

- The new M-NCPPC Planning Board Hearing for this application is scheduled for April 14, 2022.

Property Description

The subject property is located west of 40th Place and east of Driskell Park, within the Gateway Arts District Traditional Residential Neighborhood (TRN) Character Area. The property was an existing surface parking lot.

Total gross acreage of the Suffrage Pointe property is 8.26 acres and contains an upper site and a lower site as divided by Gallatin Street. The upper site is 3.60 acres and zoned R-55 and until recently was the site of the former WSSC headquarters to the north along Hamilton Street.

The lower site is 4.66 acres and zoned R-55. Previously, this site was zoned O-S (Open Space) but was rezoned through the approval of CSP-18002.

Previous Approvals

Conceptual Site Plan

On July 26, 2018, the Prince George's County Planning Board approved CSP-18002 through Resolution No. 18-74(a). This resolution approved the rezoning of the lower parcel from Open Space (O-S) to One Family Detached Residential (R-55). The R-55 Zone permits a maximum density of nine dwelling units per acre for single-family attached, and a maximum density of 6.7 dwelling units per acre for single-family detached. Additionally, the approved number of units for this development is as follows:

- 56 single family attached dwelling units
- 16 single family detached dwelling units
- 72 total dwelling units (max.)

The Resolution noted that the lower parcel was zoned O-S to create opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area. At the time of CSP, the applicant indicated that they had a tentative agreement to transfer approximately 1.8 acres to the City of Hyattsville for expansion of the park with this proposed development

The Hyattsville City Council voted to oppose the rezoning of the lower parcel from the O-S to R-55 Zone. Additionally, the City Council was not supportive of the recommended density of nine dwelling units per acre for single-family attached and maximum density of 6.7 dwelling units per acre for single-family detached.

Preliminary Plan of Subdivision – Upper Lot

On December 20, 2019, The Prince George's County Planning Board approved PPS-18001 through Resolution No. 2020-35. This resolution approved the 31-lot configuration developed by Werrlein within the upper lot of the property

The City of Hyattsville requested the public hearing for this application be postponed until judicial review regarding CSP-18002 had concluded. The Council asked the Planning Board to not consider the PPS application until the City's legal appeal of the parent CSP application had been resolved. The City Council argued that it is an issue of practicality; if the District Council's decision regarding CSP-18002 is overturned, PPS-18001 will be greatly affected in the standards and density requirements that are

applied. The City Council included a series of conditions for approval if the Planning Board decided to move forward with processing this application.

Detailed Site Plan – Upper Lot

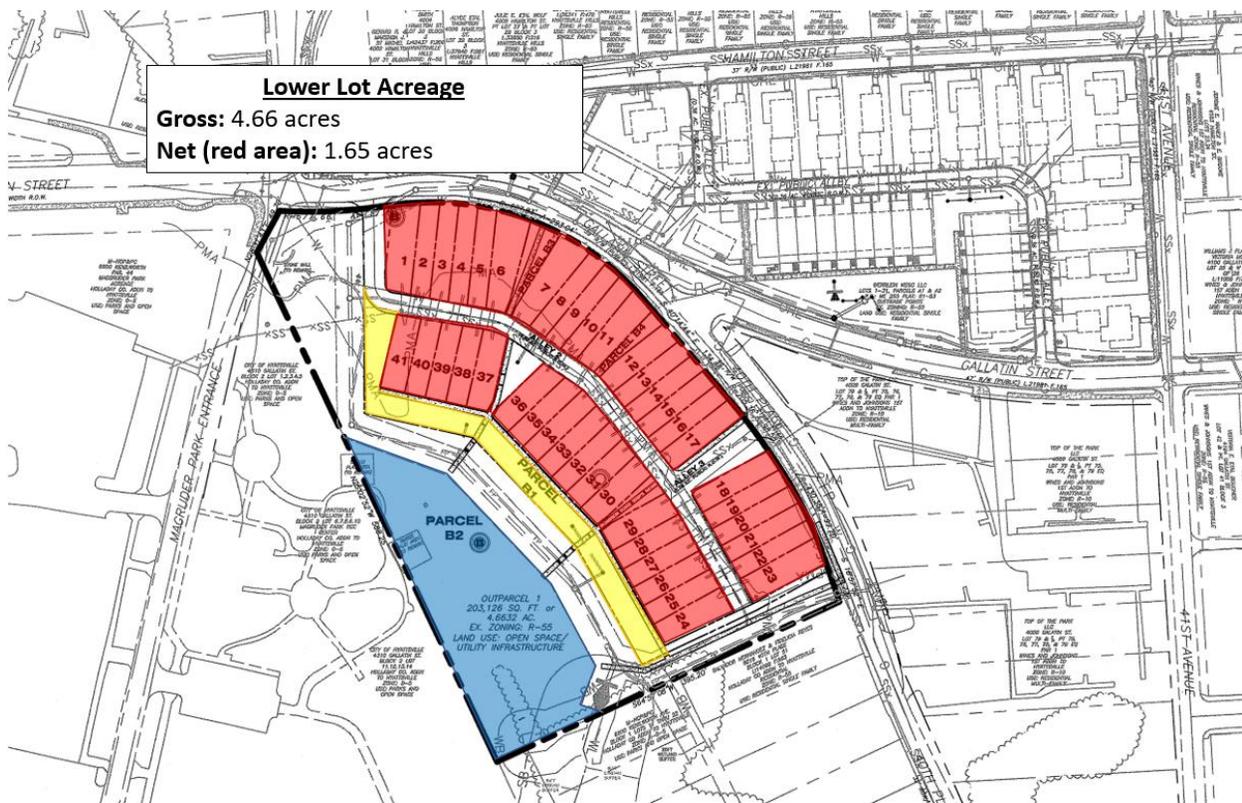
On June 18, 2020, the Prince George’s County Planning Board approved DSP-18005 through Resolution No. 2020-105. This resolution approved the development of 15 single-family attached units and 16 single-family detached units on the upper parcel.

