



PGCPB No. 12-08

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File No. 4-10023

### RESOLUTION

WHEREAS, Jara, LLC is the owner of a 4.00-acre parcel of land known as Tax Map 19 in Grid A-2 and is also known as Parcel 55, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C) Zone; and

WHEREAS, on September 2, 2011, Carl M. Freeman Retail, LLC filed an application for approval of a Preliminary Plan of Subdivision for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-10023 for 10916 Baltimore Avenue, 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 February 2, 2012, 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 February 2, 2012, 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 the Type 1 Tree Conservation Plan (TCP1-011-11), and further APPROVED Preliminary Plan of Subdivision 4-10023, 10916 Baltimore Avenue, including a Variance from Section 25-122(b)(1)(G) and a Variation from Section 24-121(a)(3) for 2 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Revise General Note 6 to reflect "Dormant Water and Sewer Category 3."
  - b. Add a note that states:

"The site does not contain regulated environmental features. The on-site features that are environmental in nature include an ephemeral stream channel and the 100-year floodplain and are not County regulated."
  - c. Revise General Note 24 to reflect that a cross access easement is required pursuant to Section 24-128(b)(9) of the Subdivision Regulations.

- d. Label "access denied" along the frontage of US 1 for Parcel B.
  - e. Label Southard Drive.
2. Prior to issuance of permits for the subject property, a limited detailed site plan shall be approved by the Planning Board or its designee, to address the following:
- a. The Baltimore Avenue streetscape design to include walls, fences, landscaping, sidewalks, signage, paving, and other such elements deemed necessary to create a vibrant and walkable thoroughfare that has a sense of place.
  - b. Pedestrian amenities within the site to include plazas, specialty paving, crosswalks, sidewalks, lighting, furniture, and other such elements deemed necessary to create safe, comfortable, inviting, pedestrian circulation throughout the site.
  - c. The location and language of signage at the exit from the site onto St. Mary's Street shall be reviewed.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 12163-2011-00 and any subsequent revisions.
4. Prior to signature approval of the preliminary plan, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
- a. Revise the scale of the plan to be consistent with the natural resources inventory and the preliminary plan.
  - b. Revise the approval block to reference the TCP number using the standard naming convention (TCP1-011-11 instead of TCPI/011/11).
  - c. Provide the following label for the stream in the legend: "Ephemeral Stream (Top of Bank)—Not County Regulated."
  - d. Show all stormwater management features consistent with approved Stormwater Management Concept Plan 12163-2011.
  - e. Update the revision block to include a description of the changes made to the plan and have the qualified professional who prepared the plan sign and date it.
5. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-011-11). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-011-11 or most recent revision), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

6. Prior to issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program;" (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

**US 1 and Southard Drive/site access:** A site access driveway shall be connected to become the fourth leg of the US 1/Southard Drive intersection. Construction of the driveway shall include an exclusive northbound left-turn lane along US 1 and any needed signal, signage, and pavement marking modifications determined to be required by the Maryland State Highway Administration (SHA). All improvements will be designed and constructed in accordance with the requirements and standards of SHA.

7. Total development within the subject property shall be limited to equivalent development which generates no more than 29 AM peak hour and 136 PM peak-hour vehicle trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
8. The applicant and the applicant's heirs, successors, and/or assignees shall construct an eight-foot-wide sidepath along the entire subject property frontage of Baltimore Avenue (US 1), unless modified by the State Highway Administration (SHA).
9. At the time of record plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
  - a. Dedicate a ten-foot-wide public utility easement (PUE) along the public rights-of-way as delineated on the approved preliminary plan of subdivision.
  - b. Dedicate right-of-way of 50 feet (10,018 square feet) from the master plan centerline along Baltimore Avenue (US 1) as delineated on the approved preliminary plan of subdivision.

- c. Dedicate right-of-way of 35 feet (6,969 square feet) from centerline along St. Mary's Street as delineated on the approved preliminary plan of subdivision.
  - d. Show a cross-parcel access easement for both proposed parcels, pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
  - e. The final plat shall reflect that direct vehicular access to Baltimore Avenue (US 1) from Parcel B is denied.
10. Residential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.

