments, subject to the following conditions and consideration:

1. Prior to certification, the applicant shall revise the detailed site plan (DSP), as follows, or provide the specified documentation:
 - a. Revise the coversheet, as follows:

- (1) Add the lot coverage of the development to the general notes on the coversheet.
 - (2) Remove “bike room, pool courtyard and pool” from Note 14, and update information for this note if necessary.
 - (3) General Notes 24 and 25 are identical, remove one of them.
 - (4) Correct the number of off-street loading spaces on the coversheet.
 - (5) Correct the approved gross floor area to 171,062 square feet, not 171,160 square feet.
 - (6) Clarify the total number of interior long-term bike parking spaces included in this development and revise, if necessary.
- b. Revise the approved on-site recreational amenity list, as follows:
- (1) Add amenities, such as table games and arts and crafts, and furniture that store these items, to the Recreational Facilities Calculation Table.
 - (2) Specify what amenities/items are included in the fitout and how these amenities/items are related to the fitness center and lounge. Revise the Recreational Facilities Calculation Table, as necessary.
 - (3) Show furniture that stores table games and arts and crafts on the plan.
 - (4) Revise the Recreational Facilities Calculation Table and the recreation future list to ensure consistency of the information contained in both.
- c. Add one dog waste station and trash and recycling bins to Democracy Avenue, in addition to those provided for Toledo Road, and show their location shown on the plan.
- d. Provide details of dog waste stations.
- e. Provide a dog drinking fountain in the approved dog run area and indicate its location on the plan with details.
- f. Provide additional seating on both Toledo Road and Democracy Avenue and indicate their location on the plan.
- g. Label the location of all existing on-site seating in Parcel H on the plan.
- h. Show the location of wayfinding signs on the plan, subject to modification by the operating agencies.

- i. Show the dimensions of the foundation limits for the remaining portion of the existing garage on the plan.
 - j. Provide the final decorative metal screen for approval by the Urban Design Section of the Prince George's County Planning Department and the City of Hyattsville if the transformers have to be located on Democracy Avenue and above the ground.
 - k. Revise the landscape plan to ensure that street trees are planted along each street with spacing of not greater than 40 feet on center, excluding driveway openings.
 - l. Note on the plans the provision of four electric vehicle parking spaces and label their locations.
 - m. Provide details of improvements to the Toledo Road façade of the remaining portion of Garage A to include additional architectural details, such as murals, decorative panels, and/or similar design features, to be reviewed and approved by the Urban Design staff and City of Hyattsville, as designee of the Planning Board.
2. Prior to certification, a separate Type 2 tree conservation plan (TCP2) application will be approved by the Environmental Planning Section of the Prince George's County Planning Department for a revision to TCP2-015-01, with the following required changes:
- a. Remove the area associated with Detailed Site Plan DSP-01002-04 from the TCP2 worksheet.
 - b. Revise the footnote under the TCP2 indicating that 2.87 acres were removed from the site with Detailed Site Plan DSP-01002-04.
 - c. Revise the Environmental Planning Section approval block to indicate that 2.87 acres were removed from the TCP2 for this revision, and type in all previous approval information, including signatures.
 - d. Add a boundary for the new limits of Subarea 3 to the plan.
3. Prior to certification, Type 2 Tree Conservation Plan, TCP2-050-2023, shall be revised as follows:
- a. Add the TCP2 number and Development Review Division case number to the approval block.
 - b. Make the following revisions to the TCP2 worksheet:

- (1) Update the worksheet on the plan using the current TCP2 worksheet template.
 - (2) Revise the zoning to reflect only the zoning being used with this detailed site plan application (prior Mixed Use – Transportation Zone and Transit District Overlay Zone).
 - (3) Add a footnote under the TCP2 worksheet stating that 0.28 acre of the overall 0.41-acre woodland conservation requirement has been previously met off-site with TCP2-015-01.
 - (4) Make the entirety of the limits of disturbance clearly identifiable on the plan.
4. Prior to issuance of the building permit, the applicant shall coordinate with the City of Hyattsville to finalize the building elevation along Democracy Avenue to incorporate public art features to mitigate the volume/massing of the three staircases.
5. Prior to approval of the final plat, the applicant shall provide a public access easement to the City of Hyattsville for any sidewalk along Toledo Road not located in the ROW.
6. During the construction phase, the applicant shall coordinate with the City of Hyattsville as it relates to staging and hours of operation to mitigate noise, traffic, and other concerns, as needed.

Consideration:

1. The applicant should consider the addition of an outdoor public art feature along the Toledo Road frontage, to further enhance the public streetscape.


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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, February 29, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of March 2024.

Peter A. Shapiro
Chairman


By Jessica Jones
Planning Board Administrator

PAS:JJ:TH:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 11, 2024