

R E S O L U T I O N

WHEREAS, NSR Properties, LLC is the owner of a 0.86-acre parcel of land known as Parcel L, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned within the Mixed Use-Infill (M-U-I) and Transit District Overlay (T-D-O) Zones; and

WHEREAS, on November 16, 2018, NSR Properties, LLC filed an application for approval of a Preliminary Subdivision Plan for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-18013 for NSR Properties, LLC 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 7, 2019, for its review and action in accordance with the Land Use Article of the 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 7, 2019, 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 Plan of Subdivision 4-18013, including a Variation from Section 24-121(a)(3), for 1 parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
  - a. Add dimensions to the centerline for the abutting rights-of-way.
  - b. Reflect the current deed as the recording reference for the property.
  - c. Note on the plans that vehicular access is denied along MD 410 (East West Highway), saving one access point to be determined at the time of detailed site plan.
2. Total development within the subject parcel shall be limited to uses which generate no more than 166 AM and 130 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities and a new preliminary plan of subdivision.

3. A substantial change to the uses or site layout on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision prior to approval any building permits.
4. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 2296-2018-00, and any subsequent revisions.
5. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following unless modified by the road operating agency:
  - a. An eight-foot-wide sidewalk along the frontage of MD 410 (East West Highway) shall be included on the Detailed Site Plan unless modified by the Planning Board and/or District Council in accordance with Section 27-548.08 of the Zoning Ordinance.
  - b. A 10-foot-wide cycle track along the frontage of Belcrest Road shall be included on the Detailed Site Plan unless modified by the Planning Board and/or the District Council in accordance with Section 27-548.08 of the Zoning Ordinance.
6. Prior to approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the required adequate pedestrian and bicycle facilities, as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations and the cost cap in Part (c), have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
  - a. Restriping of the crosswalk and installation of appropriate signs along Belcrest Road at the intersection with the Metrorail entrance.
7. Prior to approval of a detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide an exhibit that illustrates the location, limits, and details of the off-site bicycle and pedestrian impact statement improvements along Belcrest Road, consistent with Section 24-124.01(f) of the Subdivision Regulations.
8. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Grant a 10-foot-wide public utility easement along MD 410 (East West Highway) and Belcrest Road.
  - b. Note the Prince George's County Planning Board's approval of a Variation from Section 24-121(a)(3) of the Subdivision Regulations for one direct access point to MD 410 (East West Highway).

- c. Delineate that vehicular access is denied along MD 410 (East West Highway), saving one access point, as determined with the detailed site plan.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is a legal acreage parcel being 37,516 square feet (0.86 acre) recorded in Liber 31944 at folio 21, which resulted from the resubdivision of Parcel L recorded in Plat Book REP 206-66 on May 19, 2005 and is located on Tax Map 42 in Grid A-2. The site is subject to the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Prince George's Plaza TDDP/TDOZMA) and is within the Mixed Use-Infill (M-U-I) and Transit District Overlay (T-D-O) Zones. The site is currently improved with a 2,985-square-foot gas station with a food and beverage store.

This application includes the demolition of the existing structures and construction of a new gas station with a food and beverage store and office space totaling 9,580 square feet of gross floor area. The increase in square footage necessitates the approval of this preliminary plan of subdivision (PPS).

Access to the site is via MD 410 (East West Highway), a 120-foot-wide master-planned arterial right-of-way, which abuts the subject site to the north. Section 24-121(a)(3) of the Subdivision Regulations requires that, when lots or parcels are located on land adjacent to an existing or planned arterial or higher classification, they shall be designed to front on either an interior street or a service road. Direct vehicular access onto MD 410 requires approval of a variation by the Prince George's County Planning Board, as discussed further in the Variation finding.

3. **Setting**—The property is located at the southwest quadrant of the intersection of MD 410 (East West Highway) and Belcrest Road. The site is bounded to the north by MD 410 and the Mall at Prince George's beyond; to the west and south, the site is bounded by the Belcrest Center mixed-use development, which includes retail and residential uses along with the Prince George's Plaza Metro Station and associated parking structure; and to the east, the site is bounded by Belcrest Road, a master-planned collector right-of-way and commercial/retail uses beyond. All adjacent development is located within the M-U-I and T-D-O Zones.

