



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 2022-73

File No. DSP-06015-01

## R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Local Transit-Oriented Edge Zone (LTO-E); and

WHEREAS, pursuant to Section 27-1703(a) of the Zoning Ordinance, development applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, may be reviewed and decided in accordance with the Zoning Ordinance in existence at the time of submission and acceptance of the application; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on June 9, 2022, regarding Detailed Site Plan DSP-06015-01 for Capitol Heights Shopping Center, the Planning Board finds:

1. **Request:** The subject application is for approval of an integrated shopping center with a gross floor area of 113,389 square feet in both the prior Commercial Shopping Center (C-S-C) Zone and Development District Overlay (D-D-O) Zone. The subject application is identical to the previously approved, but now expired, Detailed Site Plan DSP-06015. No modifications to the prior approval are proposed, except for technical adjustments.

2. **Development Data Summary:**

	<b>PREVIOUSLY APPROVED IN DSP-06015</b>	<b>APPROVED</b>
Zone(s)	C-S-C/C-O/D-D-O	C-S-C/M-I-O/D-D-O
Use(s)	Integrated Shopping Center	Integrated Shopping Center
Acreage	27.77	26.73
Parcels	1	1
Building square footage/gross floor area	113,389	113,389
Of which Building 1-Giant	57,960	57,960
Building A-Retail	15,027	15,027
Building B-Retail	8,320	8,320
Building C-Retail	8,612	8,612
Building D-Bank	4,670	4,670
Building E-Restaurant	4,800	4,800
Building F-Restaurant (Sit-Down)	7,000	7,000
Building G- Restaurant (Sit-Down)	7,000	7,000

**OTHER DEVELOPMENT DATA**

	<b>REQUIRED</b>	<b>APPROVED</b>
Total Parking Spaces	548 (min.)–567 (max.)	593*
Handicapped spaces	11–12	27
Van accessible spaces	3	23
Loading spaces	3	10

**\*Note:** Parking spaces provided are in excess of the maximum permitted by the D-D-O Zone standards, as stated in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas* (Morgan Boulevard Sector Plan and SMA).

3. **Location:** The property is located on the south side of MD 214 (Central Avenue), approximately 200 feet east of its intersection with Shady Glen Drive, in Planning Area 75A, and Council District 6.

4. **Surrounding Uses:** The site is bounded on the north by the right-of-way of MD 214, and by the right-of-way of Walker Mill Drive on the west and south sides. Walker Mill Drive is designated as a historic road from Shady Glen Road to Ritchie Road. Across Walker Mill Drive from the proposed shopping center are residential lots zoned Residential, Single-Family-95 (RSF-95) and Residential, Rural. To the north of the subject site, across MD 214, are properties zoned Commercial, General and Office (CGO), Local Transit-Oriented Edge, and RSF-95. To the west is a 0.49-acre property zoned CGO (Parcel 194) that is under the ownership of Prince George's County and is the site of a proposed fire and rescue station. To the southeast is a property zoned Residential, Single-Family-Attached, and to the east of the site are properties in the Industrial, Employment Zone. The site is within one mile of Seat Pleasant, and two-thirds of a mile from the Morgan Boulevard Metro Station.
5. **Previous Approvals:** The subject site was previously zoned Light Industrial (I-1). The Morgan Boulevard Sector Plan and SMA rezoned the subject site to the Commercial Office (C-O) Zone. The sector plan also included the site in the Central Avenue Corridor Node, which is adjacent to the Morgan Boulevard Metro Core.

On June 25, 2004, a revisory petition was filed by the owners of the Santos property (adjacent to the subject site) with the Prince George's County District Council, to request restoration of the I-1 Zone, based on a mistake in the SMA. On October 20, 2004, the Santos petition was amended by adding the adjacent Zimmer property and requesting the C-S-C Zone instead of the I-1 Zone. On February 14, 2005, the District Council approved Zoning Ordinance No. 2-2005, to revise the Morgan Boulevard Sector Plan and SMA to change the zoning classification from C-O to C-S-C based on a factual error and superimposed the D-D-O Zone on the property. On September 4, 2008, the Prince George's County Planning Board approved Preliminary Plan of Subdivision (PPS) 4-06139 and Type I Tree Conservation Plan TCPI-26-06 (PGCPB Resolution No. 08-109), for the Capitol Heights Shopping Center, Parcels A and B, with conditions.

The site is the subject of DSP-06015, which was approved by the Planning Board on February 4, 2010, subject to four conditions (PGCPB Resolution No. 10-01), but expired on December 31, 2021. The applicant has filed this DSP, which is identical to the previous application, to allow additional time to construct the integrated shopping center. The site has an approved Stormwater Management (SWM) Concept Plan, 32244-2005-00, that is valid until April 18, 2025.

6. **Design Features:** No modifications to the prior approval are proposed with this application. The site is irregular in shape, with two pods of development that are separated by a stream, and wetland which runs from northwest to the southeast through the site. Parcel B is proposed to be developed with a 57,960-square-foot Giant grocery store and approximately 32,000 square feet of additional in line retail stores on the western portion of the site. The eastern portion of the site proposes three pad sites referred to as restaurant row and includes a bank, a drive-through restaurant, and two sit-down restaurants. The stores are oriented toward a private, internal roadway with the surface parking located on the other side to service the commercial tenants. The site plan proposes two access points from MD 214 to the north, and one point of access from Walker Mill Drive in the southwest. The access from Walker Mill Drive connects through to

MD 214 and will be shared with a proposed fire/EMS station on Parcel A, which was previously part of the DSP but has now been conveyed to the County.

