



Memo

To: Mayor and City Council

From: Holly Simmons, Acting Director, Community & Economic Development

Date: November 9, 2023

Re: Ager Road Townhomes (Hok Subdivision) – Preliminary Plan of Subdivision 2022-030

Attachments: Preliminary Plan of Subdivision 2022-030
Statement of Justification
Open Space Exhibit

The purpose of this memorandum is to provide the City Council with a summary of the preliminary plan of subdivision (PPS) application for the Ager Road Townhomes.

Project Summary

- The subject application proposes to subdivide 0.392 acres into 5 lots to accommodate five (5) single-family attached residential units (townhouses).
- The application is a minor subdivision and will not have a Planning Board hearing. The final decision will be made by the Planning Director on or before January 23, 2024.
- In accordance with Section 27-3605(a)(1) of the Zoning Ordinance, the development will not require a Detailed Site Plan (DSP), as less than 10 townhouses are proposed.

Project Description

The subject property is a 0.392-acre (17,077sf) parcel located approximately 200 feet south of the intersection of 29th Avenue and Ager Road at 5713/5715 Ager Road, Hyattsville (Figure 1). The site is zoned RSF-A (Residential, Single Family Attached) and is located in the 2006 *Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone*. The site is currently undeveloped and occupied primarily by a mowed lawn. The site is within a half mile of the West Hyattsville Metro station and is located across the street from the Kirkwood apartments. The development is being reviewed under the new zoning ordinance, which took effect on April 1, 2022.

The proposal contemplates the subdivision of two adjacent parcels to accommodate five (5) single-family attached dwelling lots along with two parcels (Parcel A and Parcel B) to be conveyed to a future homeowner's association. Townhomes are permitted by right in the RSF-A zone, with a maximum density of 16.33 dwelling units per acre of net lot area. The proposed subdivision will have a density of 12.76 dwelling units per acre.

Lots 1 through 5 are proposed to be 20' x 73'. Parcel A would contain open space area and landscape buffers. Parcel B is proposed to contain an 18-foot-wide private road/alley that would run behind the dwellings and serve as the only direct vehicular access to Ager Road (Figure 2). Dwellings will front on Ager Road, a County right of way, and no driveway access is proposed from the fronting street. The applicant has indicated that access may also be gained by foot from walkways leading to the front doors of the homes.

The applicant is requesting two forms of relief: a waiver from pedestrian and bicycle cross-access requirements and a variation from required lot depth of 150 feet, both of which are described in more detail below.



Figure 1. Subject property

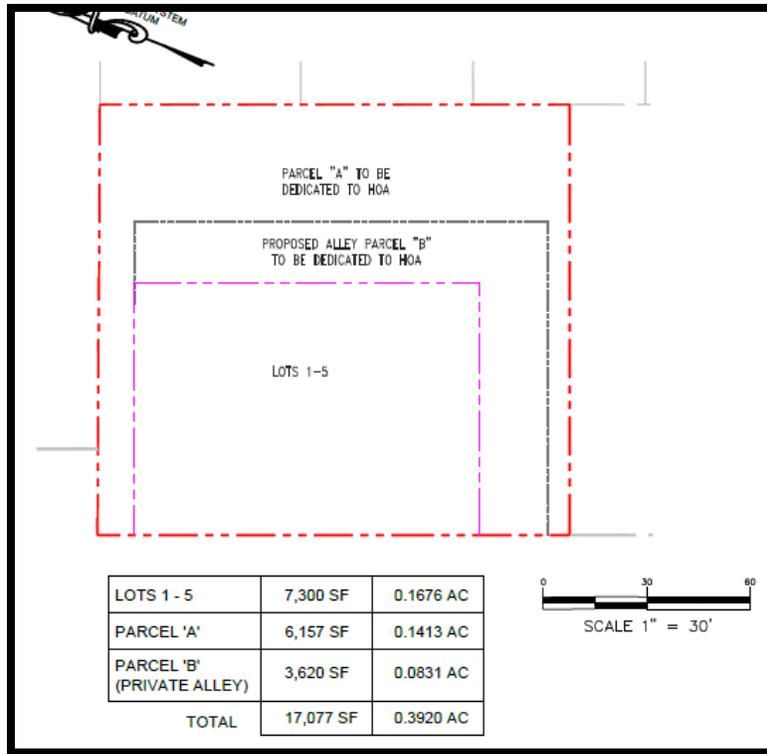


Figure 2. Lots & parcels

Environmental

Natural Resources Inventory Plan (NRI-212-2022)

