

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 February 11, 2016, regarding Detailed Site Plan DSP-14036 for 5936 Old Central Avenue, the Planning Board finds:

1. **Request:** The subject application is for approval of a DSP for a mixed-use project consisting of 9,990 square feet of office and retail/commercial space. This application also requests a change of the underlying zoning for the property from the existing Light Industrial Zone (I-1) to the Commercial Shopping Center (C-S-C) Zone and a partial waiver (36.2 percent) from tree canopy coverage requirements.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	I-1/T-D-O	C-S-C/T-D-O
Use(s)	N/A	Office and Retail/Commercial
Acreage	0.18	0.18
Number of lots	4	4
Total Gross Floor Area (sq. ft.)	0	9,990
Office	--	6,660
Retail	--	3,330

OTHER DEVELOPMENT DATA

Total Parking Spaces	Maximum Allowed*	Approved
Ground Floor Retail with Office Above (2.25/1,000 sq. ft.)	23	5
Handicap parking spaces (required)	1	1
Total Loading Spaces (required)	1	1

Note *The Capitol Heights Transit District Overlay (T-D-O) Zone does not have minimum parking requirements.

3. **Location:** The subject property is located in the northwest quadrant of Old Central Avenue and Chamber Avenue, in Planning Area 75B, Council District 7.

4. **Surrounding Uses:** The site is bounded to the north and west by automobile repair uses in the I-1 Zone; to the east by Chamber Avenue and beyond by institutional offices in the C-S-C Zone; and to the south by Old Central Avenue, and beyond by a laundromat in the C-S-C Zone.
5. **Previous Approvals:** The 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zone Sectional Map Amendment* (Capitol Heights TDDP/TDOZ) retained the subject property in the I-1 Zone and placed a transit district overlay zone on it. A Preliminary Plan of Subdivision, 4-13032, was approved on November 5, 2015 (PGCPB Resolution No. 15-116) with nine conditions.

The site also has an approved Stormwater Management Concept Plan, 3113-2014-00, which is valid through November 18, 2017.

6. **Design Features:** The subject site is generally rectangular in shape, with its longest frontage on Chamber Avenue. The site has one vehicular access driveway which is proposed from Chamber Avenue. Pedestrian access is provided on both Old Central Avenue and Chamber Avenue. The existing 4-foot-wide sidewalk will be removed and replaced with 12- to 15-foot-wide sidewalks constructed of brick pavers, and includes planting areas for street trees.

The proposed three-story building is generally rectangular in shape with its longest elevation facing an existing automobile repair use to the west. The main entrance is located in the middle of the façade oriented toward Old Central Avenue, with secondary access provided on the Chamber Avenue side, convenient to the proposed surface parking lot. The first two stories of the façades fronting on Old Central Avenue and Chamber Avenue are all finished with a combination of glass and brick; the third story is finished with cementitious siding. Additional elements such as projecting bay windows, awnings above the storefronts, and precast moldings are utilized on the elevations. Prominent window sections on the second story with overhanging canopy provide additional articulation to the façade. The two other elevations are finished with the same materials as that of the main façades and are designed in similar fashion. Overall, the elevations along Old Central Avenue and Chamber Avenue will produce an attractive streetscape. Since awnings are used on the elevations, a site plan note should be added to make sure that the awnings will not project more than three feet beyond the build-to line into the public right-of-way, nor provide less than eight feet of vertical clearance above the sidewalk. In addition, the west side building elevation should accurately show the foundation grade.

Signage

The intent of the Capitol Heights TDDP signage standards is to create a positive image with attractive and well-maintained signs within the T-D-O Zone that enhance and contribute to the architectural character of the buildings. The sign design standards further require that the placement of the signs be integrated into the overall architectural design of the building. No specific sign dimensional requirements are included in the sign design standards; therefore, conformance with Section 27-613 of the Prince George's County Zoning Ordinance is required (see Finding 8 for further discussion of signage). The proposed signage included in this DSP are all canopy signs and are designed as part of the overall architectural design.

Lighting

Only building-mounted light fixtures have been proposed in this DSP. Building-mounted lights are shown on the plan and details have been provided. A light fixture is recommended to illuminate the dumpster area. A condition has been included in the approval to require that full cut-off lights, along with the product specification sheet, be provided on the landscape detail sheet prior to certification.

Green Building Technologies

The mixed-use building presents an opportunity for the implementation of green building techniques. In order to mitigate the urban "heat island" effect, and in accordance with the stormwater management concept approval, the applicant is providing a green roof, consistent with the Leadership in Energy and Environmental Design (LEED) standards for new construction and major renovation. A detail of the green roof should be provided.

The application does not include information regarding the provision of other green building techniques. Additional green technologies that would improve the building's energy efficiency and other innovative environmental technologies in the building design are encouraged to be applied in this development to the extent possible. A condition has been included in the approval requiring the applicant to consider the application of various green site and building techniques, to the extent possible, prior to certification of the DSP.

