



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-05088

| Application | | General Data | |
|---|--|------------------------------|------------------------|
| Project Name: CAPITOL HEIGHTS SHOPPING CENTER Location: Along Central Avenue, (MD 214), approximately 350-feet east of its intersection with Shady Glen Drive. Applicant/Address: ZP No. 141, LLC. 111 Princess Street Wilmington, NC. 28401 | | Date Accepted: | 05/25/06 |
| | | Planning Board Action Limit: | 11/13/06 |
| | | Plan Acreage: | 29.44 |
| | | Zone: | C-S-C/DDOZ C-O/DDOZ |
| | | Lots: | 0 |
| | | Parcels: | 2 |
| | | Planning Area: | 75A |
| | | Tier: | Developed |
| | | Council District: | 06 |
| | | Municipality: | N/A |
| | | 200-Scale Base Map: | 201SE07 |

| Purpose of Application | | Notice Dates | |
|--|--|---|----------|
| COMMERCIAL SHOPPING CENTER Including a Variation from Section 24-121(a)(3) of the Subdivision Regulations | | Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) | 03/1/06 |
| | | Sign(s) Posted on Site and Notice of Hearing Mailed: | 10/03/06 |
| | | | |

| Staff Recommendation | | Staff Reviewer: John Ferrante | |
|----------------------|--------------------------|-------------------------------|------------|
| APPROVAL | APPROVAL WITH CONDITIONS | DISAPPROVAL | DISCUSSION |
| | | X | |

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-05088
Capitol Heights Shopping Center, Parcels A & B

OVERVIEW

The subject property is located on Tax Map 66, Grid F-4 and is known as Parcel 195. The property consists of approximately 29.44 acres within the C-S-C/DDOZ Zone. The property is currently improved with four accessory farming buildings, all of which are in ruins at this time. The remaining portions of these buildings are proposed to be razed to make way for new development. The applicant is proposing to construct a shopping center that consists of approximately 114,678 square feet per the traffic study submitted for this application.

The subject property is situated within the southeast quadrant of the Central Avenue corridor node within the 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas*, adopted by the Planning Board on March 18, 2004 (PGCPB No. 04-50), and further amended and adopted by the District Council on May 27, 2004, via CR-36-2004 (DR-2). This approved sector plan and sectional map amendment rezoned the subject property from the I-1 Zone to C-O/DDO Zone, and further recommended a townhouse style, low-rise office park with a police substation and a fire station to be within the southeast quadrant of the Central Avenue corridor node.

However, the District Council adopted Zoning Ordinance No. 2-2005 on February 14, 2005, for the Santos and Zimmer Properties in response to a revisory petition filed by the property owners on the basis of a mistake in the sectional map amendment (SMA). The District Council adopted the decision of the Zoning Hearing Examiner (ZHE) and its legislative findings, having determined that factual error was made in the SMA, and that the subject properties should have been changed from the I-1 Zone to C-S-C/DDO Zone and not C-O/DDO Zone. Therefore, Zoning Ordinance No. 2-2005 amended the zoning classification of the Santos and Zimmer properties from C-O/DDOZ to C-S-C/DDOZ. Both the Santos property and the Zimmer property are to remain in the Development District Overlay Zone (DDOZ) for Morgan Boulevard, and their underlying zoning classifications, C-S-C, may not be changed without further action by the District Council. Only the Zimmer property is the subject of this preliminary plan of subdivision application.

Section 2 of Zoning Ordinance No. 2-2005 further states that the future use and development of the subject properties shall be limited by the following amendments to the applicable Development District Standards.

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

- B. No store on either property may exceed 125,000 square feet of gross floor area. If any development standards amendments are held invalid for any reason, as they apply to either or both of the subject properties, then the underlying zoning classification of both properties shall revert to the C-O Zone.

As previously stated, the preliminary plan submitted contains only the Zimmer property, fronting Central Avenue and Shady Glen Drive, and further known as Parcel 195. The Santos property is not within the limits of this preliminary plan application.

The applicant's proposed development is consistent with the conditions established by the District Council within Zoning Ordinance No. 2-2005. Staff has further requested that the conditions of Zoning Ordinance No. 2-2005 be established within the general notes on the preliminary plan submitted for this application. As proposed, the shopping center will be anchored by a Giant Grocery Store consisting of 63,170 square feet, with an additional 6,230 square feet allocated for mezzanine, mechanical, and loading dock areas. The proposed Giant shall include a bakery, pharmacy, deli, and seafood counters, and no store on the subject property will exceed 125,000 square feet of gross floor area.

