

PGCPB No. 2024-046

File No. 4-23021

R E S O L U T I O N

WHEREAS, Amerco Real Estate Company is the owner of a 4.68-acre parcel of land known as Lots 2 and 3 of the U-Haul Co. of Metro D.C., Inc. subdivision, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned Commercial, Service (CS); and

WHEREAS, on March 25, 2024, Amerco Real Estate Company filed an application for approval of a Preliminary Plan of Subdivision, also known as Preliminary Plan 4-23021 for U-Haul Co. of Metro D.C., Inc, Lots 4 & 5, subdivision of the subject property into two lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision 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 at a public hearing on May 30, 2024; and

WHEREAS, new Subdivision Regulations, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 *et seq.* of the Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2026, may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022 (prior Subdivision Regulations); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Subdivision Regulations contained in Section 24-1904 of the Prince George's County Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, on May 30, 2024, 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, effective prior to April 1, 2022, APPROVED Type 1 Tree Conservation Plan TCP1 012-2024, and APPROVED Preliminary Plan of Subdivision 4-23021, including a Variation from Section 24-121(a)(3), for two lots, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:
 - a. Ensure the bearings and distances shown on the PPS reflect the correct, most up-to-date description of the property boundaries.
 - b. In General Note 28, add the number of the Type 1 Tree Conservation Plan (TCP1-012-2024).
 - c. Add a general note stating that the PPS was submitted for review under the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations.
 - d. Add Detailed Site Plan DSP-83078 to the list of prior approvals in General Note 5.
2. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised to adjust the hatching of the steep slopes layer, so that the proposed stormdrain layer is visible.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 53029-2021-00 and any subsequent revisions.
4. Prior to approval, the final plat of subdivision shall include the following:
 - a. The granting of public utility easements along the abutting public rights-of-way, in accordance with the preliminary plan of subdivision.
 - b. A note indicating approval of a variation from Section 24-121(a)(3) of the prior Prince George's County Subdivision Regulations, for one direct access driveway to MD 650 (New Hampshire Avenue) and one direct access driveway to MD 410 (East West Highway).
5. At the time of permit, the applicant shall provide a truck turning plan, demonstrating adequate vehicular circulation on-site to the proposed building.
6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-012-2024). 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 (TCP1-012-2024 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 (WCO). 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."

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 applicable 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 site is located in the southeast quadrant of the intersection of MD 650 (New Hampshire Avenue) and MD 410 (East West Highway). The property totals 4.68 acres and consists of two existing lots, known as Lots 2 and 3 of the U-Haul Co. of Metro D.C., Inc. subdivision. These lots are recorded in Plat Book NLP 107 Plat 27 in the Prince George's County Land Records. The property is subject to the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* (master plan) and the 1990 *Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67* (SMA).

The property is in the Commercial, Service (CS) Zone; however, this application has been submitted and reviewed under the applicable provisions of the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations, effective prior to April 1, 2022 (the "prior Zoning Ordinance" and "prior Subdivision Regulations") pursuant to Section 24-1903(a) of the Subdivision Regulations. Under the prior Zoning Ordinance, the site was in the Commercial Miscellaneous (C-M) Zone.

The property is developed with an existing moving and storage operation, utilizing a 15,818-square-foot building, which is to remain. The applicant proposes to expand the operation with the addition of a fully enclosed 39,600-square-foot storage building at the rear of the site. Existing Lots 2 and 3 are developed as one lot, pursuant to Section 27-107.01(a)(129) of the prior Zoning Ordinance. This preliminary plan of subdivision (PPS) retains the existing two-lot layout, which will continue to be developed as one lot, based on the expansion of development and circulation proposed.

The property is subject to PPS 4-80034, which was approved in 1980, for two lots. The applicant is seeking a new PPS to increase the development entitlement for the site. The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Section 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on July 31, 2023. In accordance with Section 24-1904(b), the applicant provided a statement of justification (SOJ) explaining why they were requesting to use the prior Regulations. In accordance with Section 24-1904(c), this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-041.

The applicant filed a request for a variation from Section 24-121(a)(3) of the Subdivision Regulations, to allow the property to retain two driveways providing direct access to the two arterial roadways along the property frontage. This request is discussed further in the Transportation finding.

