

PGCPB No. 2024-074

File No. 4-23033

R E S O L U T I O N

WHEREAS, Roger and Pamela Allen are the owners of a 0.82-acre tract of land known as Lots 22, 23, and 38, Block 6, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Commercial, General and Office (CGO) and Military Installation Overlay (MIO); and

WHEREAS, on May 6, 2024, AZ Hyattsville LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-23033 for Autozone Hyattsville 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 July 11, 2024; and

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

WHEREAS, pursuant to Council Resolution CR-025-2024 and Section 24-1900 *et seq.* of the Prince George's County 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, at the July 11, 2024 public hearing, 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 4-23033, including a Variation from Section 24-121(a)(3), for one parcel, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be modified, as follows:
 - a. Revise Site Data Note 2 to provide the correct existing property lot numbers as Lots 22, 23, and 38.
 - b. Revise Site Data Note 7 to provide the correct Washington Suburban Sanitary Commission (WSSC) 200-foot sheet as 201NE08.
 - c. Have a licensed professional seal and sign all drawings.
 - d. On Sheets 2 and 3, show all major improvements such as existing buildings, within 50 feet of the property line.
 - e. On Sheets 2 and 3, label the recording plat reference for all abutting properties.
 - f. From Sheet 3, remove the label for the proposed trash enclosure.
 - g. On Sheet 3, update the label for the revertible easement to match the label on Sheet 2.
 - h. On Sheet 3, there are two lines shown close together, both labeled as “PEPCO Easement.” Revise the easement line to match the easement shown on Sheet 2.
 - i. On Sheet 1, revise the square footage of the proposed development from 6,812 square feet to 7,348 square feet, in General Note 19.
 - j. From the Location Map on Sheet 1, delete information for the proposed building and parking.
 - k. From Sheet 1, delete the Project Narrative.
2. Prior to approval, the final plat of subdivision shall include:
 - a. Dedication of 10-foot-wide public utility easements along all abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision.
 - b. A note reflecting the granting of a variation, with the preliminary plan of subdivision, from Section 24-121(a)(3) of the prior Prince George’s County Subdivision Regulations, to allow one direct access driveway to MD 214 (Central Avenue).
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 3585-2023-0, and any subsequent revisions.
4. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2010 *Approved Subregion 4 Master Plan*, the applicant and the applicant’s heirs, successors, and/or assignees shall provide the following, and reflect the same on the detailed site plan:

- a. A bicycle lane along the subject property's frontage of MD 214 (Central Avenue), to be accommodated within the right-of-way, as shown on the preliminary plan of subdivision, unless modified with written correspondence from the operating agency.
 - b. A 5-foot-wide sidewalk along the subject property's frontage of MD 214 (Central Avenue), unless modified with written correspondence by the operating agency.
 - c. Two bicycle racks (inverted-U style or a similar model that provides two points of contact for a parked bicycle) at the building, located no more than 50 feet from the building entrance.
 - d. Continental style crosswalks at each vehicular access point.
 - e. A signage assembly prohibiting tractor-trailer trucks from entering or departing from the vehicular access point along Norair Avenue.
5. At the time of a detailed site plan, the access driveway to MD 214 (Central Avenue) shall be designed per applicable design standards.

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 property includes Lots 22, 23, and 38, Block 6, of Randolph Village. Lots 22 and 23, Block 6, were recorded in Plat Book BB 9 Plat 5 in February 1941, and Lot 38, Block 6, was recorded in Plat Book WWW 22 Plat 66 in June 1953. It is noted that parts of the property were dedicated to the public right-of-way, subsequent to the plat recording; however, such conveyances are exempt from filing a preliminary plan of subdivision (PPS) and final plat. The property is now described by deed recorded in the Prince George's County Land Records in Book 15548 page 677. The property measures 0.82 acre and is in the Commercial, General and Office (CGO) Zone, and the Military Installation Overlay (MIO) Zone for height. However, this PPS was submitted for review under the Zoning Ordinance and Subdivision Regulations that were in effect prior to April 1, 2022 ("prior Zoning Ordinance" and "prior Subdivision Regulations"), pursuant to Section 24-1903(a) of the Prince George's County Subdivision Regulations. Under the prior Prince George's County Zoning Ordinance, the property was in the Mixed Use-Infill (M-U-I) Zone and Military Installation Overlay (M-I-O) Zone for height. The site is also subject to the prior Development District Overlay (D-D-O) Zone associated with the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (master plan). The subject PPS qualified 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 September 25, 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) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-058.

