

Case No.: DSP-17041  
5200 Auth Road Retail

Applicant: 5200 Auth LLC

COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN

Pursuant to Section 25-210 of the Land Use Article, Md. Ann. Code (2012 Ed. & Supp. 2015) and Section 27-290 of the Prince George’s County Code (2011 Ed. & Supp. 2015, or as amended), the District Council issues the final decision in this Detailed Site Plan Application Number 17041 (“DSP-17041”).

DSP-17041 is a three-part request as follows:

- (1) To change the underlying zoning of the subject property from the Commercial Office (C-O) Zone to the C-S-C Zone;
- (2) To amend the use list approved with the D-D-O Zone of the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (Southern Green Line Station Area Sector Plan and SMA) to allow eating and drinking establishments or banks, with drive-through service, a gas station, and a food and beverage store, in combination with a gas station, on the subject property; and
- (3) To construct a 4,649 square-foot food and beverage store and gas station with 14 gas pumps (Royal Farms), a 3,000 square-foot eating and drinking establishment or bank, with drive-through service, and a 9,700 square-foot multi-tenant retail building with drive-through service, with amendments to development district standards, as needed.

The subject property is located on the north side of Auth Road, in the northeast quadrant of its intersection with Auth Place, in Planning Area 76A, in Councilmanic District 8. The site is also within the Development District Overlay (D-D-O) Zone designated by the Southern Green Line Station Area Sector Plan and Sectional Map Amendment. The Planning Board recommended approval of DSP-17041, but took no position on the Applicant’s request to change the underlying

zone of the subject property from the Commercial Office (C-O) Zone to the Commercial Shopping Center (C-S-C) Zone or to change the list of permitted uses within the C-S-C Zone, as set forth in the Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment to allow eating and drinking establishments or banks, with drive through service, a gas station, and a food and beverage store in combination with a gas station on the subject property. PGCPB No. 18-72. The Planning Board also took no position on the Applicant's request to approve alternate development standards, pursuant to PGCC § 27-548.26, which authorizes the District Council, not the Planning Board, to approve a request for changes to the underlying zone and the list of allowed uses. The Applicant also requested amendments to the applicable Development District Standards.

As the basis for this final decision, the District Council adopts, except as otherwise stated herein, the findings of fact and conclusions set forth by the Planning Board in PGCPB No. 18-72.

As to amendments requested by the Applicant, the District Councils finds as follows:

Request to change the underlying zone: The District Council does not concur with the analysis in PGCPB No. 18-72 regarding the Applicant's request. The District Council finds that the existing building located on the site is no longer a viable use and has become a detriment to development of land within the vicinity of the Metro Station. The District Council concurs that the C-O Zone of the property was retained because when the Southern Green Line Sector Plan was prepared and adopted, the property was improved with an office building. The District Council further finds that, as stated in the Sector Plan, the property is located in a transitional area and that the Sector Plan recommends a flexible approach to future land use outside of the areas specifically designated for TOD development. The C-S-C Zone provides for greater flexibility than the C-O zone and encourages redevelopment of the site. For these reasons, the District Council finds, as required by Section 27-548.26(b)(5), that the proposed development conforms to the recommendations of the Development District as stated in the Sector Plan, meets site plan requirements determined to be

applicable to the proposed development and does not substantially impair the implementation of the Sector Plan.

Request to amend the list of permitted uses: The District Council does not concur with the analysis in PGCPB No. 18-72 regarding the Applicant's request. The District Council supports the use changes requested by the Applicant. The Applicant has requested that a gas station in conjunction with a food and beverage store and eating and drinking establishments with a drive through be permitted to allow the development of the subject property. Based upon testimony provided at the hearing, the District Council agrees that the restriction on such uses is appropriate on properties designated as being within the actual half mile walk distance shown on Figure 26 of the Sector Plan, but the broader half mile radius from either entrance to the metro station creates an inflexibility that is in conflict with the text of the Sector Plan. As with the proposed change in zoning category, the District Council finds that that the proposed development conforms to the recommendations of the Development District as stated in the Sector Plan, meets site plan requirements determined to be applicable to the proposed development and does not substantially impair the implementation of the Sector Plan.