Parking and Loading Requirements

The parking requirements located in the Parking Facilities section of the Capitol Heights TDDP/TDOZ (Table 3, page 97) establish only maximum parking ratios for land uses within the Capitol Heights TDOZ. The DSP provides five parking spaces, which is below the maximum 23 allowed.

Loading Spaces

Section 27-582 of the Zoning Ordinance requires that, for retail sales and service, one loading space be provided for 2,000–10,000 square feet of gross floor area (GFA); for office, no loading space is required for up to 10,000 square feet of GFA. The applicant has provided one loading space that meets the loading requirement.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2008 Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zone Sectional Map Amendment:** The Capitol Heights TDDP/TDOZ amends the 2002 *Prince George's County Approved General Plan*, the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)*, and the 1986 *Approved Master Plan for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*. The TDDP covers portions of Planning Areas 72 (Landover), 75A (Suitland-District Heights), and 75B (Town of Capitol Heights) in western Prince George's County inside the Capital Beltway (I-95/495) and immediately adjacent to the District of Columbia. The purpose of the Capitol Heights

TDDP/TDOZ is to increase transit use and decrease automobile dependency by locating homes, jobs, and shopping closer to transit services; locating the mix of critical land uses (live/work/shop) in closer proximity to one another; and establishing land use/transit linkages that make it easier to use transit (rail and bus). The TDDP envisions the Town of Capitol Heights with a new mixed-use center at the Capitol Heights Metro Station and a revitalized business district along Old Central Avenue.

The TDDP sets forth goals, concepts, guidelines, recommendations, and design standards to achieve the development character desired for future development within the Metro station area. The TDDP contains a comprehensive rezoning element known as the TDOZ intended to implement the land use recommendations of the development plan for the foreseeable future. On December 6, 2007, the Prince George's County Planning Board approved the preliminary TDDP and the proposed TDOZ sectional map amendment (PGCPB Resolution No. 07-219). On July 1, 2008, the Prince George's County District Council, by adopting County Council Resolution CR-66-2008, approved the TDDP and TDOZ sectional map amendment for Capitol Heights.

The TDDP/TDOZ superimposed a T-D-O Zone over six designated character areas, including the Metro station core, to ensure that the development of land meets the TDDP goals. The transit district standards follow and implement the recommendations in the TDDP. The transit district standards are organized into four parts, including building envelope and site standards and guidelines, open space and streetscape standards and guidelines, parking facilities and guidelines, and architectural standards and guidelines for development within the district. The subject property is located within the "Main Street" area of the plan. Specifically, regarding this area, the TDDP states:

This area will feature the Old Central Avenue (MD 332) corridor as Capitol Heights' revitalized main commercial street and civic center. It generally includes properties fronting and/or within 100 feet of MD 332 between Southern Avenue/District Line and Suffolk Avenue. (page 17)

The TDDP then describes the vision for this Main Street area as a pedestrian-friendly main street with buildings set close to the street housing ground floor retail with commercial/office or residential uses above.

Section 27-548.25(b) of the Zoning Ordinance requires that the Planning Board find that the site plan meets the applicable transit district standards in order to approve it. However, in accordance with the TDOZ review process, modification of the transit district standards is permitted. In order to allow the plan to deviate from the transit district standards, Section 27-548.25(c)(2) of the Zoning Ordinance requires that, in approving the DSP, the Planning Board shall find that the mandatory requirement, as amended, will benefit the proposed development and the transit district and will not substantially impair implementation of the TDDP. The Planning Board shall then find that the site plan meets all mandatory requirements which apply.

Requested change of the underlying I-1 Zone to the C-S-C Zone

The applicant has requested a change to the underlying zone of the subject property from the I-1 Zone to the C-S-C Zone and has provided the following justification.

“The plan envisions a pedestrian-friendly main street with a single travel lane in each direction, on-street parking on both sides of the street, and a bicycle lane on the south side of the street. Buildings along the street will house ground floor retail with commercial or residential uses above. They will be three to five stories in height and cover 60-80 percent of their lots. Buildings along Old Central Avenue will sit 12 feet from the curb edge.” (See Page 17, Capitol Heights TDDP)

“The proposed development attempts to conform to this specific vision. The building is three stories in height and is proposed to house ground floor retail with office uses above. The proposed building is to be located as close to the Old Central Avenue Right of Way as the proposed right of way and existing utilities will allow. The building coverage for the proposed building is 46% given the desire to provide some parking on site. Notwithstanding this vision, the Subject Property was retained in the I-1 Zone. While office uses are generally permitted in the I-1 zone, retail uses are limited. Thus, the Owner’s ability to fulfill the vision of the plan by locating retail uses on the first floor is limited. In order to allow the Owner the flexibility to attract neighborhood serving retail uses to the Subject Property, the Subject Property should be rezoned from the underlying I-1 Zone to the C-S-C Zone. In the C-S-C Zone, office uses and retail uses are fully permitted.”