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	M-U-I/T-D-O	M-U-I/T-D-O
Use(s)	Commercial	Commercial
Acreage	0.86	0.86
Lots	0	0
Parcels	1	1
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 November 30, 2018. The variation request was accepted on December 17, 2018 and heard at the January 11, 2019 SDRC meeting, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—Special Exception SE-691 was originally approved for a gas station on the subject property in 1961. The existing buildings on-site were built in conformance with that approval. This special exception was revised in 1979 for a kiosk on-site. Subsequently, Special Exception SE-3885 was approved for the subject property in 1989 for the purpose of adding a freestanding automatic car wash on-site and revising the gas station layout; however, the site was never developed as approved.

The 1992 Prince George's Plaza TDDP implemented a T-D-O Zone on the subject property, but retained the existing underlying Commercial Shopping Center (C-S-C) Zone. At that time, per Section 27-548.09 of the Prince George's County Zoning Ordinance, SE-3885 became null and void with respect to future development. The existing gas station was certified as a nonconforming use through NCGS-14, approved by the Prince George's County District Council on June 13, 1995.

The 1998 Prince George's Plaza TDDP rezoned the subject property from the C-S-C Zone to the Mixed Use-Transportation Oriented (M-X-T) Zone, but retained the T-D-O Zone. A separate permit, 8749-99-CG, approved the addition of a drive-up automated teller machine (ATM) on the south side of the building in 2000.

Conceptual Site Plan CSP-13003, Detailed Site Plan DSP-12062, and Alternative Compliance AC-13018 were heard collectively by the Planning Board on December 5, 2013. The applications proposed to revise the existing gas station and food and beverage store to permit a 1,192-square-foot, drive-through, automatic car wash on the site, which included a request to amend the Table of Uses of the 1998 Prince George's Plaza TDDP. The Planning Board voted to approve CSP 13003, DSP-12062, and AC-13018, excluding the car wash. None of the conditions of approval for the previous applications are relevant to the review of this case because the site

was rezoned from the M-X-T Zone to the M-U-I Zone with the adoption of the 2016 Prince George's Plaza TDDP/TDOZ.

6. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan 2035) designates eight centers with extensive transit and transportation infrastructure and the long-term capacity to become mixed-use, economic generators for the County as Regional Transit Districts. The centers were selected based on a quantitative analysis of 31 indicators that assessed the capacity and potential of each center to support future growth and development. This application is in the Prince George's Plaza Regional Transit District. Plan 2035 recommends directing the majority of future employment and residential growth in the County to the Regional Transit Districts. These medium- to high-density areas are envisioned to feature high-quality urban design, incorporate a mix of complementary uses and public spaces, provide a range of transportation options (such as Metro, bus, light rail, bike, and car share) and promote walkability. They will provide a range of housing options to appeal to different income levels, household types, and existing and future residents (page 19). The property is also within a designated Employment Area. Plan 2035 describes Employment Areas as areas commanding the highest concentrations of economic activity in four targeted industry clusters: healthcare and life sciences; business services; information, communication and electronics; and the Federal Government (page 106).

#### **Master Plan and Transit District Overlay Zone Map Amendment/Zoning**

The 2016 Prince George's Plaza TDDP/TDOZMA recommends mixed-use land uses on the subject property. The vision for the T-D-O Zone is "A vibrant new integrated and compact mixed-use Regional Transit District for Prince George's County with a variety of housing, employment, retail, and entertainment choices" (page 70). The TDDP/TDOZMA contains the following strategies applicable to the subject property:

**Strategy LU4.1: Frame streets in the Downtown Core with mixed-use buildings containing active-ground uses, such as retail, community spaces, and institutions to enliven these key routes.**

**Strategy LU4.3: Concentrate the largest buildings at key intersections and near the Metro station.**

The TDDP/TDOZMA reclassified the subject property into the M-U-I Zone, while retaining it within the superimposed T-D-O Zone. In reclassifying this property, the TDOZMA includes the following justification (page 180) for a change in zoning for the subject property from C-S-C and M-X-T to M-U-I:

"The outer properties in this zoning change are located in the Downtown Core of the Transit District, are considerably underdeveloped considering their proximity to a transit station, have auto-oriented uses that are incompatible with a walkable downtown environment, and are envisioned for a significantly increased intensity of development and mix of uses. These two commercial parcels surround the Metro station, which is significantly underdeveloped with available air rights above the parking structure and

platforms, and an underdeveloped retail frontage that does not embrace MD 410 (East West Highway) as envisioned by this TDDP. This rezoning permits these properties to *retain the uses that they have on an interim basis while they transition, as the market allows, to the walkable urban products the real estate market increasingly demands* [emphasis added]. The M-U-I Zone, coupled with the Transit District Standards, permits a range of uses in a variety of buildings, creating the flexibility most conducive to development and redevelopment.”