The development of this property will be subject to an approved detailed site plan. Page 103 of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas* states the following;

“New development in the Development District is subject to detailed site plan review. New development must show compliance with the Development District Standards in the site plan review process.”

Map 12 on page 46 of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas* demonstrates that a fire station and police substation are proposed for a portion of the subject property. The sector plan reaffirms the Approved Capital Improvement Program (FY 2003-2008) (Item LK510083) relocation of the Seat Pleasant Fire and Rescue Facility (Company 8) to the intersection of Central Avenue and Shady Glen Drive. The sector plan further states that the use should be co-located with a proposed police substation. With the addition of this facility, the entire study area will be within response time standards for emergency services.

The preliminary plan submitted demonstrates that adjacent Parcel 194, located at the corner of Central Avenue and Shady Glen Drive is already under the ownership of the Prince George's County Government. In addition, the applicant has proffered to convey approximately 1.54 acres to Prince George's County for the development of the new county fire station. In a July 31, 2006, memo to the M-NCPPC Historic Preservation and Public Facilities Planning Section, the Prince George's County Fire Department stated that the additional land is necessary to accommodate their prototype Fire/EMS station design. The letter also demonstrates the fire department's desire to have the proposed station facing Shady Glen Drive, which would result in a safer response path than directly accessing Central Avenue. Although the development of the proposed fire station building itself is not part of this preliminary plan, any direct access to Central Avenue would require Planning Board approval of a variation request for direct access to a roadway of arterial classification. Therefore, staff had requested that the fire department provide its proposed access points in writing to ensure that access has been provided to all required streets. A variation request was submitted by the applicant for two direct access points to Central Avenue; however, both access points are for the development of the shopping center parcel. A variation request for fire department access is not required as no direct access to Central Avenue is proposed by the fire department.

A referral memo from the Historic Preservation and Public Facilities Planning Section, dated May 4, 2006, states that the subject property is located in an area recommended by the sector plan for a proposed fire station and police substation. The police substation located in the general vicinity of the intersection of Hill Road and Central Avenue is no longer to be considered. Since the release of the plan and sectional map amendment, the police department has changed policy and will no longer consider the proposed substation.

Although Zoning Ordinance No. 2-2005 placed a majority of the subject property within the C-S-C/DDO Zone, the property does have split zoning. A small portion of C-O/DDOZ land remains within the limits of Parcel 195. The portion of property that contains the split zoning (C-O/DDOZ and C-S-C/DDOZ) is contained within proposed Parcel A. This parcel will be dedicated to the Prince George's County Government, which in conjunction with Parcel 194 located at the corner of Central Avenue and Shady Glen Drive and already owned by the county and zoned C-O/DDOZ, will contain the new Seat Pleasant Fire Station. The conveyance of Parcel A to Prince George's County will leave the remaining portion of land that is proposed for the shopping center development to be within the C-S-C/DDO Zone.

This property has been the subject of a prior preliminary plan of subdivision application. Preliminary Plan No. 4-89087 was disapproved by the Planning Board on September 7, 1989, due to inadequate transportation facilities (PGCPB No. 89-435). Four of the five major intersections determined to be critical for ensuring adequate transportation facilities were operating at unacceptable levels-of-service. In addition, the applicant's traffic study did not account for the entire 383,742 square feet of proposed warehouse space in the I-1 Zone. The traffic study further asserted that only two of the five intersections the Transportation Planning Section determined to be major were critical for development, and therefore, three of the major intersections were never evaluated within the traffic study submitted by the applicant.

At the Subdivision Review Committee meeting on June 16, 2006, the applicant was notified in writing that a traffic study must be submitted no later than 45-days prior to the scheduled Planning Board Hearing. The traffic study was submitted on October 3, 2006, approximately 30-days prior to the public hearing. The traffic study proposes mitigation, which must be approved by the operating agencies (State Highway Administration and/or DPW&T). Staff has made every effort to delay the writing of this report to the last possible moment, in the hope that responses on the submitted traffic study would be received from SHA and DPW&T. However, at the writing of this report, no comments have been received from either operating agency regarding the traffic study and its findings. Therefore, staff is compelled to recommend disapproval, as discussed further in finding 6 of this report, due to inadequate transportation facilities.