The Planning Board supports the zoning change request, as it will contribute to a diversity of uses in the proposed development and in the neighborhood which will help support the overall vision for the Main Street character area of the Capitol Heights TDDP.

Requested amendments to the TDOZ Standards

In general, the subject DSP meets most of the applicable transit district overlay zone standards. The applicant has requested the following amendments to the standards:

- a. **Building Envelope and Site, 1. General Building Envelope and Site Standards and Guidelines (page 65)**

Standards

- (2) **Alleys:**

Alley construction within the rear setback shall be required for commercial and multifamily residential building lots and off-street parking facilities unless an alley already exists or the development site is “landlocked by surrounding properties that are not part of the proposed redevelopment.

- b. **Building Envelope and Site, 1. General Building Envelope and Site Standards and Guidelines (page 65)**

Standards

- (3) **Dedicated Right-of-way for Alleys:**

Where an alley does not exist and is not constructed at the time of development, the developer shall dedicated the alley right-of-way within the rear setback to the county. Pending construction of the alley, the developer or owner shall maintain the dedicated right-of-way by, at a minimum:

- (a) **Sodding and providing routine landscape maintenance to the area.**
- (b) **Keeping the area clear of debris, litter, stored materials, and vehicles.**

Applicant's Justification:

"Standards 2 and 3...state that alley construction shall be required for commercial building lots unless an alley already exists or the development site is landlocked by surrounding properties that are not part of the proposed redevelopment. If the alley is not constructed at the time of development, the alley is to be dedicated to the County. During the review of the preliminary plan of subdivision (4-13032) this issue was addressed from the standpoint of providing dedication. At that time, the County indicated that right-of-way dedication for an alley is not desirable at this time. Furthermore, due to the small size of the property, right-of-way dedication would result in a significant decrease in the developable area of the site. The Planning Board agreed and did not require dedication of right-of-way for an alley. As a result, an amendment to Section 1, Standards 2 and 3 is required. It should also be noted that the Subject Property is a corner lot which allows for access to a side street (Chambers Avenue) and that the adjoining property is not part of the development proposal. The remainder of the block (Lots 31-38) is under common ownership and it redeveloped would be able to also provide access to a side street (Bayou Avenue). Thus, the goal of the Sector Plan to provide a consistent street wall along Old Central Avenue can still be achieved without the provision of an alley on the Subject Property."

The Planning Board concurs with the applicant's justification. Given the size constraints of the subject site, alleys are not a viable option in this area. The requested amendments to the alley standards will not substantially impair the implementation of the Capitol Heights TDDP.

- c. **Building Envelope and Site, 2. Character Areas, 2.3 Main Street Character Area (page 71)**

Standards

- (2) **Buildings on Old Central Avenue (MD 332) shall sit along the established build-to-line measured 12 feet from the edge of curb. Buildings on local streets shall sit between 10 and 15 feet from the edge of curb.**

Applicant's Justification:

"Along Old Central Avenue, the TDDP seeks to place the buildings as close to the street as possible. The Owner is proposing that the building be set back 15.91 to 18.2 feet from the face of curb of Old Central Avenue and 15.13 to 16.67 feet from the face of curb of Chambers Avenue. The additional setbacks are for the purpose of providing additional right-of-way dedication to allow for the proposed streetscape and to avoid a conflict with the existing pedestrian traffic light pole that is located approximately 10' from the curb and would only be two feet from the building if strict compliance with this Standard were enforced. Likewise, another pedestrian light pole is located approximately 8' from the curb on Chambers Avenue. The crosswalk at Old Central Avenue has recently been improved and the signalization upgraded. The proposed siting of the building will benefit the development and the Transit District without substantially impairing implementation of the Sector Plan. There are no existing buildings on this block which establish a building line. The amendment constitutes a minor modification of the Standard in order to provide the necessary right-of-way and avoid existing public infrastructure, while at the same time implementing the intent of the TDDP by placing the buildings as close to the street as possible."

Amendments to increase the required setbacks along Old Central Avenue and Chamber Avenue respectively, are supportable so that the necessary rights-of-way can be provided. The building has been located as close to the street as possible.