This PPS includes subdivision of the property into one parcel for 7,348 square feet of commercial development. The property is currently vacant, and there are no previous PPS which apply to the property. A PPS is required, pursuant to Section 24-111(c) of the prior Subdivision Regulations, because the proposed development consists of more than 5,000 square feet of nonresidential gross floor area.

The applicant filed a request for a variation from Section 24-121(a)(3) of the prior Subdivision Regulations, to allow one direct access driveway to MD 214 (Central Avenue), an arterial roadway. Section 24-121(a)(3) requires that, when lots are adjacent to an arterial street, they be designed to front on an internal street or service road. The request is discussed further in the Transportation finding.

3. **Setting**—The subject site is located on Tax Map 67, in Grids B-4 and C-4, and is within Planning Area 72. The site is located in the northeast quadrant of the intersection of MD 214 (Central Avenue) and Norair Avenue. East of the property are various uses, including single-family detached dwellings and a commercial building in the CGO Zone (formerly the M-U-I and D-D-O Zones). North of the property are single-family detached dwellings in the CGO and Residential, Rural (RR) Zones (formerly the M-U-I and the Rural Residential (R-R) Zones). West of the property is Norair Avenue, with vacant land in the CGO Zone (formerly the M-U-I and D-D-O Zones) beyond. South of the property is MD 214, with various uses including an office/commercial building and a church located in the Industrial, Employment Zone (formerly the Light Industrial Zone and D-D-O Zones) beyond.
4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

| | EXISTING | EVALUATED |
|------------------|----------|---------------------------|
| Zone | CGO/MIO | M-U-I/D-D-O/M-I-O |
| Use(s) | Vacant | Commercial |
| Acreage | 0.82 | 0.82 |
| Lots | 3 | 0 |
| Parcels | 0 | 1 |
| Dwelling Units | 0 | 0 |
| Gross Floor Area | 0 | 7,348 sq. ft. |
| Variance | No | No |
| Variation | No | Yes, Section 24-121(a)(3) |

The subject PPS was accepted for review on May 6, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, the PPS was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on May 24, 2024, where comments were

provided to the applicant. Pursuant to Section 24-113(b) of the prior Subdivision Regulations, the requested variation from Section 24-121(a)(3) of the prior Subdivision Regulations was also received on May 6, 2024, and reviewed at the SDRC meeting on May 24, 2024. Revised plans were received on June 6, 2024, which were used for the analysis contained herein.

The PPS reflects inconsistent information among the plan sheets related to general notes and existing conditions on-site and on abutting properties. These inconsistencies shall be corrected prior to certification of the PPS.

5. **Previous Approvals**—There are no previous PPS approvals applying to this site. Detailed Site Plan DSP-03061 was approved on January 24, 2005, by the Prince George’s County District Council, for a 3,348-square-foot medical office building on the subject property. However, development of the site pursuant to this approval did not materialize.
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 subject site in the Established Communities Growth Policy Area. Plan 2035 classifies established communities as existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers. Established communities are most appropriate for “context-sensitive infill and low- to medium-density development” (page 20). 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

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, 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 mixed-use commercial land use on the subject property. Pursuant to Section 24-121(a)(5), the proposed use was found to conform to the land use recommendation of the master plan.