The Hyattsville City Council again requested the Planning Board delay its consideration of the DSP application until the City’s legal appeal of the parent CSP application had been resolved. The City Council stated that the District Council’s decision to allow townhouses on an R-55 zoned property in the Traditional Residential Neighborhood is unlawful and contradictory to the intent of the Gateway Arts District. City correspondence also included conditions for approval if the Planning Board proceeded with processing the subject application.

Preliminary Plan of Subdivision – Lower Lot (Subject Application)

The applicant, through PPS 4-21052, proposes the subdivision of this site into 41 lots for townhouse development as well as two additional parcels (Parcels B1 & B2).

In the image below, the townhouse lots are highlighted in red. Parcel B1 is in yellow and Parcel B2 is in red.



The site plan also includes an alley within the interior of the site, to provide services and site access, along the rear of the proposed units.

Approved Density

As stated above, the density for the site, including both the upper and lower parcels, was approved through CSP-18002. Through this approval, both the upper and lower lots are zoned R-55. As noted in the Planning Board's Resolution No. 18-74(a), the R-55 Zone permits a maximum density of nine dwelling units per acre for single-family attached, and a maximum density of 6.7 dwelling units per acre for single-family detached. Additionally, the CSP approved a maximum of 72 total dwelling units on the property.

Note, Werrlein has requested rezoning of the property through the Countywide Map Amendment (CMA) process to RSF-A. RSF-A allows for the following:

- Single-family detached: 8.7 maximum dwelling units per net acre
- Two-family: 32.66 maximum dwelling units per net acre
- Three-family: 12.44 maximum dwelling units per net acre
- Townhouse: 16.33 maximum dwelling units per net acre

As consistent with the past City Council's decisions, City Staff testified in opposition to Werrlein Properties request at the joint hearing held on Monday, September 13, 2021.

Parcel B2

As noted above, the applicant and the City had a tentative agreement to transfer approximately 1.8 acres to the City of Hyattsville for expansion of the park with this proposed development. This area is indicated on the PPS as Parcel B2.

Through discussions with Werrlein, Staff discovered that the parcel being transferred to the City would be used as stormwater mitigation for the Suffrage Property and therefore would be rendered useless to the City. This was not City Staff's understanding at the time of CSP. The City and applicant's contract for sale of the subject parcel did not indicate that the parcel would be used for obligatory stormwater management nor that the establishment of an easement would be required.

The City Council terminated the tentative agreement for transfer of Parcel B2. There is little benefit to the City as our Staff would be responsible for maintaining a stormwater facility servicing a private residential development. There is risk associated with purchasing this land, as it would be subjected to limited use. As an area of stormwater mitigation, it cannot be altered or improved.

City Staff is recommending that Parcel B2 be dedicated as a Public Use Easement, in which the applicant shall maintain ownership of Parcel B2, but access of the parcel shall be granted to the general public. Parcel B2 shall primarily serve to provide compensatory storage for the subject parcel, but shall be used by the public through a Public Use Easement, and permitted at the City's discretion, under a separate Memorandum of Understanding.

Additionally, City Staff opposes the applicant's request to disregard the 100-year attenuation storage for the proposed development recommended by DPIE. The storing and slow releasing of surface water runoff coming from the proposed development will better control stormwater outflow into the park.

Internal Roadway

It is City Staff's recommendation that the internal roadway be built to a public standard and dedicated to the City as a public right of way. Construction and dedication of the roadway will allow the City to maintain

the roadway, rather than a Home Owners Association (HOA) bearing responsibility for the cost, maintenance and liability of the roadway. The City is recommending the PPS application be revised, or resolution be conditioned as Urban Street Design Standard Alley, STD 100.31, without modification. This will ensure the roadway can be serviced by the City's Department of Public Works, which will include sanitation services and street maintenance.