This subdivision conforms to the TDDP and is platted in conformance with the requirements of the T-D-O Zone. While the TDOZMA Use Table does permit office and food and beverage uses, in general, the TDDP does not permit the gas station or a food and beverage store in combination with a gas station. The applicant will need to apply for, and the District Council must approve, an amendment to the T-D-O Zone Use Table to add a new gas station at the time of DSP.

7. **Stormwater Management**—In accordance with Section 24-130 of the Subdivision Regulations, a Stormwater Management (SWM) Concept Plan and Letter (2296-2018-00), approved by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), were submitted with the subject application and expires on August 7, 2021. The plan shows an underground SWM area and one micro-bioretenention facility located on the northeastern portion of the property. Development must conform to the approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding do not occur.
8. **Parks and Recreation**—Pursuant to Section 24-134 of the Subdivision Regulations, mandatory dedication of parkland is not required because this application is not a residential subdivision.
9. **Trails**—This PPS has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Prince George’s Plaza TDDP/TDOZMA for implementation of planned trails, bikeways, and pedestrian improvements that may affect the property.

#### **Master Plan Compliance and Prior Approvals**

The MPOT calls for continuous standard or wide sidewalks, with on-road bicycle facilities, along MD 410 (page 28). An eight-foot-wide sidewalk along the site’s frontage of MD 410, consistent with the MPOT is required. This improvement should be constructed through the Maryland State Highway Administration’s (SHA) access permit process. The eight-foot-wide sidewalk shall be depicted on future DSP submissions. While the MPOT also calls for on-road-bicycle facilities, the MPOT acknowledges that providing a full bicycle lane may not be possible due to right-of-way constraints. Generally, bicycle lanes are provided by SHA through striping.

The TDDP has some specific guidelines for the frontage of MD 410. The frontage along MD 410 contains three elements: a minimum six-foot-wide tree and furnishing zone, a minimum six-foot-wide sidewalk clear zone, and a variable-width retail, residential, and/or buffer zone. Collectively, the TDDP requires a 20-foot-wide minimum, 25-foot-wide maximum frontage requirement along MD 410. Improvements along this right-of-way consistent with the TDDP

shall be provided and constructed in coordination with SHA's access permit process. The three required frontage components shall be delineated with the DSP submission.

The TDDP also has specific guidelines for the frontage of Belcrest Road. The TDDP recommends a 10-foot-wide cycle track on the west side of Belcrest, adjacent to the sidewalk abutting the subject property. The cycle track along Belcrest Road, consistent with the TDDP is required. This improvement shall be delineated with the DSP submission.

The frontage requirements along the west side of Belcrest Road contain three elements which integrate the above mentioned 10-foot-wide off-street cycle track: a minimum six-foot-wide tree and furnishing zone, a minimum five-foot-wide sidewalk clear zone, and a variable-width retail, residential, and/or buffer zone. Collectively, the TDDP requires a 28-foot-wide minimum, 33-foot-wide maximum frontage requirement along Belcrest Road. Improvements along this right-of-way, consistent with the TDDP, shall be provided and constructed in coordination with the Prince George's County access permit process. The three required frontage components shall be delineated with the DSP submission.

During the Planning Board hearing on February 8, 2019, the applicant submitted revised conditions clarifying the Planning Board and/or District Council's ability to modify the 8-foot-wide sidewalk and 10-foot-wide cycle track at the time of Detailed Site Plan in accordance with Section 27-548.08 of the Zoning Ordinance. Though Section 27-548.08 does allow the Planning Board and/or District Council to amend the development standards of the Transit District Development Plan, the distinction between the recommendations, as they relate to adequacy at the time of PPS, and standards of the TDDP, as they relate to modification at the time of DSP, must be made. While the adequacy and TDDP requirements are related with this project, they must be separately considered. As recommendations of the MPOT and the TDDP, the implementation of the 8-foot-wide sidewalk and 10-foot-wide cycle track is an adequacy requirement pursuant to Section 24-124.01 of the Subdivision Regulations and may only be amended by the road operating agency. Conversely, the minimum and maximum frontage zone depth requirements (pg. 211) stated previously are standards of the TDDP and are subject to modification pursuant to Section 27.548.08 of the Zoning Ordinance. The condition for implementation of the improvements is inclusive of both requirements.