The master plan lists the following goals for the mixed-use commercial land use (page 63):

- **To reinforce the sustainability of the municipalities by promoting the development of commercial/mixed-use projects and public realm enhancements that improve the quality of life and generate tax income within and immediately surrounding the municipalities.**
- **To attract higher quality uses to the area that meet community needs or provide a new opportunity for the area.**

The proposed use for a vehicle parts or tire store without installation facilities is allowed in the D-D-O/M-U-I Zone. The property is surrounded by various commercial uses to the east, west, and south (across MD 214), and residential uses to the north of the property. The proposed development contributes to the mix of uses along the various blocks designated as mixed-use commercial and will also facilitate to generate tax income within and immediately surrounding the municipalities. The proposed development is also required to conform to the development district standards at the time of DSP. The PPS was found to conform to the goals for mixed-use commercial land use.

Other relevant master plan goals, policies, and strategies that are applicable to the subject property are discussed further below and throughout this resolution.

The subject property is located within Living Area C (Zone 1) (Map 5-3 page 74). The master plan identifies the following recommendations for Living Area C (Zone 1) that are relevant to the subject property:

Land Use and Community Design (page 83):

- **Encourage Central Avenue and Marlboro Pike commercial corridor node/cluster development.**
- **Preserve and strengthen commercial uses in growth centers, shopping nodes, and main street areas.**

The proposed commercial development will encourage MD 214 commercial corridor development and thereby preserve and strengthen commercial uses along the main street area.

Aviation/Military Installation Overlay Zone

This development is subject to the regulations of the M-I-O Zone. Pursuant to Section 27-548.54(e)(2)(D), Requirements for Height, of the prior Zoning Ordinance, all proposed structures must comply with the requirements for height for properties located in Surface B (Approach-Departure Clearance Surface). Conformance with this requirement will be evaluated at the time of DSP.

Zoning

The 2010 *Approved Subregion 4 Sectional Map Amendment* rezoned the property into the M-U-I and D-D-O Zones. On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the M U-I, D-D-O, and M-I-O Zones into the Local Transit-Oriented (LTO-E), CGO, and MIO Zones, effective April 1, 2022. However, this PPS was reviewed pursuant to the prior M-U-I, D-D-O, and M-I-O 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. An

approved SWM Concept Plan (3585-2023-0) was submitted with this PPS. Stormwater from this site is proposed to be treated and managed by use of three micro-bioretenment facilities and an underground storage facility, to meet the current requirements of environmental site design, to the maximum extent practicable. No further information is required regarding SWM with this PPS.

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

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations, as they pertain to public parks and recreational facilities.

Subdivision Regulations Conformance

Sections 24-134 and 24-135 of the prior Subdivision Regulations, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of recreational facilities to meet the park and recreation needs of the residents of the subdivision. This PPS is exempt from Section 24-134, Mandatory dedication of parkland, because it is for a nonresidential development.

Master Plan Conformance

The master plan identifies several recommendations for development of parks and recreation (pages 267–275). None of these recommendations impact the subject property.

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), master plan, prior Zoning Ordinance, and prior Subdivision Regulations, to provide the appropriate transportation facilities.

Master Plan Right-of-Way

The subject property has frontage on MD 214 (A-32), along the southern bounds of the site. Per the MPOT and master plan, the portion of MD 214 that fronts the subject property is designated as a six to eight lane arterial roadway, with an ultimate right-of-way width of 120–150 feet. The PPS shows that the existing width of MD 214, along the property's frontage, is 56 feet from the centerline. The existing right-of-way is sufficient to meet the master plan's recommended right-of-way for MD 214 (A-32), along the property's frontage. The PPS conforms to the requirements of the MPOT and master plan and is adequate to serve the additional traffic generated by the project. No additional right-of-way is required with this PPS.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends the following master-planned facilities:

- Planned Bicycle Lane: MD 214 (Central Avenue)

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, page 10):

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

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

In addition, the site is subject to the master plan, which includes the following policy to improve bicycle facilities within the plan limits (page 252):

Policy 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.