- d. **Building Envelope and Site, 2. Character Areas, 2.3 Main Street Character Area**
(page 71)

Standards

- (3) **Buildings shall cover between 60 and 80 percent of their lot and shall occupy at least 70 percent of their street frontage.**

Applicant's Justification:

"The TDDP requires that buildings shall cover between 60 percent and 80 percent of their lot and shall occupy at least 70 percent of their street frontage. The proposed building occupies 46 percent of the total lot area. While the building

occupies 88 percent of the frontage on Old Central Avenue, it only occupies 54 percent of the frontage on Chamber Avenue. The total lot frontage occupied by a building is 67.5 percent, just below the minimum requirement. In order to provide any off-street parking, enough space must be provided to allow for a minimum aisle width and parking space dimensions. Providing just this minimum area impacts the ability to construct a building which occupies more of the Chamber Avenue frontage. As noted above, however, Old Central Avenue is envisioned as a Main Street with a defined building street edge. The design of the building fulfills that vision by providing a building without a driveway entrance along Old Central Avenue. As the adjoining land is redeveloped, this street wall can be continued as the TDDP recommends.”

The Planning Board concurs with the applicant’s justification for amendments to the above standards, since strict compliance is neither feasible nor practical due to the physical constraints of the property.

e. **Open Space and Streetscape, 4. Streetscapes, 4.2 Trees and Landscaping (page 85)**

Standards

- (2) **Street Tree Planting Specifications:** Street trees shall be a minimum 4-inch to 4 1/2 inch caliper in size, located 30 feet on center, planted in tree grates...Where necessary, allowances may be made to accommodate fire hydrants, utility vaults, and other existing infrastructure elements.

Applicant’s Summarized Justification:

“The applicant is requesting an amendment to this standard to allow the provision of street trees with a minimum caliper of 3-inches to 3 1/2-inches. The larger trees have less chance of survival than the smaller caliper trees, particularly in an urban setting like this site.”

The Planning Board concurs with the applicant’s justification that the slightly smaller caliper street trees will have a much better chance of survival than trees of a larger caliper. Because the applicant is also proposing shade trees in conformance with County Landscape Manual size standards, the amendment request is supportable.

f. **Open Space and Streetscape, 4. Streetscapes, 4.7 Buffers and Screening (page 90)**

Standards

- (3) **Minimum Buffer Requirements:** The minimum bufferyard requirements (landscape yard) for incompatible uses in the Landscape Manual (Section 4.7) shall be reduced by 50 percent. The plant units required per

100 percent of the property line or right-of-way shall also be reduced by 50 percent. Alternative compliance shall not be required for these reductions.

Applicant's Justification:

"The TDDP reduces the minimum bufferyard requirements by 50 percent, including the number of plant units. The Subject Property is not large, and it abuts existing auto repair uses, which are high impact uses. The proposed use, which is a medium intensity use, is compliant with the TDDP, while the existing uses which abut the Subject Property are not permitted by the TDDP. The bufferyard which is required is not to protect the adjoining uses from the proposed use, but the opposite. Further constraining the developable area of the Subject Property by providing a bufferyard is not consistent with the intent of the TDDP as it would reduce the size of a building compatible with the Standards and Guidelines for the benefit of a use not compatible with those same Standards and Guidelines. Further complicating the site is that the properties which adjoin the subject property along the northeast and northwest property boundaries are higher topographically. In order to develop the property at the street elevation, a retaining wall is required. The building is constructed along the western property line and as the topography of the adjoining property rises, the building itself serves as the retaining wall. At the end of the building, a retaining wall continues to extend along the property line. At the northwest corner of the building, the retaining wall is 5.9 feet high. The retaining wall increases in height as it surrounds the dumpster area. In this location, the retaining wall is approximate 6'-7' in height. The retaining wall meets grade again as it approaches Chambers Avenue. Along the top of the retaining wall is a 4' high aluminum railing, the specifications of which are shown on sheet 8 of 9 of the Detailed Site Plan. The applicant submits that this perimeter property line treatment provides an attractive, clean edge from the street, and as such is an appropriate transition between the adjoining properties at this corner location. Thus, the building setback and bufferyard required by the...TDDP would not be provided."

The Planning Board concurs with the applicant's justification and finds that the proposed use will be adequately buffered from adjacent uses by the proposed building and retaining wall.

g. Parking Facilities, 5. General Parking Facilities Standards and Guidelines (page 92)

Standards

(5) Parking Landscaping

(b) Off-Street Surface Parking:

- i. **Parking perimeters shall screen views of cars from the public realm with both a three-foot high solid masonry wall and evergreen shrub landscaping.**

Applicant's Justification:

"The perimeters of off-street parking surface parking lots are to be screened from the public realm by both a three-foot high solid masonry wall and evergreen shrub landscaping. All of the parking is located within a single row, such that the perimeter dimension of the parking lot is only 19'. Due to the site constraints, rather than provide both a 3-foot masonry wall and a landscape strip with shrubs, the Owner is proposing 3-foot high decorative concrete planters with shrubs planted in them. Since the Standard requires both a masonry wall and a landscape strip, a waiver of this requirement is requested. The details of the planter are shown on the Detail Sheet (Sheet 7 of 7) of the Detailed Site Plan. Given the site constraints and the small perimeter size of the parking area, the provision of a 3-foot tall planter with shrubs meets the intent of the TDDP Design Standards."