NRI-212-2022 was approved for the site on January 18, 2023. The approved NRI-212-2022 indicates there are no streams, wetlands, woodlands, or floodplain onsite. The NRI notes that the site is entirely covered with a mowed lawn with no trees.

The site is not constrained by sensitive environmental features, is undeveloped, and currently contains no vegetation except mowed lawn.

Stormwater Concept Plan

In accordance with Section 24-4303(b) of the County Subdivision Regulations, a preliminary plan of subdivision shall not be approved a stormwater management concept has been approved by DPIE. SDCP 46389-2022 was approved on August 22, 2023. The SDCP calculates that the existing impervious area is 0.00 acres, and the proposed impervious area is 0.19. The proposal will treat for stormwater quality through a combination of drywells (5), non-rooftop disconnect, and jellyfish filter. The 100-year onsite detention will be addressed with an underground stormwater detention system. All stormwater practices will be located to the rear of the dwellings in areas proposed to be held in common by a homeowner's association.

City Staff recommends that development of the site be in conformance with an approved Stormwater Management Concept Plan (46389-2022) or any subsequent revisions.

Woodland and Wildlife Conservation Ordinance

A Standard Letter of Exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance was approved on February 8, 2023. S-020-2023 was issued because the property has no previous Tree Conservation Plan (TCP) approvals and is less than 40,000 square feet in size.

Landscape Manual and Tree Canopy Coverage (TCC)

The development is subject to the *Prince George's County Landscape Manual*. Landscape buffers and setbacks are not formally evaluated until the time of permitting; however, it is acceptable to show them on the PPS for the purpose of demonstrating that the lotting pattern is achievable. The applicant intends to meet landscape bufferyard requirements by providing a 10' wide landscape strip to the east of the property; and providing a 6' wide landscape buffer and opaque fencing along the north and south sides of the property. Landscaping requirements will be reviewed at the time of permit.

The Prince George's County Tree Canopy Coverage Ordinance (Subtitle 25, Division 3) requires a minimum percentage of the site to be covered by tree canopy for any development project that proposes more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties that are zoned RSF-A are required to provide a minimum of 15% of the gross tract area in tree canopy coverage, which would be 0.0588 acres for this site. Tree Canopy Coverage Ordinance requirements will be reviewed at the time of permit.

City Staff recommends the applicant use native plants materials in addressing Landscape Manual and Tree Canopy Coverage requirements.

City Staff advises that the applicant will be required to apply for a City of Hyattsville fence permit prior to fence installation. The application will be subject to review for conformance with City requirements as outlined in City Code Article II § 68-7, Fences and walls.

Open Space

The development is subject to the open space set-aside requirements of Section 27-6400. Townhouse developments zoned RSF-A are required to have a minimum 20% of the development site area set as open space. The development is providing 4,637sf (27% of the development site area) as open space. The open space is situated to the rear of the site as required by County Code 27-61203(g)(5)(A). The applicant is considering two alternate proposals including lawn, flowering trees and shrubs, pergola(s), and benches. An Open Space Exhibit is included in Council's packet.

Noise

The subject property is located adjacent to Ager Road, a master planned arterial roadway that is regulated for noise. In accordance with Section 27-6810(d) of the County Zoning Ordinance, residential lots and uses that are adjacent to existing or planned streets classified as arterial or higher shall demonstrate that outdoor activity areas are mitigated to 65 dBA during the hours of 7:00 a.m. and 10:00 p.m., and 55 dBA during the hours of 10:00 p.m. to 7:00 a.m., and that interior noise levels are mitigated to 45 dBA or less.