The master plan also recommends a planned bicycle lane along MD 214 (page 85 and Map 8-8, page 250). As a condition of approval, the applicant shall show and provide a bicycle lane along the subject property's frontage of MD 214, unless modified with written correspondence from the operating agency. In addition, the site's frontage along MD 214 has an existing sidewalk which is disconnected and overgrown. Prior to acceptance of a DSP, the applicant shall show a new 5-foot-wide sidewalk along the site's frontage on MD 214. Two bicycle racks (inverted-U style or a similar model that provides two points of contact for a parked bicycle) shall be located no more than 50 feet from the building entrance, in accordance with the recommendations of the American Association of State Highway and Transportation Officials (AASHTO) and the 2015 Association of Pedestrian and Bicycle Professionals, *Essentials of Bicycle Parking*. Lastly, continental style crosswalks shall be shown crossing all points of vehicle access. The above-listed improvements are consistent with the plan goals and intent of the master plan and shall be shown on the DSP.

Transportation Review

Variation from Section 24-121(a)(3)

A variation request for access to the subject site via MD 214 was submitted and reviewed as part of the PPS. 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 project instead includes one direct access driveway to MD 214.

Pursuant to Section 24-113 of the prior Subdivision Regulations, the below listed criteria must be met for the variation to be approved. The criteria, with findings of conformance, are outlined below:

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

The portion of MD 214 that fronts the subject site is a six-lane divided arterial roadway. The PPS includes one access driveway along MD 214, and one access driveway along Norair Avenue. As part of the PPS, the applicant submitted a truck turning plan and a truck management plan which evaluated the feasibility and safety of direct access from MD 214. These exhibits show that the low number of vehicles utilizing the site will not be detrimental to the public safety, health, welfare, or injurious to other properties. The access driveway along MD 214 will be designed for right-in/right-out movement only. The second access driveway, from Norair Avenue, will be available for passenger vehicle traffic, thereby reducing the number of vehicles utilizing the driveway from MD 214. The location of the right-in/right-out access driveway from MD 214 will not be detrimental to the adjacent properties and allows majority of the traffic to circulate through the site without impacting the residential neighborhood.

- (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 site is a corner property, with most of its street frontage (approximately 175 linear feet) on an arterial roadway, with a very narrow remaining frontage (approximately 47 linear feet) on Norair Avenue. The taking of land at the intersection of MD 214 and Norair Avenue, for public road improvement, reduced the frontage available to the property for access on both these roads. This is a condition not applicable generally to other properties. The PPS includes two access points, of which one is from Norair Avenue. However, this local street functions as the main access for the residential neighborhood located north of the subject property. Providing a sole access to the site for all vehicles, including large trucks, from Norair Avenue, will cause undue impacts to the existing network by creating operational deficiencies and conflicts with vehicles traveling through the adjacent intersection, as well as neighboring properties. These operational deficiencies further create a unique condition for the property, which is not applicable to other properties.

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

The Maryland State Highway Administration (SHA) Access Management Guidelines were reviewed to determine if the access from an arterial roadway meets the state requirements. Section 1.3.1.D of the Access Management Guidelines, copied below, is relevant to the proposed variation:

1.3.1.D. Adjacent Intersections– Properties that are located where normal operations of one or more stop-controlled or signalized intersections on the state highway significantly affect traffic operations (e.g. queuing delays) will typically be limited to one point of access on the state highway. A second

access point may be acceptable where warranted by demonstrated traffic patterns or design vehicle turning movements.

The PPS meets the requirements for Section 1.3.1.D, which indicates that properties located at signalized intersections be limited to a single point of access on the state highway. However, Norair Avenue is not maintained by SHA, and only one access is included along MD 214.

No other applicable laws, ordinances, or regulations are known which would be violated with the approval of this variation, and approval of a variation does not preclude final design and permitting approvals that may be required by SHA. Therefore, this criterion is met.