Due to the size constraints of the subject property, the Planning Board finds that the proposal to provide decorative planters is reasonable, as the planters will sufficiently screen the parking area.

Section 27-548.08 requires as follows:

In approving the Transit District Site Plan, the Planning Board shall find that the mandatory requirements, as amended, will benefit the proposed development and the Transit District and will not substantially impair implementation of the Transit District Development Plan, and the Board shall then find that the site plan meets all mandatory requirements which apply.

The amendments requested by the applicant will not substantially impair the implementation of the TDDP. The amendments which have been requested are necessary to address unique site conditions. The proposed development implements the vision of the TDDP on a small, but strategically located site within walking distance to the Capitol Heights Metro Station. The amendments requested are necessary to create and sustain a viable development site and implement the TDDP vision. The Planning Board finds that the site plan, subject to the conditions of approval, will meet all of the applicable mandatory requirements.

8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-S-C Zone and the site plan design guidelines of the Zoning Ordinance as follows:

- a. The subject application is in conformance with the requirements of Section 27-461 of the Zoning Ordinance, which governs permitted uses in all commercial zones. The DSP, consisting of commercial/retail and office uses, is therefore in conformance with Section-27-461.
 - b. The site plan is in conformance with Section 27-613 of the Zoning Ordinance, which governs signs attached to a building or canopy.
 - c. The DSP is in general conformance to the applicable site design guidelines as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance.
9. **Preliminary Plan of Subdivision 4-13032:** A new Preliminary Plan of Subdivision, 4-13032, was approved on November 5, 2015 (PGCPB Resolution No. 15-116). The approval of this DSP is dependent upon the certification of the Preliminary Plan. The following preliminary plan conditions are applicable to the review of this DSP and warrant discussion as follows:
4. **Prior to signature approval of the detailed site plan (DSP), the applicant shall provide documentation of concurrence with the public utility easement (PUE) layout shown on the DSP from the applicable utility providers, or provide a PUE in conformance with Section 24-122(a) of the Subdivision Regulations, and reflect that adjustment on the DSP. It is acceptable if no PUE is required by the utility providers.**

At the time of the writing of this resolution, the applicant did not provide evidence that this condition was fulfilled. This condition has been carried forward.

9. **At the time of final plat approval, the applicant shall dedicate public right-of-way of 35 feet from the centerline of Old Central Avenue (MD 332) along the property frontage, and 10 feet from the existing curb line along the property frontage on Chamber Avenue, as shown on the approved preliminary plan of subdivision.**

This condition clarifies the portion of the property to be dedicated for public right-of-way. The DSP shows the build-to line as 35 feet from the centerline of Old Central Avenue and 10 feet from the existing curb line on Chamber Avenue, which does not accurately reflect the new property lines and must in order to determine conformance to the TDDP. The proposed property line should be shown with the bearings, distances, and square footage of the area to be dedicated to public use. This area of dedication to public use will be shown on the record plat, which will match the DSP. The build-to line should be labeled in the same location as the proposed property line. A condition is included in the approval to address this issue.

A condition has also been included in approval of this application requiring the applicant to obtain signature approval of Preliminary Plan 4-13032 prior to certification of this DSP.

10. **2010 Prince George's County Landscape Manual:** The proposed mixed-use development is

within the Capitol Heights TDDP/TDOZ and is technically subject to the TDOZ standards as contained under the Open Space and Streetscape guidelines and standards. However, for those landscaping requirements not amended by the TDOZ standards, the applicable 2010 *Prince George's County Landscape Manual* (Landscape Manual) regulations govern. The site is subject to Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

Section 4.9, Sustainable Landscaping Requirements—In accordance with Section 4.9, a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should be native species (or the cultivars of native species). The minimum percentage of plants of each plant type required to be native species and/or native species cultivars is specified below:

Shade trees	50%
Ornamental trees	50%
Evergreen trees	30%
Shrubs	30%

A Section 4.9 schedule has been provided as required. However, the schedule will need to be revised to reflect revisions to the types and amounts of plantings required to fulfill tree canopy coverage (TCC) requirements.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site has been issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of existing woodland and has no previous tree conservation plan approvals. The exemption letter was valid only until October 17, 2015. A current exemption letter will be required prior to issuance of permits. A Natural Resources Inventory (NRI) equivalency letter has been issued based on the standard woodland conservation exemption and that no regulated environmental features are located on-site. The NRI equivalency letter is valid until October 17, 2018.
12. **Prince George's County Tree Canopy Coverage Ordinance:** Pursuant to Section 25-130 of the Tree Canopy Coverage Ordinance, the applicant has requested a partial waiver from the requirements of the Ordinance. The applicant is providing four shade trees and one ornamental street tree in accordance with the TDDP requirements, and their provision would satisfy or exceed TCC requirements. However, several of the street trees are located within a Maryland State Highway Administration (SHA) right-of-way (ROW) and are subject to that agency's final approval. As a result, those trees within the SHA ROW may or may not ever be planted. In the event that SHA does not permit planting within the ROW of Old Central Avenue, a partial TCC waiver of 36.2 percent (284 square feet) is required. The requirements for granting a waiver are found in Section 25-130 and an analysis of conformance with each of the requirements is set forth below.