SETTING

The property is located along Central Avenue, (MD 214), approximately 350-feet east of its intersection with Shady Glen Drive. To the north and across Central Avenue are primarily commercial uses that front Central Avenue. To the south is a contractor's office in the C-S-C/DDO Zone, and across Walker Mill Drive there are primarily residential uses within the R-80 Zone and a church in the R-R Zone. To the east is the Park Central Industrial Park (VJ 173 @ 88) within the I-1 Zone. To the west is C-O/DDOZ parcel owned by the Prince George's County Government. Along with an additional parcel to be created under this preliminary plan, this property will be used for the construction of a new County Fire/EMS Station.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

| | EXISTING C-S-C/C-O/DDOZ | PROPOSED C-S-C/C-O/DDOZ |
|------------------------------|-----------------------------------|-----------------------------------|
| Zone | Undeveloped | Commercial Shopping Center |
| Use(s) | 29.44 | 29.44 |
| Acreage | 0 | 0 |
| Lots | 1 | 2 |
| Parcels | | |
| Public Safety Mitigation Fee | | No |

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

2. **Community Planning**—The subject property is located in Planning Area 75B and within the limits of the Central Avenue corridor node within the 2004 *Approved Sector Plan for the Morgan Boulevard and Largo Town Center Metro Areas*. This application conforms to the land use recommendation of the 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* for retail uses per District Council Zoning Ordinance No. 2-2005.

The 2002 *General Plan* locates the property within the Developed Tier. The subject property is located on a designated corridor (MD 214) and the Morgan Boulevard Metro Station (Community Center) designated node in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for Centers and Corridors is mixed residential uses at moderate-to high densities and intensities, with strong emphasis on transit-oriented development. Development and redevelopment in these locations can capitalize on existing infrastructure by locating homes, jobs and shopping closer to transit services. This application proposes a pedestrian-oriented and transit-oriented shopping center development, and is therefore consistent with the 2002 *General Plan* Development Pattern policies for the Developed Tier.

The 2004 *Approved Morgan Boulevard and Largo Town Center Metro Station Area Sector Plan and Sectional Map Amendment* rezoned the property from the I-1 Zone to the C-O Zone. However, the District Council approved Zoning Ordinance No. 2-2005 to rezone a majority of the subject property from the C-O Zone to the C-S-C Zone with conditions. The subject property remains in the Development District Overlay Zone (DDOZ). (pp. 181-183)

PLANNING ISSUES

- The proposed development is subject to detailed site plan review and must show compliance with the applicable Development District Standards. (pp. 87-119 and 182)

- The applicant shall address the sector plan's recommendations on the proposed fire and rescue facility and the proposed police substation generally located at the southeast corner of the intersection of Central Avenue (MD 214) and Shady Glen Drive. (p. 48)
3. **Parks and Recreation**—According to Section 24-134(a) of the Prince George's County Subdivision Regulations, this application is exempt from Mandatory Dedication of Parkland requirements because it consists of nonresidential development.
 4. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Suitland-District Heights and Vicinity Master Plan. The subject site's road frontage along Central Avenue (MD 214) includes a standard sidewalk. Currently, the site's frontages of both Glen Drive and Walker Mill Drive are open section with no sidewalks. The alignment for the planned Chesapeake Beach Rail Trail is just to the south of the subject property, as shown on the Approved Addison Road Metro Area Sector Plan. Internal sidewalk connections will be evaluated at the time of detailed site plan.
 5. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan application for the Capitol Heights Shopping Center. The subject property consists of two parcels. Parcel B, approximately 27.9 acres of land in the C-S-C/DDO Zone, and Parcel A, consisting of about 1.46 acres of land in the C-O/DDO Zone. The property is located on the south side of Central Avenue (MD214), and to the east of Shady Glen Drive. As indicated on the submitted plan, the applicant proposes to develop proposed Parcel B with 69,400 Gross Square Feet (GSF) supermarket, 29,509 GSF of retail space, 18,800 GSF of sit-down restaurants, 4,670 GSF for a bank, and 729 parking spaces. The applicant is proposing to dedicate Parcel A to the Prince George's County Government to be used in concert with adjoining county-owned property for the construction of a new fire station

Due to the size of the subdivision and in accordance with the Guidelines, on June 16, 2006, at the Subdivision Review Committee meeting, the Transportation Planning Section provided the applicant with a preliminary memorandum that required the applicant to submit an acceptable traffic impact study to determine the adequacy of the existing and programmed transportation facilities that would be impacted by the proposed subdivision. At this meeting staff informed the applicant that in accordance with the Guidelines, a traffic study provided to the transportation staff fewer than 45 days prior to the scheduled Planning Board hearing date will generally result in a change in the scheduled hearing date.