- (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;**

The shape, size, and physical surroundings of the property are such that a new internal street or service road is infeasible. The property is also surrounded by an established residential area that would most likely not support connection to the neighborhood. If the sole access to the site was enforced from Norair Avenue, vehicular movement to and from the site would significantly impact the trips to and from the residential neighborhood. Providing direct access to MD 214 will alleviate most of the vehicles from traversing onto Norair Avenue. Prohibiting access from MD 214 would create a particular hardship to the owner if the strict letter of the regulations were carried out and all direct access to MD 214 was denied.

The applicant's statement of justification (SOJ) submitted with the variation request states that having two points of access, one from MD 214 and one from Norair Avenue, will ensure safe on-site circulation and will help to separate customer vehicles and customer parking from service and delivery vehicles. This SOJ is supported by the truck turning exhibits submitted by the applicant. If the site were larger, the applicant could potentially provide space for a truck to turn around on-site, without encroaching on adjoining residences, customer parking, or required landscaping. However, the site is small enough that allowing trucks to have a second driveway to exit the site without turning around is the best means of ensuring acceptable on-site circulation. Therefore, because of the particular shape of the subject property, a particular hardship to the owner would result if only one driveway access to Norair Avenue were allowed.

- (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 site is subject to review under the prior M-U-I Zone. Therefore, this criterion is not applicable.

By virtue of positive findings for each of the criteria for variation approval, a variation from Section 24-121(a)(3), for one access driveway to arterial road MD 214, is approved. The purposes of the prior Subdivision Regulations and Section 9-206 of the Environment Article are served to a greater extent by the alternative proposal.

On-site Circulation

The subject PPS includes two access points, one along MD 214 and one along Norair Avenue. As discussed above, the point of access along MD 214 is the subject of a variation request, which is approved.

As discussed above, the established residential community, adjacent to the site, uses Norair Avenue as the primary access point. The applicant provided a truck turning plan, which demonstrates that larger vehicles and trucks will be able to maneuver through the site via access to MD 214. To separate large vehicles from conflicting with residential traffic, all large vehicles (including delivery trucks and trash trucks) to the site shall utilize MD 214, and not be allowed access onto Norair Avenue. Signage shall be placed at the site access point, along Norair Avenue, prohibiting truck movement in either direction from that access point. Specifically, prior to acceptance of a DSP, the applicant shall submit the details of a signage assembly prohibiting trucks to enter or depart from the access point along Norair Avenue.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the subdivision, meet the findings required of prior Subtitles 24 and 27, and conform to the master plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5). The master plan identifies the following overall goals for the provision of public facilities (pages 264–267):

Schools

- **Provide residents with public schools that are conveniently located, of adequate size, feature state-of-the-art technology and quality instructional opportunities, and serve as active centers for their communities.**

Public Safety

- **Locate police and fire and rescue facilities and services that meet the size and location needs of the community to minimize response time.**
- **Provide fire and rescue facilities that meet the needs of the community based upon established county standards and able to accommodate modern vehicles and equipment.**

Water and Sewer

- **Provide adequate public water and sewer service to areas eligible for service.**
- **Ensure that sewer capacity at the wastewater treatment plants serving Subregion 4 is sufficient to meet the county's future needs.**

The project will not impede the achievement of these goals or specific facility recommendations in the master plan. This PPS is subject to Certificate of Adequacy ADQ-2023-058, which established that pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property in the master plan.

The subject property is located in Planning Area 72, known as Landover and Vicinity. The 2024-2029 *Fiscal Year Approved Capital Improvement Program* budget identifies a new Fire/EMS station in the vicinity of Shady Glen Drive and MD 214 (13.51.0018).