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. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	C-S-C	C-S-C
Use(s)	Vacant	Retail (28,186 square feet)
Acreage	4.00	4.00
Lots	0	0
Outlots	0	0
Parcels	1	2
Dwelling Units	0	0
Public Safety Mitigation Fee	No	No
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	Yes (Section 24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on September 16, 2011. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations was accepted on September 2, 2011, as discussed further in the Transportation section of this report, and was heard on September 16, 2011 at SDRC as required by Section 24-113(b) of the Subdivision Regulations.

3. **Community Planning**—The 2002 *Prince George's County Approved General Plan* (General Plan) designates the subject site within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of the current Prince George's County General Plan Growth Policy Update.

The 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* rezoned this property from the Commercial Office (C-O) Zone to the C-S-C Zone. The preliminary plan is in general conformance with the commercial use recommendation of the master plan by proposing an integrated shopping center.

#### **Other Issues**

While the proposed land uses on the subject property conform with the commercial land use recommendations of the Subregion 1 Master Plan, the master plan vision, urban design guidelines, and economic development strategies for the US 1 corridor are important to the review of this application. The master plan vision specifically states:

**Historically referred to as the "nation's Main Street," US 1 serves as a critical artery connecting the employment centers for Washington, D.C. and Baltimore. As a central spine of employment and service uses, the corridor functions as a main street in an economic sense but lacks the physical character and local focus of a traditional, walkable main street as well as a cohesive relationship to surrounding neighborhoods. Existing development patterns create an automobile-focused environment with an absence of pedestrian-oriented amenities.**

The property is in a designated retail streetscape zone which calls for the establishment of a consistent pedestrian-friendly streetscape oriented toward retail activities and the creation of a well-defined and visually-consistent "street wall" along US 1. Given these challenges, the subject property has the potential to set the standard for future development along this important corridor.

In summary, the Subregion 1 Master Plan envisions the US 1 corridor as a walkable "main street" with retail clustered in and around the subject property. The master plan emphasizes the importance of high-quality design to improve the pedestrian environment along US 1. Future development on the subject property presents an opportunity to improve the visual appeal and competitiveness of US 1 and can serve as an example for other development and redevelopment efforts along the corridor.

While the proposed land uses conform with the master plan's preferred land use plan, the illustrative site layout shown on the Type 1 tree conservation plan (TCP1) is not consistent with many of the master plan's policies and strategies specific to the US 1 corridor. These include establishing a consistent pedestrian-friendly streetscape oriented toward retail activities; constructing buildings with façades that front on US 1 with entrances that address an improved streetscape; locating parking behind and to the sides of buildings; and building design with form,

massing, height, siting, and fenestration that is appropriate for the corridor. The development concept as depicted on the illustrative site layout, coupled with the importance of the design and orientation of new development along the US 1 corridor, will most effectively be addressed through a limited detailed site plan to be approved by the Planning Board or its designee prior to permits.

4. **Urban Design**—The 2010 *Prince George's County Landscape Manual* and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property.

#### **2010 Prince George's County Landscape Manual**

The C-S-C-zoned parcels, with the proposed integrated shopping center, are subject to the following requirements of the 2010 *Prince's George's County Landscape Manual*: Section 4.2, Requirements for Landscaped Strips along Streets; Section 4.3., Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Compliance with these requirements will be reviewed at the time of site plan and permit review.

#### **Zoning Ordinance**

**Section 27-462, Regulations for the Commercial Zones:** The proposed parcels for commercial development are sufficient to meet the minimum regulations for the C-S-C Zone as stated in Section 27-462 of the Zoning Ordinance. However, final compliance with these requirements will be reviewed at the time of site plan and permit review.

#### **Other Design Issues**

The subject property is within the “retail streetscape” area along the US 1 corridor as described in the Subregion 1 Master Plan. The vision for this area is a “vibrant and walkable thoroughfare that has a sense of place, zones of distinct uses, a consistent streetscape, and a cohesive network of open space, trails and public focal places.” The illustrative site layout, as shown on the TCP1, presents a development pattern that is not necessarily consistent with many of the policies and strategies in the master plan for this area, such as: establishing a consistent pedestrian-friendly streetscape oriented toward retail activities; constructing buildings with façades and entrances that front on US 1 which will address an improved streetscape; locating parking behind and to the sides of buildings; and building design with form, massing, and siting that is appropriate for the corridor. A limited detailed site plan to be approved by the Planning Board or its designee is an appropriate way to analyze the site for appropriate streetscape, landscape, lighting, siting, and architecture to ensure conformance to the recommendation of the master plan.