At time of City staff review, a noise study had been submitted; however, the noise study only shows the position of the unmitigated 65 dBA contour based on a 24-hour (dBA Ldn) noise measurement. The 55dBA contour was missing entirely.

Staff recommends that, prior to PPS approval, the locations of the mitigated and unmitigated 65 and 55 dBA Ldn lines be shown on the PPS.

Staff recommends that, prior to approval of building permits for a residential building located within the unmitigated 65 dBA Ldn noise contour and/or 55 dBA Ldn noise contour of Ager Road during the hours described by Section 27-6810(d), a certification by a professional engineer with competency in acoustical analysis be placed on the building permits outdoor activity areas will be mitigated to 65 dBA during the hours of 7:00 a.m. and 10:00 p.m., and 55 dBA during the hours of 10:00 p.m. to 7:00 a.m., and that the building shells of structures have been designed to reduce interior noise levels to 45 dBA or less.

Lighting

Exterior lighting is addressed in Section 27-6700 of the County Zoning Ordinance and will be reviewed at time of building permit.

City staff appreciates requirements of 27-6705(a-c) (Private street lighting), which require that private street lights shall be full-cut offs and shall not exceed 3000K.

City staff recommends that, at time of building permit, pedestrian-scale lighting be shown on plans along the walkways leading to the dwellings' front entries; and mounted to the building facades at front and rear entries.

Adequate Public Facilities (APF)

A review for adequacy of public facilities (APF) is being conducted under the new subdivision ordinance as required by Section 24-4500 of the Prince George's County Subdivision Regulations. Section 24-4503(a)(2) reads, "Preliminary plans of subdivision (minor or major) proposed after April 1, 2022, shall receive approval of a certificate of adequacy or conditional certificate of adequacy for each public facility subject to this Section." For a Preliminary Plan of Subdivision to be approved, a Certificate of Adequacy must be approved or conditionally approved (Sec. 24-4502(b)(2)).

Approval of a Certificate of Adequacy (COA) will be required prior to approval of this PPS. The assigned COA number for this PPS is ADQ-2022-062.

Vehicular Transportation

Traffic Study

Per the County's Transportation Review Guidelines, a Traffic Impact Study (TIS) is required if a proposed subdivision will generate 50 or more new trips during any peak hour. A TIS aims to assess the effects that a particular development will have on the surrounding transportation network beyond the boundaries of the subject development.

It is estimated the proposed development will generate 5 AM and 5 PM trips. As such, no traffic study is required.

Private Alley

The development proposes a private alley to provide vehicular access to the five dwellings. In accordance with County Code Section 24-4204(b)(1)(C), the private alley is permitted in this zone and is required to be conveyed to a property owners' or homeowners' association. An HOA is required to own and maintain site elements shared in common; however, the City will provide trash and compost services at the Ager Road street frontage.

City staff recommends that City trash and compost services be utilized, and that this be reflected in the initial structure of the HOA as applicable. City staff also recommends the applicant consider designing the dwellings with front porches with trash and compost enclosures in the design of the dwellings to facilitate easy access to Ager Road street front.

City staff recommends that, at time of permit, the applicant include in the design driveways that will facilitate and allow for standard passenger vehicles to easily exit garages and utilize private alley.

Mandatory Parkland Dedication

Section 24-4600 of the County Subdivision Regulations addresses the mandatory dedication of parkland requirement for residential development. This requirement may be met through land dedication, or through provision of recreational facilities or payment of a fee-in-lieu in certain circumstances. The applicant has proposed to meet the requirement through payment of a fee-in-lieu.