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 this 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 three 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. Tier 1 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 10 feet wide along both sides of all public rights-of-way. The subject property has frontage on MD 214 to the south, and Norair Avenue to the west. The PPS shows PUEs along both roads, at a minimum of 10 feet wide.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 287–296). However, these are not specific to the subject site or applicable to the proposed development. 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 required. 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 Number | Associated Tree Conservation Plan Number | Authority | Status | Action Date | Resolution Number |
|---------------------------------------|---|------------------|---------------|--------------------|--------------------------|
| DSP-03061 | N/A | District Council | Approved | 1/24/2005 | 04-205 |
| NRI-166-2022 | N/A | Staff | Approved | 1/17/2022 | N/A |
| N/A | S-017-2023 | Staff | Approved | 1/31/2023 | N/A |
| 4-23033 | N/A | Planning Board | Approved | 7/11/2024 | 2024-074 |

Grandfathering

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

Environmental Site Description

A review of the available information indicates that no regulated environmental features (REF) are present on-site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), and provided on PGAtlas, there are no rare, threatened, or endangered species found to occur on or near this property.

Plan 2035

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

Environmental Conformance with Applicable Plans

Master Plan

The master plan contains environmental policies that should be addressed during the review of developments within the plan area. The specific language in **BOLD** is the text from the master plan, and the plain text provides comments on the PPS conformance.

Green Infrastructure

Policy 1: Protect, preserve, and enhance the green infrastructure network in Subregion 4.

As shown in the Countywide Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site does not contain regulated or evaluation areas.

Policy 2: Minimize the impacts of development on the green infrastructure network and SCAs.

The site does not contain regulated or evaluation areas, as shown in the Green Infrastructure Plan, and is not in the vicinity of a special conservation area.

Water Quality and Stormwater Management

Policy 1: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.

This project has an approved SWM concept plan from the Prince George's County Department of Permitting, Inspections and Enforcement, which was approved in accordance with the current stormwater regulations. The SWM concept plan proposes to manage the stormwater on-site using micro-bioretenention facilities and underground storage.

Policy 2: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.

There are no streams on or in the vicinity of this site.

Policy 3: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment activities.

The approved SWM concept plan proposes managing the stormwater on-site through the use of micro-bioretenention facilities and underground storage, to meet the current requirements of environmental site design, to the maximum extent practicable.

Policy 4: Assure that adequate stream buffers are maintained and enhanced and utilize design measures to protect water quality.

There are no streams on or in the vicinity of this site.

Air Quality and Greenhouse Gas Emissions

Policy: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.

Air quality is a regional issue that is currently being addressed by the Metropolitan Washington Council of Governments.

Green Buildings/Sustainability

Policy 1: Implement environmentally sensitive building techniques that reduce overall energy consumption.

Future development applications for the subject property, which require architectural approval, should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques is encouraged to be implemented to the greatest extent possible.

Tree Canopy and Green Space

Policy 1: Preserve, restore, and enhance the existing tree canopy.

Policy 2: Improve the county's capacity to support increases in the tree canopy.

The Prince George's County Tree Canopy Coverage Ordinance and Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) mandate an increase to the tree canopy countywide. Compliance with the Tree Canopy Coverage Ordinance will be required at the time of DSP review.

2017 Green Infrastructure Plan

The Green Infrastructure Plan was approved on March 17, 2017, with the adoption of the *2017 Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the Green Infrastructure Plan, this site is not within the green infrastructure network, as no regulated and evaluation areas exist on-site.

Environmental Review

Natural Resources Inventory

An approved Natural Resources Inventory Plan (NRI-166-2022) was submitted with the PPS, which correctly shows the existing conditions of the property. This site is not associated with any REFs such as streams, wetlands, 100-year floodplain, or associated buffers. The site is not within the primary management area (PMA). The NRI shows one specimen tree on-site and no woodlands.

Woodland Conservation

The site is exempt from the provisions of the WCO because the property contains less than 10,000 square feet of woodland and has no previous tree conservation plan approvals. A Standard Letter of Exemption (S-017-2023) from the WCO was issued for this site, which expires on January 31, 2025. No additional information is required regarding woodland conservation.

