



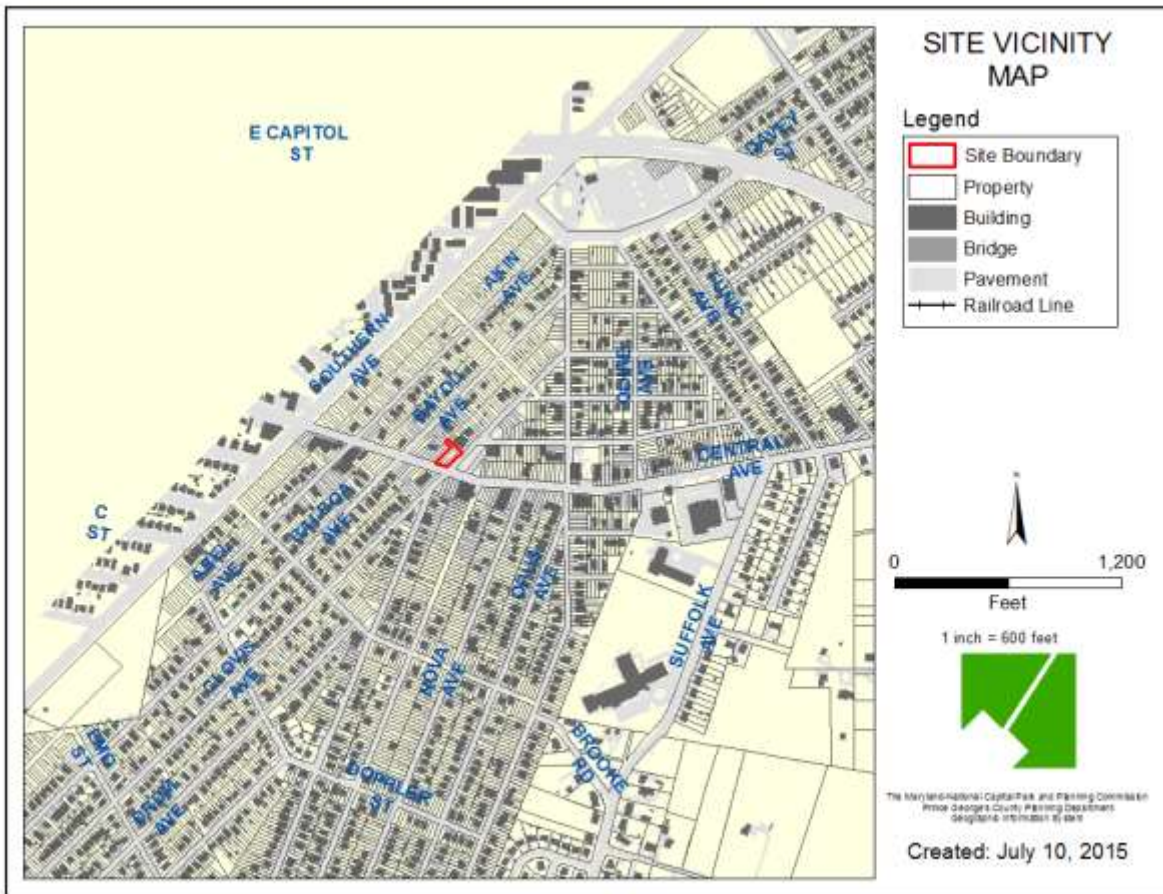
*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan of Subdivision 4-13032

Application	General Data	
<b>Project Name:</b> 5936 Old Central Avenue  <b>Location:</b> North quadrant of the intersection of Old Central Avenue (MD 332) and Chamber Avenue.  <b>Applicant/Address:</b> AMB Architectural Design Studio, LLC 7305 Old Stage Road Rockville, MD 20850  <b>Property Owner:</b> Local 20850 LLC 10101 Grosvenor Place Rockville, MD 20850	Planning Board Hearing Date:	11/05/15
	Staff Report Date:	10/28/15
	Date Accepted:	08/20/15
	Planning Board Action Limit:	11/09/15
	Mandatory Action Timeframe:	70 Days
	Site Square Footage:	7,971.48 sq. ft.
	Zone:	I-1/T-D-O
	Gross Floor Area:	9,900 sq. ft.
	Dwelling Units:	0
	Lots/Parcels:	0/1
	Planning Area:	75B
	Council District:	07
	Election District	18
	Municipality:	Capitol Heights
	200-Scale Base Map:	201SE05