The site has been modified to treat the drives connecting the development pods and surface parking as private roads and meets relevant D-D-O Zone standards. The Planning Board requires that all of the standards for these private roads be met, prior to signature approval. An in-depth discussion of this issue is included in Finding 7 below.

The applicant is providing a five-foot-wide sidewalk along the property's frontage on Walker Mill Drive, in compliance with the Morgan Boulevard Sector Plan and SMA. However, no streetscape improvements are proposed for MD 214. An internal pedestrian circulation system with streetscape improvements such as pedestrian scale lighting, benches, and garbage cans is proposed, but will need to be improved in several locations to conform to applicable standards and provide a complete pedestrian circulation system.

### **Lighting**

The photometric plan submitted with this DSP shows the parking lot is lit by pole-mounted lamps of various heights with cut-off fixtures, which direct light toward the ground. The lighting levels for the building, parking, and pedestrian walkways are adequate and provide sufficient illumination on-site and reduce glare onto adjoining properties and roadways.

### **Architecture**

The buildings range in height from approximately 21 to 35 feet tall and are generally rectangular with flat roofs. The western building includes the primary anchor and features a tower flanking each end of the building with raised roofs to accent the entrances. Finish materials include prefinished standing seam metal roofs, exterior insulation finishing system cornice, fabric awnings or metal canopies, prefinished aluminum storefront window systems, ground-faced concrete masonry units, aluminum coping, and a brick water table, as well as the use of brick pilasters to provide vertical accents on the buildings' façades. Second-story windows have been added to give the appearance of a functional two-story building and are proposed to meet the minimum 40 percent display window requirement of the D-D-O Zone. The pad sites use similar finish materials and roof treatments and are acceptable.

### **Signage**

Building-mounted signage, in the form of surface-mounted channel letters, is limited to one per tenant. Two eight-foot-high monumental signs are proposed on-site and include individual panels for the tenants in the shopping center. One sign is proposed at the eastern entrance from MD 214 and one at the entrance from Walker Mill Drive. The D-D-O Zone design standards only allow one monument on-site sign along the street frontage. Since the subject site fronts on both MD 214 and Walker Mill Drive, two monumental signs are allowed.

### **Loading and Trash Facilities**

Loading is required for the development and is proposed in appropriate locations to limit visibility from the public roadways and nearby residential dwellings. Trash facilities are also proposed in appropriate locations and are screened by enclosures.

The subject site has service and loading entrances on the rear elevations of the buildings. In the shopping center, these loading areas are located on the southern elevation, adjacent to Walker Mill Drive. In the retail section of the shopping center, the loading areas will be adequately screened by a proposed area of afforestation. The Giant store has a large loading dock with three spaces and a trash compactor. The rear elevation of the Giant store will require additional evaluation to ensure that views of the loading dock and service areas are screened from Walker Mill Drive. A sightline analysis at this location is recommended and should demonstrate that this area is adequately screened. A condition has been included herein requiring this analysis prior to certification.

Loading spaces are proposed to serve the pad sites on the eastern portion of the site, and while architectural details have been added to the rear elevations to improve their appearance from MD 214, it is noted that these service areas will be visible from the public right-of-way. The loading areas are partially screened by a 10-foot-wide landscaped strip with one shade tree and 10 shrubs per 35 linear feet along MD 214. The Planning Board required that additional screening be added, to the maximum extent possible.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **2004 Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas and the standards of the Development District Overlay (D-D-O) Zone:** The Morgan Boulevard Sector Plan and SMA defines long-range land use and development policies, detailed zoning changes, design standards, and a D-D-O Zone for the Central Avenue Corridor Node. The subject site is in the southern portion of the corridor node. The vision for the node is to enhance pedestrian, cyclist, and bus circulation between the two nearby metro cores. The standards developed for this node implement the 2002 *Approved General Plan* recommendations for centers and corridors. The sector plan for the corridor node at Central Avenue calls for development and redevelopment of higher intensity residential and nonresidential mixed uses. Linkages to MD 214 promote pedestrian movement to bus service on MD 214 and access to the metro station. Development will not have the same intensity as the Morgan Boulevard Metro Station core areas but should have greater intensity than the surrounding suburban properties.

Section 27-548.25(b) of the prior Prince George's County Zoning Ordinance requires that the Planning Board find that the site plan meets applicable development district standards. The development district standards are organized into three categories: public areas, site design, and building design. The applicant has submitted a statement of justification that provides a detailed explanation of how the proposed shopping center conforms to each development district standard.

The DSP meets the standards of the D-D-O Zone with the exception of several development district standards for which the applicant has requested an amendment. The Planning Board finds that the alternative development district standards will benefit the development and the

development district and will not substantially impair implementation of the sector plan. The amendments that the applicant has requested are discussed below.