The TDDP (page 79) recommends a circulation system "...oriented toward pedestrians—the people who shop, work, live, eat, and visit the Transit District—with a fully formed transportation network that permits bicyclists, drivers, and transit riders easy access to the full range of opportunities Prince George's Plaza has to offer." Currently, four vehicular access points serve the subject property, two from MD 410 and two from Belcrest Road. At least one vehicular access point from each right-of-way should be considered with the recommendation that the driveways nearest to the intersection be removed. Doing so would improve pedestrian and cyclist safety along US 1 (Baltimore Avenue) by eliminating conflict points between pedestrians and vehicles. This is further discussed in the Variation finding.

#### **Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements**

Due to the location of the subject site within the Prince George's Plaza Metro Center, the application is subject to Prince George's County Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) of the Subdivision Regulations includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements.

The amount of the cost cap is determined pursuant to Section 24-124.01(c):

**The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.**

Based on this requirement and the 9,580-square-foot development, the cost cap for the application is \$3,353.

A Bicycle and Pedestrian Impact Statement (BPIS) agreement was scoped on August 29, 2018 and, working in partnership with the Prince George's County Department of Public Works and Transportation (DPW&T) and the City of Hyattsville, three options for BPIS improvements were explored: (1) constructing the gap in the sidewalk located along the northside of MD 410 at the western edge of the Church of Jesus Christ of Latter Day Saints, (2) adding a crosswalk and new pedestrian ramps at the entrance of the Shoppes at Metro center, and (3) refreshing the existing crosswalk solid lines at the intersection of Belcrest Road and the Metrorail station entrance and providing adequate pedestrian signage approaching the intersection, per DPW&T standards.

The gap in the sidewalk along the north side of MD 410 was recently constructed by SHA, so it is not a BPIS option. The construction of a crosswalk and pedestrian ramps at the entrance of the Shoppes at Metro center would exceed the BPIS cost cap, so it is not a BPIS option. Based on the recommendation of DPW&T, restriping the crosswalk and installation of appropriate signs is the best option for bicycle and pedestrian improvements.

**Finding of Adequate Bicycle and Pedestrian Facilities and Demonstrated Nexus Finding:**  
Bicycle and pedestrian improvements to the subject property and off-site BPIS improvements at

the crosswalk at the Metrorail station entrance will improve the facilities for pedestrians, consistent with the requirements of Section 24-124.01. With upgrades that do not exceed the BPIS cost of \$3,353, the Planning Board finds that pedestrian and bicycle facilities will be adequate for the subject application.

10. **Transportation**—This PPS is required due to the expansion of uses on the site. Findings related to transportation adequacy are required. The application is supported by a traffic study dated August 2018, based on traffic counts taken in August 2018. In accordance with the “Transportation Review Guidelines, Part 1,” adjusted summer counts were approved for use. The traffic study was referred to DPW&T and DPIE, as well as SHA and the City of Hyattsville.

The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

**Links and Signalized Intersections:** Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

Once the CLV exceeds 1,150 for either type of intersection, this 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.

#### **Analysis of Traffic Impacts**

The table below summarizes the trip generation in each peak hour that will be used for the analysis and for formulating the trip cap for the site, taking into account the existing gas station on the site:

<b>Trip Generation Summary: 4-18013: NSR Properties</b>				
<b>Land Use</b>	<b>Use</b>	<b>Metric</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>

	Quantity		In	Out	Tot	In	Out	Tot
Existing Convenience Store with Gas Pumps	8	fueling positions	83	83	166	92	92	184
Less Pass-By (63 percent AM/66 percent PM)			-52	-52	-104	-61	-61	-122
<b>Total Existing Trips</b>			<b>31</b>	<b>31</b>	<b>62</b>	<b>31</b>	<b>31</b>	<b>62</b>
Proposed Super Convenience Store with Gas Pumps	4,790 16	square feet fueling positions	210	211	421	177	178	355
Less Pass-By (63 percent AM/66 percent PM)			-132	-133	-265	-117	-117	-234
Net Trips for Proposed Convenience/Gas			78	78	156	60	61	121
Proposed General Office	4,790	square feet	9	1	10	2	7	9
<b>Total Proposed Trips (New Trip Cap)</b>			<b>87</b>	<b>79</b>	<b>166</b>	<b>62</b>	<b>68</b>	<b>130</b>
<b>Total Trips Utilized in Analysis (Proposed Trips Minus Existing Trips)</b>			<b>56</b>	<b>48</b>	<b>104</b>	<b>31</b>	<b>37</b>	<b>68</b>