On October 3, 2006, the Transportation Planning Section received a traffic study dated March 15, 2006. A review of the traffic study indicates that for one of the identified critical intersections, the applicant's consultant is proposing to use the approved mitigation procedures, as specified under CR-29-1994. Under a transportation facilities mitigation plan (TFMP), the Planning Board may consider the use of mitigation procedures in certain areas as defined by the guidelines, provided the Transportation Planning Section initially agrees with a scoping agreement that includes mitigation, and receives review comments from the operating agencies (DPW&T and SHA) on the proposed mitigation improvements, as they must be incorporated in the Transportation staff's memo. As a result, and upon acceptance of a traffic study that includes a TFMP, the Transportation Planning Section will circulate the study to the operating agencies for review. The minimum acceptable review period is 30 days from the date of circulation.

The traffic study was received very late—30 days prior to the scheduled Planning Board hearing date. This late submission meant the review agencies would be required to provide their review comments to the Transportation Planning Section in only 15 days instead of the required 30 days.

As a result, staff was unable to provide sufficient time for these agencies to provide their review. At this time, and without the consent of the operating agencies, (SHA and DPW&T), staff is unable to make the required adequacy findings and prepare recommendations for the proposed subdivision.

Growth Policy - Service Level Standards

The subject property is in the Developed Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better is required in the Developed Tier.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The proposed mix of retail development show on the submitted plan (118,100 GSF) is slightly higher than the level used in submitted traffic study (114,700 GSF). Using the Guidelines recommended for trip generating rates for a shopping center (100,000–400,000 GSF), the proposed development would generate 118 AM (72 in and 46 out) and 755 PM (378 in and 377 out) peak-hour vehicle trips, of which 50 percent are considered as pass-by trips, or trips that are already on the highway system. Given this trip generation and distribution assumed by the traffic study, the Transportation Planning Section has determined that the critical intersections would operate unacceptably under existing, background, and total traffic. Without approval from DPW&T and SHA, staff believes the improvements offered in the study cannot be accepted as measures that would mitigate the noted inadequacies

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section cannot conclude that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code

6. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

The subdivision is exempt from APF test for schools because it is a commercial use.

7. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for public facilities and concluded the following.

The existing fire engine service at Seat Pleasant Fire Station, Company 8 located at 1415 Ritchie-Marlboro Road has a service travel time of 2.01 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Capitol Heights Fire Station, Company 5 located at 6061 Central Avenue has a service travel time of 5.84 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Capitol Heights Fire Station, Company 5 located at 6061 Central Avenue has a service travel time of 5.84 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

The subject property is located in an area recommended by the 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas* for a proposed fire station and police substation. The police substation located in the general vicinity of the intersection of Hill Road and Central Avenue is no longer to be considered. Since the release of the plan and sectional map amendment, the police department has changed policy and will no longer consider the proposed substation. The applicant has designated additional land on the preliminary plan as Parcel A for the proposed fire station. The fire department has indicated that the additional land will be adequate to construct the proposed station.

8. **Police Facilities**—The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future developments. The plan includes planning guidelines for police, and they are as follows:

Station space per capita: 141 square feet per 1,000 county residents.

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police and the latest population estimate is 825,520. Using the 141 square feet per 1000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet is above the guideline.

9. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Capitol Heights Shopping Center and has the following comments to offer:

Any abandoned well found within the confines of the above referenced property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit.

Any abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system should be located on the preliminary plan.

A raze permit is required prior to the removal of any of the structures on-site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well and septic system properly abandoned before the release of the grading permit.

10. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #32244-2005 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. **Historic**—A Phase I archaeological study was conducted for Zimmer Development Company, LLC in anticipation of meeting the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended. The Phase I Archeological Survey entitled “ The Capitol Heights Shopping Center Property” was submitted on September 26, 2006.

The Historic Preservation and Public Facilities Planning Section agrees with the conclusions and recommendations of the report, that no further archaeological investigations are warranted. However, four copies of the revised, final report must be submitted prior to signature approval of the preliminary plan

12. The subject property is zoned C-S-C/DDOZ. Although the subject application is not proposing any residential development, if legislation would permit such a land use, a new preliminary plan should be approved. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivisions, a new preliminary plan should be required if residential development is to be considered.

STAFF RECOMMENDS DISAPPROVAL OF PRELIMINARY PLAN 4-05088 DUE TO
INADEQUATE TRANSPORTATION FACILITIES IN ACCORDANCE WITH SECTION 24-124 OF
THE SUBDIVISION REGULATIONS