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October 4, 2023

Prince George's County  
M-NCPPC – Development Review Division  
14741 Governor Oden Bowie Dr  
Upper Marlboro, MD 20772

Attn: Eddie Diaz-Campbell, Planner II

SUBJECT:       **Hok Subdivision  
Preliminary Plan 2022-030; ADQ-2022-062  
STATEMENT OF JUSTIFICATION**

### **OVERVIEW**

The subject property is approximately 200 feet south from the intersection of 29<sup>th</sup> Avenue and Ager Road, at 5713/5715 Ager Road, Hyattsville, Maryland. The property is identified as Lots 7 & 8, Tax Map 41, Grid E4. The subject property is 0.392 acres and zoned RSF-A (Residential single family attached). The subject property is surrounded with residential apartment developments on north, east and south with residential single family detached development and Ager Road ROW on the west side. The property is located within the Established Communities per the 2035 General Plan Growth Policy.

The existing land uses on the property consist of undeveloped, primarily a mowed lawn. The site does not contain steep slope, wetland, floodplain, or stream. There is no specimen trees or special tree species on the site. The site is flat 0-3% slope and drains from the north to the south corner toward the Ager Road ROW.

### **NATURE OF THE REQUEST**

The Applicant seeks approval of a Preliminary Plan for approximately five (5) single-family attached dwellings (townhouses).

The single-family attached layout is proposed to minimize the limit of disturbance and impact to the adjacent properties and to maximize the green area. The proposed dwellings front directly on Ager Road. An 18 feet wide private alley is proposed and runs behind the dwellings.

The proposed development will maintain the current drainage pattern. The post-development runoff for the 10-year and the 100-year storm will be stored within the underground pipe system located behind the units.

**A new zoning ordinance went into effect on April 1, 2022. The subject property is currently zoned RSF-A (Residential Single Family Attached ). Per Section 27-1904(b), the Applicant is choosing to proceed under the current zoning ordinance.**

Considering that the development proposes only five (5) lots and has no major impact to surrounding lands and is compatible with the adjacent properties; this subdivision shall be reviewed and approved as a minor subdivision by the Planning Director.

### **The purposes of the RSF-A Zone:**

**(A)**

**To provide for development in a form that supports residential living and walkability, is pedestrian oriented and is well connected to surrounding lands;**

**(B)**

**To provide development that is respectful of the natural features of the land; and**

**(C)**

**To provide development that is compatible with surrounding lands.**

**Comment:** The developer is proposing to subdivide the property into five (5) residential single family attached dwellings. A private 18 feet wide alley will serve the subdivision. Private storm drain, underground stormwater management facilities and utilities were design in accordance with the design standards.

The dwellings are designed to support walkability to the existing sidewalk along Ager Road. Furthermore, provisions have been made to facilitate pedestrian connectivity. A 5-foot concrete sidewalk and bike lane exist along with the right of way of Ager Road will provide a future connection to the adjacent development area. The ADA ramps are proposed at each side of the entrance.

This subdivision will function together and provide an aesthetically pleasing fit into the surrounding neighborhood. However, due to site restrictions, the subdivision does not provide pedestrian and bicycle access, so the waiver request was submitted.

The proposed subdivision has no major impacts and is compatible with surrounding lands. No conflicts with adjacent residential uses are anticipated.

Therefore, this Preliminary Plan promotes the purposes of the RSF-A Zone.

**The Preliminary plan should comply with standards of Section 24-4101 through 4106.**

### **Section 24-4101. General**

#### **a. Zoning Ordinance Standards**

This Preliminary Plan complies with all applicable standards in Subtitle 27: Zoning Ordinance, Part 6: Development Standards, of the County Code.

**b. Conform to Comprehensive Master Plan**

The Preliminary Plan of subdivision is not in conflict with the newly approved Area Master Plan, Sector Plan, and/or Functional Master Plan.

**c. Unsafe Land**

Land of the subdivision was not found unsafe for development. There is no potential danger of flooding and based on the geotechnical report there is no unsafe area within the near vicinity of the proposed building.

**d. Land in Reservation**

Per the applicable Area Master Plan, Sector Plan, Functional Master Plan, or the General Plan, the subject property is not placed in reservation, in accordance with Section 24-3405, Reservations.

**Comment:** The Preliminary Plan complies with all applicable standards in Subtitle 27, Part 6 of the current Code. There is no conflict with the approved Area Master Plan, Sector Plan, and/or Functional Master Plan. The proposed improvements include an underground pipe system to manage the 100-yr storm; therefore, there is no potential danger of flooding.