- (1) **Topography, site limitations, or other site conditions are such that the full compliance to the requirements are impossible or impractical to comply with the provision of tree canopy coverage on the site in accordance with this Division;**

The subject property was previously improved with an industrial use which has now been razed. The property is currently devoid of vegetation. The TDDP encourages development of the entire streetscape, and the applicant has maximized the development of the site to the fullest extent practicable. The applicant is proposing to provide the street trees required by the TDDP; however, there is insufficient room on-site to provide tree canopy sufficient to meet the requirements. Although the Tree Canopy Coverage Ordinance allows credit for those street trees within the right-of-way surrounding the site, it is noted that those along Old Central Avenue are subject to SHA standards and final approval. There is no guarantee that SHA will require the trees or, that if planted, they will not be removed at some future date. Strict compliance with the tree canopy requirements would require the removal of substantial building area or needed parking and loading areas.

- (2) **Provision of the full extent of the tree canopy coverage requirement cannot reasonably be expected because of a lack of rooting space and or soil volume to accommodate healthy tree growth.**

The space available for tree planting will provide sufficient root space and soil volume necessary to promote healthy tree growth.

- (3) **The planting of additional trees will result in the need to remove existing pavement being used to meet other County Code requirements;**

All of the proposed improvements are necessary to meet other County requirements. Removal of any of the paved areas will result in a revision to the proposed development which, as currently proposed, conforms to the vision of the TDDP and most of the TDDP standards. Strict compliance with the tree canopy regulations would jeopardize the viability of the proposed development. Moreover, if the proposed trees are in fact provided in the SHA right-of-way, the development would be in full compliance with the TCC requirements.

- (4) **Existing or proposed parking and loading spaces are not in excess of the minimum necessary according to Subtitle 27, Part 11, Parking and Loading Standards; and**

The TDDP does not establish a minimum number of spaces, but does establish a maximum allowed number of parking spaces. The proposed parking area is not in excess of the maximum allowed number of spaces allowed by the TDDP. In fact, the proposed on-site parking is significantly below the maximum allowed for this site.

- (5) **The waiver is the minimum necessary based on the criteria above.**

The 36.2 percent or 284-square-foot-waiver requested is the minimum necessary. As noted above, the applicant proposes to provide the street trees as set forth in the TDDP. There is no room on-site to provide additional trees, and the trees within the rights-of-way are allowed to be credited toward fulfilling TCC requirements. Due to the unique circumstances of the subject property and pending approval by SHA, a partial waiver is necessary.

Based on the analysis above, the Planning Board concludes that the partial waiver (36.2 percent) of the TCC requirements meets all required findings as discussed above.

13. **Further Planning Board Findings and Comments from Other Entities:**

a. **Community Planning**—The following determinations are offered:

- **Conformance with the 2002 Prince George's County Approved General Plan:** This application is consistent with the Established Communities Growth Policy in the *Plan Prince George's 2035 Approved General Plan*.
- **Conformance with the Transit District Development Plan:** This application conforms to the Mixed-Use Edge-Low development pattern of the 2008 Approved Capitol Heights Transit District Development Plan.

The 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* (Subregion 4 Master Plan and SMA) retained the subject site in the I-1 Zone and the Capitol Heights TDDP/TDOZ placed a T-D-O Zone on the subject property. The document further stated that, in the event there were any contradictions in the two documents, the TDDP/TDOZ would supersede any information provided in the Subregion 4 Master Plan. The TDDP did not require residential as one of the mixed-use components. As a result, determination of master plan conformance for land use was based on the Preferred Land Use Plan of the TDDP.

b. **Transportation Planning**—A review of the DSP's conformance with the applicable TDDP transportation requirements is provided below.

Parking is a potential issue at the site. The TDDP does not list minimum parking requirements; only maximum parking requirements (see Table 3, page 97). The maximum number of parking spaces provided on-site does not exceed the maximum allowed, which is 23 spaces. Five spaces are shown on the site plan.

No on-street parking is allowed on Old Central Avenue. There may be some limited on-street parking available on Chamber Avenue, although not within 500 feet of the site. Transit service is available on Old Central Avenue. In addition, the Capitol Heights Metro Station is located approximately 1,600 feet northeast, within walking distance of the site.