Alternative Development District Standards:

- A. Design Requirement II.1(A) encourages a mix of moderate and high-density development within walking distance of the transit station in order to increase transit ridership. The District Council finds that the Sector Plan clearly identified the areas which were considered to be within walking distance of the metro station and that more flexibility should be applied to properties outside the actual half mile walk distance. The Applicant's proposed development provides uses and services which are needed within the larger metro area and are appropriately located within an area that is not identified as being within the actual half mile walk distance from the metro station. Thus, while Design Requirement II.1(A) is applicable to the subject property because it is within a one-half mile radius of the metro station entrance, the District Council supports the requested amendment because the subject property is not within the actual half mile walk distance as depicted on Figure 26 of the Sector Plan.

- B. Design Requirement II.1(B) promotes the reduction of automobile dependency and road congestion. The District Council supports an amendment to this Design Requirement and finds that automobile oriented uses are not appropriate on properties within the actual half mile walk distance of the Sector Plan. However, as noted in the Sector Plan, the Branch Avenue Metro Station is a terminus station with the largest supply of parking spaces and thousands of individuals coming from subdivision and exurbs south of the station to access the Metro system. Since the proposed development will not impair the ability to implement the parcel specific TOD recommendations of the Sector Plan, prohibition of any new development of the type proposed does not serve all of the patrons of the metro area.
- C. Design Requirement II.1(C) minimizes building setbacks from the street. The District Council supports the uses proposed by the applicant and finds that the nature of the uses cannot reasonably be constructed in strict conformance to the specific build to lines established in the development standards.
- D. Design Requirement II.1(E) requires the incorporation of the design standards of Section 27A-209 to the extent deemed practicable by the District Council. Section 27A-209 sets forth general design principles of Urban Centers and Corridor Nodes. The District Council concurs with the applicant's argument, as stated in Resolution PGCPB No. 18-72 that these design principles are appropriate for development in the core of the transit district, but not for a development such as that proposed in this Detailed Site Plan which is intended to be targeted more to the commuter market and future residents/employees in the core that require the types of services proposed. The District Council further finds that the subject property is not conducive to implementing certain design standards contained in this section. Thus, the District Council finds that implementation of the general design standards outlined in Section 27A-209 is not practicable in this instance.
- E. Design Requirement II.1(F) prohibits strip commercial development, as defined in the DDOZ. The District Council finds that the proposed mix of commercial uses, which are intended to serve residents, employees and patrons of the metro station serves a valuable need, and will not substantially impair the implementation of the Sector Plan recommendations for development near the metro core.
- F. Design Requirements II.1(G) and Use Restriction II.2 prohibit

automobile drive-through or drive-up service and gas stations. The District Council has addressed the requested amendment to the list of permitted uses above.

- G. Design Requirement V establishes a minimum build-to zone and build-to line. The District Council supports the requested amendment and finds that strict application of this standard would prevent the development of the subject property with any use, given the distance between the northern property line and the face of cure along Woods Way. The setback shown on the site plan are appropriate for the uses proposed, as approved elsewhere herein.
- H. Design Requirement VI establishes minimum building heights, gross floor area, floor area ratio and density standards. The Planning Board finds that strict application of the height and FAR minimums at this location would cause undue or unreasonable economic hardship. The District Council finds that the location of the subject property outside the immediate metro core and outside the actual half mile walk distance as identified in the Sector Plan make strict application of these minimum requirements unreasonable as they would likely prevent redevelopment of the property. The District Council finds that redevelopment of the property, given its current condition, is beneficial to the Development District.
- I. Design Requirement VII establishes parking standards which prohibit surface parking between the building façade and the street, require certain landscaping along public rights-of-way and limited the number of parking spaces which can be provided. Based upon the nature of the proposed uses, the District Council finds that providing parking between the building façade and the street will benefit the proposed development. The District Council further finds that the location of the property outside the actual half mile walk distance support requiring sufficient parking to meet the typical demands of the proposed uses.

