

R E S O L U T I O N

WHEREAS, Michael L. Franklin, et ux., are the owners of a .17-acre parcel of land known as Hyattsville (Parcel A), said property being in the 16th Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on January 4, 2000, Michael L. & Debra G. Franklin filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00001, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 23, 2000, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on March 23, 2000, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plat of Subdivision 4-00001 with the following conditions:

1. Prior to approval of the final plat, either the applicant shall demonstrate that all affected agencies and/or utility companies have waived the public utility easement (PUE) requirement or the final plat shall reflect the required 10-foot PUE along US 1, except in the area of the existing building.
2. Prior to signature approval, the preliminary plat shall be revised to include the stormwater concept plan approval number and date. Development of this site shall conform to the approved stormwater concept plan, Concept #008004090.
3. Prior to the issuance of the first building permit, the applicant, his heirs, successors, and/or assigns shall provide the installation of one "Share the Road with a Bike" sign in accordance with State requirements, and upon State approval, along Alternate US 1. If the State declines the sign, this condition shall be void.
4. Prior to issuance of any permit for an associated residential use, the applicant, his heirs, successors and/or assigns shall demonstrate, to the satisfaction of the Environmental

Planning Section, that appropriate noise attenuation measures have been employed to reduce interior noise levels to 45 dBA or less in all residential areas.

5. Total development within the subject property shall be limited to a 12,250 square foot restaurant, with approximately 195 seats, or other development which is permitted within the C-S-C zone not to exceed 12,250 square feet. Any development other than that identified herein above shall require an additional Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the east side of US 1, south of its intersection with Alternate US 1.
3. Environmental - The Natural Resources Division has reviewed the above project, and offers the following comments:

There are no nontidal wetlands, streams or 100-year floodplain identified on this site. The site is in the Northeast Branch drainage basin of the Anacostia watershed.

Since the property has been fully developed for some time, this area was identified in the soil survey as a paved area; no soils were identified. A soils study may be required at time of permit at the discretion of the Department of Environmental Resources. No Marlboro clay has been identified on this site.

There are noise impacts associated with this site from three separate generators: Baltimore Avenue to the west; U.S. Route 1 Alternate to the north east; and railroad tracks to the east. Because this site is developed, and the zoning is commercial no noise study is required at this time to assess the noise corridor.

The applicant should assess the vibration corridor related to the adjacent railroad. The first step will be to show the railroad tracks on the preliminary plan. Because this is a redevelopment project, it is possible that apartments may be proposed on the upper floors of the buildings. If this is allowed under zoning and fire regulations, we recommend that the applicant employ construction techniques, such as triple pane windows, or additional insulation, to mitigate interior noise levels. At this time, no residential units are proposed and normally this would not be a concern; however the master plan designates this property for possible redevelopment with a mixed use building which may include residential units. Therefore, a noise attenuation condition is necessary.

No rare, threatened or endangered species have been identified. No designated historic or scenic roads are impacted by this proposal. No proposed greenways are affected by this proposal.

This site is not subject to the provisions of the Woodland Conservation Ordinances because the entire site is less than 40,000 square feet and is not subject to a previously approved Tree Conservation Plan. A Tree Conservation Plan is not required. A Letter of Exemption from Woodland Conservation should be obtained from the Environmental Planning Section, Countywide Planning Division, prior to application for grading permits.

The property is in Water and Sewer Category 3 and will be served by public systems.

4. Community Planning - Recognizing the longstanding commercial use of this property, the *1994 Adopted and Approved Master Plan for Planning Area 68* retained the commercial land use designation for this property. The concurrent Sectional Map Amendment placed the property in the C-S-C Zone in furtherance of the master plan land use recommendation. The master plan also places this property within the Hyattsville Town Center and specifically recommends this property for redevelopment with a two- to three-story mixed use building.
5. Parks and Recreation - The site is exempt from the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication because it is commercially zoned.
6. Trails - *The 1994 Adopted and Approved Master Plan for Planning Area 68* designates Alternate US 1 as a Class III Bikeway and recommends appropriate signage. Because Alternate US 1 is a State right-of-way, the applicant, and the applicant's heirs, successors, and/or assigns shall provide the installation of one "Share the Road with a Bike" sign in accordance with State requirements. The State Highway Administration should have the opportunity to review the proposed location to ensure that it is acceptable. The developer would purchase the sign from the State and install it in accordance with the State's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities. A note shall be placed on the final record plat that installation will take place prior to the issuance of the first building permit.
7. Transportation - US 1 (Baltimore Avenue) is a Master Plan collector within a recommended right-of-way of 80 feet. Dedication by this plan does not appear to be possible at this time since there are existing buildings within the planned right-of-way that apparently the applicant does not plan to demolish at this time. Therefore, the transportation staff would like the future right-of-way shown on the Record Plat with a note that requires dedication of the recommended right-of-way, if the Master Plan recommendation is still in effect, at such time that either one or both buildings are demolished

No traffic study was requested of the applicant nor was one submitted for review because a portion of the proposed building could be constructed by right. The findings and

recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*.