It needs to be noted that the traffic study for the convenience store with gas pumps use utilizes different use codes for the existing and proposed scenarios. Per the 9th Edition of the Trip Generation Manual (Institute of Transportation Engineers (ITE)), the more conventional use code 853 has long been used for small- to medium-size convenience stores having gas pumps, and the trip generation is based on the number of fueling positions. But the most recent edition of the Trip Generation Manual, the 10th Edition, added use code 960 for gas stations having larger convenience stores, with the trip generation based on the square footage of the convenience store. This approach is endorsed because it better estimates the heavy morning patronage of these types of establishments.

The traffic generated by the PPS would impact the following intersections, interchanges, and links in the transportation system:

- MD 410 and Belcrest Road
- MD 500 (Queen's Chapel Road) and Belcrest Road
- MD 410 and site access (unsignalized)
- Belcrest Road and site access (unsignalized)

#### **Existing Traffic**

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 410 and Belcrest Road	1,008	1,212	B	C
MD 500 and Belcrest Road	817	1,166	A	C
MD 410 and site access	9.8*	11.4*	--	--
Belcrest Road and site access	10.6*	11.6*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

### Background Traffic

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 two approved, but unbuilt, developments within the study area. A 1.0 percent annual growth rate for a period of six years has been assumed. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 410 and Belcrest Road	1,143	1,392	B	D
MD 500 and Belcrest Road	1,034	1,324	B	D
MD 410 and site access	10.2*	11.8*	--	--
Belcrest Road and site access	11.7*	12.4*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

### Total Traffic

The following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the "Transportation Review Guidelines," including the site trip generation as described above, operate as follows:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 410 and Belcrest Road	1,185	1,418	C	D
MD 500 and Belcrest Road	1,052	1,336	B	D
MD 410 and site access	11.3*	13.0*	--	--
Belcrest Road and site access	12.7*	13.2*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a				

It is found that all critical intersections operate acceptably under total traffic in both peak hours. A trip cap consistent with the analysis and the adequacy finding, 166 AM and 130 PM peak-hour trips, is recommended.

The traffic study was referred to the County, SHA, and the City of Hyattsville. At the time of the Planning Board hearing, comments had not been received from any of these agencies concerning the traffic study.

#### **Plan Comments**

The site is adjacent to MD 410, which is a master plan arterial roadway. The site is also adjacent to Belcrest Road, which is a master plan collector roadway. Both existing rights-of-way are equal to or exceed the recommendations in the MPOT. Therefore, no additional right-of-way dedication is required at this time.

The subject plan includes driveway access onto MD 410. Section 24-121(a)(3) requires that lots proposed on land adjacent to an existing or proposed planned roadway of arterial or higher classification be designed to front on either an interior street or service roadway. Therefore, a variation from this section is requested and reviewed in the Variation section.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required in accordance with Section 24-124 of the Subdivision Regulations.

11. **Variation Request**—Access is via MD 410, an arterial right-of-way, by means of two existing driveways into the site. Section 24-121(a)(3) requires that lots proposed on land adjacent to an existing or proposed planned roadway of arterial or higher classification be designed to front on either an interior street or service roadway. The existing and proposed conditions on the site do not meet this requirement and a variation is requested pursuant to Section 24-113, which sets forth the required findings for approval of a variation.

#### **Section 24-113. - Variations.**

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare, or injurious to other property;**

These access points are proposed to remain at their current locations and be augmented by two existing driveways onto Belcrest Road. The site is a corner property with access to roadways that both have medians, which allow right-in and right-out access only. Access onto MD 410 is desirable for the use that is proposed, and the elimination of access and egress onto MD 410 would limit all site access to one location. This would be detrimental to circulation within the site and would introduce heavy U-turn volumes at the median breaks along Belcrest Road, south of the site.