5. **Environmental**—This preliminary plan has been reviewed for conformance to the environmental regulations within Division 5 of the Subdivision Regulations, the Woodland and Wildlife Habitat Conservation Ordinance, and the appropriate area master plan. A signed Natural Resources Inventory (NRI-015-10-01) and Type 1 Tree Conservation Plan (TCP1-011-11) for the subject property has been received and reviewed.

According to a U.S. Department of Agriculture, Natural Resource Conservation Service, Soil Survey Custom Soil Resource Report dated January 11, 2011, four soil types occur on this site and these include: Sassafras sandy loam (SaB), Sassafras-Urban land complex (SnB), Urban land-Sassafras complex (UrsB), and Woodstown-Urban land complex (WuB). Based on mapping information, Marlboro clays are not found on this site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. The site is located within the Indian Creek drainage area within the Anacostia watershed of the Potomac River basin. The site has frontage on Baltimore Avenue (US 1), a master-planned roadway designated as an arterial roadway that typically generates sufficient traffic volumes that result in noise levels over 65 dBA Ldn; however, because the proposed use is commercial, traffic generated noise was reviewed with this application. The proposed use as an integrated shopping center is not anticipated to be a noise generator. There are no scenic or historic roads in the vicinity of the site.

#### **Master Plan Conformance**

The master plan for this area is the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*. The Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance:

#### **Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

The project will meet water quality and quantity requirements in accordance with approved Stormwater Management Concept Plan (12163-2011-00) through the use of environmental site design and the use of an underground storage facility and filter.

#### **Policy 3: Implement the State Storm Water Management Act of 2007 in Subregion 1 as of the adoption of this Plan to enhance the water quality and control flooding in the Anacostia and Patuxent River watersheds.**

The Department of Public Works and Transportation (DPW&T) will further review the project for conformance with the current provisions of the Prince George's County Code which addresses state regulations.

#### **Policy 4: Implement more environmentally sensitive building techniques and reduce overall energy consumption.**

The use of green building techniques and energy conservation techniques should be utilized, but is not required.

**Policy 5: Reduce light pollution and intrusion, especially into the Rural Tier and environmentally sensitive areas.**

The site is not located in the vicinity of environmentally-sensitive areas. However, the reduction of light pollution is a goal which can be evaluated at the time of detailed site plan, through the use of full optic cut-off light fixtures.

**Policy 6: Reduce air pollution by placing a high priority on transportation demand management (TDM) projects and programs.**

The TCP1 shows the proposed location of sidewalks on the site's frontage along US 1 as an element of transportation demand management (TDM). The Transportation Planning Section will review the application further for appropriate strategies.

**Countywide Green Infrastructure Plan Conformance**

The subject property is not within the designated network of the *Approved Countywide Green Infrastructure Plan*.

**Environmental Review**

The originally approved NRI showed a regulated stream and associated wetlands. Information submitted with revised NRI-015-11-01 indicated that, upon further investigation, the wetlands originally shown do not meet the definition of wetlands (wetland areas contain hydrology, wetland vegetation, and hydric soils). This information also indicated that the on-site stream is ephemeral in nature. Staff conducted a site visit and verified that there are no wetlands on the subject property. This site visit also confirmed that the stream shown on the plan is ephemeral in nature, and not considered a regulated stream under the County Code. Additional information was provided by the applicant in the form of written correspondence from the Maryland Department of the Environment (MDE) and the Army Corps of Engineers (the regulating authorities for stream and wetland permitting purposes). Both agencies confirmed that no wetlands are located on-site, and that the stream is ephemeral in nature, per their own field investigations. The environmental features shown on the revised NRI have been reflected on the TCP1 and preliminary plan of subdivision.