Based on the proposed density of development, five (5) percent of the net residential lot area should be required to be dedicated to M-NCPPC for public parks, which equates to 0.02 acres for public parklands. The subject property is not adjacent or contiguous to any property currently owned by M-NCPPC. County staff finds the 0.02 acres of dedicated land would not be sufficient to provide for the types of active recreational activities that are needed.

City staff supports the proposal to meet mandatory parkland dedication requirements through payment of a fee-in-lieu because the land available for dedication is not sufficient to meet the recreational needs of the projected population.

Requests for Relief

The applicant is requesting relief from the requirements of County Code Sections 27-6207(b)(1) and 27-6208(b)(1), which require that pedestrian and bicyclist cross-access be provided between the development's buildings and parking areas and those on adjoining lots containing a multifamily development.

Staff finds that, as any cross-access would lead from the rear of the proposed development to the rear of the multifamily development to the north, this waiver appears supportable due to safety factors. Pedestrian and bicycle access is provided at the property frontage.

County Code Section 24-4102(c)(1) requires that any lot adjacent to an arterial street be platted with a minimum depth of 150 feet. The overall property is only 125 feet deep; therefore, it is not possible for a new subdivision of this property to meet this requirement. A variation is nevertheless required to allow platting of the lots.

Staff finds the variation to lot depth requirements is supportable. Granting of the variation is necessary to the subdivision.

Planning Committee Review

The applicant's engineer met with the Planning Committee on December 7, 2023, to present and discuss the preliminary plan application. At the conclusion, the committee adopted the following comments:

- *The Committee recommends that the City work with County DPW&T to ensure increased pedestrian safety across Ager Road for those going to Metro and consider a traffic light at Lancer Drive.*
- *The Committee recommends the City ensure the developer applies for a City fence permit at the appropriate time.*
- *The Committee recommends the proposed alley be built to a public standard.*

Recommendation

City staff recommends supporting Preliminary Plan of Subdivision 2022-030 (Ager Road Townhomes, 5713/5715 Ager Road) subject to the following:

1. When addressing Landscape Manual and Tree Canopy Coverage requirements at time of permit, the applicant shall propose use of native plant materials.
2. At time of permit, the applicant shall include in the design driveways that will facilitate and allow for standard passenger vehicles to easily exit garages and utilize private alley.
3. At time of permit, pedestrian-scale lighting shall be shown on plans along the walkways leading to the dwellings' front entries; and mounted to the building facades at front and rear entries.
4. City of Hyattsville trash and compost services at the Ager Road frontage shall be utilized, and this shall be reflected in the initial structure of the HOA as applicable.
5. At time of permit, the applicant shall consider designing the dwellings with front porches and trash/compost enclosures to facilitate easy access to Ager Road street front.
6. Prior to approval of the Preliminary Plan of Subdivision, the locations of the mitigated and unmitigated 65 and 55 dBA Ldn lines be shown on the PPS.
7. Prior to approval of building permits for a residential building located within the unmitigated 65 dBA Ldn noise contour and/or 55 dBA Ldn noise contour of Ager Road during the hours described by Section 27-6810(d), a certification by a professional engineer with competency in acoustical analysis be placed on the building permits outdoor activity areas will be mitigated to 65 dBA during the hours of 7:00 a.m. and 10:00 p.m., and 55 dBA during the hours of 10:00 p.m. to 7:00 a.m., and that the building shells of structures have been designed to reduce interior noise levels to 45 dBA or less.
8. Development of the site shall be in conformance with an approved Stormwater Management Concept Plan (46389-2022) or any subsequent revisions.

City staff recommends supporting the applicant's request for the following relief:

1. The applicant's request for a waiver from County Code Sections 27-6207(b)(1) and 27-6208(b)(1), pedestrian and bicycle cross-access between the subject property and the multifamily property to the north.
2. The applicant's request for a variation to allow lot depths of 125 feet.

Finally, City staff advises that the applicant will be required to apply for a City of Hyattsville fence permit prior to fence installation. Fence application(s) will be subject to review for conformance with City requirements as outlined in City Code Article II § 68-7, Fences and walls.