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

The site is a corner lot of less than one acre in size and is bordered on the west and south by developed properties. The only other opportunity for access is from Belcrest Road. However, given the existing median within Belcrest Road, only right-in and right-out turning movements can be accommodated. The Planning Board finds that these characteristics do not exist for other properties along this roadway which are either provided access from MD 410 or have full turning movement capability from Belcrest Road. Therefore, the conditions on which the variation are based are unique to the property.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The approval of this variation request will not constitute a violation of other applicable laws. Access to MD 410 is regulated by SHA and has existed, per aerial photography, for over 50 years. The variation request was referred to SHA and no issues as to the request were raised as part of their review.

- (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 again noted that the site is a corner lot of less than one acre in size. The physical surroundings are properties which are developed with retail uses and a transit station. The applicant asserts that, without retaining access to MD 410, the site would have limited development potential because of its small size and corner location. The Planning Board finds that eliminating access from MD 410 would be detrimental to circulation within the site and would introduce heavy U-turn volumes at the median breaks along Belcrest Road, south of the site. Given this information, it is agreed that the applicant has demonstrated hardship, as opposed to a mere inconvenience.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This subpart is not applicable because the property is located in the M-U-I Zone.

By virtue of the findings for each of the criteria for variation approval, a variation from Section 24-124(a)(3) for access onto MD 410 is approved. However, this site and the surrounding area are envisioned, by means of the Prince George's Plaza TDDP/TDOZMA, to prioritize pedestrians and create a fully formed transportation network that supports multi-modal transit. As a rule, more curb cuts are detrimental to cyclists and pedestrians. The Planning Board finds that there is a benefit to the site having driveway access to MD 410, but that there is little added benefit or necessity to having a second driveway. It is important to note that a 3.3-acre commercial parcel, also known as The Shoppes at Metro Station, sits directly across the subject property, on the east side of Belcrest Road, and is served by one access driveway along MD 410. Further, Parcel H, which sits catty-corner to the site, is served by one access driveway from MD

410. Therefore, only a single driveway onto MD 410 is approved. The final plat shall note the denial of access, saving one access point which will be determined with the DSP.

While it is not within the purview of Subtitle 24 of the Prince George's County Code to consolidate access along a collector road, it is recommended one driveway be closed along Belcrest Road. In addition to the increased pedestrian safety and sidewalk connectivity, this closure would prioritize the safety of cyclists travelling along the TDDP-recommended cycle track planned for the west side of Belcrest Road. The feasibility of consolidating access along Belcrest Road should be explored at the time of DSP review.

12. **Public Facilities**—Public facilities for water and sewerage, police, and fire and rescue are adequate to serve the subdivision, in accordance with Section 24-122.01 of the Subdivision Regulations, which are further outlined in memoranda dated November 19, 2018 (Branch to Onyebuchi) and November 26, 2018 (Mangalvedhe to Onyebuchi), incorporated by reference herein. In accordance with Section 24-122.02 of the Subdivision Regulations, this application will have no effect on public schools, as it is a nonresidential use.
13. **Use Conversion**—The total development included in this PPS is one parcel for commercial development totaling 9,580 square feet of gross floor area. If a revision to the mix of uses or the site layout on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval, that revision shall require approval of a new PPS prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public 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 standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The PPS delineates a 10-foot-wide PUE along all public rights-of-way. All PUEs will also be required to be reflected on the final plat prior to approval.

15. **Historic**—The subject property was platted as Parcel L of the Addition to Prince George's Plaza in December 1960 (Plat Book WWW 39-76). According to tax assessment records, the building on the subject property was constructed in 1965. Construction of the convenience store and gas station was associated with the development of Prince George's Plaza, on the north side of East West Highway, in the 1960s. Prince George's Plaza was built on land that was once part of the Christian Heurich dairy farm. This parcel is in an area just to the north of the former site of the Heurich Mansion. Gas pumps are located in the northwestern portion of the property, which was known as the “Plaza Shell.” Historic Preservation staff may photograph the current building on the property prior to redevelopment, as part of the section's mid-century modern architectural documentation initiative.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. This application will not impact any historic sites, historic resources, or known archeological sites.

