



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 16-85

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File No. 5-16011

RESOLUTION

WHEREAS, Lidl US Operations, LLC is the owner of a 4.28-acre parcel of land known as Fleischman's Village, Parcel A, Block E, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on May 10, 2016, Lidl US Operations, LLC filed an application for approval of a Final Plat of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Final Plat of Subdivision, also known as Final Plat 5-16011 for Fleischman's Village, Parcel 1, Block E, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission (M-NCPPC) by the staff of the Commission on July 7, 2016, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on July 7, 2016, the Prince George's County Planning Board APPROVED 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 Final Plat of Subdivision 5-16011 for Fleischman's Village, Parcel 1, Block E, including a variation from Section 24-121(a)(3) for direct access to an arterial roadway, Branch Avenue (MD 5), with the following conditions:

1. Total development within the subject property shall be limited to uses that generate no more than 107 AM and 190 PM peak-hour vehicle trips. Any new development generating an impact (net new trips) greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
2. The final plat shall note that direct access to Branch Avenue (MD 5) is authorized pursuant to an approved Variation to Section 24-121(a)(3) of the Subdivision Regulations and is limited to one access point for vehicular ingress and egress onto Branch Avenue. Denied access shall be reflected on the final plat for all other frontage along Branch Avenue.
3. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Central Branch Avenue Revitalization Sector Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- a. Construct a standard sidewalk along the subject site's entire frontage of Scottish Avenue, unless modified by the Prince George's County Department of Public Works and Transportation.
 - b. Construct a standard sidewalk along the subject site's entire frontage of Aberdeen Street, unless modified by Prince George's County Department of Public Works and Transportation.
 - c. Provide a bicycle rack(s) accommodating a minimum of five bicycles at a location convenient to the building entrance.
4. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 2013 *Approved Central Branch Avenue Revitalization Sector Plan*, and the required findings of Section 24.124.01 of the Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Construct a six-foot-wide sidewalk along the east side of Branch Avenue (MD 5) as shown in the proposed sidewalk detail. Prior to issuance of any building permits within the subject property, in accordance with Section 24-124.01 of the Subdivision Regulations, this sidewalk improvement shall; (a) have full financial assurances; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the operating agency.
5. At the time of detailed site plan (DSP), provide an exhibit that illustrates the location and limits of all off-site improvements proffered in the Bicycle and Pedestrian Impact Statement (BPIS) for the review and approval of the operating agencies. This exhibit shall show the location of all off-site sidewalk construction, Americans with Disabilities Act (ADA) ramps, pedestrian signals, crosswalk improvements, bus shelter installations, pavement markings and signage. If it is determined at the time of DSP that alternative off-site improvements are appropriate, the applicant shall demonstrate that the substitute improvements shall comply with the facility types contained in Section 24.124.01(d) of the Subdivision Regulations, be within one-half mile walking or bike distance of the subject site, within the public right-of-way, and within the limits of the cost cap contained in Section 24.124.01(c). The Planning Board shall find that the substitute off-site improvements are consistent with the BPIS adequacy finding made at the time of preliminary plan of subdivision.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.

2. The subdivision has been evaluated, in accordance with Section 24-111(c), for adequate public facilities as set forth in Divisions 3 and 4 of Subtitle 24.
3. **Background**—The subject property is currently known as Parcel A, Block E, Fleischman's Village, recorded on or about October 28, 1964 (Plat WWW 54-51) in the Prince George's County Land Records. The property is located on Tax Map 80 in Grids A-4 and B-4, and is approximately 4.28 acres. The parcel is currently undeveloped. The subject application is a final plat for resubdivision of the property, as required by Section 24-111(c) of the Subdivision Regulations.

Section 24-111(c) requires a final plat of subdivision approved prior to October 27, 1970 to be resubdivided prior to issuance of a building permit, unless meeting one of the exemptions outlined in Section 24-111(c)(1) through (4). The subject parcel does not meet an exemption and, therefore, is required to be resubdivided. Further, Section 24-111(c) provides that a final plat submitted for resubdivision without modifications shall be approved by the Planning Board if it is found that adequate public facilities exist or are programmed for the area within which the subdivision is located, as defined in Divisions 3 and 4 of Subtitle 24. The applicant submitted Final Plat 5-16011 in accordance with the requirements of Section 24-111(c) with a concept plan, which proposes to construct a grocery store and associated parking on the site. The submitted concept plan is submitted for informational purposes only and is not an approved plan.

The site has frontage on Branch Avenue (MD 5), a master plan arterial roadway; and Curtis Drive, Scottish Avenue, and Aberdeen Street, all primary roadways. Section 24-121(a)(3) of the Subdivision Regulations states that "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." This application includes a request for variation from Section 24-121(a)(3) to allow an access driveway from MD 5. A variation is subject to the standards contained in Section 24-113 of the Subdivision Regulations. The Planning Board has evaluated the variation request and finds conformance to the required findings, as further discussed herein.

4. **Setting**—The subject property is located on Tax Map 80, Grids A-4 and B-4, in Planning Area 76A and is zoned Mixed Use-Transportation Oriented (M-X-T) within the 2014 Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment, Development District Overlay (D-D-O). The site is bounded on all sides by public rights-of-way; Branch Avenue (MD 5) to the west, Curtis Drive to the north, Scottish Avenue to the east, and Aberdeen Street to the south.

5. **Development Data Summary**—The following information relates to the subject final plat of subdivision application and the proposed development.

	EXISTING	APPROVED
Zone	M-X-T/D-D-O	M-X-T/D-D-O
Use(s)	Vacant	Grocery Store (34,100 GFA)
Acreage	4.28	4.28
Lots	0	0
Outlots	0	0
Parcels	1	1
Dwelling Units	0	0
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	Yes (24-121(a)(3))

The requested Variation from Section 24-121(a)(3) of the Subdivision Regulations was accepted on May 10, 2016, and was heard at the Subdivision and Development Review Committee meeting on May 20, 2016, as required by Section 24-113(b) of the Subdivision Regulations.

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

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System, and will therefore be served by public systems.

7. **Police**—The proposed development is within the service area of Police District IV, Oxon Hill. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department, and the July 1, 2015 (U.S. Census Bureau) County population estimate is 909,535. Using 141 square feet per 1,000 residents, it calculates to 128,244 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

8. **Fire and Rescue**—This subdivision has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Silver Hill Fire/EMS, Company 829, a first due response station (a maximum of seven minutes travel time), located at 3900 Old Silver Hill Road, Suitland-Silver Hill, Maryland.

Capital Improvement Program (CIP)

The Prince George's County Capital Improvement Program for Fiscal Years 2016–2021 provides funding for a station relocation in the area of Silver Hill and Saint Barnabas Road.

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

9. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002); the subdivision will have no impact because it is a nonresidential use.
10. **Transportation**—The subject property consists of approximately 4.28 acres of land in the M-X-T Zone. The property is located in the southeast quadrant of Branch Avenue (MD 5) and Curtis Drive. The applicant is proposing the development of a 31,400-square-foot grocery store on the site.

The findings outlined below are based upon a review of materials and analyses consistent with the "Transportation Review Guidelines, Part 1" (Guidelines). Using trip generation rates from the guidelines, it is determined that the proposed development would generate 107 (66 in; 41 out) AM peak hour trips and 190 (97 in; 93 out) PM peak hour trips. These rates were computed by including a 36 percent pass-by for the PM peak movement. The trip generation rates were based on recommendations from the *Trip Generation Manual, 9th Edition* (Institute of Transportation Engineers).

The traffic generated by the proposed development would impact the following critical intersections:

- MD 5 and MD 637 (Naylor Road)
- MD 5 and Curtis Drive
- MD 5 and Bonita Street/32nd. Avenue
- MD 5 and MD 458/Silver Hill Road-Iverson Street
- MD 5 and Colebrook Avenue
- Curtis Drive and Scottish Avenue
- Scottish Avenue and Weltham Avenue
- Scottish Avenue and Aberdeen Street
- Scottish Avenue and Site Access
- MD 5 and Site Access

The application is supported by a traffic impact study (TIS, October 2015) submitted by the applicant. The findings are based upon a review of these materials and analyses consistent with the guidelines.