3. **Setting**—The site is located on Tax Map 41, Grids A-1 and B-1, and is within Planning Area 65. The intersection of MD 650 and MD 410 fronts on the property to the northwest. Beyond the intersection lies land within Montgomery County, which is improved with retail uses and within a mixed-use zone. East of the property is a gas station in the Commercial and General Office (CGO) Zone (formerly in the Commercial Shopping Center (C-S-C) Zone), and single-family detached dwellings in the Residential, Multifamily-20 (RMF-20) Zone (formerly in the Multifamily Medium Density Residential (R-18) Zone), with Red Top Road beyond. The eastern boundary of the site has frontage on the stub-end of an unimproved public right-of-way (ROW), platted as Greenbrier Avenue (Plat Book BB 14 Plat 62). Southeast of the property is a multifamily building in the RMF-20 Zone (formerly in the R-18 Zone), with Fairview Avenue beyond. Southwest of the property is a commercial shopping center in the CGO Zone (formerly in the C-S-C Zone).
4. **Development Data Summary**—The following information relates to the subject PPS and the proposed development.

	EXISTING	EVALUATED
Zones	CS	C-M
Use(s)	Commercial	Commercial
Acreage	4.68	4.68
Parcels	0	0
Lots	2	2
Gross Floor Area	15,818	55,418
Subtitle 25 Variance	No	No
Variation	No	Yes (Section 24-121(a)(3))

The subject PPS 4-23021 was accepted for review on March 25, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, the PPS was reviewed by the Subdivision and Development Review Committee (SDRC), which held a meeting on April 12, 2024, at which comments were provided to the applicant. Pursuant to Section 24-113(b), the requested variation from Section 24-121(a)(3) was also received on March 24, 2024, and reviewed at the SDRC meeting on April 12, 2024. Revised plans were received on April 25, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—The property is subject to PPS 4-80034, which was approved in 1980. The PPS originally approved one lot; however, it was reconsidered that same year and ultimately two lots were approved. The resolution for this prior PPS is no longer available, and other available records are limited. It is unknown if a specific amount of development was approved under the prior PPS. However, following the pre-application conference for the current PPS, it

was determined that the proposed new development exceeded the entitlement of the prior PPS based on the available information and approvals discussed further below. Therefore, a new PPS and ADQ were required. The current PPS supersedes 4-80034 in its entirety.

Following approval of 4-80034, a final plat of subdivision was approved and recorded in Plat Book NLP 107 Plat 27 of the Prince George's County Land Records, in July 1980. The plat includes one note, as follows, which was required as a result of the reconsideration of the PPS:

Prior to issuance of a building permit, site plan shall be approved by the Planning Board. Purpose of site plan is to protect adjacent residential property.

In compliance with the plat note above, a detailed site plan (DSP) for the subject site, DSP-83078 (originally known as SP-83078) was approved in October 1983 for the existing building on site, not subject to any conditions. The requirement for DSP review by the Prince George's County Planning Board does not need to be carried forward to the subject PPS and subsequent final plat. The most recent version of the prior Zoning Ordinance, which is applicable to the proposed development, contains adequate provisions to ensure the protection of the adjacent residential property. In particular, the 2010 *Prince George's County Landscape Manual* (Landscape Manual), which did not exist at the time of the 1980 PPS approval, contains incompatible use buffering requirements to protect adjacent residential property.

Although the differences are minute, the bearings and distances shown on the current PPS reflect a 1993 deed for the property recorded in Book 9153 page 17 of the Prince George's County Land Records, rather than the 1980 plat recorded in Plat Book NLP 107 Plat 27. It appears that the 1993 deed referenced an outdated description of the property, when it should have referenced the 1980 plat, but this is unclear. Prior to signature approval of the PPS, the applicant shall determine whether the 1993 deed or the 1980 plat has a more up-to-date description of the property boundaries and ensure the bearings and distances on the PPS reflect the most up-to-date boundaries.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated as follows:

Plan 2035

Plan 2035 places this application in the Established Communities. “Established communities are most appropriate for context-sensitive infill and low-to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met” (page 20).