16. **Environmental**—The project is subject to the current regulations of Subtitles 24, 25, and 27 of the County Code that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS. The following applications have been reviewed for the subject property:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
CSP-13003	S-084-2013	Planning Board	Approved	12/23/2013	PGCPB No. 13-143
DSP-12062	S-084-2013	Planning Board	Approved	4/21/2014	PGCPB No 13-144
ROSP-3885-01	N/A	ZHE	Withdrawn	3/25/2013	
SE-3885	N/A	ZHE	Dormant	8/30/1989	
NRI-064-13	N/A	Staff	Approved	4/12/2013	N/A
NRI-004-2018	N/A	Staff	Approved	1/5/2018	N/A
4-18013	S-006-2018	Planning Board	Pending	Pending	Pending

#### **Site Description/Existing Conditions**

The site is approximately 0.86 acre and is located in the southwest quadrant of MD 410 and Belcrest Road. A review of available information indicates that no wetlands, streams, associated buffers, or floodplain are found to occur on the subject project area. The soil found to occur, according to the U. S. Department of Agriculture, Natural Resources Conservation Services, Web Soil Survey, is Russet-Christiana-Urban land complex; however, the site is fully developed with one building, four fuel pumps, and associated parking. According to available information, Marlboro clay is not present, but Christiana clay does occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The site ultimately drains to the Northwest Branch, located west of the site, and is part of Anacostia watershed. East West Highway and Belcrest Road are not designated as scenic or historic roads. The site is located within Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

#### **Conformance with the Transit District Development Plan**

The approved and applicable Prince George's Plaza TDDP/TDOZMA contains mandatory development requirements and guidelines that must be evaluated with this application. The text in **BOLD** is text from the TDDP that are environmental in nature and the plain text provides comments on the plan conformance.

#### **Stormwater – Mandatory Development Requirements**

**P25 – Any Development shall provide for water quality and quantity control in accordance with all Federal, State and County regulations. Bio-retention or other innovative water quantity or quality methods shall be used where deemed appropriate.**

The site has a SWM Concept Letter (2296-2018-00), approved on August 7, 2018, from DPIE. The concept plan shows the entire development and the construction of one on-site micro-bioretenention pond and an underground infiltration system. No SWM fee for on-site attenuation/quality control measures is required.

**P26 – Where stormwater management cannot be provided for existing developed properties, a mandatory 15 percent green space requirement shall be provided. The green space can be incorporated into the mandatory 10 percent afforestation required if it occurs on the actual property.**

The site includes on-site SWM. The concept has been approved by DPIE.

**S31 - At the time of Detail Site Plan, the number of trash cans and locations shall be shown on the plan. Trash receptacles should be placed in strategic locations to prevent litter from accumulating in and around the proposed development.**

This requirement shall be addressed at the time of DSP review.

**S32 – Prior to the final inspection and sign off of permits by the Sediment/Stormwater or Building Inspector, any storm drain inlets associated with the development and all inlets on the subject subarea shall be stenciled with “Do Not Dump, Chesapeake Bay Drainage.” The Detailed Site Plan and the Sediment Control Plan (in the sequence of construction) shall contain this information.**

This requirement shall be addressed at the time of DSP review.

#### **Woodland Conservation - Mandatory Development Requirements**

**S33 – Afforestation of at least 10 percent of the gross tract shall be required on all properties within the Prince George’s Plaza Transit District currently exempt from the Woodland Conservation and Tree Preservation Ordinance. Afforestation shall occur on-site or within the Anacostia watershed in Prince George’s County, with priority given to riparian zones and nontidal wetlands, particular within the Northwest Branch Sub-watershed.**

This property is not subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it is less than 40,000 square feet in area, contains less than 10,000 square feet of existing woodland,

and has no previously approved tree conservation plans (TCPs). A Type 1 TCP is not required.

As such, the site is required to provide 10 percent afforestation either on-site or within the Anacostia watershed. The gross tract area of the site is 0.86 acre or 37,461 square feet. The requirement for afforestation for the subject site is 0.086 acre (3,746.16 square feet). No statement has been submitted addressing the 10 percent afforestation requirement and, at this time, no off-site afforestation area has been included with this application.

The intent of this requirement was to increase the tree canopy coverage within the Anacostia watershed by planting additional trees. In the majority of past cases in the TDDP, S33 has been addressed through the provision of woodland conservation at an off-site location. In the majority of those cases, the requirement was not able to be met within the Anacostia watershed because of the absence of viable planting sites. Before being allowed to meet the requirement elsewhere in the county, the applicant must demonstrate due diligence in seeking sites within the Anacostia watershed. In other cases, particularly within the vicinity of the subject site, the Planning Board and County Council have accepted the on-site tree canopy through the landscaping of trees as an accepted method of meeting this requirement. This requirement has been recently codified in the tree canopy coverage regulations contained in Subtitle 25, Division 3, which requires a 10 percent tree canopy coverage for sites zoned M-X-T.