## **24-4102. Lot Standards**

**a. Conformance with Zoning Ordinance**

All lots in a subdivision shall be in conformance with all of the lot standards and requirements of Subtitle 27: Zoning Ordinance, applicable to the land subject to the subdivision. (See PART 27-4: Zones and Zone Regulations, of Subtitle 27: Zoning Ordinance).

**b. Minimum Lot Area Standards for Individual Systems**

If a proposed subdivision is situated in a portion of the County not planned to be served by public water and/or sewer facilities, lots shall be designed to comply with the minimum lot area standards for individual systems in Subtitle 22: On-Site Sewage Disposal Systems, of the County Code, and the Ten Year Water and Sewerage Plan.

**c. Minimum Lot Depth**

1. Lots or parcels used for residential purposes adjacent to existing or planned streets classified as arterials shall be platted with a minimum depth of 150 feet.
2. Lots or parcels used for residential purposes adjacent to existing or planned streets classified as expressways or freeways shall be platted with a minimum depth of 300 feet.
3. Adequate protection and screening from traffic nuisances shall be provided in accordance with the requirements of the Landscape Manual.

**d. Lot Design Standards**

1. Buildings and driveways shall be sited to maintain the existing grade as much as possible.

2. A variety of lot sizes and lot widths are encouraged within groupings of dwellings in order to prevent visual monotony, when appropriate.

**e. Condominium Development**

Condominium townhouses shall be designed to conform to the lot standards of these Regulations and Subtitle 27: Zoning Ordinance, for possible future conversion to fee simple lots.

**f. Outlots and Outparcels**

Provision shall be made for the eventual ownership of outlots and outparcels by incorporating them into platted lots or into adjacent parcels, or by other appropriate means.

**g. Located Wholly Within County**

All lots shall be designed to be located wholly within the County.

**Comment:** The Preliminary Plan is in conformance with all applicable standards in Section 24-4102 of the current Code and all lot standards and requirements of Subtitle 27-4 Zoning Ordinance. The development will be served by public water and sewer located at the front of the proposed dwellings. The proposed lots meet the lot design standards.

## **24-4103. Layout Design Guidelines**

To the maximum extent practicable, subdivisions shall be designed to:

- (a)** Site internal streets to maintain the existing grade.
- (b)** Ensure the spatial relationships, including between the lots and the street, recreation areas, alleys, and development on abutting lots, create the most beneficial relationship for the residents and occupants of the subdivision and abutting properties.
- (c)** Arrange lotting patterns to avoid the stacking of dwelling units, one behind the other, creating a flag lot relationship.
- (d)** Arrange lots to avoid the fronts of dwelling units facing the rear and sides of dwelling units on adjoining lots.
- (e)** Arrange lotting patterns to avoid narrow unusable common ownership parcels.
- (f)** Ensure infill lotting patterns are context-sensitive to the existing established neighborhood.
- (g)** Arrange and sufficiently set back lots and the siting of buildings to preserve views of the site characteristics from streets and abutting lands.
- (h)** Provide lot access from interior streets and easements.
- (i)** Terminate cul-de-sac at locations that will provide for a standard lotting pattern around the end of the cul-de-sac in relationship to the property line and abutting lots. Such cul-de-sac may also be permitted to provide a right-of-way for pedestrian and bicycle access pursuant to Section 27-6206(g), Pedestrian Connections, of Subtitle 27: Zoning Ordinance.
- (j)** Avoid grading that would result in retaining walls on private lots. Retaining walls should be located within common areas, or where common areas are not proposed, adequate access for maintenance shall be provided.
- (k)** Preserve trees on steep slopes and meet the woodland conservation threshold on-site.
- (l)** Locate noise fencing or walls within common areas or within homeowners' association easements on private lots when homeowners' association land is not proposed. A 10-foot-wide clear zone for maintenance and

inspection around the fence or wall shall be provided. The minimum net lot area shall be provided outside the easement area.

**(m)** Lighting techniques shall comply with Section 27-6700, Exterior Lighting, of Subtitle 27: Zoning Ordinance. In addition, lighting should be designed to decrease adverse impacts on the adjoining and abutting lands.

**(n)** Avoid public use easements for infrastructure, including sidewalks.

**Comment:** The Preliminary Plan demonstrates conformance with all applicable standards from the Layout Design Guidelines of Section 24-4103 of the current Code. The lots layout is designed to be appropriate size, shape, location, and design to fulfill its intended use. There is no proposed infrastructure easement across the site. The development proposes an 18' private alley which has a direct access to the public right-of-way, Ager Road. There is a very minimum impact the existing grade; cut/fill was balanced. The proposed grade slope is 1%-3%, sloping primarily toward Ager Road. Retaining wall would not be required. Adequate lighting will be provided to illuminate entrance and area throughout the site.