Master Plan

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035, remain in full force and effect, except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, including maps and text, unless events have occurred to render the relevant

recommendations no longer appropriate, or the District Council has not imposed the recommended zoning.

The master plan recommends service commercial land uses on the subject property. The master plan does not define the “service commercial” land use; however, Plan 2035 defines “commercial” land use as “retail and business areas, including employment uses such as office and service uses. A range of services are provided at the neighborhood to regional level. New commercial areas have access to multimodal transportation options” (page 100). Pursuant to Section 24-121(a)(5), the proposed use of the property as a moving and storage operation with accessory wholly enclosed storage building conforms to the recommended service commercial land use.

As shown in the master plan, the subject property falls within an existing commercial area adjacent to the New Hampshire Village Activity Center (Map 7, page 100). The intended characteristics of a village activity center are given on page 98 of the master plan.

The following master plan guidelines are applicable to the subject property. The guidelines are listed below in **bold** text, and comments on how the guidelines will be met are given in plain text.

Urban Design Guidelines for Commercial Areas_(pages 107–109)

E. Circulation Improvements

- 5. Include analyses of the potential impacts on the local transportation system for all proposals for renewal or expansion.**

The approved Certificate of Adequacy for this development, ADQ-2023-041, contains an analysis of the impacts on the local vehicular transportation system from the expansion of development proposed on this property.

- 6. Combine existing access points wherever possible to limit conflicts with the free flow of traffic on the main road; additional access points to the main road should be restricted to those which are strictly required; additional access from the commercial properties to the residential streets should be prohibited.**

The site features two existing access points, one each to the abutting arterial roadways MD 650 and MD 410, and no additional access points are proposed. The two existing access points are proposed to be retained and were found necessary to support the existing development on the site, as further discussed in the Transportation finding.

F. Parking Facilities Improvements

- 1. Provide adequate lighting in parking areas.**
- 2. Create legible parking lot signs.**
- 3. Provide adequate parking for both short-term and all-day parkers.**
- 4. Maximize landscaping to minimize a monotonous view of parking areas from the main road.**
- 5. Modify some existing parking spaces into compact car spaces, thereby creating some planting and visual attractions.**
- 6. Maintain parking areas in very good condition by resurfacing, coating and patching potholes.**
- 7. Mark the handicapped parking spaces; provide with access ramps, if needed.**
- 8. Provide highly visible pavement markings to indicate proper vehicular circulation and pedestrian movement within the parking area.**

At the time of permitting, the development will be required to conform to Part 11, Off-Street Parking and Loading, of the prior Zoning Ordinance; the Landscape Manual; and other Code requirements. Conformance with the relevant requirements of the Zoning Ordinance will ensure that the parking facilities improvements guidelines of the master plan will be met. Conformance with the Landscape Manual will provide appropriate buffering from the surrounding streets and uses, provide landscaping in the parking areas, and enhance the appearance of the property. Maintenance of parking areas is subject to Division 7-Property Standards and Maintenance, of the Prince George's County Code.

Commercial Areas and Activity Centers Chapter Guidelines (pages 109-110)

- 3. Redeveloped and expanded commercial areas should be subjected to high standards of site design and should be designed in relation to surrounding areas so as to provide safe, visually pleasing pedestrian access.**

Pedestrian access to the development is evaluated in the Transportation finding.

- 9. Commercial areas should be buffered from surrounding streets and uses, where appropriate, by means of curbs, islands, landscaping, fencing, back-up development, and the siting of structures.**

- 10. Innovative site design and/or ample landscaping should be used within and around redeveloped and expanded commercial areas, to enhance the aesthetic qualities of the areas and to break up the otherwise monotonous, barren look of parking areas.**

At the time of permitting, the development will be subject to the Landscape Manual. Conformance with the Landscape Manual will provide appropriate buffering from the surrounding streets and uses, provide landscaping in the parking areas, and enhance the appearance of the property. There are also existing trees on the southeast and northeast sides of the property which are proposed to be retained, and which will provide some buffering from the abutting residential uses.