Based upon the above revised findings, the District Council concludes that the amendments requested to change the underlying zoning of the subject property to the C-S-C Zone, expand the list of allowed uses permitted for the C-S-C Zone set forth in the DDOZ to include eating and drinking establishments and banks with drive-through or drive-up service, gas stations, and food and a beverage store in combination with a gas station, and the amendments to the Development District Standards, will benefit the proposed development. The District Council also finds that the approval

of the requested amendments will further the purposes of the Development District and will not substantially impair implementation of the Southern Green Line Station Area Sector Plan. In support of these findings, the District Council adopts the analysis set forth in the Statement of Conformity of the Requested Amendments set forth in Applicant's Exhibit 6.

Upon review of the record, the District Council approves DSP-17041 as follows:

1. APPROVAL of the request to change of the underlying zone on the subject property from the Commercial Office (C-O) Zone to the Commercial Shopping Center (C-S-C) Zone.
2. APPROVAL of the request to change to the list of permitted uses of the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* to allow an eating and drinking establishments or banks, with drive-through service, a gas station, and a food and beverage store, in combination with a gas station, on the subject property.
3. APPROVAL of the following alternative development district standards:

- Design requirement II.1.(A). ;
- Design requirement II.1.(B).;
- Design requirement II.1.(C);
- Design requirement II.1.(E), to the extent applicable;
- Design requirement II.1.(F).;
- Design requirement II.1.(G);
- Use restriction waiver requested to permit gas station;
- Building Location Standard V: Build-to Zone and Build-To Line;
- Building height, GFA, FAR and Density standards to reduce building height and FAR; and
- Parking standards to allow surface parking between building façade and street, for the proposed screening to be deemed adequate, and to allow a parking ratio higher than 2.75 spaces per 1000 gross square feet.

1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made, or information be submitted:

- a. Label the locations of the bicycle parking.
- b. Clearly label the bearings and distances.
- c. Revise the landscape plan as follows:
  - (1) Extend the proposed wall for the entirety of the Section 4.2 landscape strip, excluding driveway openings, along the Auth Road frontage and provide the full number of required shade trees, or obtain alternative compliance.
  - (2) Provide the full number of required shade trees within the Section 4.2 landscape strip along the Auth Place frontage, or obtain alternative compliance.
  - (3) Demonstrate conformance to Section 4.3, Parking Lot Perimeter Landscape Strip, along the applicable portions of the northern and eastern property lines.
  - (4) Remove all Section 4.7 related information.
- d. Provide a summary table on Sheet A5.1.1 to show information of the required and provided sign face area calculation for all proposed tenant signs.
- e. Provide site plan notes as follows:
  - (1) During the demolition/construction phases of this project, no dust shall be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
  - (2) During the demolition/construction phases of this project, noise shall not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
  - (3) All commercial structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws.

- f. Coordinate all free-standing sign design to be consistent in style and materials, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
  - g. Provide eight-foot-wide sidewalks along the subject site's entire frontages of Auth Road and Auth Place, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, the Prince George's County Department of Public Works and Transportation and subject to the approval by affected utilities for any required encroachments in the PUE.
  - h. Explore providing a pedestrian connection between the property and the sidewalk along Woods Way.
  - i. Provide a 22-foot-wide drive aisle connection to all loading spaces.
2. Prior to the approval of a demolition permit for 5200 Auth Road, the applicant shall work with the Historic Preservation Section to properly document the structure of the existing office building. The documentation shall include representative floor plans and interior and exterior photographs.

ORDERED this 24<sup>th</sup> day of September, 2018, by the following vote:

In Favor: Council Members Davis, Glaros, Harrison, Lehman, Patterson, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Members Franklin and Toles.

Vote: 7-0.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON  
REGIONAL DISTRICT IN PRINCE GEORGE'S  
COUNTY, MARYLAND

By: \_\_\_\_\_  
Dannielle M. Glaros, Chair

ATTEST:

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Redis C. Floyd  
Clerk of the Council