## **24-4104. Grading**

The submission of general grading plans and a Tree Conservation Plan Type 1 (TCP-1) is required for both minor and major subdivisions in order to efficiently plan the subdivision layout, which includes but is not limited to stormwater management, street grades, tree preservation, water and sewerage, and parkland. The submission of a general grading plan, at two-foot contours, shall be required with an application for a preliminary plan of major subdivision and may be required for a preliminary plan of minor subdivision, unless waived by the Planning Director.

**Comment:** The subject site entirely covered with a mowed lawn. The development was exempt from a TCP-1. The grading plan approval is pending the SWM concept approval.

## **24-4105. Historic Resources and Sites**

### **(a) Purpose**

The purpose of this Section is to preserve historic resources and sites to:

1. Protect the County's cultural heritage;
2. Increase public awareness of the County's history; and
3. Provide for the continued use of still-valuable historic resources and sites.

### **(b) General Standards**

**(1)** Significant archeological sites identified in accordance with the *Planning Board Guidelines for Archeological Review* shall be preserved in place, to the extent practicable.

**(2)** The flexibility inherent in these Regulations shall be used to protect historic resources and sites, including optional methods of development where appropriate, to design subdivisions that minimize the impact of a subdivision on historic resources and sites and promote the restoration and continued use of such resources.

**(3)** The lotting pattern of a proposed subdivision containing historic resources and sites shall be laid out to promote the long-term maintenance and access to the historic resources.

(4) A proposed subdivision containing or adjacent to a historic resource or site shall comply with the following standards:

- (A) Lots shall be designed to minimize adverse impacts of new construction on the historic resource;
- (B) Natural features (such as trees and vegetation) which contribute to the preservation of a historic resource or provide a buffer between the historic resource and new development, shall be retained; and
- (C) Protective techniques (such as limits of disturbance, building restriction lines, and buffers) shall be used.

(5) A plan for development may be required to be submitted with an application for a subdivision for the purpose of evaluating the effect of the orientation, mass, height, materials, and design of the proposed development on the environmental setting to protect the integrity of the historic resource.

**Comments:** Based on the Historic Preservation/Archeology Pre-Submittal Checklist, there are no Historic Sites or resources on or adjacent to the property.

## **24-4106. Cemeteries**

(a) A proposed preliminary plan for subdivision (minor or major) which includes a cemetery within the site, when there are no plans to relocate the human remains to an existing cemetery, shall comply with the following standards:

- (1) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.
  - (2) The layout shall promote the long-term maintenance and access to the cemetery.
  - (3) Fence or walls constructed of stone, brick, metal, or wood shall delineate the cemetery boundaries.
  - (4) If the cemetery is not conveyed and accepted into public ownership, it shall be protected by agreements sufficient to assure its future maintenance and protection. This shall include but not be limited to a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants or other agreements shall include a determination of the following:
    - (A) Current and proposed land ownership;
    - (B) Responsibility for maintenance;
    - (C) A maintenance plan and schedule;
    - (D) Adequate access; and
    - (E) Any other specifications deemed necessary to assure its future maintenance by the Planning Director.
  - (5) Appropriate measures shall be provided to protect the cemetery during the development process.
  - (6) The Planning Director shall maintain a registry of cemeteries identified during the subdivision review process.
- (b) Any cemetery approved in accordance with this Section that does not comply with the use regulations in PART 27-5: Use Regulations, of the Zoning Ordinance shall be deemed to be a certified nonconforming use unless otherwise specified by the Planning Board.

**Comments:** Based on the Historic Preservation/Archeology Pre-Submittal Checklist, there are no Historic Sites or resources or cemeteries on or adjacent to the property.

## **24-4204. Private Streets and Easements**

**(a) General** – Proposed alley is a private street and it will be built to conform to the standards in Subtitle 23: Roads and Sidewalks, of the County Code.

1. (A) – not applicable

1. (B) – not applicable

1. (C) (i) through (iv) – the development is within RSF-A zone. The development has the frontage to Ager Road which is the public ROW in width 128 ft +/- . A private alley is proposed to serve the development and it's designed per Subtitle 23: Road and Sidewalks, of the County Code. The point of access to Ager Road is approved by the Transportation Division and DPIE.

## **27-6104. Applicability of Development Standards**

Table 27-6104: Applicability of Development Standards, identifies the development standards Sections that apply to development activities in the County.