- 13. Off-street parking facilities should be designed to allow on-site vehicular circulation, which eliminates the need to back onto highways and block of public rights-of-way. No departures from design standards should be granted which conflict with this guideline.**

A truck turning plan, demonstrating adequate vehicular circulation, shall be provided at the time of permitting. The Transportation Planning Section will review this plan to ensure vehicular circulation on-site does not result in vehicles needing to back out onto the abutting arterial roadways, or vehicles blocking the public ROWs.

- 14. Adequate off-street loading and unloading space should be provided and located where public rights-of-way will not be blocked.**

At the time of permitting, the development will be required to conform to Part 11, Division 3-Loading Facilities, of the prior Zoning Ordinance. Conformance with the relevant requirements of the Zoning Ordinance will ensure conformance with this guideline.

- 15. A gas station or other freestanding structure, located in a redeveloped or expanded commercial area, should be coordinated with an overall site plan and should be of similar architectural design to other buildings in the center.**

The architecture of the proposed new building will be submitted at the time of permitting. The applicant is encouraged to design the building in such a way to be of similar architectural design to other buildings in the New Hampshire Village Activity Center.

- 18. Outdoor trash storage areas should be screened.**

At the time of permitting, the development will be subject to the Landscape Manual. Conformance with the Landscape Manual will provide appropriate screening for outdoor trash storage areas.

- 19. The businessmen and property owners should be encouraged to make necessary improvements to their properties to maintain an aesthetically pleasing environment.**

The overall appearance of the property will be considered, at the time of permitting, through review of the building architecture, landscaping, and other elements of the site design.

- 21. All commercial activities should be located to benefit from access afforded by major streets without impairing the efficiency and operation of these streets. The use of frontage roads and of as few curb cuts as possible are explicitly recognized as a primary means of achieving this guideline.**

The site features two existing access points to the abutting arterial roadways, MD 650 and MD 410, and no additional access points are proposed. To avoid being required to consolidate or eliminate these access points, the applicant requested a variation from Section 24-121(a)(3) of the Subdivision Regulations, which is evaluated in the Transportation finding. As found through evaluation of the variation request, granting the variation will not impair the efficiency and operation of the abutting arterial roadways.

Based on the above analysis, the proposed development will be able to meet the guidelines of the master plan, which are relevant to the design of redeveloped and expanded commercial areas, such as the proposed project.

Sectional Map Amendment/Zoning

The 1990 SMA retained the subject property in the C-M Zone. On November 29, 2021, the Prince George's County District Council approved Council Resolution CR-136-2021, the Countywide Map Amendment, which reclassified the subject property from the C-M Zone to the CS Zone, effective April 1, 2022. However, this PPS was reviewed pursuant to the prior zoning.

- 7. Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. A SWM Concept Approval Letter (53029-2021-00) and associated plan were submitted with this PPS application. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) issued the approval on June 22, 2022, and it is valid until June 22, 2025. The plan shows the use of three micro-bioretenment areas.

Development of the site, in conformance with the SWM concept plan and any subsequent revisions, will ensure that no on-site or downstream flooding occurs. Therefore, the PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—In accordance with Section 24-134(a) of the prior Subdivision Regulations, the subject PPS is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
9. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), master plan, and prior Subdivision Regulations to provide the appropriate transportation facilities.

MPOT and Master Plan Conformance

Master Plan Right-of-Way

The subject site has frontage on MD 410 (A-15), which is designated as an arterial roadway, with an ultimate ROW of 100–120 feet, and frontage along MD 650 (A-11), which is also designated as an arterial roadway, with an ultimate ROW of 100–120 feet. The required ROW widths are reflected on the plan as existing; therefore, no ROW is required to be dedicated with this PPS. ROW was previously dedicated under ROW Plat 15602. Approximately 50 feet from the centerline is shown along both frontages, which satisfies the intent of the master plan ROW recommendation.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends a bike lane along MD 410, adjacent to the property.

The MPOT also provides policy guidance regarding multimodal transportation. The Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling. The MPOT includes the following policies, which are relevant to the subject development:

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers. (Page 9)

Policy 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities to provide safe routes to schools, pedestrian access to mass transit, and more walkable communities. (Page 10)

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*. (Page 10)

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles. (Page 10)

The master plan includes the following goal and objective regarding pedestrian and bicycle infrastructure (Page 123):

Goal: To create and maintain a transportation network in the Planning Areas that is safe, efficient, and provides for all modes of travel in an integrated manner.