Purpose of Application	Notice Dates	
Creation of one (1) parcel for 9,900 square feet of gross floor area (GFA) for commercial uses.  <b>Variation from Section 24-122(a)</b>	Informational Mailing	05/05/15
	Acceptance Mailing:	08/04/15
	Sign Posting Deadline:	10/06/15

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Williamayah <b>Phone Number:</b> 301-952-3554 <b>E-mail:</b> William.Mayah@ppd.mncppc.org	
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 4-13032  
5936 Old Central Avenue, Parcel 1

OVERVIEW

The subject property is located on Tax Map 72 in Grid F-1 and is composed of Lots 39 through 41 and Part of Lot 42, Block 14 – Capitol Heights, recorded in Plat Book LIB A-75, circa 1905, in the Prince George's County Land Records. The property consists of 7,971.48 square feet of land within the Light Industrial (I-I) and Transit District Overlay (T-D-O) zones implemented through the July 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Capitol Heights TDDP). The site is currently undeveloped. This preliminary plan of subdivision (PPS) proposes the creation of one parcel for 9,900 square feet of gross floor area (GFA) for commercial uses. Pursuant to Section 24-107(c)(7) of the Subdivision Regulations, total development which exceeds five thousand (5,000) square feet of gross floor area shall require approval of a PPS and final plat by the Planning Board prior to building permit, resulting in this application.

As previously discussed, the PPS proposes the creation of one parcel for commercial uses. Existing Lots 39 through 41 and Part of Lot 42 are located at the north quadrant of the intersection of Old Central Avenue (MD 332) and Chamber Avenue. The site has approximately 65 feet of frontage along MD 332 and 107 feet of frontage along Chamber Avenue. The site is irregular in shape, approximately 65 feet wide along the south west property line for 123 feet of its length along Chamber Avenue, widening to 100 feet for the rear 15 feet of its length. One existing vehicular driveway is located on Chamber Avenue along the south eastern property line, approximately 55 feet northeast of its intersection with MD 332. The applicant proposes to relocate the driveway to a point approximately 80 feet northeast of the intersection of Chamber Avenue and MD 332, which is supported by staff.

Due the exceptionally narrow and irregularly shaped character of the site, the applicant has filed a variation to the Subdivision Regulations to provide alternative public utility easements to accommodate right-of-way dedication recommended with this application, which is supported by staff and discussed further.

Staff recommends **APPROVAL** of the PPS, with conditions set forth in this technical staff report.

SETTING

The subject site is located at the north quadrant of the intersection of Old Central Avenue (MD 332) and Chamber Avenue. To the northeast and northwest of the site is I-I zoned property developed with auto-repair services.

To the east of the site is C-S-C zoned property developed with an institutional use. To the west of the site is C-S-C zoned property, which is developed. To the south of the site is C-M zoned property, which is also developed.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	I-1/T-D-O	I-1/T-D-O
Use(s)	Vacant	9,900 square feet of GFA for retail/office uses
Square Footage	7,971.48 sq. ft.	7,971.48 sq. ft.
Lots	4	0
Outlots	0	0
Parcels	0	1
Dwelling Units	0	0
Public Safety	No	No
Variance	No	No
Variation	No	Yes (24-122(a))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on September 11, 2015, as required by Section 24-113(b) of the Subdivision Regulations. The requested variation from Section 24-122(a) was accepted on October 6, 2015 no less than 30 days prior to the Planning Board hearing date and heard on October 9, 2015 at the SDRC meeting.