The subject property is located within Transportation Service Area 2 (TSA 2), as defined in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better;

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls), if deemed warranted by the appropriate operating agency.

Traffic Impact

As part of this application, the applicant submitted a TIS dated October 8, 2015. The following table indicates the intersections deemed critical to the site, along with the levels of service for each intersection:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
Branch Avenue (MD 5) and Naylor Road (MD 637)	A/731	A/834
MD 5 and Curtis Drive	D/1,353	C/1,185
MD 5 and Bonita St./32nd Avenue *	14.1 seconds	138.8 seconds
MD 5 and Silver Hill Road (MD 458)/Iverson Street	D/1,347	D/1,380
Curtis Drive and Scottish Avenue *	36.6 seconds	10.5 seconds
MD 5 and Colebrook Avenue	A/987	C/1,241
Scottish Avenue and Weltham Avenue *	11.3 seconds	9.2 seconds
Scottish Avenue and Aberdeen Street *	16.6 seconds	10.9 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. For signalized intersections, a CLV of 1,600 or less is deemed acceptable as per the "Guidelines."		

Traffic studies shall include an analysis of background developments, as well as growth in through traffic. The subject property is located in an area where there are no approved developments whose impact would affect the study intersections. Additionally, the TIS demonstrated that traffic along MD 5 has been decreasing consistently over the past ten years. Consequently, no growth factors were applied to the existing data.

Regarding the site traffic, the study cited trip generation rates taken from the *Trip Generation Manual, 9th Edition* (Institute of Transportation Engineers). Based on the proposed 31,400-square-foot supermarket use (ITE-850), the trip generation would be 107 AM and 298 PM peak hour trips. Applying a 36 percent pass-by (PM) rate, and the net trip generation would be 107 AM and 190 PM trips. With these proposed rates, a second analysis for total traffic condition was undertaken, with the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
Branch Avenue (MD 5) and Naylor Road (MD 637)	A/742	A/855
MD 5 and Curtis Drive	D/1,370	C/1,236
MD 5 and Bonita St./32nd Avenue **	14.2 seconds	148.3 seconds
MD 5 and Silver Hill Road (MD 458)/Iverson Street	D/1,354	D/1,387
Curtis Drive and Scottish Avenue **	55.6 seconds	13.4 seconds
MD 5 and Colebrook Avenue	A/991	C/1,248
Scottish Avenue and Weltham Avenue *	11.5 seconds	9.3 seconds
Scottish Avenue and Aberdeen Street *	17.1 seconds	11.3 seconds
Scottish Avenue and Site Access *	10.8 seconds	10.3 seconds
Branch Avenue and Site Access *	19.5 seconds	14.8 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. For signalized intersections, a CLV of 1,600 or less is deemed acceptable as per the Guidelines. ** Unsignalized intersections with delays above 50 seconds but CLV below 1,150.		

The results of the analyses show that all of the critical intersections associated with this development will operate adequately under total traffic conditions.

Agency Review Comments

This application was referred to and reviewed by the Prince George's County Department of Public Works and Transportation (DPW&T), as well as the Maryland State Highway Administration (SHA). A response from DPW&T indicated concerns primarily predicated on the site access being exclusively on Scottish Avenue. The fact is that SHA has granted a right-in/right-out access on Branch Avenue. That access will serve as the primary access to the site and, consequently, many of the concerns regarding the use of the residential streets will be minimized. A response received from SHA indicates concurrence with the findings of the traffic study.

Sector Plan, Right of Way dedication

The property is located in an area where the development policies are governed by the 2008 *Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment*. One of the recommendations from the sector plan was the upgrade of Branch Avenue (A-69) to a six-lane arterial road within a 120- to 150-foot-wide right-of-way. The current cross section of Branch Avenue (in the vicinity of the site) consists of three southbound lanes and two northbound lanes within 200 feet of the right-of-way. The potential to widen the northbound lanes to three lanes could easily be accommodated within the current 200-foot-wide right-of-way. Therefore, no additional dedication along the property frontage is required which is consistent with the sector plan recommendation.