Objective: To develop nonvehicular facilities where possible, including pedestrian/hiker trails, bicycle ways and equestrian paths.

Sidewalks currently exist along the site's frontage, and there is a dedicated bike lane along MD 410. These facilities satisfy the MPOT and master plan recommendations and will provide pedestrian and bicycle access to the site.

Access and Circulation

Section 24-121(a)(3) of the prior Subdivision Regulations states:

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 subject property has frontage on MD 650 and MD 410. The plan proposes direct vehicular access onto both roadways, each of which is identified as an arterial roadway. A variation request for access to the subject site via MD 650 and MD 410 was submitted and reviewed as part of the PPS application. The PPS indicates that the site will be served by two access points; one access is along MD 650 and the other along MD 410. Medians exist along MD 410 and MD 650, which restrict turning movements to right-in/right-out at both existing driveways. No modifications to the existing site access driveways or additional site access driveways are proposed as part of the proposed development. The two existing right-in/right-out site access driveways are currently used in concert, to support the existing development. The driveways allow one-way circulation through the parking area at the front of the site (as shown on the PPS) and to the loading area immediately in front of the building (as shown on aerial imagery), while providing for fewer conflicts between cars and trucks entering and exiting the site, than would be possible with one access driveway. The site vehicular access and circulation to the proposed development will be sufficient, however, the applicant shall submit a truck turning plan to further evaluate on-site circulation, at the time of permit. The truck turning plan is needed to show how vehicles will circulate to the new proposed building at the rear of the site; the plan should demonstrate either that the new circulation will not interfere with the existing circulation on site, or that the existing circulation will be modified to incorporate parking and loading for the new building.

Section 24-121(a)(3) of the Subdivision Regulations establishes that proposed parcels fronting on a roadway of an arterial classification or higher shall be designed to front on either an interior street or service road.

Section 24-113(a) of the prior Subdivision Regulations sets forth the required findings for approval of variation requests, as follows:

- (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 further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

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

The proposed development at the site does not propose any additional site access driveways or modifications to existing site access driveways. The applicant has provided correspondence from the Maryland Department of Transportation – State Highway Administration (MDOT, SHA), indicating that SHA has no objection to the variation request, and did not request any additional improvements be provided. Given that the proposed entrances are existing and that no significant increase in traffic generation is expected as part of the development, continued direct access will not be detrimental to public safety, health, or injurious to other properties. The only other potential access is through a 50-foot-wide public ROW, known as Greenbriar Avenue, abutting proposed Lot 5. However, requiring traffic to access the site through this ROW could be detrimental to the public safety, health, and welfare, because commercial traffic accessing the site would have to travel down Red Top Road, a street used primarily to access residential development. Removing one of the two existing access driveways could also be detrimental to public safety and health, as it could result in new conflicts between cars and trucks entering and exiting the site at the remaining access driveway.

- (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 proposed development is unique in that no change in principal land-use of the property is proposed as part of the development of the project, and no significant increase in traffic generation is expected as part of the development. The location of the property also presents unique challenges in that no frontage to other suitable roadways of lower classification exists.

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

The approval of a variation from Section 24-121(a)(3) is unique to the Subdivision Regulations and under the sole approval authority of the Planning

Board. No other known law, ordinance, or regulation will be violated by this request. The applicant has provided correspondence from SHA, indicating that SHA has no objection to the variation request.

- (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;**

Although Greenbriar Avenue abuts proposed Lot 5, no roadway has ever been constructed in this ROW, and it does not provide a feasible means of accessing the site. This area would require significant grading and potential retaining walls, to allow access, and these would present a hardship to the applicant if required to be constructed. The physical surroundings of the property are such that the only other available road frontage are the two arterial roads. Closing both existing access points to these arterials would be a hardship to the owner because the property would become inaccessible. Closing just one access point would present a hardship, because it would disrupt the functional circulation of the existing development on-site. As discussed above, both driveways are currently used in concert, to ensure cars and trucks can enter and leave the site in an efficient manner, while minimizing conflicts between vehicles. This condition should be retained, especially given the increase in the amount of development proposed on-site.