Specimen Trees

Approved NRI-166-2022 indicates that one specimen tree was identified on the subject property. This project is exempt from the WCO, which includes being exempt from the requirements of Section 25-122(b)(1)(G) of the WCO, and the conservation priorities outlined in Section 25-122(c)(1)(D) of the WCO. No further information is required with this PPS.

Regulated Environmental Features/Primary Management Area

The subject property does not contain any on-site REFs or PMA.

Soils

Section 24-131 of the prior 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 confined to, flooding, erosive stream action, high water table, unstable soils, or severe slopes, or to man-made conditions on the property, such as, but not confined to, unstable fills or slopes.”

The predominant soils found to occur, according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Collington-Wist-Urban land complex (0–5 percent slopes) and Udorthents, Highway. No unsafe soils containing Marlboro clay or Christiana clay have been identified on or within the immediate vicinity of this property.

Erosion and Sediment Control

The County requires the approval of an erosion and sediment control plan prior to approval of any permit. Erosion and sediment control plans are reviewed by the Prince George’s County Soil Conservation District for conformance with the current Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Based on the foregoing findings, the PPS conforms to the relevant environmental policies of the master plan, and the relevant environmental requirements of the prior Subdivision Regulations and prior Zoning Ordinance.

14. **Urban Design**—Per Section 27-548.25(a) of the prior Zoning Ordinance, a DSP will be required for the proposed development.

The regulations and requirements of the prior Zoning Ordinance, and the requirements of the Tree Canopy Coverage Ordinance of the County Code applicable to this development within the M-U-I Zone, will be evaluated at the time of DSP review.

The D-D-O Zone imposes site design and architectural standards to implement the master plan’s vision for Living Area C and Opportunity Site 3. This development will be evaluated for conformance to the applicable D-D-O Zone Urban Design Standards and Guidelines at the time of DSP review, which include yard and setback requirements, parking and loading standards, landscaping, screening, buffering, and building design (pages 535–557 of the master plan). For landscape standards not specified in the Urban Design Standards and Guidelines of the master plan, the requirements of the 2010 *Prince George’s County Landscape Manual* will apply and will also be evaluated with the DSP review.

15. **Citizen Feedback**—The Prince George’s County Planning Department received correspondence from a member of the community regarding this project. The citizen is a resident of the neighboring residential development located to the north of the subject property. The neighbor expressed concern regarding the impact of the traffic generated from the development onto Norair Avenue. The neighbor’s concerns are listed below, with response to each item of concern:
- a. The neighbor inquired as to how much traffic will be generated by the proposed development on the property, and how it will impact access to Norair Avenue for the residents. Per the traffic analysis submitted by the applicant, a minimal number of vehicles will access or depart the site onto Norair Avenue. Traffic adequacy and impact on adjoining roads was evaluated under the approved ADQ-2023-058. On-site circulation is discussed further under the Transportation finding.
 - b. A follow-up question was whether there is an access driveway proposed from Norair Avenue to the property. The PPS does propose one access driveway from Norair Avenue, but it will be restricted to passenger vehicles only. Site access is further described in detail under the Transportation finding.
 - c. The neighbor also wanted to know why an access point from Norair Avenue was supportable for this subdivision, when it was not evaluated for PPS 4-22042, which was approved in 2022, for a property located across Norair Avenue. The subject property has significantly less width along its MD 214 frontage than the neighboring property subject to 4-22042. That property has approximately 300 feet of frontage along MD 214, and about 38 feet of frontage along Norair Avenue. The subject site only has approximately 175 feet of frontage along MD 214, but about 47 linear feet of frontage along Norair Avenue. PPS 4-22042 was approved with two access points along MD 214, to enable adequate vehicular circulation within the property. For the subject property, this design would not work because there is insufficient frontage along MD 214. An access point along Norair Avenue is necessary for a delivery truck to enter the site from MD 214, perform a three-point-turn to back up to the loading area, and then depart the site to MD 214. No truck will enter or depart the site along Norair Avenue.
 - d. The neighbor’s next concern was how trucks will be restricted from using the Norair Avenue access point. The applicant has agreed that trucks will not enter or depart the site along Norair Avenue, and has agreed to signage which prohibits truck use at this access point. The applicant has also provided a truck management plan indicating that deliveries will typically occur once a week outside of peak hours. Detailed design of the access driveway on Norair Avenue will be evaluated with the DSP.
 - e. The neighbor also asked whether the applicant submitted a traffic study and a truck turning analysis. The applicant submitted a traffic analysis and a truck turning plan showing that in order for a delivery truck to make a three-point turn on-site, the access point along Norair Avenue is necessary. However, there will be no truck access entering or departing the site from Norair Avenue.