The proposed development shall comply with the following standards:

- Roadway Access, Mobility, and Circulation (Section 27-6200)
- Open Space Set-Asides (Section 27-6400)
- Landscaping (Section 27-6500)
- Fences and Walls (Section 27-6600)
- Environmental and Protection and Noise Controls (Section 27-6800)
- Multifamily, Townhouses, and 3-family Form and Design Standards (Section 27-6903)
- Neighborhood Compatibility Standards (Section 27-61200)
- Agricultural Compatibility Standards (Section 27-61300)
- Urban Agricultural Compatibility Standards (Section 27-61403)

**Comment:** The proposed development complies with all above listed standards. A waiver request was submitted for Sections 27-6207(b)(1) and 27-6208(b)(1).

## **Sec. 27-6200 Roadway Access, Mobility, and Circulation**

**27-6201. Purpose and Intent** – the development complies with the requirements referenced in Sections 27-6202 through 27-6208.

**27-6202. Consistency with Plans** – a separate site plan to show circulation is not necessary. It has been already shown on the preliminary plan and described below in 27-6206.

**27-6203. Multimodal Transportation System** – the proposed development provides a direct access to the existing sidewalk along the frontage and bike lane within the public ROW of Ager Road which will offer the future development's occupants transportation choices while enhancing safe and efficient mobility throughout the community.

**27-6204. Circulation Plan or Site Plan Required** – it is described below in 27-6206 and 27-6207.

**27-6205. Developer Responsible for On-Site Street Improvements** – a 18ft wide private alley will serve the proposed development and will be responsibility of the developer and after the construction conveyed to the HOA.

**27-6206. Vehicular Access and Circulation** – the proposed development proposes a private alley as a primary vehicular access for townhouses and have no driveway access from the fronting street.

**27-6207. Pedestrian Access and Circulation**

**(b) Pedestrian Connectivity**

All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:

(1) The internal pedestrian circulation system shall be designed to allow for pedestrian walkway cross-access between the development's buildings and parking areas and those on adjoining lots containing a multifamily, townhouse, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow multifamily residential, nonresidential, or mixed-use development (including land in the Residential, Transit-Oriented/Activity Center, and Nonresidential base and PD zones).

(2) The Planning Director may waive or modify the requirement for pedestrian cross-access where the applicant clearly demonstrates that such cross-access is impractical or infeasible due to police concerns about through-traffic routes complicating law enforcement, Environmental Site Design requirements, or the presence of any of the following at the point(s) where through-connections would otherwise be required: topographic conditions, natural features, visual obstructions or parking space locations that create traffic hazards, or the existence of mature or protected trees.

**Comment:** The subdivision is adjacent to multifamily (apartment) parcel and shall comply with the Section 27-6207 (b)(1) of the current code. The internal pedestrian connectivity between the proposed dwellings and adjacent apartment parcel shall be provided. However, due to the site design constraints, the site area is only 0.38 acres which will be primarily covered with dwellings and private alley and landscape buffer requirement between the subject site and the apartment parcel, it would not be appropriate to provide internal pedestrian connectivity. A waiver request for internal pedestrian connectivity is submitted with this application.

## **27-6208. Bicycle Access and Circulation**

### **(b) Bicycle Connectivity Between Developments**

All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:

- (1)** Any internal bicycle circulation system shall be designed and constructed to provide bicycle cross-access between it and any internal bicycle circulation system on adjoining parcels containing a multifamily, townhouse, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow townhouse, multifamily, nonresidential, or mixed-use development (including land in the Residential, Transit-Oriented/Activity Center, and Nonresidential base and PD zones).
- (2)** The Planning Director may waive or modify the requirement for bicycle cross-access on determining that such cross-access is impractical or undesirable for typical bicyclists' use due to the presence of topographic conditions, natural features, or safety factors. Undesirable conditions shall be defined as those limiting mobility for bicycles as a form of transportation, such as steep grades, narrow connections bounded on both sides by walls or embankments, or limited visibility when straight-line connections are not achievable.

**Comment:** The subdivision is adjacent to multifamily (apartment) parcel and shall comply with the Section 27-6208 (b)(1) of the current code. Bicycle cross-access between the proposed subdivision and adjacent apartment parcel shall be provided. However, due to the site design constraints, the site area is only 0.38 acres which will be primarily covered with dwellings and private alley and landscape buffer requirement between the subject site and the apartment parcel, it would not be appropriate to provide internal cross-section. A waiver request for bicycle cross-section is submitted with this application.

## **Section 27-6400 Open Space Set-Asides**

**27-6401. Purpose and Intent** - proposed recreation/gathering area was design ensuring direct resident access set-asides; enhancing the underground stormwater management pipe system and provide opportunities for people to gather.