The property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site is greater than 40,000 square feet in area, contains more than 10,000 square feet of woodland, and there are no previously approved tree conservation plans. A Type 1 Tree Conservation Plan (TCP1-011-11) was submitted with the review package. The project is not grandfathered with respect to the Woodland and Wildlife Habitat Conservation Ordinance effective September 1, 2010 because there are no previously approved tree conservation plans for the project.

The woodland conservation threshold (WCT) for this 4.00-acre property is 15 percent of the net tract area or 0.27 acre (the net tract area is 1.78 acres because of the presence of 2.12 acres of 100-year floodplain). The total woodland conservation requirement based on the proposed clearing



of the entire site is shown correctly on the plan as 3.03 acres. The entire requirement is proposed to be satisfied with off-site mitigation.

The plan requires technical changes to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance. The TCP1 has been provided at a different scale than the approved NRI and preliminary plan. The plans need to be revised as necessary so that all plans are shown at a consistent scale. The TCP1 approval block should be revised to show the use of the conventional number one (1) instead of the roman numeral one (I) currently shown as (TCP1-011-11 instead of TCP1/011/11). This is the numbering system identified in the current Technical Manual.

The stream shown on the plan needs to be clearly identified as an ephemeral channel. This should be done to avoid confusion as to why no stream buffer is shown on the plan. The following label should be added to the stream symbol in the legend: "Ephemeral Stream (Top of Bank)—Not County Regulated."

The TCP1 does not show all of the stormwater management environmental site design (ESD) features that are shown on the approved Stormwater Management Concept Plan (12163-2011). The approved concept plan shows nine ESD features and the TCP1 currently shows only seven. The TCP1 needs to be revised to show all stormwater management features consistent with the approved concept plan and any revision. After these revisions have been made, have the qualified professional who prepared the plans update the revision box, sign, and date the plan.

This site does not contain regulated environmental features. The on-site features that are environmental in nature include an ephemeral stream channel and the 100-year floodplain; however, by definition per Section 24-101(b)(22) of the Subdivision Regulations, the primary management area (PMA) must be associated with a regulated stream. Because the channel located on-site has been determined to be an ephemeral stream, and because ephemeral streams are not considered regulated streams by definition pursuant to Section 24-101(b)(29), no PMA is required to be shown on the site. There are no regulated environmental features on the subject property; therefore, no PMA is located on the subject property and no findings with regard to Section 24-130(b)(5) of the Subdivision Regulations are required.

It should be noted that during the review of permit applications by the Department of Public Works and Transportation (DPW&T), conformance with Section 32, Division 4 (Floodplain Ordinance) will be required.

Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned C-S-C are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 4.00 acres in size, resulting in a tree canopy coverage requirement of 0.40 acre. During the review of future development applications, the plan will be required to demonstrate conformance with Subtitle 25, Division 3, Tree Canopy Coverage Ordinance.

6. **Variance to Section 25-122(b)(1)(G)**—Type 1 tree conservation plan applications are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees, Section 25-122(b)(1)(G). If the specimen trees on-site have a condition rating of 70 or above, every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If after careful consideration has been given to the preservation of the specimen trees there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the Woodland and Wildlife Habitat Conservation Ordinance (WCO)) provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of the Code of Maryland Regulations (COMAR). An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 variance application and a statement of justification in support of a variance were stamped as received by the Environmental Planning Section on December 1, 2011.

The specimen tree table on the TCP1 shows the proposed removal of all seven specimen trees that exist on-site (Specimen Trees 1–7). The limits of disturbance on the plans also show that these trees are to be removed.

SPECIMEN, CHAMPION, AND HISTORIC TREE TABLE					
No	Common Name	DBH (inches)	Condition	Comments	Disposition
1	Princess Tree	36	Poor	Limb Breakage	Remove
2	Princess Tree	30	Good		Remove
3	Catalpa Speciosa	31	Poor	Limb Breakage	Remove
4	Ulmus ssp.	40	Good		Remove
5	Ulmus ssp.	37 & 17	Good		Remove
6	Catalpa Speciosa	30	Poor	Limb Breakage	Remove
7	Morus ssp.	32	Poor	Vines	Remove

Section 25-119(d) of the WCO contains six required findings [text in bold] to be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for all seven specimen trees as a group; however, details specific to individual trees have also been provided. Staff agrees with the approach to the analysis because there are similar concerns for the trees with respect to the required findings. The location, species, and condition of the trees have been called out separately as necessary.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

The subject site is one of the last remaining undeveloped parcels along this portion of the Baltimore Avenue (US 1) corridor. Aside from the 100-year floodplain, the specimen trees are the only environmental features of significance located on this site. There are seven specimen trees located on-site.