- (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.**

The PPS is not located in any of the above listed zones; therefore, this criterion is not applicable.

Based on the preceding findings, the purposes of Subtitle 24 are served to a greater extent by the alternative proposal set forth and the variation from Section 24-121(a)(3), for one direct access driveway to MD 650 and one direct access driveway to MD 410 is, therefore, approved.

Based on the findings presented above, multimodal transportation facilities will exist to serve the proposed subdivision, as required under prior Subdivision Regulations of the Prince George's County Code, and will conform to the MPOT and master plan.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Sections 24-121(a)(5) and 24-122(b). The master plan provides the following goal in the Public Facility chapter:

To provide the needed public infrastructure and services including schools, parks and libraries, recreation, police, fire, health, water, sewerage, storm drainage and transportation facilities and services within the Planning Areas in a timely manner and with attention given to the needs of specific user groups. (Page 141)

The proposed development will not impede achievement of the above goal, or any specific facility improvements. The analysis provided with approved ADQ-2023-041 illustrates that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. As discussed below, water and sewer service are also adequate to serve the proposed development. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect the subject site.

Section 24-122.01(b)(1) of the prior 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 PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. In addition, the property is within Tier 1 of the Sustainable Growth Act, which includes those properties served by public sewerage systems.

11. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, when utility easements are required by a public company, the subdivider shall 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 public utility easements (PUEs) is a minimum of 10 feet wide along both sides of all public ROWs. The site abuts MD 650 to the west, MD 410 to the north, and an unimproved ROW, known as Greenbrier Avenue, to the east. The required PUEs are reflected in the PPS, along all three public ROWs.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 51 through 60). However, these are not specific to the subject 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. A Phase I

archeology survey is not recommended. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.

13. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case	Associated Environmental Application	Authority	Status	Action Date	Resolution Number
4-80034	N/A	Planning Board	Approved	7/31/1980	N/A
DSP-83078	N/A	Staff	Approved	10/14/1983	N/A
N/A	NRI-045-12	Staff	Approved	8/21/2012	N/A
DSP-12018	TCP2-011-15	District Council	Denied	11/14/2016	N/A
N/A	NRI-045-12-01	Staff	Approved	3/16/2022	N/A
4-23021	TCP1-012-2024	Planning Board	Approved	5/30/2024	2024-046

Grandfathering

The project is subject to the environmental regulations contained in Subtitle 25 and prior Subtitles 24 and 27, because the application is for a new PPS.

Plan 2035

The site is located within the Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map, and within the Established Communities area of the General Plan Growth Policy Map, as designated by Plan 2035.

ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS

Master Plan Conformance

The master plan contains guidelines in the Environmental Envelope section that are applicable to the proposed development (page 50). The text in **BOLD** is the text from the master plan, and the plain text provides comments on how the guidelines will be met.

Guideline 1: An open space and conservation area network, based on existing soil conditions, slopes, watercourse, vegetation, natural ecological features, and estimated future population needs, should be established and maintained.

The site does not contain regulated environmental features (REF) that could contribute to a regional conservation area network. The site is currently almost fully developed, and the existing woodland is low quality and isolated from other networks of vegetation. Therefore, the property need not be required to contribute to the County's open space and conservation area network.

Guideline 2: Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulation [sic] and other innovative techniques that ensure responsible environmental consideration.

Since the adoption of the master plan, the applicable Subdivision Regulations have been updated. In addition, the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) requires that environmental considerations be incorporated into the development review process.

Guideline 4: The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.

Since the adoption of this master plan, environmentally sound development practices have been codified with the WCO.

Guideline 5: Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams, and other ecological features.

Existing woodland of 0.43 acre on-site is proposed to be retained but not credited, due to the quality of the forest stand. The site does not contain REF.

Guideline 9: In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution, and other characteristics of excessive vehicular traffic should be protected by suitable construction techniques and by the enforcement of legally mandated standards.