2. **Community Planning**—This site is located within the Established Communities growth policy area of the Prince George’s County Growth Policy Map in the *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035). As described in Plan Prince George’s 2035, established communities should have context-sensitive infill and low- to medium-density development. This property is located in the June 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan) and the July 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Capitol Heights TDDP). The Subregion 4 Master Plan retained the I-1 Zone and TDOZ was placed on the subject property by the Capitol Heights TDDP.

### Planning Issues

The Subregion 4 Master Plan designated the subject property for Mixed-Use Residential land use. However, the existing I-1 zoning was retained. This application does not propose a residential use. The Capitol Heights TDDP designated the subject property as Mixed-Use Edge - Low land use. The TDDP does not require residential use as a mixed-use component of the TDOZ. The Subregion 4 Master Plan states that “In the event that there are any contradictions in the two documents, the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment* will supersede any information provided in the Subregion 4 Master Plan.”

Therefore, this application, with its proposed commercial uses, is consistent with the land use recommendations of Plan Prince George's 2035, the Subregion 4 Master Plan, the Capitol Heights TDDP, and the permitted uses in the I-1/T-D-O Zone.

3. **Town of Capitol Heights**—The PPS is located within the municipal boundary of the Town of Capitol Heights and was referred to the city for review and comments accordingly. At the time of the writing of this staff report, no comments have been received from the Town.
4. **Urban Design**—The subject site is located within the Main Street Character Area of the July 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Capitol Heights TDDP). Pursuant to Section 27-548.08(a)(2) of the Zoning Ordinance, prior to the issuance of any grading permit for undeveloped property or any building permit in a Transit District, a Detailed Site Plan (DSP) for individual development proposals shall be approved by the Planning Board in accordance with Part 3, Division 9.

Development on the site must conform to the TDDP standards. The specific TDDP standards governing this site include, but are not limited to:

- Building Height: 3 – 5 stories
- Build-to-Line: 12 feet from the curb of Old Central Avenue; 10 – 15 feet from the curb of Chamber Avenue
- Lot Coverage: 60 -80%
- Street Frontage Occupancy: minimum 70%
- Parking: Located behind building, see parking ratio on Table 3 P. 97 of TDDP
- Bicycle Parking: 1 space/ per every 20 vehicle parking spaces
- Open Space and Streetscape Standards
- Architectural Standards

Furthermore, Standards 2 and 3 under Section 1. General Building Envelope and Site Standards Guidelines state the following in regards to the provision of alleys:

**(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.**

**(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 dedicate the alley right-of-way within the rear setback to the county.**

A rear alley does not currently exist along the site. However, the County has indicated that right-of-way dedication for an alley is not desirable at this time. Furthermore, right-of-way dedication along the rear of the property would result in a significant decrease in the developable area of the site due to its relatively small size (7,941.48 square feet) and severely inhibit the ability to develop the site. Staff is recommending that the Planning Board not require right-of-way dedication of the alley, a determination which is under the sole authority of the Planning Board at the time of Subdivision (Subtitle 24). Based on this determination with the PPS, the applicant

may be required to obtain amendment to Section 1, Standard 3 for the dedication of the alley at the time of DSP. Further conformance to the TDDP standards will be reviewed at the time of DSP.

#### **Conformance with the Prince George's County Landscape Manual**

Landscaping, screening, and buffering on the subject site should be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual*, except for those explicitly modified by the T-D-O Zone standards. The site's conformance to the applicable landscaping requirements will be reviewed and determined at time of DSP.

#### **Conformance with the Tree Canopy Coverage Ordinance**

This application is subject to the requirements of the Tree Canopy Coverage Ordinance (TCC). The subject site is located within the I-I Zone and a minimum ten percent of the property should be covered by tree canopy. The site's conformance to the applicable TCC Ordinance requirements will be reviewed and determined at the time of DSP.

5. **Environmental**—The Environmental Planning Section has reviewed PPS 4-13032, stamped as received by the Environmental Planning Section August 20, 2015. The site has been reviewed and was found to be exempt from the Prince Georges County Woodland and Wildlife Habitat Conservation Ordinance based on the project proposal. A Standard Letter of Exemption (S-164-14) was issued on December 4, 2014 and a Natural Resource Inventory Equivalency Letter (NRI-L67-13) was reviewed and approved on October 17, 2013. The project is subject to the environmental regulations contained in Subtitles 24, 25 and 27 that came into effect on September 1, 2010 because the application is for a new preliminary plan.

No regulated environmental features are located on-site. The predominant soils found to occur according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Christiana-Downer-Urban land complex. Marlboro clay is not mapped on or in the vicinity of this property; however, Christiana complexes are mapped on-site. According to the Sensitive Species Project Review Area (SSSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. No Forest Interior Dwelling Species (FIDS) habitat or FIDS buffer are mapped on-site. No specimen trees are located on-site. The site has frontage on Old Central Avenue (MD 332), which is a designated collector and not regulated for noise. The site does not front on any scenic or historic roadway. The site is located within the Capitol Heights Metro Local Transit Center of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035 General Plan. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site is not mapped within the network.

#### **Master Plan**

The subject property is located within the June 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan) and the July 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Capitol Heights TDDP).

#### **Capitol Heights TDDP**

The Environmental Infrastructure section of the Capitol Heights TDDP discusses the relationship between development and a network of open spaces, along with the preservation of Watts Branch stream valley, which has been identified as the single largest environmental feature in the Capitol

Heights TDOZ. No regulated environmental features are located on-site. Two small areas of proposed open-space/ plaza areas are identified in the plan in the adjacent blocks located across Chamber Avenue from the subject site. No other environmental issues are identified for this property in the plan.

#### **Subregion 4 Master Plan**

The Environmental Infrastructure section of the Subregion 4 Master Plan contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The **BOLD** text is from the master plan and the plain text provides comments on plan conformance.

#### **Policy 1: Protect, preserve and enhance the green infrastructure network in Subregion 4.**

#### **Policy 2: Minimize the impacts of development on the green infrastructure network and SCA's.**

The subject property is not located within the designated Green Infrastructure Network.

#### **Policy 3: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.**

A Stormwater Management Concept Plan (3113-2014-00) and approval letter were submitted with the application. The approved concept plan shows water quality control requirements being met with a green roof and permeable pavement.

#### **Policy 4: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.**

No regulated environmental features are located on-site.

#### **Policy 5: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.**

See discussion under Policy 3 above.

#### **Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.**

No regulated environmental features are located on-site.

#### **Policy 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.**

Air Quality is a regional issue that is currently being addressed by the Council of Governments.

#### **Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.**

The current application is for a mixed-use office and retail building and required parking. Due to the commercial use, traffic generated noise is not regulated in relation to the application.

**Policy 9: Implement environmental sensitive building techniques that reduce overall energy consumption.**

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged and implemented to the greatest extent possible. A green roof is proposed, but will be reviewed with the DSP.

**Policy 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.**

Development of this site is subject to the regulations and standards of the Capitol Heights TDDP.

**Policy 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.**

The subject property is not located in the Chesapeake Bay Critical Area (CBCA).

**Policy 13: Preserve, restore, and enhance the exiting tree canopy.**

Subtitle 25, Division 3 requires the site to provide a ten percent tree canopy coverage. Tree Canopy Coverage will be addressed at the time of DSP. Woodland Conservation is discussed in the Environmental Review Section.

**Policy 14: Improve the county's capacity to support increases in the tree canopy.**

See discussion under Policy 13 above.

**Conformance with the Countywide Green Infrastructure Plan**

The subject property is not located within the designated Green Infrastructure Network.

**Environmental Review**

Section 24-130(b)(5) requires subdivision applications to demonstrate the preservation and/ or restoration of regulated environmental features in a natural state to the fullest extent possible. There are no regulated environmental features on the subject property; therefore, no Primary Management Area (PMA) is located on the subject property and no findings with regard to Section 24-130(b)(5) are required.

