

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-00068  
Cottage Square, Lots 24 and 25

OVERVIEW

The property consists of approximately 11,000<sup>+</sup> square feet of land in the I-1 Zone. It is improved with two large structures and operated as a motor vehicle repair facility. The property is currently known as Lot 18 in Cottage Square, an apparently unrecorded subdivision at least 50 years old. The applicant proposes to resubdivide existing Lot 18 into two, Lots 24 and 25. Existing access to the site is provided from Rhode Island Avenue, Crittenden Street and 44th Avenue. Access will remain the same. The existing buildings are well over 50 years old and are nonconforming with respect to current zoning standards for setbacks and lot coverage. No new development is proposed, but the applicant should be aware that any redevelopment of the site will need to meet current zoning standards.

The property was previously before the Planning Board in 1998. Preliminary Plat 4-98026 was approved by the Planning Board in 1998. That preliminary plat has expired. The applicant proposes to subdivide the property in the same configuration as previously approved.

SETTING

The subject property is located between 44th and Rhode Island Avenues, and approximately 150 feet west of Baltimore Avenue in the City of Hyattsville. The property is surrounded by industrial and service commercial uses in the I-1 Zone to the north, south and west and the C-M Zone to the east.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental Issues - The property is located within the Anacostia River drainage basin and has existing water and sewer service. According to the Preliminary Plan, the property is improved with two one-story buildings and macadam pavement. The site is exempt from the full provisions of the Woodland Conservation and Tree Preservation Ordinance because it is less than 40,000 square feet. Therefore, a Tree Conservation Plan is not required. A Letter of Exemption is required prior to the issuance of any permits on the site.

The property is in Water and Sewer Category 3 and is served by public systems. There are no other environmental issues at this time.

2. Community Planning - Recognizing the long-standing use of the property, the 1994 *Planning Area 68 Master Plan* recommends General Industrial land use for this property. The 1994 Sectional Map Amendment retained the I-1 Zone. During the master plan preparation the Melrose Industrial area (located east of Rhode Island Avenue and west of Baltimore Avenue

and part of the area generally known as East Hyattsville) containing the subject resubdivision was considered for rezoning to the U-L-I Zone. However, the plan also suggested that the area east of the railroad tracks across from the Hyattsville Justice Center be studied for potential inclusion in the Hyattsville Town Center. Consequently the U-L-I Zone was not applied. The underlying issue of both these considerations involve the desire to enhance the image of the community along gateway roads. The subject resubdivision of this property does not have an impact on the master plan recommendations.

3. Parks and Recreation - The proposed subdivision is exempt from mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations because it proposes no residential uses and it is zoned industrially.
4. Trails - There are no master plan trails associated with this application.
5. Transportation - The application is a proposal to resubdivide one existing industrial lot into two lots. The lot to be resubdivided is part of an existing subdivision, and is recorded. The single lot is improved with two structures, both of which would be placed on their own lots under the resubdivision.

Table 1 in Section 27-474 of the Zoning Ordinance, which defines setbacks for industrial zones, indicates that the standard right-of-way in front of an industrially-zoned property is 70 feet, or 35 feet from center line. The minimum standard right-of-way, regardless of zoning, is 50 feet, or 25 feet from center line. None of the adjacent streets meets either the industrial or the minimum standard. This zoning regulation exists primarily for determining required setbacks, but the transportation staff can ask for additional right-of-way if deemed necessary by the operating agency. If the Department of Public Works and Transportation (DPW&T) or the City of Hyattsville does not determine a need for additional right-of-way, no further dedication along 44th Avenue or Crittenden Street will be needed. Staff realizes that any expansion of these rights-of-way would affect existing structures, and therefore would support maintaining the existing rights-of-way if DPW&T or the City of Hyattsville agree.

The proposed preliminary plat has no impact on Master Plan rights-of-way. There are railroad tracks between the subject property and the state-maintained right-of-way for US 1 (Rhode Island Avenue).

The subdivision would generate no net trips as a result of the resubdivision. There would be no resulting impact on traffic operations at the US 1Alt/Crittenden Street intersection, which is the development's critical intersection, as a result of the resubdivision.

The Transportation Planning Division concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved. At this time, staff would support maintaining the existing rights-of-way as the existing buildings are old and have existed for some time. If the buildings are razed to make way for new construction, new buildings will be required to respect a right-of-way of 35 feet from the centerline of these roads.

6. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public school facilities in accordance with Section 24-122.01

and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised July 2000) (CR-4-1998) concluded that the proposed subdivision is exempt from APF test for schools because it is a commercial use.

7. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities and concluded that the proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck and paramedic services.
  - a. The existing fire engine service at Bladensburg Fire Station, Company 9, located at 4213 Edmonston Road, has a service response time of 2.14 minutes, which is within the 3.25 minutes response time guideline.
  - b. The existing ambulance service at Bladensburg Fire Station, Company 9, has a service response time of 2.14 minutes, which is within the 4.25 minutes response time guideline.
  - c. The existing paramedic service at Brentwood Fire Station, Company 4, located at 3712 Utah Avenue, has a service response time of 2.66 minutes, which is within the 7.25 minutes response time guideline.
  - d. The existing ladder truck service at Cottage City Fire Station, Company 2, located at 3840 Bladensburg Road, has a service response time of 2.23 minutes, which is within the 4.25 minutes response time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*.

8. Police Facilities - The proposed development is within the service area for District I-Hyattsville. In accordance with Section 24-122.01 (c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County police facilities will be adequate to serve the proposed Cottage Square development.
9. Health Department - The Health Department noted that some soil was soaked with oil and the area was in need of a general clean up. This was a concern during the previous application was cleaned; however, a new area of oil-soaked soils was found. The Health Department also noted that it would require the clean up prior to final plat approval.
10. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, # 988007960, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
11. Public Utility Easement - The required 10-foot wide Public Utility Easement is shown correctly on the preliminary plat. This easement will be included on the final plat.

12. City of Hyattsville - The property is in the City of Hyattsville. At this time, the City has presented no referral on this application. A letter received from the City in regard to the previous application stated that it would present a further statement for the record to demonstrate repeated improper use of the subject property related to its use as a motor vehicle repair facility as documented by police department records. There do not appear to be any zoning violations on this site. While enforcement of City codes may present a problem for this applicant, it is unclear that any such issues would result in an unfavorable recommendation regarding the subdivision of this property into two independent lots. The City may present additional information at the scheduled public hearing before the Planning Board.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, Concept # 988007960, or any of its revisions.
2. Prior to the issuance of any permits, the applicant shall obtain a Letter of Exemption from the Woodland Conservation Ordinance from the Environmental Planning Section. A copy of the Letter of Exemption shall be submitted at time of permit application.
3. Prior to final plat approval, the applicant, his heirs, successors and/or assigns shall provide evidence that the controlling jurisdiction has determined that there is no need for additional right-of-way along 44<sup>th</sup> Avenue and Crittenden Street.
4. Prior to final plat approval, the applicant shall provide documentation, to the satisfaction of the Prince Georges County Health Department, that the site has been cleaned, including the removal of oil soaked soils.