Specimen Trees 1 and 2 are in poor and good condition, respectively; however, they are considered invasive species according to the US Fish and Wildlife Service publication "Plant Invaders of Mid-Atlantic Natural Areas." Both trees have been identified as *Paulownia tomentosa*, commonly known as the princess tree. Invasive species are encouraged to be removed to eliminate or reduce the local seed source.

Specimen Trees 3 and 6 have been identified as *Catalpa speciosa*, commonly known as Northern catalpa. While this species is not listed as invasive, it is not a native species. This species has been naturalized, meaning that it is not native, but common in the area and does not pose the significant harm to an ecosystem that invasive species do. In addition to these trees being a species that is not native, they have also been identified as being in poor condition. Trees in poor condition that would be further affected by the stress of surrounding construction (should they be required to be preserved) are encouraged to be removed so they do not remain as a hazard.

Specimen Tree 7 has been identified as a mulberry species. While the exact species of mulberry has not been identified (and therefore its status as native, naturalized, or invasive cannot be made), this tree has been identified to be in poor condition and should be removed.

Specimen Trees 4 and 5 have been identified as elm trees. While the exact species of elm has not been identified (and therefore the status as native, naturalized, or invasive cannot be made), and while these trees have also been identified as being in good condition, they are located within the US 1 right-of-way. Required right-of-way dedication and frontage improvements in accordance with DPW&T standards are required for general health, safety, and welfare. Trees in a right-of-way that is required to be dedicated cannot be required to be preserved because the required road improvements may result in the need to remove the trees.

The conditions of the specimen trees have been outlined above. Staff supports the removal of all seven specimen trees based on the required finding indicated below. All seven specimen trees have been discussed together below.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.**

If other properties encounter trees that are similar in species, in similar locations, and condition on a site, the same considerations would be provided during the review of the required variance application.

- (C) **Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

Approving this variance will not grant the applicant a special privilege denied to others since all surrounding properties are developed or approved to be developed.

- (D) **The request is not based on conditions or circumstances which are the result of actions by the applicant;**

The existing conditions or circumstances are not the result of actions by the applicant because the applicant has taken no action on the subject property to date.

- (E) **The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

The request to remove the trees does not arise from any condition on a neighboring property.

- (F) **Granting of the variance will not adversely affect water quality.**

All proposed land development activities will require sediment control and stormwater management measures to be reviewed and approved by the county.

The project proposes to meet water quality and quantity requirements in accordance with approved Stormwater Management Concept Plan (12163-2011-00) through the use of environmental site design and the use of an underground storage facility and filter.

#### **Variance Conclusions**

Based on the preceding analysis, the required findings of Section 25-119(d) have been properly addressed for the removal of Specimen Trees 1 through 7 based on the information provided, and the variance is approved.

7. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 12163-2011-00, was approved on May 13, 2011 and is valid until May 13, 2014. The concept plan shows nine environmental site design (ESD) features and the use of an underground storage facility and filter. The approved concept plan contains conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with the approved plan or any subsequent revisions.
8. **Parks and Recreation**—In accordance with Section 24-134(3)(a) of the Subdivision Regulations, mandatory dedication of parkland requirement is not applicable because it consists of nonresidential development.

9. **Trails**—This preliminary plan has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

The Trails, Bikeways, and Pedestrian Mobility chapter of the MPOT includes Complete Streets policies regarding sidewalk construction and the accommodation of pedestrians. The MPOT, Complete Streets Policy 1, recommends standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

The subject property is within the Developing Tier as it is described in the *Prince George's County Approved General Plan*. It is located along Baltimore Avenue (US 1), and the road is currently open section at this location with no sidewalk for pedestrians and no road shoulder for bicycle use.

The MPOT recommends that Baltimore Avenue contain a sidepath and on-road bike lanes at the subject location to accommodate pedestrians and bicyclists. The applicant proposes five-foot-wide sidewalks along the subject property frontages of both Baltimore Avenue and St. Mary's Street, which is not consistent with the MPOT, which identifies a sidepath (a minimum of eight feet in width) be provided to accommodate both pedestrians and bicyclists. Bicyclists will continue to share the road or ride on the sidewalk with pedestrians at this location on Baltimore Avenue until such time that a sidepath is constructed. There is no Maryland State Highway Administration (SHA) project plan for a sidepath or on-road bike lanes along Baltimore Avenue at the subject location at this time. However, the applicant does propose adequate dedication along Baltimore Avenue so that the MPOT master-planned eight-foot-wide sidepath could to be implemented along the subject property frontage.

The MPOT, Complete Streets Policy 2, recommends that all road frontage improvements and road capital improvement projects within the Developed and Developing Tiers be designed to accommodate all modes of transportation, and that continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical. As stated previously, the applicant proposes five-foot-wide sidewalks along the subject property frontages of both Baltimore Avenue and St. Mary's Street. It is recommended that an eight-foot-wide sidepath be constructed along the subject property frontage of Baltimore Avenue with other pedestrian amenities such as benches and pedestrian-scaled lighting. The sidewalks along St. Mary's Street will be required at the time of street construction permits with the necessary frontage improvements, as determined by DPW&T.

Internal sidewalks are indicated on the conceptual TCP1 and surround each building. Connections to the internal sidewalks from the sidewalks along Baltimore Avenue (US 1) and St. Mary's Street have not been indicated. It is recommended that sidewalk connections be constructed between the parking area and the sidepath on Baltimore Avenue and the sidewalk on St. Mary's Street. It is also recommended that the proposal include an eight-foot-wide sidepath and pedestrian amenities,

such as benches and pedestrian-scaled lighting on Baltimore Avenue, which will be reviewed with the limited detailed site plan.

The MPOT and area master plan recommend sidewalk improvements and pedestrian amenities that are not addressed with this preliminary plan since a site design layout is not required at this time. A limited detailed site plan is appropriate to analyze the site for streetscape and pedestrian amenities as recommended by the area master plan and the MPOT.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

10. **Transportation**—The application is a preliminary plan of subdivision for a commercial subdivision which will contain 28,186 square feet of retail space. Using trip generation rates in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” it is determined that the proposed development would generate 73 AM and 338 PM weekday peak-hour vehicle trips. The traffic study assumes that 60 percent of trips are pass-by, and so for off-site adequacy purposes the site would generate 29 AM (18 inbound, 11 outbound) and 136 PM (68 inbound, 68 outbound) peak-hour vehicle trips. The traffic generated by the proposed preliminary plan would impact the following critical intersections:

- US 1 and MD 212 (signalized)
- US 1 and Rhode Island Avenue/Ewing Drive (signalized)
- US 1 and Southard Drive/site access (signalized)

The proposal is of sufficient size that it will generate 50 or more vehicle trips, and so a full traffic study was required and submitted by the applicant. The study is dated April 2011, and this document was referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section (M-NCPPC), consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” also termed the Transportation Guidelines.

The subject property is located within the Developing Tier as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Transportation Guidelines.

**Unsignalized intersections:** *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, when analyzed with existing traffic using counts taken in October 2010 (it is noted that the counts were less than one year old at the time of application) and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS) (AM & PM)	
US 1 at MD 212	1,382	1,375	D	D
US 1 at Rhode Island Avenue/Ewing Drive	1,271	1,352	C	D
US 1 at Southard Drive/site access	864	971	A	A

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." Background traffic has been developed for the study area using the approved but unbuilt development in the immediate area and 1.0 percent annual growth rate in through traffic along the study area roadways over a two-year period. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follow:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS) (AM & PM)	
US 1 at MD 212	1,432	1,412	D	D
US 1 at Rhode Island Avenue/Ewing Drive	1,349	1,410	D	D
US 1 at Southard Drive/site access	908	1,007	A	B

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed for the site, including the site trip generation as described above and the distribution as described in the traffic study, operate as follow:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS) (AM & PM)	
US 1 at MD 212	1,440	1,439	D	D
US 1 at Rhode Island Avenue/Ewing Drive	1,354	1,439	D	D
US 1 at Southard Drive/site access	964	1,157	A	C

No inadequacies in either peak hour are noted in the table above.

#### **DPW&T and SHA Comments**

SHA reviewed this traffic study and raised no comments or objections. SHA did note modifications to the US 1/Southard Drive intersection, including modifications to the traffic signal, will have to be coordinated with SHA. The traffic assumed that the site will receive access by means of a fourth leg to that existing intersection, and the configuration will be included as a condition.

DPW&T commented that any access from the site to St. Mary's Street should be located within the section of roadway toward US 1 that is built with 36 feet of pavement. Given that DPW&T has the right to govern the location of access along with any frontage improvements, this will not be included as a condition, but should be addressed by DPW&T through the DSP process as it relates to pedestrian movements and conflicts.

#### **Master Plan Roadways**

The site is adjacent to US 1, which is a master plan arterial roadway. The master plan for the Subregion 1 area, in which this site is located, indicates that the right-of-way is to vary between 90 and 120 feet. Given that the master plan prescribes a four-lane roadway north of Sunnyside Avenue, 100 feet is deemed to be the appropriate right-of-way width along the property's frontage. The 120-foot-wide right-of-way is intended south for the six-lane section of Sunnyside Avenue and the 100-foot-wide right-of-way is intended for the remainder of the four-lane roadway. Therefore, dedication of 50 feet from the centerline along US 1 is adequate as shown on the preliminary plan along the property's frontage.

The site also has frontage on St. Mary's Street, which has an ultimate right-of-way width of 70 feet as reflected on the preliminary plan, with the dedication of 35 feet from the centerline. Dedication and frontage improvements in accordance with DPW&T's urban commercial roadway standard will be required.

An initial concern involved the possible provision of access between the subject site and other adjacent commercial properties. It is generally desirable to provide inter-parcel access in commercial areas such as this one. Adjacent properties have not provided an opportunity for this access, and at this time enabling inter-parcel access does not appear to be present. However, an inter-parcel connection between Parcels A and B on this site is appropriate to provide access to the existing signal along the frontage of US 1 on Parcel A.



**Variation to Section 24-121(a)(3)**

Access is proposed from St Mary's Street and from Baltimore Avenue (US 1). It is noted that US 1 is a master plan arterial facility and pursuant to Section 21-121 of the Subdivision Regulations, for lots that front on arterial roadways, these lots shall be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This requirement requires an applicant to develop alternatives to direct access onto an arterial roadway. Section 24-121(a)(3) of the Subdivision Regulation states:

- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

The site has frontage on St. Mary's Street and Baltimore Avenue (US 1). Proposed Parcel B is proposing one direct vehicular access onto St. Mary's Street. Proposed Parcel A is also proposed with one direct vehicular access onto US 1 to be aligned with the existing traffic signal at US 1 and Southard Drive. Since Baltimore Avenue is an existing arterial facility, a request was submitted for a variation from Section 24-121(a)(3) for proposed access onto US 1. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of a variation request and reads as follows:

1. **The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

This access location is proposed at an existing traffic signal, thereby controlling access in a safe manner. Prohibiting this driveway access would contribute to unsignalized left-turn movements, which is a less safe situation and could lead to operational difficulties along US 1. It is noted that SHA supports this access.

2. **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The uniqueness of the property is the presence of the existing traffic signal and the opportunity to align a driveway with the existing intersection. If the signal were not available, an additional midblock unsignalized access point would be undesirable;

3. **The variation does not constitute a violation of any law, ordinance, or regulation.**

It does not appear that the access would violate any law, ordinance, or regulation. Access to US 1 is regulated by SHA. By letter dated October 11, 2011, SHA has indicated that this access location is supported.

4. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

It is noted that the zoning of the site encourages retail development, and customer access should be readily available and safely achieved. Using an existing signal on a major roadway helps to achieve this. If access for Parcels A and B were limited to St. Mary's Street, there may be adverse impacts on the residential neighborhoods to the north of the site by patrons seeking access and egress via the traffic signal, and this impact would not be desirable. For that reason, the applicant intends to prohibit left turns for vehicles leaving the site to St. Mary's Street. This makes it desirable to require a cross access easement to ensure alternative access opportunities exist for Parcel B through Parcel A to the signal on US 1. This access easement can be authorized by the Planning Board pursuant to Section 24-128(b)(9) of the Subdivision Regulations, with the denial of direct access to US 1 from Parcel B.

Based on the preceding findings, the criteria for approval of a variation has been met for proposed access onto Baltimore Avenue (US 1) for Parcel A and therefore, the variation request from Section 24-124(a)(3) is approved with the condition that direct access from Parcel B to US 1 be denied, and the record plat note that Parcels A and B are subject to a cross-access easement.

11. **Schools**—The proposed preliminary plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (County Council Resolutions CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
12. **Fire and Rescue**—The proposed preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations:

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
31	Beltsville	Engine	4911 Prince George's Avenue	0.89	3.25	Within
31	Beltsville	Ladder Truck	4911 Prince George's Avenue	0.89	4.25	Within
31	Beltsville	Ambulance	4911 Prince George's Avenue	0.89	4.25	Within
11	Branchville	Paramedic	4905 Branchville Road	4.13	7.25	Within

**Capital Improvement Program (CIP)**

The Capital Budget and Program Fiscal Years 2010–2016 proposes replacing existing Beltsville Fire/EMS station at 4911 Prince George's Avenue with a new four-bay fire/EMS station.

The above findings are in conformance with the 2008 *Adopted and Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

13. **Police Facilities**—The proposed development is within the service area of Police District VI, Beltsville. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the July 1, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using 141 square feet per 1,000 residents, it calculates 117,672 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

14. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed this property in dormant water and sewer Category 3, Community System. The property must be approved for water and sewer Category 3 through the administrative amendment procedure before approval of a final plat.

15. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments.

16. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

"Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748."

The preliminary plan of subdivision correctly delineates a ten-foot-wide public utility easement (PUE) along the public rights-of-way as requested by the utility companies and will be required on the record plat.

17. **Historic**—A Phase I archeological survey is not recommended on the above-referenced 4.02-acre property located at 10916 Baltimore Avenue in Beltsville, Maryland. The application proposes an integrated shopping center on the site. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any archeological sites and have no effect on identified historic sites, resources, or districts.

18. **Residential Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new preliminary plan is recommended. There exist different adequate public facility tests comparatively between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision. A new preliminary plan is recommended if residential development is to be proposed.
19. **Detailed Site Plan**—An integrated retail shopping center, as a permitted use in the C-S-C Zone, does not require a detailed site plan. However, as discussed throughout this report, the subject site is located within the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* that establishes the urban design guidelines and goals for the US 1 corridor. The master plan designated the site in the retail streetscape zone which calls for the establishment of a pedestrian-friendly streetscape and a well-defined “street wall” along US 1. The overall visions for the US 1 corridor is a walkable “main street” with emphasis on high-quality design to improve the pedestrian environment. The site is an undeveloped parcel along US 1 and development on the site will have the potential to set the standard for future development and redevelopment along the US 1 corridor. The proposed conceptual layout of the development on the Type 1 tree conservation plan is not consistent with many of the master plan policies and visions for the US 1 corridor. To ensure that the design guidelines and policies that the master plan has envisioned for the US 1 corridor are carried forward with this development, and set a standard for future development along the corridor, a limited detailed site plan for the subject site shall be approved by the Planning Board or its designee prior to the issuance of building permits.

Pursuant to Section 27-270 of the Zoning Ordinance, Order of Approvals, the detailed site plan (DSP) is normally required prior to approval of the final plat of subdivision. However, in this case, approval of the DSP will have no bearing on the proposed parcel's configuration. Therefore, staff recommends that the DSP could occur prior to building permits and not prior to final plat as provided for in Section 27-270(a)(5), which allows for modification of the Orders of Approval if technical staff determines that the site plan approval will not affect final plat approval.

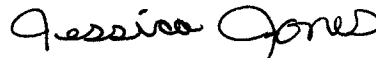
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Squire, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 2, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of February 2012.

Patricia Colihan Barney  
Executive Director



By Jessica Jones  
Planning Board Administrator

PCB:JJ:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 2/13/12