The application is a preliminary plat of subdivision for a commercial parcel which is proposed to contain a 10,250 square foot restaurant (195 seats). Using rates for quality restaurant in the Institute of Transportation Engineers' Trip Generation Manual (sixth edition), the proposed development would generate 8 AM (7 in, 1 out) and 7 PM (51 in, 26 out) peak hour vehicle trips as determined using the *Guidelines*. The site was analyzed using the following trip distribution:

US 1 from the southwest:	25%
US 1A from the south:	10%
US 1 from the north:	60%
Local streets from the west:	5%

The traffic generated by the proposed preliminary plan would impact the intersection of US 1 and US 1A. The Prince George's County Planning Board, in the *Guidelines*, has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system. The intersection of US 1 and US 1A, when analyzed under existing traffic, was found to be operating at a critical lane volume (CLV) of 1,215, or level of service (LOS) C, in the AM peak hour and at a CLV of 1,026 and LOS B during the PM peak hour. With growth in through traffic and approved development, background traffic was found to be operating at a CLV of 1,276 and LOS C in the AM peak hour and at a CLV of 1,100 and LOS B during the PM peak hour. Under total future traffic as developed using the *Guidelines*, adding the impact of the proposed development, the critical intersection was found to be operating with a CLV of 1,279 and LOS C in the AM peak hour and at a CLV of 1,115 and LOS D during the PM peak hour. Therefore, the critical intersection is operating acceptably, at LOS D or better, in both peak hours. Notwithstanding the above finding, staff recommends a trip cap condition for the property consistent with the proposed use.

The transportation recommendations in the *Planning Area 68 Master Plan* were initially determined to be at odds with the proposal. US 1 (Baltimore Avenue) is a Master Plan four-lane collector facility, with a minimum required right-of-way of 40 feet from the existing center line, or 80 feet total (US 1 is currently a 60-foot right-of-way). A second recommendation indicated an extension of Rhode Island Avenue was to be constructed as a two-lane roadway within a 70-foot right-of-way behind the subject property.

In response to an initial request by the applicant, the transportation staff treated the US 1 question as a reservation issue. Upon further discussion with Community Planning staff, however, the transportation staff determined the following:

- a. US 1 along the frontage of the subject property is currently constructed to operate as a four-lane collector roadway within the current right-of-way.
- b. The Master Plan recommendations along this section of US 1 were developed in consideration of the City of Hyattsville's desire to retain the existing facade line along US 1. If the right-of-way were to be held at 80 feet at this location, the right-of-way needs would cut 10 feet into the existing facade line.
- c. In consideration of **a.** and **b.** above, the transportation staff has determined that the Master Plan requires no additional right-of-way within this block of US 1. Therefore, additional right-of-way dedication or possible reservation is not appropriate.

The *Planning Area 68 Master Plan* includes a facility - an unlabelled commercial street extension of Rhode Island Avenue - passing behind the subject property. This facility is defined to be a 70-foot right-of-way along an unused transit right-of-way. Concern was initially raised because there is not 70 feet available between the existing CSX railroad right-of-way (which is in use and cannot be relocated) and the subject property. However, the intent of the plan was that the feasibility of the proposed commercial roadway was recommended for further study by M-NCPPC staff along with the municipalities of Hyattsville and Riverdale Park. This further study has not occurred to date, and it should occur as a part of the preparation of a development plan and detailed guidelines for the Hyattsville Town Center. As the Master Plan only recommended that a feasibility study be conducted, there does not appear to be a basis to preserve right-of-way for this roadway. Therefore, the transportation staff has no recommendation at this time regarding this roadway.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with condition capping development to that which produces no more than 8 AM and 7 PM peak hour trips.

8. Schools - The proposal is exempt from the requirements of Section 24-122.02 of the Prince George's County Subdivision Regulations because it is commercially zoned and no dwelling units are proposed. However, as has been discussed, the master plan recommends redevelopment of this site with a two- to three-story mixed use building. The Zoning Ordinance allows up to three residential units as ancillary uses (Section 27-442). The affected schools and their 5 year projected capacities are: Mount Rainier Elementary (118.43 percent); William Wirt Middle School (96.3 percent); and Bladensburg High School (75.85 percent). While the proposal does not include any residential dwellings, no adequacy fee or building delay would be necessary for up to three ancillary residential uses as allowed by the Zoning Ordinance.

9. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following.
- a. The existing fire engine service at Riverdale Fire Station, Company 7 located at 4714 Queensbury Road has a service response time of 1.71 minutes, which is within the 3.25 minutes response time guideline.
  - b. The existing ambulance service at Riverdale Fire Station, Company 7 located at 4714 Queensbury Road has a service response time of 1.71 minutes, which is within the 4.25 minutes response time guideline.
  - c. The existing paramedic service at Brentwood Fire Station, Company 4 located at 3712 Utah Avenue has a service response time of 2.42 minutes, which is within the 7.25 minutes response time guideline.
  - d. The existing ladder truck service at Cottage City Fire Station, Company 2 located at 3840 Bladensburg Road has a service response time of 2.80 minutes, which is within the 4.25 minutes response time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for engine, ambulance, ladder truck and medic service. These above findings are in conformance with the Adopted and Approved Public Safety Master Plan 1990 and the Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities.

10. Police Facilities - The proposed development is within the service area of the District I-Hyattsville station. In accordance with Section 24-122.1 (c) (1) (A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County police facilities will be adequate to serve the proposed development. This police facility will adequately serve the proposed subdivision.
11. Health Department - The Health Department offered no comments on this application.
12. Stormwater Management -The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, # 008004090, has been approved to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
13. Public Utility Easement - The applicant has received a waiver from Bell Atlantic for normally required 10-foot public utility easement (PUE). This site has an existing structure within the area required for this easement. However, this easement is not only required for Bell Atlantic. The Washington Suburban Sanitary Commission (WSSC), the Potomac

Electric Power Company (PEPCO), Washington Gas, Southern Maryland Electric Cooperative (SMECO) and Baltimore Gas and Electric (BG&E) also have interest in the public utility easement. While staff believes this easement will be difficult to provide on this property, and may not be necessary given the existing development pattern, the PUE must be provided or waived by all agencies.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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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 McNeill, seconded by Commissioner Boone, with Commissioners McNeill, Boone, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 23, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of April 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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