**27-6402. Applicability** – the development is subject to the Open Space Set-Asides requirements.

**27-6403. Amount of Open Space Set-Asides Required** – The development is within RSF-A zone and a minimum 3,415 SF (20 % of development area) is required. The proposed Open space provided is 4,637 SF or 27% of the development area.

**27-6404. Areas Counted as Open Space Set-Asides** - the Open Space Set-Asides is design for people to gather, accommodate people sittings, beautifully landscaped and enhanced with benches.

**27-6405. Areas Not Counted as Open Space Set-Asides** – the proposed Open Space Set-Asides is design as a sitting ang gathering area, therefore, meets this requirement.

**27-6406. Design Standards for Open Space Set-Asides** – location and configuration of the proposed Open Space Set-Asides meets requirements in this Section. Also, each townhouse will provide a back door located next to the garage door which will be facing the Open Space Set-Asides.

**27-6407. Development in Open Space Set-Asides** – the development within the proposed Open Space Set-Asides is limited to people gathering and seating area. The total open space provided is 4,317 SF which is 27% of the development area; therefore, meets this requirement.

**27-6408. Ownership, Management, and Maintenance of Open Space Set-Asides** – the Open Space Set-Aside will be conveyed to the HOA and maintained by the HOA.

## **Section 27-6800 Environmental Protection and Noise Controls**

**27-6801. Purpose and Intent** – The proposed development complies with County environmental protection regulations referenced in Sections 27-6802 through 27-6809 and the noise control standards of Section 27-6810.

**27-6802. Natural Resource Inventory (NRI)** – NRI plan and report #212-2022 was approved on January 18, 2023.

**27-6803. Trees and Vegetation** – there is no trees on the site. The site is entirely covered with maintained grass.

**27-6804. Floodplain Management** – the site is not within the 100-yr Floodplain. However, it is subject of the 100-year control which is provided within the underground pipe system. This was approved by DPIE.

**27-6805. Erosion and Sedimentation Control-** The proposed development complies with the requirements for sedimentation and erosion control in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sedimentation Control, of the Prince George's County Code. The Concept Erosion and Sediment Control Plan #88-2023 was approved on September 13, 2023.

**27-6806. Stormwater Management** – the stormwater management wat prepared in accordance with accordance with Subtitle 32, Division 3, Stormwater Management, of the Prince George's County Code. The SWM Concept Plan has been approved by DPIE on August 22, 2023, case number 46389-2022-00.

**27-6807. Chesapeake Bay Critical Area** – the site is not within the CBCA.

**27-6808. Regulated Environmental Features** – the site is entirely covered with maintained grass and there is no regulated environmental features on the site.

**27-6809. Unsafe Lands** – based on the Soil analysis and Geotechnical Report there is no any restriction or prohibition may be due to a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes that may prevent the proposed development.

**27-6810. Noise Control** – A Phase I Noise Study was prepared and found that interior noise levels can be mitigated to be below 45dBA/Ldn.

## **27-6900 Multifamily, Townhouse, and Three-Family Form and Design Standards**

**27-6901. Purpose and Intent** - The proposed development complies with County environmental protection regulations referenced in Sections 27-6902 through 27-6903.

**27-6902. Exemptions** – exemptions from this Section does not apply to the proposed development.

### **27-6903. Multifamily, Townhouse, and Three-Family Form and Design Standards**

- (a) Site Access** – not applicable, this development consists of 5 townhouses
- (b) Location of Off-Street Parking**- no guest parking is proposed; each townhouse will provide a 2-car garage
- (c) Building Orientation and Configuration** – the proposed building (5 townhouses) is facing Ager Road.
- (d) Maximum Building Length** – the proposed is 100 ft which meets the maximum length standard of 150 ft.
- (e) Building Façades** – the proposed townhouses are design to provide wall offsets in the façade.
- (f) Roofs**- flat roofs if proposed in accordance with this section.
- (g) Building Façade Fenestration/Transparency**- the proposed townhouses are designed to meet this requirement.
- (h) Materials** – proposed townhouses meet requirements in this section.
- (i) Garage Standards** – not applicable; a 2-car garage is proposed within each townhouse.
- (j) Outdoor Activity Areas**- adequate perimeter buffer is provided with this development.

## **CONCLUSION**

The proposed subdivision has been prepared in accordance with all applicable standards of the current Code. We believe that the new layout will not have major impacts to surrounding lands and meets a minor subdivision. Therefore, the applicant respectfully requests this Preliminary Plan for a minor conventional subdivision be approved.

Respectfully,