This requirement shall be met at the time of DSP review.

#### **100-Year Floodplain - Mandatory Development Requirements**

**P28 – Any new development or reconstruction of existing development shall be in conformance with the Prince George’s County Floodplain Ordinance.**

**P29 – No development within the 100-year floodplain shall be permitted without the express written consent of the Prince George’s County Department of Environmental Resources.**

**P30 – If the development is undergoing subdivision, approval of a variation request shall be obtained for proposed impacts to the floodplain.**

The site does not contain areas of 100-year floodplain.

#### **Nontidal Wetlands - Mandatory Development Requirements**

**P31 – If impacts to nontidal wetlands are proposed, a Maryland Corps of Engineers Joint Permit Application shall be required and, where required, issuance of the permit.**

**P32 – If impacts to nontidal wetlands are proposed, a State Water Quality Certification pursuant to Section 401 of the Clean Water Act shall be required from the Maryland Department of the Environment.**

The site does not contain areas of wetlands.

#### **Noise Impacts - Mandatory Development Requirements**

**P33 – Each Preliminary Plat, Conceptual and/or Detailed Site Plan shall show a 65dBA (Ldn) noise contour based upon average daily traffic volumes at LOS E. Upon plan submittal, the Natural Resource Division shall determine if a noise study is required based on the delineation of the noise contour.**

**P34 – If it is determined by the Natural Resource Division that a noise study is required, it shall be reviewed and approved by the Natural Resource Division prior to approval of any Preliminary Plat of Subdivision, Conceptual and/or Detailed Site Plan. The study shall use Traffic volumes at LOS E and include examination of appropriate mitigation techniques and the use of acoustical design techniques. Furthermore, a typical cross-section profile of noise emission from the road to the nearest habitable structure is required.**

The site has frontage on MD 410 and Belcrest Road. East West Highway is a master-planned arterial road that is generally evaluated for traffic-generated noise when residential uses are proposed. Belcrest Road is designated as a collector, which is not evaluated for noise impacts because it does not generate enough traffic that results in noise levels above the state standards. No residential uses are proposed; therefore, this application does not include an analysis for noise intrusion.

#### **Conformance with the Countywide Green Infrastructure Plan**

The *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* indicates that none of the property is within or near the designated network.

#### **Environmental Review**

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

#### **Natural Resources Inventory/Existing Conditions**

A Natural Resource Inventory Equivalency letter (NRI-004-2018), in conformance with the environmental regulations, was issued on January 5, 2018 and submitted with the current application. The site does not contain any regulated environmental features.

**Woodland Conservation Plan**

The site is not subject to the provisions of the WCO because it is less than 40,000 square feet in area, contains less than 10,000 square feet of existing woodland, and has no previously approved TCPs. A standard letter of exemption was issued on January 5, 2018.

17. **Urban Design**—The site is within the Downtown Core character area of the Prince George's Plaza TDDP/TDOZMA and is subject to DSP review. The specific site location is one of the prominent gateway areas in the Prince George's Plaza Transit District. There are specific urban design requirements in the T-D-O Zone standards governing this property that will be reviewed at the time of DSP.

The previous special exception approval (SE-3835) on the subject site has been superseded by the TDDP, which rezoned the subject site from the M-X-T Zone to the M-U-I Zone.

**Conformance with the Requirements of the Zoning Ordinance**

The subject site is located in the M-U-I and T-D-O Zones and is subject to the TDDP standards and allowed uses. This will be reviewed at the time of DSP, as this PPS does not include the approval of uses. Since the subject site is also within the T-D-O Zone, the applicant can utilize the DSP process to amend both the T-D-O Zone standards and the list of allowed uses in the TDDP, in accordance with Sections 27-548.08(a)(4) and 27-548.09.01(b) of the Zoning Ordinance, respectively.

**Conformance with the T-D-O Zone Landscaping Standards**

The Prince George's Plaza TDDP/TDOZMA has established specific landscaping standards that are applicable to the subject site, which also replace the tree canopy coverage requirements, and will be reviewed at the time of DSP.

18. **City of Hyattsville**—In a letter dated December 18, 2018 (Hollingsworth to Hewlett), included by reference herein, the City of Hyattsville expressed their support for the PPS.

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 Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 7, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of February 2019.

PGCPB No. 19-21  
File No. 4-18013  
Page 21

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

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