- f. The neighbor wanted to know how much parking is proposed on-site, since they were concerned that customers to the retail business will park on Norair Avenue. Conformance with parking requirements is not reviewed with the PPS and will be evaluated with the DSP when the final building size is established.
- 16. **Referral to Municipalities**—The subject property is located within one mile of the municipal boundaries of the City of Seat Pleasant. The PPS was referred to the City for review and comment on May 6, 2024. The Planning Department had not received any comments from the City.
- 17. **Planning Board Hearing**—At the July 11, 2024 Planning Board hearing, staff presented the PPS to the Planning Board. The applicant, prior to the July 9, 2024 noon deadline, submitted an exhibit proposing revisions to two conditions of approval. The applicant requested a revision to Condition 4a related to a required bicycle lane, to clarify that the required facility should be accommodated with the right-of-way, as shown on the PPS, and that no additional right-of-way dedication is required to provide this bike lane. The applicant also requested a revision to Condition 4e, prohibiting access to only tractor trailers to Norair Avenue, while allowing smaller trucks and delivery vehicles to use that entrance, given that these delivery vehicles will already be on Norair Avenue to deliver packages to the residential community beyond. The applicant's proposed revisions to Conditions 4a and 4e were found to be acceptable.

The applicant also gave a presentation of the project, describing in detail the existing site, its surroundings, and the proposed use. The applicant made comparisons of the proposed development of the subject site with a recent approval for a similar use on a property located across Norair Avenue. The applicant also clarified that the project includes only retail use and does not include any installation bays. They stated that pedestrian safety and circulation will be further addressed, at the time of DSP. The applicant also described the community engagement they conducted, in support of the project.

Of the two citizens who signed up to speak at the public hearing, only one citizen was present to speak. The citizen is a resident of the neighboring residential development, who previously corresponded with the Planning Department. The neighbor expressed their concern regarding the safety of the proposed access from the site to Norair Avenue, which is the sole access for the residential community located to the north. The neighbor also listed their concerns regarding the expected truck traffic and the amount of parking proposed by the applicant, and their impression that the applicant was trying not to provide the required bicycle lane along MD 214.

Regarding the variation request to Section 24-121(a)(3), the Board inquired about the type of trucks expected to serve the site, and whether a truck would be able to turn into the access driveway from the right lane of MD 214, without encroaching onto the adjoining travel lanes. The truck turning exhibit submitted by the applicant demonstrates that a truck will need all three lanes of westbound MD 214 to turn into the driveway. The Board expressed concern regarding safety issues that the proposed truck movement could create. In response, the applicant stated that the exhibit was based upon conceptual site design, and that additional truck turning exhibits will be provided with the future DSP application, to include further details. The Board approved the variation, subject to the applicant designing the driveway entrance per applicable design.

standards, at the time of DSP. The entrance should be designed to address the Board's concerns regarding impediment to off-site traffic along MD 214.

The Board also asked the applicant to consider the location of parking spaces, at the time of SP, that the building should be oriented towards MD 214, and that the parking should be located behind the building. The Board also commented that innovative methods should be evaluated to reduce the impact of the required parking, including use of alternative surface materials.

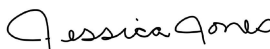
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Shapiro voting in favor of the motion at its regular meeting held on Thursday, July 11, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of September 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:tr

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: August 10, 2024