## **Site Design**

### **Parking Requirements—Page 96**

- A. The maximum number of off-street parking spaces permitted for each land use type shall be equal to the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance, except modified as follows:**
  - 2. The maximum number of off-street parking spaces permitted for Shopping Centers between 25,000 and 399,999 square feet of gross leasable area (GLA) shall be modified from Section 27-568(a) as:**
    - a. All uses except theaters shall provide no more than one space per 200 square feet of GLA.**
- B. The minimum number of off-street parking spaces permitted for each land use shall be reduced 20 percent from the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance. The minimum number of off-street parking spaces permitted for Shopping Centers (between 25,000 to 399,999 square feet of GLA) shall be equivalent to a 20 percent reduction of the maximum number of permitted off-street parking spaces (as calculated per Standard A.2).**

The parking requirements include three steps of calculation to allow parking reduction in order to reduce vehicle trips in the entire sector plan area including the subject site. Standard A sets out the maximum number of parking spaces allowed, which is equal to the minimum allowed number of parking spaces pursuant to Section 27-568(a) of the Zoning Ordinance; Standard B allows a 20 percent reduction of the number as result of Standard A; and Standard C factors in an additional reduction if two or more uses have been proposed in the development.

The parking provided is in excess of the maximum number of parking spaces permitted by the D-D-O Zone standard of the sector plan. The developer has proposed no reductions, or compact spaces. However, the 26 additional parking spaces above the maximum allowable parking spaces for this site are critical to the success of this shopping center. Therefore, the applicant's amendment request to allow the 26 additional parking spaces was previously approved in DSP-06015 and is recommended for approval herein.

The Planning Board requires that all parking spaces shown with an “X” on the plan, that are not provided for shopping cart storage, should be organized in a logical pattern within the parking lot or should be removed from the plan. A condition has been included in this approval requiring the applicant to correct these spaces.

**Parking and Loading Area Design—Pages 98–101**

- A. Surface parking lots shall not be located between the main building on a lot and the street. Parking lots should be located to the rear of buildings. When this is not possible or feasible, parking should be located to the side or rear to the extent possible. In no case may surface parking areas occupy more than 30 percent of the frontage of the lot.**

The DSP proposes internal private roads within the shopping center, which allows the application to meet build-to lines and other D-D-O Zone standards. By creating an internal street, the parking, which is in front of the building, is across the street from the building in conformance with this standard.

Therefore, the area occupied by surface parking does not exceed 30 percent along the frontage of the lot. However, these surface lots will occupy 100 percent of the frontage along the internal, private roads that are proposed.

- C. Parking lots shall be well lighted to ensure safety and shall be located and designed so as to avoid creating isolated and remote areas. Internal pedestrian paths shall be well illuminated and clearly delineated within parking lots.**

An internal pedestrian circulation system is proposed including pedestrian-scale lighting and is in conformance with this standard, as conditioned.

- L. Parking lots shall be screened from roadways and public areas (such as sidewalks, plazas, and abutting open space) with appropriate landscaping, a continuous, low masonry wall, or other appropriate screening techniques. Landscaping shall be provided in surface parking lots, as follows:**

- 1. A landscaped strip consisting of a minimum four-foot-wide landscaped strip between the right-of-way line and the parking lot, with a brick, stone, or finished concrete wall between 36 and 48 inches in height shall be provided to screen the parking lot. The wall shall be located adjacent to but entirely outside the four-foot-wide landscaped strip. Plant with a minimum of one shade tree per 35 linear feet of frontage, excluding driveway openings, and with a mixture of evergreen groundcover and low shrubs planted between the shade trees.**

2. **Perimeter landscaping from incompatible uses as defined in Section 4.7 of the *Landscape Manual* shall consist of a landscaped strip to be a minimum of four feet wide, with a minimum three-foot-high brick, stone, or finished concrete wall, and/or plantings to consist of one tree and three shrubs per 35 linear feet of parking lot perimeter adjacent to a property line.**

**If walls are constructed, they shall be located adjacent to but entirely outside the four-foot-wide landscaped strip and shall provide at least one passage with a minimum of three feet in width per every 60 linear feet when the wall is adjacent to open space, a pedestrian path, public plaza, or other pedestrian-oriented space to facilitate pedestrian movement and foster connections between parking areas and nearby uses.**

The applicant provided a ten-foot-wide landscaped strip, in accordance with the 2010 *Prince George's County Landscape Manual* (Landscape Manual), on the property's frontages on MD 214 and Walker Mill Drive. The D-D-O Zone standard above modifies that standard to reduce the width of the landscaped strip while requiring a wall to increase the amount of buildable area and encourage higher densities in the corridor node.

A retaining wall will be visible to the loading area behind Giant, not facing Walker Mill Drive. The wall rises from behind the Giant store to 16 feet tall. The wall then maintains this 16-foot height as it curves around Giant store at the southern entrance to the property. The Planning Board requires that the applicant provide details for the wall to ensure it will be attractive or divide the wall into terraces to break up the height. A condition has been included herein requiring the applicant to provide a sightline analysis prior to certification.

To the east of the western building, the land slopes steeply down with a retaining wall at the bottom that will range in height from 2 to 18 feet. This wall is long, and it wraps around the northern edge of the retail parking area and runs along the road leading to restaurant row. This retaining wall is within 12 feet of the boundary shared with the Santos property.

The applicant has proposed to modify the drive lanes of the parking lot to create internal, private drives. However, this concept should be expanded to come closer to conformance to the requirements of the sector plan. The sidewalks in several locations are immediately adjacent to the curb. The parking lot for the proposed Giant store has too many entrances and



other surface parking features to be considered 'across the street. The Planning Board requires that the above standards be applied to all parking areas adjacent to these internal, private roads. A condition has been included herein, requiring the applicant to provide raised pedestrian crosswalks across the two driveway entrances that are located farthest away from the main entrance of the Giant building prior to certification.

3. **Interior planting shall be required for any parking lot which is 6,000 square feet or larger. A minimum of nine percent of the lot must be interior planting area. For purposes of calculation, all areas within the perimeter of the parking lot shall be counted, including planting islands, curbed areas, corner areas, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side. Landscaped areas situated outside the parking lot, such as peripheral areas and areas surrounding buildings, may not be counted as interior planting area.**

The applicant has chosen to utilize internal, private streets with parking lots enclosed by perimeter plantings, and it is recommended that the perimeter plantings not be counted toward the interior planting requirement.

The site plan meets the requirement for interior green space and an exhibit has been submitted showing conformance. However, the schedule showing interior planting area should be revised to show the percentage of the interior planting area in addition to the amount of square feet prior to certification, and a condition is included herein.

- M. **Convenient and easily visible pedestrian connections shall be provided between parking areas and adjacent buildings and destinations.**

Pedestrian circulation has been provided for within the parking areas. Sidewalks have been generally provided on both sides of the internal roads. However, an asphalt gap with perpendicular parking spaces on either side has been shown and is only five feet wide, which will not provide sufficient protection from overhanging, parked vehicles.

The pedestrian circulation system provided is not complete. The site plan conforms to this requirement, as conditioned herein.

#### **Monument/Freestanding Signs—Pages 104–105**

- A. **Freestanding signs located anywhere within the development district shall consist of monument signs between two and eight feet in height mounted directly on a base and shall be constructed from or faced with high quality**

materials such as brick or stone. Signs shall not be constructed of tin, aluminum, signboard, and other similar, low-quality materials. New pole-mounted signs shall not be permitted.

- B. The area of the freestanding sign shall not exceed 1 square foot for each 2 linear feet of street frontage, to a maximum of 100 square feet for each sign for building(s) located in an integrated shopping center, other commercial center with three or more businesses served by common and immediate off-street parking and loading facilities, or an office building complex, as modified from Section 27-614(c). The street frontage shall be measured on the property occupied by the center or complex associated with the sign.**
- C. The area of the freestanding sign shall not exceed 1 square foot for each 4 linear feet of street frontage, to a maximum of 100 square feet per sign for building(s) not located in an integrated shopping center, other commercial center with three or more businesses served by common and immediate off-street parking and loading facilities, or an office building complex, as modified from Section 27-614(c). The street frontage shall be measured on the property occupied by the use associated with the sign.**
- H. Plantings and low masonry walls should be incorporated around the base of signs to soften their appearance and help integrate them into the surrounding urban pattern.**

The method used to light the monumental signs, specific materials proposed, and landscaping surrounding the signs are not included in the sign package. The Planning Board required that a revised sign package be submitted with consistent details that comply with sector plan standards, prior to certification, and a condition is included herein.

## **Building Design**

### **Height, Scale, and Massing—Pages 106–108**

- C. For the Central Avenue Corridor Node area, buildings shall be between two and four stories in height. The shopping center on the Santos/Zimmer properties shall be anchored by a national grocery chain store, a food or beverage store, which includes a bakery, pharmacy, deli, and seafood counters. No store on the Santos/Zimmer properties may exceed 125,000 square feet gross floor area.**
- H. The massing of a building should be appropriate to its surroundings and the size of its site. Monolithic box-like structures should be avoided.**

- I. The height, scale, and massing of buildings within a large parcel should be clustered so that the relationships create a sense of outdoor space.**
- J. Buildings located at prominent intersections should address the corner by providing proper articulation, appropriate building forms, and an entrance on the corner.**

The proposed buildings are single story and therefore, do not meet these standards. The standard requires a building height of two to four stories because the corridor node is in the Developed Tier within a Development District Overlay Zone. The applicant has responded to this comment by indicating that all of the proposed buildings are 20 feet or more in height. The applicant has also provided some second story windows to provide the appearance of a second story.

The applicant has proposed compensating for the building layout through improvements to the site. Providing an internal street network with improved pedestrian connections and amenities has improved the quality of the outdoor space created by the buildings despite not complying fully with the above standard. The negative effects of the building arrangement are minimized by the provision of improved streetscape and pedestrian environment. Additional building articulations and site amenities have also been provided to further improve the quality of the center.

In addition, the subject site is the only property included in the core area of the Morgan Boulevard D-D-O Zone that is located south of MD 214, which is a barrier to any pedestrian connection from the subject site to the Morgan Boulevard Metro station. Given that the surrounding area is still a suburban area served predominantly by automobile, the current site design is a reasonable solution to meet the site constraints.

#### **Materials and Architectural Details—Pages 108–109**

- A. High quality materials that are durable and attractive shall be used on the façades of all proposed buildings. These materials include, but are not limited to, brick, stone, precast concrete, wood, and tile.**
- D. Low quality materials such as standard smooth-faced concrete masonry units, prefabricated metal panels, and exterior insulation and finish systems (EIFS) shall not be used. Imitation or synthetic exterior building materials, which simulate the appearance of natural materials, should be avoided.**

The proposed buildings are finished with a combination of brick, split face concrete masonry units, and exterior insulation finish system panels (EIFS). EIFS is prohibited by the D-D-O, and accounts for a large percentage of the wall surfaces. The reason that EIFS is not recommended in the sector plan is that this

type of finish material is easily worn out if it is located on the lower portion of the buildings. If they are away from pedestrians, such as in this project where the EIFS is located on the upper part of the building elevations, it provides visual variety from a design perspective. Therefore, the EIFS shown on the elevations are acceptable.

**G. Trademark buildings with typical franchise architecture shall not be permitted.**

Even though the sector plan specifically required a national chain store be placed on this site and the applicant responded by providing a Giant grocery store, the Giant building is not typical franchise architecture. As discussed above, the Planning Board previously found that the EIFS as shown on the elevation is acceptable and approved the applicant's amendment request.

**Window and Door Openings—Pages 111–112**

**B. Storefronts with retail uses at street level shall provide large display windows. Display windows shall encompass a minimum of 40 percent and a maximum of 80 percent of a storefront's frontage (measured in linear feet).**

This standard has been met to the greatest extent possible on all of the buildings except for the front elevation of the Giant building. The Planning Board requires that additional windows be provided on the front elevation and the side elevation facing the entrance from Walker Mill Drive.

**Lighting—Page 113**

**D. Proposals for new development shall submit a comprehensive lighting package at the time of detailed site plan review, to include illustrations, plans, or photographs indicating the design, size, methods of lighting fixture attachment, and other information the Planning Board requires.**

D-D-O Zone standards require consistent and coordinated lighting styles and require site lighting to ensure a safe environment is created for patrons, without providing glare and spillover onto adjacent properties. A lighting package and details have been included with this DSP which proposes adequate lighting in the parking lots, pedestrian pathways, and buildings.

**Public And Private Open Spaces**

**Sidewalks, Crosswalks, and Trails—Pages 116–117**

**K. Pedestrian circulation should provide convenient and well-marked access to the Metro stations.**

The sector plan envisions a stronger public-transit connection through enhancement of the nearest bus stop by adding a bus shelter and other pedestrian amenities. The subject site is located on the south side of MD 214, which is a barrier to the pedestrian circulation from the subject site to the metro station. Given the distance from the subject site to the metro station and difficult crossing over MD 214, it is very unlikely that pedestrians would walk from this site to the Morgan Boulevard Metro Station.

#### **Street and Site Furniture—Page 118**

- A. Bus shelters shall be provided on bus service routes as determined by appropriate agencies. These shall be constructed with high-quality materials and shall be compatible with the overall character and materials of the mixed-use center in the core area.**

The applicant has indicated that a bus shelter will be provided with this development. The sector plan indicates that bus transportation from metro cores should be enhanced in the Central Avenue Corridor Node, which is adjacent to the metro cores and offers opportunities for bus transportation. The character of the bus station should be compatible with those in the core area. A bus shelter is shown along the site's frontage on MD 214, subject to final approval of the operating agency that has jurisdiction over this matter.

8. **Prior Zoning Ordinance:** The subject DSP has not been revised from the prior application, except for technical changes, and has been filed to obtain additional time for the construction of the shopping center. The findings of DSP-06015 and compliance with the applicable requirements of the prior Zoning Ordinance have been reviewed, remain unchanged, and are adopted herein by reference. DSP-06015-01 is in conformance with the requirements of Section 27-454 for the C-S-C Zone and Section 27-461 for Uses Permitted, of the Zoning Ordinance. In addition, the subject site was rezoned from the I-1 Zone to the C-S-C Zone through a zoning map amendment application, which was approved by the District Council (via Zoning Ordinance No. 2-2005) on February 14, 2005, with two specific conditions as follows:

- A. The shopping center on the properties shall be anchored by a national grocery chain store, a food or beverage store, which includes a bakery, pharmacy, deli, and seafood counters.**

The Giant grocery store is the only known tenant of this DSP. The rest of the retail, bank, and restaurant tenants are still unknown.

**B. No store on either property may exceed 125,000 square feet gross floor area.**

The Giant grocery store, which has a total gross floor area of approximately 57,960 square feet, is the largest store in the proposed shopping center. The DSP satisfies this condition.

**Military Installation Overlay (M-I-O) Zone:** Part 10(c) of the Zoning Ordinance sets forth criteria for the M-I-O Zone. The subject property is located within the Joint Base Andrews M-I-O Zone, within Height Surface B, which establishes a height limit. All the proposed buildings are less than 35 feet in height and meet the requirements of the M-I-O Zone.

9. **Preliminary Plan of Subdivision 4-06139:** The Planning Board approved PPS 4-06139 with 21 conditions. The conditions applicable to the review of this DSP are as follows:

**2. At the time of detailed site plan, a Type II tree conservation plan shall be approved.**

A Type II Tree Conservation Plan (TCPII-009-09-01) has been submitted with this DSP and is approved herein.

**3. Development of this site shall be in conformance with Stormwater Management Concept Plan No. 32244-2005 and any subsequent revisions.**

The applicant submitted a copy of the approved SWM Concept Plan, 32244-2005-00, which is valid until April 18, 2025. The DSP is in general conformance with this plan.

**6. Development of this subdivision shall be in compliance with approved Type I Tree Conservation Plan (TCPI/26/06). The following note shall be placed on the final plat of subdivision:**

**“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/26/06), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”**

The DSP is in general conformance with TCPI-26-06.

**9. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area and associated plantings except for approved impacts.**

**The following note shall be placed on the plat:**

**“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”**

The DSP delineates the primary management area (PMA) consistently with PPS 4-06139 and its associated TCPI. The impacts of the development are consistent with those approved at the time of the PPS.

- 10. At the time of detailed site plan, the approved technical stormwater management plan shall be submitted for review. The plan shall demonstrate the incorporation of wetland benches and forebays into the stormwater management design for the in-stream stormwater management pond and shall be correctly reflected on the associated TCPII.**

This condition was addressed with the original DSP and a copy of the same plan was submitted with this application.

- 12. The applicant, the applicant’s heirs, successors, and or assignees shall provide a standard sidewalk a minimum of five-feet wide along the property’s entire street frontage of Walker Mill Drive. The sidewalk shall be set back from the curb edge with a green, landscaped strip of at least five feet in width, unless modified by DPW&T.**

This DSP amendment provides a five-foot-wide sidewalk along the property’s entire street frontage of Walker Mill Drive.

- 13. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George’s County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.**

This requirement should be noted on the DSP as a general note, as conditioned herein.

- 15. The development of this property shall be in accordance with the conditions set forth in Zoning Ordinance No. 2-2005.**

The DSP fulfills the conditions attached to Zoning Ordinance No. 2-2005. A discussion of the DSP’s conformance is included in Finding 8 of this approval.

- 21. Total development of Parcel A, excluding a public safety facility by the County, and Parcel B within the subject property shall be limited to uses which would generate no more than 621 AM, 1,612 PM, and 1,545 weekend peak hour vehicle trips. Any**

**development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The proposed development is projected to generate no more traffic than the required AM and PM peak-hour vehicle trips and, the subject DSP application is consistent with the density and use associated with the prior PPS approval and satisfies the trip cap requirement outlined in Condition 21.

10. **Detailed Site Plan DSP-06015:** The Planning Board approved DSP-06015, subject to four conditions. The conditions that are relevant to the review of this DSP have been carried forward, where still valid.
11. **2010 Prince George's County Landscape Manual:** The Morgan Boulevard Sector Plan and SMA and the standards of the D-D-O Zone have modified the applicable sections of the Landscape Manual. Specifically, D-D-O Zone standards for Site Design, Landscaping, and Buffering and Screening Standard J state that Sections 4.2, 4.3, 4.4, 4.6, and 4.7 do not apply within the development district. Therefore, only applicable schedules should be included in the DSP and a condition requiring this has been included herein.
12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is grandfathered from the current regulations of Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance) and Subtitle 27 (Zoning Ordinance). TCPI-026-06 was approved with the PPS application and TCPII-009-09 was submitted with the prior DSP approval. TCPII-009-09-01 was submitted with this DSP-06015-01.

This 28.79-acre property contains no floodplain and has a total of 1.16 acres of woodlands. The woodland conservation threshold is 4.32 acres. The subject site proposes to clear 0.91 acre of existing woodland. The woodland conservation worksheet shows the project meeting the 5.23-acre woodland conservation requirement with 0.25 acre on-site, 2.87 acres of afforestation, 0.27 acre of natural regeneration, and 1.84 acres of woodland preservation off-site.

The revised approved Natural Resources Inventory NRI-001-06-02 identifies 29.44 acres for the gross tract area. The gross tract area identified in the TCPII woodland conservation worksheet is shown as 26.73 acres. While a difference between the acreage of the TCPII and DSP is not uncommon, the NRI and TCPII must reflect consistent site statistics. If areas of the NRI are not covered by the current application, the TCPII must show phasing for the additional sections. A condition is provided in this approval to revise the TCPII, to be consistent with the data provided on the NRI.

13. **Prince George's Country Tree Canopy Coverage Ordinance:** The site is subject to the Tree Canopy Coverage Ordinance because it proposes more than 5,000 square feet of disturbance. The Tree Canopy Coverage Ordinance requires that, based on the C-S-C zoning of the site, 10 percent of the site is to be covered in tree canopy. The overall site is 26.73 acres, and the site is required to provide 2.67 acres of tree canopy coverage (TCC). The subject application satisfies this



requirement as demonstrated on the provided TCC schedule. However, the acreage of the on-site woodland conservation in the schedule does not match that on the TCP II and should be revised as conditioned herein.

14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The Planning Board has reviewed and adopts referral comments that are incorporated herein by reference and summarized, as follows:
- a. **Community Planning**—In a memorandum dated February 15, 2022 (Luckin to Bishop), conformance with the applicable aviation policy area and sector plan was analyzed, and the proposed alternative development district standards were discussed, as included in Finding 7 of this approval. Pursuant to Section 27-548.26(b)(2)(A) and (b)(5) of the prior Zoning Ordinance, the Planning Board finds that the proposed amendments to standards conform with the purposes and recommendations for the development district.
  - b. **Historic Preservation**—In a memorandum dated January 28, 2022 (Stabler and Smith to Bishop), it was noted that Phase I archeological investigation was conducted on the subject property in June 2006. Due to the limited research potential of the sites, no further archeological investigations were recommended. The Planning Board concurs with the report's findings that no further archeological work is necessary on the Capitol Heights Shopping Center property. All archeological conditions for this property have been fulfilled. The subject property does not contain and is not adjacent to any Prince George's County historic sites or resources. This proposal will not impact any historic sites or historic resources.
  - c. **Transportation Planning**—In a memorandum dated February 25, 2022 (Patrick to Bishop), it was noted that the transportation-related issues of adequacy and access were addressed with the approval of PPS 4-06139, and the subject DSP amendment is in conformance with this approval. The Planning Board determined that this plan is acceptable and will be served by adequate transportation facilities, if revised to provide a sidewalk along the subject site's entire frontage of MD 214, and if crosswalks at both access points to the subject site are consistent with mandatory referral for Shady Glen Fire Station, unless modified with written correspondence by the Maryland State Highway Administration (SHA). Conditions related to these improvements have been included herein.
  - d. **Subdivision**—In a memorandum dated February 18, 2022 (Vatandoost to Bishop), the subdivision-related comments were provided, and the Planning Board notes that the property is the subject of PPS 4-06139, which approved two parcels (Parcels A and B) for commercial shopping center development. An analysis of the subject DSP's conformance with the prior approvals is included in Finding 9 above, and the DSP is found to be in substantial conformance with the approved PPS. Technical revisions to the general notes were recommended and have been conditioned herein.

- e. **Permits**—In a memorandum dated February 22, 2022 (Jacobs to Bishop), two permit-related comments were provided, which have been addressed by the applicant in revisions to the DSP, or have been included as conditions herein.
- f. **Environmental Planning**—In a memorandum dated May 17, 2022 (Kirchhof to Bishop), environmental comments were provided and are summarized below. The Planning Board approves the DSP and TCPII, subject to conditions included herein.

#### **Natural Resources Inventory/Existing Features**

The application has an approved natural resource inventory (NRI-001-06-02). The TCPII and DSP show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

#### **Soils**

The predominant soils found to occur on-site, according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, are Collington-Wist complex, Collington-Wist Urban, and Widewater and Issue soils. No unsafe soils containing Marlboro clay or Christiana complexes have been identified on this site. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) may require a soils report to address on-site conditions, prior to the issuance of a grading and/or building permits.

#### **Geotechnical**

A geotechnical report was submitted for review on May 4, 2022. The report was reviewed with the standards set forth by DPIE and Technogram 005-2018. Five sections of the global stability analysis have been performed. The analysis on all five sections resulted in greater than 1.5 factor of safety considered stable in global stability. The geotechnical recommendations, including the type of the wall, the type and dimension of reinforcements (tieback and geogrid), the interval and spacing of reinforcements, and the backfill requirements, etc., provided by ESC Mid-Atlantic, LLC, shall be incorporated into the retaining wall design package. If the final wall design is different from these recommendations, the global stability analysis shall be re-performed, and a revised package shall be submitted to DPIE for a permit revision. The final retaining wall design package, including the wall drawings and design calculations, shall be reviewed and approved by DPIE under a wall building permit that shall be applied for prior to the issuance of the site grading permit.

#### **Specimen, Champion, or Historic Trees**

According to the NRI, 33 specimen trees have been noted on the site. Specimen trees ST-1 through ST-13 were approved for removal with PPS 4-06139. No additional specimen trees were requested for removal with this application.

#### **Regulated Environmental Features/Primary Management Area**

There are regulated environmental features and PMA located on this site. Consistent with the PPS and TCPI, impacts to the PMA were approved with PPS 4-06139, and no

additional impacts are proposed with this DSP. This site contains an area of wetland mitigation which is required to be placed within a separate easement from the woodland conservation; however, the TCPII submitted with this DSP application does not clearly differentiate these two features. Furthermore, the wetland mitigation area shall not be counted towards meeting the overall woodland conservation requirement. Conditions have been provided in this approval to clearly differentiate between the wetland mitigation area and woodland conservation, and to provide a wetland report to verify the area of wetland mitigation.

#### **Stormwater Management**

A SWM Concept Approval Letter (32244-2005-00) and associated plan were submitted with the application for this site. The approval letter was issued from DPIE on April 18, 2019, and expired April 18, 2022. The approved plan proposes standard SWM conditions for the site. A renewed SWM letter was submitted by the applicant on May 12, 2022, which has an expiration date of April 18, 2025.

- g. **Prince George's County Fire/EMS Department**—At the time of the writing of this approval, the Fire/EMS Department did not offer comments on the subject application.
  - h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated March 3, 2022 (Giles to Bishop), DPIE offered comments on the subject application which have been forwarded to the applicant and will be addressed during the permitting process. DPIE finds the DSP to be consistent with the approved SWM concept plan.
  - i. **Prince George's County Police Department**—At the time of this approval, the Police Department did not offer comments on the subject application.
  - j. **Prince George's County Health Department**—In a letter dated January 26, 2022 (Adepoju to Bishop), the Health Department offered comments on the subject application which have been forwarded to the applicant and are included as conditions in this approval, as appropriate.
  - k. **Maryland State Highway Administration (SHA)**—At the time of the writing of this approval, SHA did not offer comments on the subject application.
  - l. **Washington Suburban Sanitary Commission (WSSC)**—In an email dated February 1, 2022 (Hall to Bishop), WSSC offered recommendations which have been provided to the applicant and will be addressed during WSSC's separate permitting process.
15. Based on the foregoing, and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, as revised in accordance with the conditions of this approval, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince

George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

16. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirements Section 24-130(b)(5) of the prior Prince George's County Subdivision Regulations. The impacts on regulated environmental features were previously evaluated and approved in PPS 4-06139 and DSP-06015 and are unchanged. Therefore, the proposed development can be found to preserve the regulated environmental features to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and:

- A. APPROVED the following alternative Development District Overlay Zone standards:
  1. **Site Design, Building Siting and Setbacks Standards, A.3.:** to allow the placement of buildings to be outside of 10–16 feet of the edge of the curb.
  2. **Site Design, Parking Requirement Standards, A:** to allow 26 additional parking spaces above the maximum allowed 567 parking spaces for this subject site.
  3. **Site Design, Parking and Loading Area Design Standards, A:** to allow the parking to be located partially in the front of the buildings.
  4. **Building Design, Materials and Architectural Details, G:** to allow exterior insulation finish system to be included as one of the exterior finishing materials as shown on the elevations.
  5. **Building Design, Height, Scale, and Massing Standards, C:** to allow the proposed buildings to be primarily one-story high with the appearance of a second story.
  6. **Building Design, Height, Scale, and Massing Standards, H:** to allow the boxy building footprint of a large anchor store to be developed on the site.
- B. APPROVED Detailed Site Plan DSP-06015-01 for Capitol Heights Shopping Center and Type II Tree Conservation Plan TCPII-009-09-01, subject to the following conditions:
  1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall:
    - a. Provide spandrel glass window treatments in the current block pattern locations along Giant's front elevations to meet the minimum 40 percent display window requirement; provide a porch along the front elevation of the Giant building with

all changes to be reviewed and approved by the Urban Design Section as the designee of the Prince George's County Planning Board.

- b. Provide a sightline analysis and additional landscaping to adequately screen the rear of the Giant building from the views of Walker Mill Drive.
- c. Provide raised pedestrian crosswalks across the two outside driveway entrances in front of the Giant building.
- d. Provide a comprehensive sign plan including construction details and lighting method of the signage to be reviewed and approved by the Urban Design Section as the designee of the Prince George's County Planning Board.
- e. Provide additional screening of the loading spaces that face MD 214 (Central Avenue), to the maximum extent possible, in accordance with Section 4.4. of the 2010 *Prince George's County Landscape Manual* and in coordination and consultation with staff.
- f. Provide a crosswalk with curb cuts from the sidewalk along the western access road to the sidewalk in front of the proposed supermarket.
- g. All crosswalks and curb cuts shall be marked and labeled on the site plan and shall conform to Design Standards F, G, and H of the Sidewalks, Crosswalks, and Trails Section of the Development District Overlay Zone (2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas*, page 117).
- h. Provide the following general notes:
  - (1) "An automatic fire suppression system shall be provided in all new buildings in this DSP, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate."
  - (2) "During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code."
- i. Provide a sidewalk along the subject site's entire frontage of MD 214 (Central Avenue) to be a minimum of eight feet in width and separated from the curb by a five-foot-wide landscaped planting strip, per Mandatory Development Requirements C, D, and E of the Sidewalk, Crosswalk, and Trails portion of the Development District Overlay Zone, unless modified by the Maryland State Highway Administration.

- j. Remove the label “Proposed R/W” from the hatched area adjacent to MD 214 (Central Avenue) on Sheets 2 and 3.
  - k. Correct the label for adjoining Parcel A to provide current ownership.
  - l. Label the area of right-of-way dedication along Walker Mill Drive with the recording plat reference.
  - m. Remove landscape plan schedules that are not applicable.
  - n. Revise the acreage of the on-site woodland conservation in the tree canopy coverage schedule to match the Type II tree conservation plan.
  - o. Provide dimensions of the loading spaces on the site plan.
  - p. Revise the interior planting area schedule to show the percentage provided.
2. Prior to certification of the detailed site plan, the Type II tree conservation plan (TCP II) shall be revised, as follows:
- a. Update the General Information Table to the most recent version in the Environmental Technical Manual.
  - b. Provide an analysis for the natural regeneration area to clearly establish that the requirements are being met in accordance with the specifications put forth in the 2010 *Prince George’s County Landscape Manual* and Section 25-122 of the prior Prince George’s County Code.
  - c. Provide the wetlands report associated with the wetland mitigation area.
  - d. Clearly differentiate the wetlands mitigation area and the woodland conservation areas on the TCP II.
  - e. Correct the TCP II worksheet data to be consistent with the site statistics table on Natural Resources Inventory NRI-001-06-02.
  - f. Have the plans signed and dated by the qualified professional who prepared them.
3. Prior to issuance of a grading permit for the stormwater management (SWM) pond fronting MD 214 (Central Avenue), the applicant shall provide a fountain amenity that has a continuous flow of water and is lit at night, if a SWM pond is located adjacent to MD 214 to be reviewed by Urban Design Section as the designee of the Prince George’s

County Planning Board, unless modify by the Prince George's County Department of Public Works and Transportation.

4. The applicant shall not permit the display or sale of merchandise in its parking lot or along its sidewalks, and also prohibit temporary window signage in the shopping center. This condition is not applicable to a grocery store tenant.

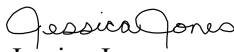
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

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, June 9, 2022, in Upper Marlboro, Maryland.

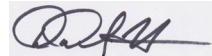
Adopted by the Prince George's County Planning Board this 30th day of June 2022.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:NAB:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: June 17, 2022