The PPS is consistent with the environmental recommendations applicable to this property in the *Plan Prince George's 2035 Approved General Plan*, the *2010 Approved Subregion 4 Master Plan and Sectional Map Amendment* and the *2008 Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment (TDDP)*.

6. **Stormwater Management**—The Department of Permitting, Inspections and Enforcement (DPIE) has approved a Stormwater Management Concept Plan, 3113-2014-00, to ensure that development of this site does not result in on-site or downstream flooding. The approval includes the use of permeable pavement and green roof for water quality controls. Development of this site shall conform to that approval or any subsequent amendments.



The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection, and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to be implemented on individual properties or projects, and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans; County ordinances for stormwater management, 100-year floodplain, and woodland conservation; and programs implemented by DPIE; the Prince George's County Health Department; the Prince George's County Department of the Environment (DoE); the Prince George's Soil Conservation District; the Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George's County Planning Department; and the Washington Suburban Sanitary Commission (WSSC) are also deemed to be consistent with this functional master plan.

7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, mandatory dedication of parkland is not required for the subject site because it consists of nonresidential uses.
8. **Trails**—This PPS has been reviewed for conformance with Sections 24-123 and 24-124.01 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Capitol Heights TDDP) in order to implement planned trails, bikeways, and pedestrian improvements. Due to the site's location within the Capitol Heights Metro Community Center (per the Adequate Public Facility Review Map of Plan Prince George's 2035), the application is subject to the requirements of Prince George's County Council Bill CB-2-2012 and the associated "Transportation Review Guidelines, Part 2, 2013."

#### **Conformance to the Capitol Heights TDDP and MPOT**

One master plan trail issue impacts the subject property. Both the MPOT and Capitol Heights TDDP recommend continuous sidewalks and designated bike lanes along Old Central Avenue (MD 332). Work done for the 2014 Central Avenue-Metro Blue Line Corridor TOD Implementation Project Mobility Study has reiterated the need to provide multi-modal access and complete streets along the MD 214 corridor and has continued to stress the priority of improving pedestrian safety along the road, as well as the roads in the adjoining communities.

The Capitol Heights TDDP designates Old Central Avenue as a major collector, as shown on Table 1 (page 30). The TDDP further specifies that the road serve the following functions:

- Links neighborhoods
- Narrower than primary routes
- Connects residential to commercial and retail activities
- Moderately low vehicular speeds (maximum 25 mph recommended)
- Local traffic
- Bicycle lanes

The Capitol Heights TDDP also includes the following standard in the Bikeways and Bicycle Parking section:

- (3) **Bicycle Space Required Number: The minimum number of required bicycle parking spaces shall be one bicycle space for every 20 off-street vehicular parking spaces. Single-family dwelling units shall be exempt from all bicycle**

- parking requirements.**
- (4) **Bicycle Space Dimensions: Bicycle spaces shall be a minimum of six feet long and 2.5 feet wide, and shall provide an overhead minimum clearance of seven feet in covered spaces. A minimum five-foot-wide clear aisle shall be provided between each row of bicycle parking spaces.**

The location and number of bicycle parking spaces will be reviewed with the required DSP consistent with TDDP standards.

The MPOT contains a section on Complete Streets which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made. It also 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.**

Pertaining to Policies 1 and 2, the submitted plans reflect the replacement of the existing four-foot-wide sidewalk with the construction of a landscape strip and 12-foot-wide sidewalk. This same treatment is reflected along most of the site's frontage of Chamber Avenue. Discussions within the Transportation Planning Section have indicated that dedication for a 70-foot right-of-way will be required along Old Central Avenue (35 feet from centerline). The subject site includes only a short amount of road frontage along each road, with approximately 65 feet of frontage along Old Central Avenue (MD 332) and 120 feet of frontage along Chamber Avenue. This is not a sufficient distance for striping bike lanes along the frontage of the site, but striping for bike lanes can be implemented by SHA at the time of road resurfacing within the dedicated right-of-way along the subject site frontages.