At time of dedication, the applicant must file a confirmatory deed stating that the alleyway is being publicly dedicated to the City of Hyattsville specifically.

The terminus of the alley is a concern as there does not appear to be adequate turnaround space for vehicles. This is considered a safety hazard as it may cause issues for emergency vehicles. Staff recommends a circular turnaround be included at the end of the alley. Staff supports the removal of lots 23 & 24 to make this possible.

Additionally, Staff is recommending overhead lighting be included within the alley way for safety purposes. This should include overhead lighting at the entrance/exit of the site at Gallatin Street, entrance/exit of the site on Alley 3, and at the terminus of the alley by lots 23 & 24.

Planning Committee Review

The applicant met with the Planning Committee on September 21, 2021 to present and discuss the subdivision application. The applicant was unprepared to present the application and as a result, the Planning Committee could not receive feedback on their clarifying questions or develop comprehensive recommendations to the City Council.

Maryland Court of Special Appeals

In its February 23, 2022 decision, the Maryland Court of Special Appeals upheld the District Council's determined that the District Council in its June 14, 2019 decision regarding Conceptual Site Plan (CSP) 18002:

"The decision must be reversed to the extent that it modified the density regulations on the subject property to allow "6.7 dwelling units per acre . . . for single-family detached units" and "9 dwelling units per acre . . . for single-family attached units." The District Council may not allow a density for one-family detached dwelling units that exceeds 6.7 dwelling units per net acre of net lot or tract area. The District Council may establish a density for townhouses that is different from the density for one-family detached dwelling units, but the District Council may do so only to meet the goals of the Development District and the purposes of the D-D-O Zone. The density that the District Council establishes for townhouses must be expressed as a number of dwelling units per net acre of net lot or tract area."

Based upon the Courts findings, and consistent with applicable sections of the County's Zoning Ordinance, Staff is recommending that the City Council adopt language to communicate to both the District Council and Planning Board, the City's request that the density requirements specified in the Conceptual Site Plan Resolution, and applied to the Preliminary Plan of Subdivision, shall not apply to the entire 8.26 acre development site, but shall be limited to nine (9) dwelling units per NET acre.

Recommendation

The M-NCPPC Planning Board is scheduled to conduct a hearing to consider PPS 4-21052 on Thursday, April 14, 2022, which will provide adequate time for the District Council to consider and adopt a revised CSP resolution to the parent case. Any recommendations adopted by the City Council at the March 7, 2022 meeting will be conveyed to both the District Council and the Planning Board, prior to the respective hearings.

It may be necessary to provide separate communication to the District Council, limited to the City's position with respect to the application of net acreage. City staff will clarify with District Council and the Planning Board, prior to issuance of any correspondence. Based upon the direction from the Court of Special Appeals, Staff is recommending the City Council adopt one additional condition to the City Council's previous adopted language as follows:

"I move the City Council authorize the Mayor to provide correspondence(s) to the Prince George's County District Council regarding and the Maryland-National Capital Park & Planning Commission regarding Conceptual Site Plan (CSP) 18002 and Preliminary Plan of Subdivision 4-21052. The correspondence shall express the City requests the District Council and Planning Board consider the following revisions to the application as conditions for approval:

1. The City is requesting that the Prince George's County District Council, in its revision to the resolution for the density requirements specified in the Resolution for CSP-18002, and applied to the Preliminary Plan of Subdivision, shall be limited to 6.7 units per net acre for single-family attached units and nine (9) dwelling units per net acre for 'single-family attached' or townhouse units. Furthermore, the applicant shall be required to amend applicable Preliminary Plan of Subdivision (PPS) applications to reflect the revised net acreage standards (*New condition*)
2. The City is recommending the PPS application be revised, or resolution be conditioned as Urban Street Design Standard Alley, STD 100.31. The internal alleyway shall be designed and constructed to a public standard and dedicated to the City as a public right-of-way. The site plans and any future dedication of plat shall incorporate language stating that the alleyway shall be publicly dedicated to the City of Hyattsville.
3. Per Urban Street Standards, turning radius from any roadway connecting to City roadway shall have a Minimum Turning Radius of 15'.
4. The internal alleyway shall include an adequate turnaround space for emergency vehicles. This can be achieved through the elimination of lots 23 & 24.
5. Overhead lighting shall be designed and constructed to Pepco standards for acceptance into the public utility system. The lighting shall be placed at the entrance/exit of the site at Gallatin Street, entrance/exit of the site on Alley 3, and at the terminus of the alley.
6. The applicant shall dedicate Parcel B2 for a Public Use Easement (PUE) in which the applicant shall maintain ownership of Parcel B2, but access of the parcel shall be granted to the general public. Parcel B2 shall primarily serve to provide compensatory storage for the subject parcel, but shall be used by the public, and permitted at the City's discretion, under a separate Memorandum of Understanding"