Guideline 10: Developers shall be encouraged to include careful site planning and construction techniques that are designed to reduce adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.

The proposed new storage building is not a use sensitive to noise, air pollution, or vehicular traffic; is not a noise generator; and is permitted within the C-M Zone.

Conformance with the Green Infrastructure Plan

The 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan) was approved with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017), on March 7, 2017.

According to the approved Green Infrastructure Plan, there are no mapped regulated or evaluation areas on or abutting this property. The property is not within a special conservation area of the Green Infrastructure Plan. The site does not contain REF or primary management area (PMA). The SWM concept plan shows use of three micro-bioretenment areas, which will help improve water quality. Existing natural resources are maintained by proposing the redevelopment of this existing site, which is outside of regulated and evaluation areas.

The site currently contains 0.56 acre of existing woodland that could be utilized for on-site woodland conservation; however, the existing woodland is low quality and not suitable for woodland conservation. Off-site banking is appropriate, as further addressed in the Woodland Conservation section below.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

The approved Natural Resources Inventory (NRI-045-12-01) submitted with this application determined that the site contains 0.56 acre of existing woodland in the southeast portion of the site. The site has a previously approved NRI (NRI-045-12), which showed 1.56 acres of existing woodland. As noted in the approval block of NRI-045-12-01, there had been unauthorized woodland clearing in the time between the two NRIs. The total acreage of woodland to be accounted for in the TCP1 is 1.60 acres, which is a combination of the existing tree line (as shown on NRI-045-12-01) and the tree line prior to the unauthorized clearing (as shown on NRI-045-12).

The site does not contain specimen trees, REF, or PMA.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size, and it contains more than 10,000 square feet of existing woodland. A tree conservation plan, in accordance with the current regulations, is required with future development applications.

The woodland conservation threshold for this 4.68-acre property is 15 percent of the net tract area or 0.70 acre. The total woodland conservation requirement, based on the amount of clearing proposed, is 1.20 acres. The TCP1 depicts the prior tree line, and accounts for both the prior unauthorized clearing and the new clearing proposed with this application. The woodland conservation requirement is proposed to be satisfied with 1.20 acres of off-site woodland conservation credits. The applicant has provided an SOJ addressing why the woodland conservation requirements are not proposed to be met entirely on-site. The use of off-site credits is appropriate, given the poor quality of the existing forest and the lack of connection to other woodland.

Due to the hatching of the steep slopes on the plans submitted, the proposed stormdrain connection near the eastern property boundary is not visible. All proposed features should be black and not greyed out. Technical revisions to the TCP1 are required and included in the conditions of this resolution.

Specimen Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to

survive construction as provided in the Technical Manual.” The approved NRI-045-12-01 confirms that the site does not contain specimen trees.

Regulated Environmental Features

REF are required to be preserved and/or restored to the fullest extent possible under Section 24-130(a)(5) of the Environmental Standards of the Subdivision Regulations; however, the approved NRI-045-12-01 confirms the site does not contain REF.

Soils

Section 24-131(a) of the Subdivision Regulations states “The Planning Board shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to natural conditions, such as, but not limited to flooding, erosive stream action, high water table, unstable soils, or severe slopes, or to man-made conditions on the land, such as, but not confined to unstable fills or slopes.”

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Sassafras – Urban land complex, Urban land, and Urban Land – Sassafras complex.

No unsafe soils containing Marlboro clay or Christiana complexes have been identified on or within the immediate vicinity of this property. No major geotechnical issues are anticipated.

14. **Urban Design**—The proposed development does not require a DSP. At the time of permit, the site will be evaluated for compliance with applicable regulations.

The proposed development is subject to the requirements of the Landscape Manual. Conformance with the applicable landscaping requirements will be determined at the time of permit review.

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area, or disturbance, and requires a building or grading permit. The subject site in the C-M Zone is required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of permit review.

15. **Community Feedback**—No correspondence from the community was received for this subject application and no citizens signed up to speak at the public hearing held on May 30, 2024.

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.

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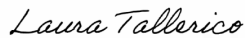
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, May 30, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of June 2024.

Peter A. Shapiro
Chairman


By Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:rpg



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel