

# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 12-98

File No. DSP-11017

## RESOLUTION

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, in consideration of evidence presented at a public hearing on October 11, 2012, regarding Detailed Site Plan DSP-11017 and Special Permit SP-110002 for Hyattsville Subway Sandwich Shop, the Planning Board finds:

1. **Request:** The subject application requests approval for the establishment of a 1,400-square-foot Subway sandwich shop on the subject property.
2. **Development Data Summary:**

|                                    | EXISTING                 | APPROVED                 |
|------------------------------------|--------------------------|--------------------------|
| <b>Zone</b>                        | DDO/M-U-I                | DDO/M-U-I                |
| <b>Use(s)</b>                      | Vacant                   | Subway Sandwich Shop     |
| <b>Acreage</b>                     | 0.15 (6,367 square feet) | 0.15 (6,367 square feet) |
| <b>Parcels</b>                     | One                      | One                      |
| <b>Lots</b>                        | Part of Two              | Part of Two              |
| <b>Building Square Footage/GFA</b> | 3,264                    | 1,400                    |

## OTHER DEVELOPMENT DATA

### Parking Schedule

| Type of Use                       | Parking Rate                                                                                                                                                  | Number of Seats and specified GFA  | Number of Parking Spaces Required* | Parking Provided |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------|------------------|
| Eating and Drinking Establishment | 1 per three seats and one per 50 square feet of GFA (excluding any area used exclusively for storage or patron seating, and any exterior patron service area) | 18 seats and 80 square feet of GFA | 8                                  | 5                |

\*Provided as per the requirement specified in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* and the Prince George's County Zoning Ordinance. A waiver of the development district standards has been requested for this requirement.

3. **Location:** The subject site is located in Planning Area 68 and Council District 2. More specifically, the site is located on the western side of Baltimore Avenue (US 1), approximately 790 feet south of its intersection with Farragut Street in Hyattsville.
4. **Surrounding Uses:** The subject property is bounded to the north by townhouses that are part of the EYA Hyattsville development; to the east by Baltimore Avenue (US 1), with the Shops at EYA beyond; to the west by townhouses, also part of the EYA Hyattsville project, and a portion of the adjacent car wash property; and to the south exclusively by the car wash property.
5. **Previous Approvals:** The site is subject to the requirements of the plat recorded in Liber 32700 at Folio 237.
6. **Design Features:** The project is planned to be accessed at a single point from the northern end of its Baltimore Avenue (US 1) frontage. Five parking spaces and a dumpster enclosure are provided for the project to its rear. Landscaping for the project is included along two portions of its US 1 frontage and in the northwestern corner of the site.

The architecture of the proposed approximately 20-foot-tall building is simple and rectilinear. The front façade includes a flat roof and two areas of storefront glass, with the left (southern) area containing the front entrance door. Both are surrounded by rectilinear blocks of yellow-colored stucco, with the remainder of the front façade treated in contrasting peach-colored stucco, with brick on the watertable. An internally-lit sign centered on the front façade includes the white, yellow, and green corporate logo, and a "crown" feature is included above. The architecture of the front façade has been modified by condition of this approval in order to conform to the development district standards. More particularly, the architectural building elevations have been revised by condition of this approval to provide a total of 60 percent storefront glass, the internally-lit sign should be replaced with a wood painted sign lit by a gooseneck spotlight, and brick should be applied to the majority of the first story and the stucco "crown" should be embellished with dentil moulding to become a more decorative entablature. See Finding 8 for a more detailed discussion of conformance to development district standards.

The side and rear architectural treatment is minimal with a stucco "crown" feature and brick on the watertable, the sole architectural embellishments to what are otherwise blank walls. The right (north) side elevation has a double storefront window that appears much like a standard drive-through window, though the restaurant is specified as a sit-down/carry-out facility. The rear façade has a single utilitarian storefront glass service door on its left (northern) side and two aluminum downspouts specified. As the side façades will be clearly visible to both pedestrian and vehicular traffic on Baltimore Avenue (US 1) and the rear façade will be clearly visible from the EYA Hyattsville development, a condition of this approval requires brick on the majority of the entire first story to be continued to the sides and rear of the building and that dentil moulding be utilized to visually enhance the entablature.

The applicant is showing the adjacent concrete sidewalk being continued across the access drive. By a condition of this approval, the brick on the adjacent property within the state right-of-way shall be shown across the frontage of the subject project unless modified by the Maryland State Highway Administration (SHA), and the landscaping shall be revisited by condition of this approval so as to make the streetscape on both the subject and adjacent properties continuous, with final design to be approved by the Planning Board or its designee. All tree boxes in such redesign shall meet the minimum requirement of the 2010 *Prince George's County Landscape Manual* of ten feet by five feet.

A condition of this approval requires these improvements to the proposed architecture and streetscape.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District:**
  - a. The 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA) superimposes a Development District Overlay (D-D-O) Zone over designated subareas called character areas to ensure that the development of the land meets the sector plan goals. The development district standards follow and implement the recommendations in the sector plan and sectional map amendment. The proposed project falls within the Town Center character area under the sector plan. The development district standards are organized in three parts to address site design, building design, and public space.
  - b. Section 27-548.25(b) of the Zoning Ordinance requires that in approving the detailed site plan, the Planning Board shall find that the site plan meets applicable development district standards. The subject detailed site plan meets the applicable development district standards except as noted below in the point-by-point response to those standards.
8. **Development District Standards of the Development District Overlay (D-D-O) Zone:** The project generally meets the development standards pertinent to achieving the town center character area in Hyattsville except as indicated below. Each relevant design development standard for each indicated subject area, as enumerated in the Gateway Arts District Sector Plan and SMA is included below in **boldface** type, followed by the Planning Board's decision. Those standards which are not met in the subject application are noted and evaluated by the Planning Board.

#### Site Design

##### Building and Streetscape Siting

1. **Along US 1, excluding the segment from Jefferson Street to Farragut Street the build-to line shall be 10 to 12 feet with an allowed variation of plus or minus 4 feet.**

The proposed setback of 11.6 feet meets this standard.

5. **All buildings shall be built out to a minimum of 80 percent of the site frontage.**

The proposed building would be built out to 62.8 percent of the site frontage, 11.2 percent short of the required 80 percent. This deviation from development district standards is justified because there are no other options for access to the site, and providing the required 22-foot-wide ingress/egress makes conformance to this requirement impossible.

#### **Access and Circulation**

2. **Sidewalks a minimum of five feet in width shall connect to building entrances, parking, and recreational facilities.**

Though this is a constrained site, an 11.6-foot-wide sidewalk is provided in conformance with this condition in the front of the building and a six-foot-wide sidewalk is provided in conformance with this requirement to the rear of the building.

3. **Sidewalks shall not be made of asphalt.**

The sidewalks on the plans are indicated as concrete, not asphalt, in accordance with this development district standard.

4. **Sidewalk material and design shall be continuous across driveways and driveway aprons.**

The sidewalk material (concrete) and design, 11.6 feet wide, is continued across the driveway and driveway apron in accordance with this development district standard.

5. **There shall be a maximum of two access driveways per lot or parcel from a public street to parking.**

Plans for the project indicate a single access drive to the project in conformance with this standard.

6. **Access to parking and the rear of the lot or parcel shall be located on a side street or alley and shall be a maximum of 18 feet wide.**

The Planning Board supports this deviation from development district standards as the only access to the subject property is from US 1, making it impossible to access the parking and rear of the property from a side street or alley. In addition, the 22-foot travelway is more appropriate than an 18-foot travelway for access to a major collector instead of a side street or alley.

### **Parking and Loading**

6. **If a parking district(s) is established in the Arts District or individual municipality, the number of off-street surface parking spaces, for uses with at least 35,000 SF of GFA, other than artist studio, residential and live/work shall not exceed 80 percent of the number of off-street parking spaces required by Section 27-568(a) of the Zoning Ordinance. If additional parking is provided, it shall be structured. Required parking may be on or off site but shall be located within one-quarter mile of the development site. This section's requirements shall apply to all development under 35,000 SF of GFA.**
7. **If a parking district(s) is established for the Arts District or individual municipalities, the minimum number of off-street surface parking spaces for uses other than artist studio, residential, and live/work shall be reduced 50 percent from the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance. If off-site shared parking is utilized in accordance with off-site shared parking requirements below, then this minimum for on-site surface parking may be waived. The minimum number of off-street surface parking spaces permitted for each land use type shall comply with Section 27-568(a) of the Zoning Ordinance.**

A 50 percent reduction in the number of parking spaces required by Section 27-568(a) of the Zoning Ordinance, is allowed by development district Standards 6 and 7 as the City of Hyattsville has established a parking district in the Arts District. Therefore, as we would support the deviation in any case, the Planning Board grants a waiver of this development district standard and a reduction of three of the eight required parking spaces as the size of the site prevents the applicant from meeting the full requirement.

### **Dumpsters, Services, Utilities, Outdoor Storage, and Stormwater Management**

2. **Dumpsters, outdoor storage, utility boxes, and HVAC units shall be screened by an opaque material similar in color and material to that of the main building so they are not visible from the public sidewalks or streets.**

The main building is proposed to be composed of a combination of stucco and brick. A condition of this approval requires revisions to the architecture resulting in its composition to be primarily of brick and a second condition of this approval requires that the dumpster enclosure be composed primarily of brick. The gates of the enclosure should be of a durable, low sheen, non-wood, green composite material to match the canvas awnings to be utilized on the building. Thus it may be said that the application conforms to this development district standard.

### **Lighting**

- 1. Illumination shall be provided for main entrances, passageways, parking lots, recycling areas, service entrances and areas, alleys, pathways, parks and plazas.**

The detailed site plan, but not the landscape plan, indicates two semicircular light fixtures in plain view. No detail for the fixtures is provided. The only additional information regarding lighting is provided in Note 19 which states: "Adequate lighting shall be provided that will not cross over to neighboring property and to minimize overall sky glow." This is insufficient to evaluate conformance to this development district standard. Additionally, there are no lights indicated on the front of the building or at the rear of the site. A condition of this approval requires that, prior to signature approval, the applicant revise the detailed site and landscape plans to include the necessary detail and additional lighting that would address the front of the building and the rear of the lot. Further, in order to ensure that off-site light intrusion into adjacent and environmentally-sensitive areas designated by the 2005 *Approved Countywide Green Infrastructure Plan* is minimized, and so that sky glow does not increase as a result of this development, the detail provided shall reflect a full cut-off optical fixture.

### **Landscaping**

- 2. Shade trees with a minimum of 2.5-3-inch caliper shall be provided at a rate of one shade tree per every 5,000 square feet of the gross site area (exclusive of street dedications). Existing trees and street trees to be planted within the abutting right-of-way may be counted toward meeting this standard.**

In conformance with this requirement, two Japanese Zelkovas (*Zelkova Serrata*) at the specified two and one-half-inch caliper size are included on the detailed site and landscape plans for the project.

### **Building Openings—Windows**

- 1. The ground floor of commercial structures with first-floor retail uses shall contain at least 60 percent two-way visual transparent material.**

The first floor front façade of the building contains approximately 40 percent two-way, visually-transparent material. A condition of this approval requires architectural modifications to increase this percentage to 60 prior to signature approval. After such revision, the application would conform to this development district standard.

- 2. All façades should have substantial fenestration on all stories, including those facing the rear, alley, driveways, parking lots or other open areas.**

Only the front façade has substantial fenestration, in contravention of this development district standard. A condition of this approval requires that, prior to signature approval, the architecture be

revised to include more fenestration on the front façade and more architectural detail on all facades. After such revision, the application would conform to this development district standard.

12. **New buildings should be faced on any façade fronting a public street with quality materials such as brick, stone, wood, masonry, or stucco compatible with the character of the surrounding neighborhoods.**

As brick predominates in the EYA development, which is directly adjacent on two sides of the subject site, a condition of this approval would require additional brick on the subject building. After such revision, the application would conform to this development district standard.

#### **Signage**

9. **Sign area shall not exceed the regulations of Sections 27-613(c) and 27-107.1 of the Zoning Ordinance.**

Per Section 27-546.18(a)(3), Regulations in the M-U-I Zone, C-S-C Zone regulations apply to all other uses, including the subject eating and drinking establishment. Therefore, per Sections 27-613(c) and 27-107.1 of the Zoning Ordinance, the applicant's proposed 27.5-square-foot sign is well within the maximum allowed sign size (60 square feet) permitted for building-mounted signage. The proposed sign also conforms to the definition of "sign" and "on-site sign" contained in Section 27-107.1(210) and (212) of the Zoning Ordinance. Therefore, the application conforms to this development district standard.

#### **Public Space—Streetscape**

5. **On US 1, Alternate US 1 and 38th Street, tree boxes shall be at least 5 feet wide and 10 feet long and 4 feet deep.**

As the tree boxes shown do not meet this minimum requirement and because the streetscape by a condition of this approval requires redesign prior to signature approval, the Planning Board or its designee will ensure that this minimum requirement is met.

6. **Street trees shall be shade trees and shall be a minimum of 2.5 to 3 inch caliper.**

The plant schedule indicates that the proposed Zelkovas meet this requirement.

9. **Requirements of the Zoning Ordinance in the Mixed Use–Infill (M-U-I) Zone:** Where the development district standards contained in the Gateway Arts District Sector Plan and SMA are silent on varying regulated areas, the requirements for the M-U-I Zone contained in the Zoning Ordinance apply. More specifically, the purpose of the M-U-I Zone is identified in Section 27-546.15 of the Zoning Ordinance. Therein, the purpose of the zone, among other things, is stated to implement recommendations in approved master plans, sector plans, and other plans by encouraging residential or commercial infill development in areas where most properties are

already developed, to encourage innovation in the planning and design of infill development, and to create community environments enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses. As to uses, Section 27-547 specifically allows an eating and drinking establishment with carry-out such as the proposed use in the M-U-I Zone. As to regulations, Section 27-546.18 specifies that C-S-C (Commercial Shopping Center) Zone regulations apply to the subject use. The Planning Board has reviewed each relevant C-S-C regulation not replaced by development district standards in the Gateway Arts District Sector Plan and SMA and found the subject project to be in compliance with those requirements.

10. **The Prince George's County Landscape Manual:** The proposed development is subject to the requirements of Sections 4.2, 4.4, and 4.9 of the 2010 *Prince George's County Landscape Manual*. The Planning Board has reviewed the submitted plans against the requirements of these sections and found them to be in conformance.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The property under discussion is not subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of woodland. Further, a standard letter of exemption had been issued for the subject property and was submitted with the application. No further information about woodland conservation is required from the applicant.
12. **Prince George's County Tree Canopy Coverage Ordinance:** A ten percent tree canopy coverage requirement applies to this M-U-I-zoned site as per the Prince George's County Tree Canopy Coverage Ordinance. This amounts to approximately 640 square feet or ten percent of the subject 6,367-square-foot site. The application meets this requirement by providing three Japanese Zelkova trees (*Zelkova Serrata*) planted at two and one-half-inch caliper. Per the Tree Canopy Coverage Ordinance, Japanese Zelkova trees planted at the specified size are classified as major shade trees, with each tree earning 225 tree canopy coverage credits, for a total of 675, meeting and exceeding the 640-square-foot tree canopy coverage requirement.
13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Historic**—The subject site is located within the National Register of Historic Places, Hyattsville Historic District (68-041). However, there are no federal guidelines or requirements concerning new construction within a National Register historic district. Therefore, the subject application for the Subway Sandwich Shop building and associated parking will have no effect on the historic district or identified historic sites or resources.
  - b. **Archeology**—A Phase I archeological survey is not recommended for the subject property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The existing one and a half-story-



high, aluminum sided building with concrete foundation, was constructed on the property in 1969 for use as part of an auto sales center and repair shop.

- c. **Community Planning**—The subject project is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developed Tier and conforms to the commercial infill land use recommendations of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* for the Town Center character area.

The goal of the Gateway Arts District Town Center character area is to enhance the walkability of the town center by creating a framework for high-quality, mixed-use, pedestrian-oriented development incorporating human-scale buildings, an attractive streetscape, landscaping, and small parks. See Finding 7 for a detailed description of the subject project's conformance to the applicable design development standards relevant to the subject proposal.

- d. **Transportation**—The site encompasses one lot of the underlying plat recorded in 1930 in plat book A-18; therefore, there are no caps on development that would restrict this use. Because the site is currently developed and the building will be replaced by a smaller building of less than 5,000 square feet, there will be no preliminary plan of subdivision.

The site has frontage on Baltimore Avenue (US 1). The plan generally describes US 1 as a master plan major collector within a right-of-way ranging from 90 to 110 feet. However, the D-D-O Zone standards include an allowance for a lesser right-of-way (between 60 and 80 feet) along US 1 between Hamilton Street and Oliver Street, which is the section of concern for the subject site. The 60-foot right-of-way shown on the plan is consistent with other approved plans along this section of US 1, and shall be the right-of-way recommendation for this plan. Consequently, the build-to line reflected on the plan of 10.6 feet is deemed acceptable for transportation. The sidewalk, building, and parking placement appear to meet the standards of the D-D-O Zone.

The use will be served by an existing driveway from US 1 that extends around the rear of the building to the southern property line. This is acceptable given the size of the site and the need to place required on-site parking within a very small site.

- e. **Subdivision**—The subject property is known as Part of Lot 6 and Lot 7, and a parcel described as Parcel 1 in Liber 32700 at Folio 237, located on Tax Map 42 in Grid C-4, and is 6,367 square feet. The site is within the Mixed Use-Infill (M-U-I) Zone. Part of Lot 6 and Lot 7 are the residue from a plat that was recorded in 1930 in plat book A-18. The property is accurately reflected in the current deed recorded at Liber 32700 at Folio 327.

The property is improved with a 3,381-square-foot building and is proposed to be razed. The applicant has submitted a detailed site plan and special permit to construct a building containing 1,400 square feet of gross floor area (GFA).

Pursuant to Section 24-107(c)(7)(a) of the Subdivision Regulations, the application is exempt from the requirement of filing a preliminary plan of subdivision because less than 5,000 square feet of GFA is proposed.

The PGAtlas Master Plan Right of Way layer reflects that the master plan right-of-way of Baltimore Avenue (US 1) extends on the subject site. Pursuant to Section 27-107.01(a)(225)(A)(ii) of the Zoning Ordinance, the right-of-way is defined as a street for development purposes. Section 27-259 of the Zoning Ordinance states that:

**No building or sign permit (except as provided in Part 12 of this Subtitle) may generally be issued for any structure on land located within the right-of-way or acquisition lines of a proposed street, rapid transit route, or rapid transit facility, or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility, as shown on a Master Plan; however, the Council may authorize the issuance of the building or sign permit in accordance with this Section.**

The right-of-way is correctly shown.

The following shall be included as a condition of this approval.

- (1) Prior to certificate of approval, the DSP should be revised to show the following:
  - (a) Add the deed reference "Liber 32700 at Folio 237" to the plan notes.
  - (b) Add the underlying property information to the plan drawing.
  - (c) Reflect the master plan right-of-way of Baltimore Avenue (US 1), if determined to be appropriate by the Transportation Planning Section.

It should be noted that the bearings, distances, lots, and blocks as reflected on the deeds must be shown on the site plan and match those on the deed. Failure of the site plan and the deed to match will result in building permits being placed on hold until the plans are corrected.

- f. **Trails**—Detailed Site Plan DSP-11017, Hyattsville Subway Sandwich Shop, was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master plan in order to provide master plan trails. Further, the Maryland State Highway Administration (SHA) right-of-way, sidewalks, and bicycle parking were reviewed for conformance with the MPOT and the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property consists of 0.15 acre of land

along Baltimore Avenue (US 1) in Hyattsville. The property is immediately to the south of the existing EYA development. A subway restaurant is proposed in a new 1,400-square-foot building, which will replace the existing structure on the site.

The Planning Board finds:

- (1) The MPOT recommends designated bike lanes and a sidepath (or wide sidewalks) along US 1 inside the Capital Beltway (I-95/495). The area master plan reinforces this proposal by recommending the following:
  - (a) Comprehensive bicycle and pedestrian facilities are recommended along US 1 within the Gateway Arts District. Designated bicycle lanes, continuous wide sidewalks, and other pedestrian amenities are recommended where feasible and practical (Sector Plan, pp 45 and 46).
  - (b) The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets section 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.**

- (c) Baltimore Avenue (US 1) is an important corridor for pedestrians and bicyclists, and the approved plans recommended that road improvements accommodate these modes of transportation. The subject site is immediately to the south of the EYA development, which included an extensive series of streetscape improvements which currently end at the northern edge of the subject site's frontage. The subject application shall incorporate road improvements that are consistent with the existing streetscape immediately to the north of the site. It appears that a wide pedestrian zone is being provided along the frontage of the subject site. This sidewalk/streetscape appears to be consistent in width with the adjacent EYA development. However, the details of the streetscape have not been provided. This treatment (including sidewalk width, surface treatment, special features, lighting, landscaping, and crosswalks) shall by

condition of this approval be consistent with the existing EYA improvements.

- (d) Both the MPOT and the area master plan recommend that all new roads and all retrofit road projects be developed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, where feasible (Sector Plan, p 41). These guidelines outline current “best practices” for accommodating bicycles on roads. The types of facilities addressed include designated bike lanes, wide outside curb lanes, paved shoulders, and shared-use roadways. With regard to US 1, the Planning Board requires on-street bike lanes and continuous sidewalks along US 1 (Sector Plan, p 41). Suitable pavement markings to accommodate bicyclists will be determined by SHA.

Three trails-related conditions have been included in the subject approval to implement the above concerns regarding the need for suitable bicycle parking, continuing the adjacent streetscape and sidewalk treatment along the subject site’s US 1 frontage, and continuing the surface material for the sidewalk across the site’s ingress/egress point along US 1 (or a high-visibility crosswalk should be provided at this location).

- g. **Permits**—Permit Review issues have either been addressed by revisions to the plan or in the recommended conditions below.
- h. **Environmental Planning**—A standard letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance was issued on January 30, 2012 because the site is less than 40,000 square feet in size and has no previous tree conservation plan approvals. The property is subject to the current provisions of Subtitles 24, 25, and 27 of the Prince George’s County Code that went into effect September 1, 2010 because there are no previous land development approvals to provide grandfathering. The current application is for a site 0.15 acre in size for the development of 1,400 square feet of commercial miscellaneous space.

The 0.15-acre site in the D-D-O/M-U-I Zones is located in the northwest quadrant of the intersection of Baltimore Avenue (US 1) and Jefferson Street. There are no streams, wetlands, or associated 100-year floodplain found to occur on this property. The information was obtained from 2011 aerial photography and the PGAtlas Environmental layer. The exemption letter indicates that the site contains less than 10,000 square feet of woodlands, and is therefore exempt from the Woodland and Wildlife Habitat Conservation Ordinance. According to the U.S. Department of Agriculture (USDA) Web Soil Survey, the principal soils on this site are urban land (Un), which poses no particular problems related to land development. The site is not located in a sensitive species protection review area based on a review of the Sensitive Species Project Review Areas (SSPRA) GIS layer prepared by the Heritage and Wildlife Service, Maryland Department

of Natural Resources. Although located adjacent to Baltimore Avenue, the proposed commercial use is generally not regulated for noise impacts. The proposed use is not expected to be a noise generator. The property is located in the Anacostia watershed and is in the Developed Tier of the General Plan. The subject property contains no elements within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*.

- (1) A natural resources inventory (NRI) was not included in the application, but it was subsequently determined by the Planning Board not to be necessary. The total disturbed area proposed is 4,750 square feet, which is just under the threshold for the requirement of an NRI (5,000 square feet). Based on this information, the Planning Board concluded that an NRI is not required for the subject project.
- (2) The property is not subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of woodland. A standard letter of exemption has been issued for this subject property and was made part of the record for the subject project.
- (3) This site contains no regulated environmental features that are required to be protected under Section 27-285(b)(4) of the Zoning Ordinance. The required finding of "fullest extent possible" is not required for the subject application.
- (4) No county delineated 100-year flood plain is located on the subject parcel as set forth in Section 24-129 of the Subdivision Regulations. The site has a drainage area of less than 50 acres. The site has an approved Stormwater Management Concept Plan (362-87-2011). The approved concept plan indicates payment of a fee-in-lieu of \$86.32 for providing on-site attenuation/quality control measures is required.
- (5) The existing public road network already serves the subject project and road improvements will not be required in accordance with Section 23-103 of the County Road Ordinance. In accordance with Section 24-152 of the Subdivision Regulations, there are no scenic or historic roads located on or adjacent to the subject property. The subject property is located in the vicinity of Baltimore Avenue (US 1), a master plan roadway designated as a collector.

The design and implementation of any road improvements to Baltimore Avenue (US 1) required by this project shall be coordinated with SHA. Access from the site is located on US 1, which is not designated as an arterial or higher road classification.

- (6) Policy 5 in the Environmental Infrastructure chapter of the General Plan calls for the reduction of overall sky glow, minimizing the spill-over of light from one property to the next, and a reduction of glare from light fixtures. This is of particular concern on a commercial site such as the subject application, where

outdoor lighting and parking lot lighting may be proposed. The proposed lighting shall use full cut-off optics to ensure that off-site light intrusion into adjacent and environmentally-sensitive areas designated by the Green Infrastructure Plan is minimized, and so that sky glow does not increase as a result of this development.

In furtherance of this policy a condition of this approval requires that prior to certification of the detailed site plan, the proposed outdoor lighting shall be evaluated for full cut-off optic fixtures to ensure that off-site light intrusion into adjacent and environmentally-sensitive areas designated by the Green Infrastructure Plan is minimized, and so that sky glow does not increase as a result of this development.

- i. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department offered comment on needed accessibility, private road design, and the location and performance of fire hydrants.
- j. **Department of Public Works and Transportation (DPW&T)**—DPW&T stated that Baltimore Avenue (US 1) is a state-maintained roadway, and they would not be commenting on the transportation aspects of the project. However, with respect to stormwater management, they stated that the subject site plan is consistent with approved Stormwater Management Concept Plan 36287-2011, dated March 28, 2012.
- k. **Washington Suburban Sanitary Commission (WSSC)**—WSSC offered comments regarding needed coordination with other buried utilities, their prohibition on forest conservation easements overlapping with WSSC existing or proposed easements, suggested modifications to the plans to better reflect WSSC facilities and the proximity of fire hydrants to the site, and procedures for the applicant to follow to establish water and sewer service.
- l. **Health Department**—The Environmental Engineering Program of the Division of Environmental Health of the Prince George's County Health Department stated that they had completed a health impact assessment review of the detailed site plan submission for Hyattsville Subway Sandwich Shop and offered the following comments/recommendations:
  - (1) The Health Department noted that use and occupancy permit records indicate historic land use on the site, including "Commercial Service-Car/Boat/Motorcycle Dealer/Repair" from at least 1978–2004. Further, they stated that documentation from the Maryland Historical Trust (MHT) states "since before the 1930's the site has been associated with the repair of automobiles." Additionally, they stated that the property is less than 200 feet south of the location of the original Lustine-Nicholson Motor Company (Oldsmobile), an automobile dealership established between 1923 and 1927, which by 1939 was one of the largest in the country; and subsequently operated as Lustine Chevrolet from 1950–1981. Due to this history and the potential for petroleum contamination of

both soils and groundwater frequently associated with automobile-based operations, the Health Department recommended that an environmental site assessment be completed, and the report submitted at least 35 days prior to the Planning Board hearing.

The Planning Board does not possess authority to require environmental site assessments.

- (2) There is an increasing body of scientific research that suggests that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. Light levels at residential property lines should not exceed .05 footcandles.

As the Zoning Ordinance does not provide specific footcandle measures at the property line, the Planning Board did not include a specific numerical limit on the intensity of the lighting. However, a condition of this approval requires that the proposed outdoor lighting be evaluated for full cut-off optic fixtures to ensure that off-site light intrusion into adjacent areas is minimized, and so that sky glow does not increase as a result of this development. This requirement is in accord with the Health Department's concern regarding off-site light pollution.

- (3) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. The Health Department suggested that the applicant be required to indicate an intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

A condition of this approval requires that the applicant include a general note on the detailed site plan stating that: "The applicant intends to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control."

- m. **Maryland State Highway Administration (SHA)**—SHA, Office of Environmental Design, offered comments regarding requirements for planting within the state right-of-way, utilities, standards for curb and gutter to be installed along the project's Baltimore Avenue (US 1) frontage, and the need for Access Management Division approval.
- n. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comment to the Planning Board regarding the subject project.
- o. **Verizon**—Verizon did not provide comment to the Planning Board regarding the subject project.

- p. **City of Hyattsville**—A representative of the City of Hyattsville indicated to the Planning Board that the City Council had voted in favor of the project at a meeting held September 10, 2012 and that they would be issuing a letter of support at their September 17, 2012 meeting. The representative indicated, however, that the City was opposed to any drive-through service on the site and that they would not support any more of a departure from the parking requirement than is necessary for the proposed 18 seats in the restaurant. A letter, dated September 18, 2012, was subsequently delivered to the Planning Board restating the above.
- q. **Other Municipalities**—The following municipalities did not return comment on the subject application:

Town of Cottage City;  
Town of Bladensburg;  
Town of Brentwood;  
City of Riverdale Park;  
Town of University Park; and  
Town of Colmar Manor.

The following municipalities have indicated to staff that they would not be providing comment on the subject project:

Town of North Brentwood; and  
Town of Edmonston.

14. Based on the foregoing and as required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan 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.

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 APPROVED the Detailed Site Plan DSP-11017 and Special Permit SP-110002, subject to the following conditions:

**Site Design Standard 5**—To allow the proposed building to be built out to 62.8 instead of 80 percent of the site frontage.

**Access and Circulation Standard 6**—To allow access to parking and the rear of the lot or parcel to be located on an arterial street and not on a side street or alley, and to measure more than 18 feet.



**Parking and Loading Standard 7**—To allow the minimum number of off-street surface parking spaces to be five instead of the eight that would be required by the schedule contained in Section 27-568(a) of the Zoning Ordinance.

1. Prior to signature approval of this detailed site plan, the following revisions shall be made to the plans and additional specified documentation submitted:
  - a. Add the deed reference “Liber 32700 at Folio 237” to the plan notes.
  - b. Add the underlying property information to the plan drawing.
  - c. Add the material label of “stucco” to the yellow-colored portions of the front façade elevation drawing, if it is to remain an architectural material for the project.
  - d. Revise the parking schedule as follows:
    - (1) To reflect that the total number of parking spaces required is 8 (1 per 3 seats) for the 18 seats provided, and two for the 80 square feet of gross floor area (excluding any area used exclusively for storage or patron seating, and any exterior patron service area).
  - e. The proposed outdoor lighting shall be evaluated for full cut-off optics fixtures to ensure that off-site light intrusion into adjacent and environmentally-sensitive areas designated by the 2005 *Approved Countywide Green Infrastructure Plan* is minimized, and so that sky glow does not increase as a result of this development.
  - f. A minimum of five bicycle parking spaces shall be provided at a location convenient to the building entrance. The location and number of spaces (bicycle racks) shall be approved by the Urban Design Section and trails coordinator.
  - g. The streetscape and sidewalk treatment along the subject site’s frontage of Baltimore Avenue (US 1) shall be consistent in form and materials to the existing improvements immediately to the north of the subject site along the EYA development’s frontage of US 1.
  - h. The surface material for the sidewalk shall be continued across the site’s ingress/egress point along Baltimore Avenue (US 1), or a high-visibility crosswalk shall be provided at this location.
  - i. The applicant shall revise the landscape plan for the project to make it congruent to the detailed site plan for the case in all respects except that the landscape plan will provide landscaping in addition to all other information on the detailed site plan. Both plans shall be clearly legible. The Urban Design Section, as designee of the Planning Board, shall ensure that the plans are consistent with each other and both are clearly legible.

- j. The handicapped parking space shall be dimensioned as 16 feet by 19 feet.
- k. The dumpster detail shall be revised to indicate face brick to match the color of the brick to be utilized on the first story of the building as the external sheathing architectural material.
- l. General Note 4 on the detailed site plan shall be corrected to indicate that the proposed building height is 20 feet, 1 inch as indicated within the building footprint and by the submitted building elevations.
- m. General Note 6 on the detailed site plan shall be revised to indicate the square footage of the landscaped area on the site as green area, not "0 square feet" as is currently indicated.
- n. General Note 7 shall be revised to reflect the actual lot coverage of the site, not 6.367 or 100 percent.
- o. The limits of disturbance shall be indicated on the detailed site and landscape plans and General Note 8 shall be corrected if and as necessary if the disturbed area varies from the 4,750 square feet currently indicated in General Note 8 on both the detailed site and landscape plans.
- p. General Note 11 on the detailed site and landscape plans shall be revised to read:

"Property dimensions depicted hereon compiled and computed from land records data."
- q. The statement that "This site is not subject to any previous approvals" shall be removed from the detailed site plan as the site is subject to approval of a plat recorded in plat book A-18.
- r. General Note 12 of the detailed site and landscape plans that refer to "this survey" shall be removed as the subject documents are not surveys.
- s. The applicant shall revise the architecture for the project as follows:
  - (1) Storefront glass shall comprise a minimum of 60 percent of the front façade.
  - (2) The front elevation shall be revised to provide brick as per the applicant's exhibit, except to provide brick below and on the sides of the front windows. Both side and rear elevations shall be revised to provide brick to the height of the midpoint of the awning shown on the rear elevation as shown on the applicant's exhibit. The side elevation labeled as #2 on the applicant's exhibit shall be revised to reduce the height of the window and awning to be consistent with the height of

the window and awning on the rear façade. All windows and doors shall have green canvas canopies. Final design of the facades shall be approved by the Planning Board or its designee.

- (3) The stucco "crown" shall be embellished to add dentil molding.
- (4) The internally-lit sign shall be replaced with a wooden painted sign, lit by a gooseneck spotlight.
- (5) The dumpster enclosure shall be sheathed in red brick and the gates of the enclosure shall be of a green, non-wood, low sheen, durable material. The color shall match that of the canvas awnings of the front façade.
- (6) The window proposed on the north side of the proposed structure shall indicate that the window is non-operable.

Final design of the architectural improvements to the proposed building shall be approved by the Planning Board or its designee.

- t. The applicant shall add a general note to the plans stating that: "The applicant intends to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control."
2. The maximum number of seats in the Subway sandwich shop shall be no more than 18.

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 Bailey, with Commissioners Washington, Bailey, Shoaff, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 11, 2012, in Upper Marlboro, Maryland.

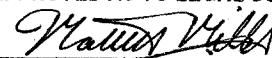
Adopted by the Prince George's County Planning Board this 1<sup>st</sup> day of November 2012.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 10/18/12