The proposed DSP, as submitted, is in conformance with all applicable TDDP development requirements and meets the findings required for approving a DSP.

- c. **Trails**—A review of the application's conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zone Sectional Map Amendment*, and Preliminary Plan of Subdivision 4-13032 was provided.

Applicable conditions have been included in the approval of this application.

- d. **Subdivision Review**—A review of the submitted plan's conformance to Preliminary Plan 4-13032 was provided.

The applicable subdivision recommendations have been included as conditions of approval.

- e. **Environmental Planning**—Summarized comments are provided below.

- (1) The site was issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of existing woodland and has no previous tree conservation plan approvals. The exemption letter is valid until October 17, 2015. A NRI equivalency letter has been issued based on the standard woodland conservation exemption and that no regulated environmental features are located on-site. The NRI equivalency letter is valid until October 17, 2018.
- (2) A Stormwater Management Concept Plan (3113-2014-00) and approval letter were submitted. The approved concept shows water quality control requirements being met with a green roof and permeable pavement.
- (3) Due to the commercial use, traffic-generated noise is not regulated in relation to the application. The site does not front on any designated scenic or historic roadway. No other environmental requirements have been identified for this application.

- f. **Historic Preservation**—The mixed-use commercial/office development, as submitted in Detailed Site Plan DSP-14036, will have no effect on identified historic sites, resources, or districts.

- g. **Permit Review**—Comments were provided that have either been addressed in revised plans or included as conditions of approval.

- h. **Prince George's County Health Department**—In a memorandum dated June 23, 2015, the Health Department provided comments on the public health value of access to grocery stores and a high-quality pedestrian environment, as well as the need to control noise and dust during the construction phase of this project.

Requirements for control of noise and dust during the construction phase of this project have been included as conditions of approval. Sufficient sidewalks and landscape plantings are also included in the proposal as a way of improving the pedestrian environment.

- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum revised October 26, 2015, DPIE provided comments on issues such as frontage improvements, sidewalks, improvement within rights-of-way, soils investigation, existing utilities relocation, storm drainage systems and facilities, and an evaluation of the commercial entrance required in accordance with the requirements of the Prince George's County Department of Public Works and Transportation (DPW&T). DPIE further stated that the DSP is consistent with approved Stormwater Management Concept Plan 3113-2014 for the site. In addition, DPIE also stated that the applicant shall evaluate and adjust the commercial driveway entrance to meet DPW&T standards.

- j. **Prince George's County Fire/EMS Department**—In a memorandum dated May 26, 2015, the Office of the Fire Marshal provided standard comments regarding fire apparatus, fire hydrants, and lane requirements. These issues will be enforced by the Fire/EMS Department at the time of issuance of a permit.

- k. **Prince George's County Police Department**—In a memorandum dated June 2, 2015, the Police Department recommended installing a light fixture to illuminate the dumpster area.

A condition is included requiring the applicant to illuminate the dumpster area.

- l. **Maryland State Highway Administration (SHA)**—In an e-mail dated January 20, 2016, SHA indicated that work within SHA right-of-way will require SHA plan review, approval, and permit issuance as necessary.

- m. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail dated June 4, 2015, WSSC provided comments relating to water and sewer service that will be required prior to issuance of a permit.

14. Section 27-548.08(c)(2) of the Zoning Ordinance requires that the Planning Board must make the findings in order to approve a DSP in a T-D-O Zone, as follows:

- (A) **The Transit District Site Plan is in strict conformance with any mandatory requirements of the Transit District Development Plan;**

The application is in general compliance with the TDDP standards. Where strict compliance is not possible or practical, an amendment was requested.

- (B) The Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan;**

As noted above, the submitted plan meets this criterion, except where an amendment has been requested.

- (C) The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones, unless an amendment to the applicable requirement or regulation has been approved;**

The DSP meets most of the requirements of the T-D-O Zone, except for several amendments, which are supported by the Planning Board.

- (D) The location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency, and are adequate to meet the purposes of the Transit District Overlay Zone;**

The TDDP, as proposed, maximizes safety and efficiency and meets the purposes of the TDOZ.

- (E) Each structure and use, in the manner proposed, is compatible with other structures and uses in the Transit District, and with existing and proposed adjacent development; and**

The proposed structure and uses are compatible with the vision, guidelines, and standards of the TDDP. Existing uses in the immediate vicinity of the subject property are not in conformance with the TDDP; therefore, the proposed development is not necessarily compatible with other uses in the district. This proposal is the first in this TDOZ to apply the transit district standards. The Planning Board finds that the proposed development, as presented in Detailed Site Plan DSP-14036, meets all of the above required findings for approval.