The application conforms to the required findings for approval of a final plat in accordance with Section 24-124 of the Subdivision Regulations.

11. **Pedestrian and Bikeway Facilities**—The Transportation Planning Section has reviewed the final plat application for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is located between Branch Avenue (MD 5) and Scottish Avenue, north of Aberdeen Street. The site has ingress/egress points on both Branch Avenue and Scottish Avenue. The application proposes a 31,400-square-foot LIDL grocery store. The site is subject to the MPOT and the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Sector Plan). Due to the site's location within the Branch Avenue corridor (per the Adequate Public Facility Review Map of Plan Prince George's 2035), the application is subject to the requirements of County Council Bill CB-2-2012 and the associated "Transportation Review Guidelines, Part 2."

Master Plan Compliance and Prior Approvals

The findings are based on a review of the submitted final plat package, as well as the Bicycle and Pedestrian Impact Statement (BPIS), which was submitted in December 2015. Staff has worked with DPW&T and the applicant to identify appropriate off-site improvements for the site, given the limited existing facilities in the vicinity and the relatively low amount of the cost cap for the application per Section 24-124.01(c) of the Subdivision Regulations. The case was discussed at the DPW&T, Prince George's County Department of Permitting, Inspections and Enforcement, and the Maryland-National Capital Park and Planning Commission coordination meeting in January.

One master plan trail issue impacts the subject property, with Branch Avenue designated as a master plan bike lane and wide sidewalk corridor (see Sector Plan, Map 45 for Bikeways and Trails).

Branch Avenue Bicycle and Pedestrian Improvements

The Sector Plan highlights the importance of improving pedestrian safety along and across Branch Avenue inside the Capital Beltway (I-95/495). In conjunction with other streetscape improvements, a shared-use side path or standard/wide sidewalks should be provided in conjunction with designated bicycle lanes. Safety improvements for pedestrians should also be incorporated into future intersection improvements. There may also be opportunities to construct an urban linear park along some sections of the corridor, as discussed in the sector plan (MPOT, page 30).

The MPOT also contains a section on Complete Streets, which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made. It also includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

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.

Proposed On-Site Bicycle and Pedestrian Improvements

The submitted site development concept plan indicates sidewalk construction along the subject site's entire road frontages of Scottish Avenue and Aberdeen Street. No sidewalks are shown along Branch Avenue because the improvements along the site's frontage of Branch Avenue are included in the current SHA Consolidated Transportation Program (Project Number PG782_51). Between the frontage improvements proposed by the applicant and the improvements funded by SHA, the environment for pedestrians will be greatly improved along all the frontages of the subject site.

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

Due to the location of the subject site within a designated center, the application is subject to CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

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

Currently, facilities for bicyclists and pedestrians are minimal in the vicinity of the subject site. Sidewalks are narrow or missing in many areas, and in some areas are immediately behind the curb with no buffer from the travel lanes. On-road bicycle facilities are non-existent. However, it should be noted that SHA is funding a streetscape improvement project for Branch Avenue and Naylor Road in the vicinity of the Branch Avenue Metro. This streetscape project (Project Number PG782_51) will provide continuous sidewalks and designated bike lanes along both Naylor Road and Branch Avenue. The portion of Branch Avenue being improved under the current SHA project is from Curtis Lane to south of Suitland Parkway.

Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the improvements is calculated according to Section 24-124.01(c):

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

The subject application is proposing a 31,400-square-foot grocery store. Per Section 24-124.01(c), the calculation of the cost cap for the subject site is \$10,990 based on the cap of \$0.35 per square foot of the gross floor area (GFA) being proposed.

Council Bill CB-2-2012 also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

(d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**

1. **installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
2. **installing or improving streetlights;**
3. **building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
4. **providing sidewalks or designated walkways through large expanses of surface parking;**
5. **installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
6. **installing street trees.**

The submitted BPIS fulfills the requirements of the "Transportation Review Guidelines, Part 2," The BPIS Includes the following information, per the outlined review process on pages 9–13 of the guidelines:

- Per Section 24-124.01(c), the calculation of the cost cap for the subject site is \$10,990 based on the cap of \$0.35 per square foot of GFA of 31,400 square feet.

- The pre-application meeting was held between the Transportation Planning Section and the applicant on November 5, 2015. The meeting reviewed the requirements of the "Transportation Review Guidelines, Part 2," the required on- and off-site improvements, and the required finding of adequacy. Also discussed were possible off-site improvements, with the priority being improving accommodations for pedestrians along Branch Avenue, and providing better pedestrian access between the subject site and the Naylor Road Metro Station. Also discussed was the current SHA project for continuous sidewalks and designated bike lanes along Branch Avenue from Curtis Drive to south of Suitland Parkway. The off-site sidewalk proffered by the applicant will extend these sidewalk improvements further to the south.
- The BPIS proffers approximately 250 linear feet of off-site sidewalk construction along the west side of Branch Avenue (see the attached sidewalk detail from the BPIS). This sidewalk will complement and extend the sidewalks being constructed by SHA along Branch Avenue north of Curtis Avenue (Project Number PG782_51). This project was discussed at the January coordination meeting with DPIE and SHA, and both agencies supported this off-site improvement.

Demonstrated nexus between the subject application and the off-site improvements

Section 24-124.01(c) requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized by Transportation Planning Section staff below.

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

Demonstrated Nexus Finding

Off-site sidewalk improvement will directly benefit the future patrons and employees of the proposed LIDL grocery store. Improvements for bikeway signage along both Manchester Drive and Old Branch Avenue will benefit the subject site by providing safe pedestrian access along a segment of Branch Avenue that is beyond the scope of the current SHA Neighborhood Conservation Project. This sidewalk improvement proposed by the applicant will accommodate future patrons and employees of the LIDL grocery store when walking to and from the subject site.

Finding of Adequate Bicycle and Pedestrian Facilities

Council Bill CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of preliminary plan of subdivision. Council Bill CB-2-2012 is applicable to preliminary plans within designated centers and corridors. The subject application is located within the designated Branch Avenue corridor, as depicted on the Adequate Public Facility Review Map of Plan Prince George's 2035. Council Bill CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

As amended by CB-2-2012, Section 24-124.01(b)(1) and (2) includes the following criteria for determining adequacy:

- (b) **Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**

1. **The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**

- a. **The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**

Sidewalks are proposed by the applicant along the subject site's frontages of Scottish Avenue and Aberdeen Street. The current SHA CTP project will provide a sidewalk along the site's frontage of Branch Avenue. These sidewalks will greatly improve pedestrian mobility around the subject site. The off-site sidewalk proposed along the west side of Branch Avenue will extend these improvements to the south of the subject site and better connect the subject site with nearby commercial and residential communities. Currently, sidewalks are fragmented in the vicinity of the subject site, and the improvements being proposed by the applicant on- and off-site will fill significant gaps in the sidewalk network.

- b. **The presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash**

receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).

Sidewalk improvements are proposed along all of the site's road frontages, and an additional segment of off-site sidewalk is being proffered to the south along Branch Avenue. These sidewalks will greatly improve the pedestrian environment along a corridor where sidewalks are fragmented, missing, or narrow in many areas. The sidewalks proffered by the applicant will fill key missing links in the overall sidewalk network and complement the current SHA CTP project for Branch Avenue.

2. The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:

- a. The degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**

The MPOT recommends designated bike lanes along Branch Avenue and Naylor Road. A current SHA streetscape project (Project Number PG782_51) will provide continuous sidewalks and designated bike lanes along both Naylor Road and Branch Avenue. The portion of Branch Avenue being improved under the current SHA project is from Curtis Lane to south of Suitland Parkway. Under the cost cap specified in Section 24-124.01(c), it is not possible to extend these bike lanes further along Branch Avenue, as the repaving of the road required for the bike lanes and other restriping would far exceed the \$10,990 cost cap.

- b. The presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**

Designated bike lanes are being provided along both Branch Avenue and Naylor Road through a current SHA CTP project.