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 a change of the underlying zoning for the subject property from the Light Industrial (I-1) Zone to the Commercial Shopping Center (C-S-C).
- B. APPROVED a partial tree canopy coverage waiver (36.2 percent /284 square feet).
- C. APPROVED the alternative transit district standards for:

- **Building Envelope and Site, 1. General Building Envelope and Site Standards and Guidelines, Standard (2) Alleys**—To allow the applicant not to construct alleys.
- **Building Envelope and Site, 1. General Building Envelope and Site Standards and Guidelines, Standard (3) Dedicated Right-of-way for Alleys**—To allow the applicant not to dedicate right-of-way for alleys.
- **Building Envelope and Site, 2. Character Areas, 2.3 Main Street Character Area, Standard (2)**—To allow the building to be set back a maximum of 18.2 feet from Old Central Avenue and 16.67 feet from Chamber Avenue.
- **Building Envelope and Site, 2. Character Areas, 2.3 Main Street Character Area, Standard (3)**—To allow a reduced building lot coverage of 46 percent and lot frontage of 54 percent along Chamber Avenue.
- **Open Space and Streetscape, 4. Streetscapes, 4.2 Trees and Landscaping, Standard (2), Street Tree Planning Specifications**—To allow street trees to be a minimum of 3- to 3.5-inch caliper in size.
- **Open Space and Streetscape, 4. Streetscapes, 4.7 Buffers and Screening, Standard (3), Minimum Buffer Requirements**—To allow the applicant to use a reduced bufferyard as proposed on the site plan.
- **Parking Facilities, 5. General Parking Facilities Standards and Guidelines, Standard (5)(b)(i)**—To allow the applicant's parking lot landscape design as proposed.

D. APPROVED Detailed Site Plan DSP-14036 for 5936 Old Central Avenue, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall:
 - a. Obtain signature approval of Preliminary Plan of Subdivision 4-13032.
 - b. Provide documentation of concurrence with the public utility easement (PUE) layout shown on the DSP from the applicable utility providers, or provide a PUE in conformance with Section 24-122(a) of the Subdivision Regulations, and reflect that adjustment on the DSP. It is acceptable if no PUE is required by the utility providers.
 - c. Label the proposed right-of-way dedication with bearings, distances, and square footage.
 - d. Label the location of the bicycle rack(s) on the site plan.
 - e. Provide details of the green roof in accordance with Leadership in Energy and

Environmental Design (LEED) standards.

- f. Provide information about how the proposed building has applied green building techniques to the extent possible, and have incorporated innovative environmental technologies in the building and site design for the subject property whenever possible.

- g. Add site plan notes as follows:

“All exterior lighting fixtures used in this development shall be full cut-off type.”

“Awnings will not project more than three feet beyond the build-to line into the public right-of-way, nor provide less than ten feet of vertical clearance above the sidewalk.”

“During the demolition and construction phases, this project will conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

“During the demolition and construction phases, this project will conform to construction activity noise control requirements as specified the Code of Maryland Regulations (COMAR).”

- h. Revise plan notes as follows:

- (1) Indicate the correct use of the property as retail/office.
- (2) Indicate the property is within the Main Street character area of the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zone Sectional Map Amendment*.
- (3) Delete the reference that the DSP is not subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Indicate that the plan is subject to the Transit District Development Plan standards, where applicable, and is otherwise subject to the Landscape Manual (Section 4.9).
- (4) Provide building coverage and lot frontage calculations.

- i. Provide the Section 4.9 landscape schedule and the tree canopy coverage schedule.

- j. Revise the landscape plan to show two major shade trees and one ornamental tree along Old Central Avenue, and two major shade trees along Chamber Avenue, in accordance with the revised tree canopy coverage schedule.
 - k. Add the following note to the tree canopy coverage schedule:

“A partial waiver of 36.2 percent of TCC credit has been approved for this site.”
 - l. Identify the dedicated right-of-way (ROW) of Chamber Avenue as shown on the preliminary plan of subdivision.
 - m. Reflect the foundation grade on the west side building elevation.
 - n. Provide adequate lighting for the dumpster area. The lighting fixture shall be full cut-off and detail specifications shall be provided.
 - o. Consider the application of various green site and building techniques to the extent possible.
2. The applicant and the applicant's heirs, successors, and/or assignees shall provide a minimum of two bicycle parking spaces with a bicycle rack(s) meeting the specification and dimensions included in Standard 4 of the Bikeways and Bicycle Parking Section of the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zone Sectional Map Amendment*.

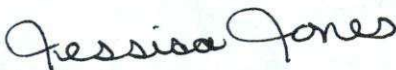
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Shoaff, with Commissioners Washington, Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 11, 2016, in Upper Marlboro, Maryland.

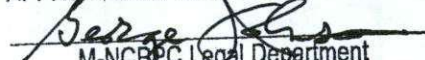
Adopted by the Prince George's County Planning Board this 3rd day of March 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:CF:rpg

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPA Legal Department

Date 2/12/16