- c. The degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**

Designated bike lanes are being provided along both Branch Avenue and Naylor Road through a current SHA CTP project. These facilities will provide better access between the subject site and the Naylor Road Metro and better connect the proposed LIDL grocery store with surrounding communities.

- d. **The availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

Bicycle parking is currently provided by the Washington Metropolitan Area Transit Authority (WMATA) at the Naylor Road Metro Station. A small amount of bicycle parking is recommended on-site.

The Planning Board finds that the applicant is proffering a critically needed sidewalk improvement in the vicinity of the subject site that will benefit both people walking to and from the subject site, as well as people walking down the larger Branch Avenue corridor. Given the relatively low amount of the cost cap (\$10,990), this is an important off-site improvement that will benefit the subject site and the larger community, as well as enhance pedestrian safety along a segment of Branch Avenue. The on- and off-site improvements conditioned will improve the pedestrian environment in and around the subject site within the cost cap specified in Section 24.124.01.

12. **Variation**—Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for the creation of new lots that front on arterial roadways. This section requires that these lots be designed to front on either an interior street or service road. This design guideline requires that an applicant develop alternatives to direct access onto an arterial roadway.

Section 24-121. Planning and design requirements.

- (a) **The Planning Board shall require that proposed subdivisions conform to the following:**
- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road.**

The site has frontage on Branch Avenue (MD 5), a master plan arterial roadway; and Curtis Drive, Scottish Avenue, and Aberdeen Street, all primary roadways which provide access to the surrounding residential neighborhood. The applicant intends to provide an access via Scottish Avenue, a 50-foot-wide public right-of-way, and is requesting a variation to the requirements of Section 24-121(a)(3) to allow for one direct access driveway to MD 5 for Parcel 1.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request:

Section 24-113 Variations

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

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

The subject property has frontage on the northbound side of MD 5. The access driveway will provide right-in and right-out turning movements from the subject site, without disruption to traffic. The access will provide the opportunity for commercial traffic to enter and exit the site without having to utilize the residential streets adjacent to the site. The proposed access will not block, obstruct, or impede access to any other property. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any other property. Moreover, any access permits will be required to be approved by the relevant operating agencies.

- (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 shape of the subject property is approximately triangular, having approximately 696 feet of frontage along MD-5, 302 feet along Aberdeen Street, 885 feet along Scottish Avenue, and then tapering back to 64 feet along Curtis Drive. Neighboring properties to the east of Scottish Drive and south of Aberdeen Street are all zoned and currently developed residentially. The ability to access the site directly from MD 5 will provide separation of the commercial use from the surrounding residential neighborhood. Therefore, the conditions on which the variation is based are unique to this property.

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

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The applicant will also be required to obtain an access permit from SHA for the location and design of the access.

This final plat and variation for access onto MD 5 was referred to SHA. SHA has indicated that intersections will continue to operate at acceptable levels of service and concurs with the finding presented in the TIS submitted by the applicant. SHA further notes that an access permit will be required for all work in the SHA right-of-way. The variation does not violate any other particular law, ordinance, or regulation.

- (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 physical conditions of the site are not particularly dissimilar to adjacent properties; however, the adjacent residential neighborhood and streets would be impacted by the commercial traffic generated by the subject site if the variation was not approved. Direct access to MD 5 for the site will minimize negative effects of the proposed development on its surroundings.

- (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 subject property (Parcel 1) is zoned M-X-T; therefore, this provision does not apply.

Based on the preceding finding, the Planning Board approves the variation from Section 24-121(a)(3) of the Subdivision Regulations for Parcel 1 for one direct vehicular access to MD 5. The Planning Board finds that approval of the applicant's request will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to provide consolidated points of access along arterial roadways and ensure a hierarchical street system.

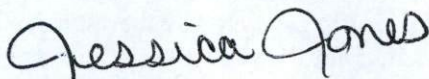
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, July 7, 2016 in Upper Marlboro, Maryland.

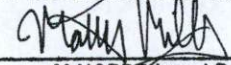
Adopted by the Prince George's County Planning Board this 7th day of July 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SC:ydw

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCP&C Legal Department
Date 7/8/16