The existing sidewalks on the site's frontage are narrow and immediately behind the curb. By removing these sidewalks and replacing them with a landscape strip and 12-foot-wide concrete paver sidewalks along both road frontages, the applicant will be dramatically improving the pedestrian environment along the subject property, consistent with the goals of the Capitol Heights TDDP. As indicated, bicycle parking is also recommended on the subject site, consistent with Capitol Heights TDDP.

**Conformance to Section 24-124.01 (Adequate Public Pedestrian and Bikeway Facilities)**

The property is located within a designated center in Plan Prince George's 2035. This PPS is therefore subject to the adequate public facilities review procedures that are described in Section 24-124.01 of the Subdivision Regulations, which applies to any development project requiring the subdivision or re-subdivision of land within centers and corridors. The Prince George's County Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent that such facilities do not already exist) throughout the subdivision and within one-half mile walking or biking distance of the subdivision if the Planning Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available public rights-of-way.

Section 24-124.01 includes the following guidance regarding pedestrian and bikeway improvements:

- (a) **Statement of Legislative Intent.** This Section establishes general criteria by which to ensure the adequacy of public pedestrian and bikeway facilities in County Centers and Corridors as designated by the General Plan (or as designated, defined, or amended by a subsequent master plan or sector plan). It also sets forth the requirements for those who establish subdivisions within Centers and Corridors to construct on-site and off-site pedestrian and bikeway facilities and other public streetscape improvements as part of any development project. The Approved 2002 General Plan states that the County should provide for a multimodal pedestrian-friendly transportation system at Centers and Corridors that is integrated with the desired development pattern. Accomplishing this requires the incorporation, to the maximum extent possible, of appropriate pedestrian, bicycle and transit-oriented design (TOD) and transit-supporting design (TSD) features in all new development within Centers and Corridors. Such features include integrated sidewalk, trail, and bikeway networks to divert as many trips as possible from automobile travel and increase the multimodal accessibility and attractiveness of trips to transit stops, schools, parks, libraries, stores, services and other destinations for all users. Pedestrian and bikeway facilities should be designed to increase safety, reduce travel time and offer the most direct routes to destinations for persons of all abilities. These concepts are further articulated in the “complete streets” principles and policies set forth in the 2009 Approved Countywide Master Plan of Transportation.
- (b) Except for applications for development projects proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.

  - (1) The finding of adequate public pedestrian facilities shall, at a minimum, include the following criteria:

    - (A) The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area.
    - (B) The presence of elements that make it safer, easier, and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield markings, “bulb-out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage).

Pertaining to Finding (b)(1), the existing sidewalks on the site's frontage are narrow and immediately behind the curb. By removing these sidewalks and replacing them with a landscape strip and 12-foot-wide concrete paver sidewalks along both road frontages, the applicant will be dramatically improving the pedestrian environment along the subject property, consistent with the goals of the Capitol Heights TDDP and MPOT.

- (2) **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
- (A) **The degree to which the bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**
  - (B) **the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
  - (C) **the degree to which protected bicycle lanes, on-street vehicle parking, medians, or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**

Pertaining to Findings (b)(2)(A), (b)(2)(B), and (b)(2)(C), Chamber Avenue and Capitol Heights Boulevard are existing roads within the established community. The current pavement along both roads is approximately 40 feet from curb-to-curb, which is enough to accommodate the two travel lanes and residential parking along the road, but not designated bike lanes. Given the current lane configuration of the roadways, off-site bikeway signage is recommended between the site and Capitol Heights Metro Station to encourage and accommodate bicycle traffic consistent with the policies and standards of DPIE.

- (D) **the availability of safe, accessible, and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

Bicycle parking has been provided by WMATA at the Capitol Heights Metro Station and is also recommended on the subject application to accommodate cyclists traveling to the proposed building.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or biking distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available public rights of way. The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per**

**unit of residential development proposed in the application, indexed for inflation.**

**(d) Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**

- (1) installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
- (2) installing or improving streetlights;**
- (3) building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
- (4) providing sidewalks or designated walkways through large expanses of surface parking;**
- (5) installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
- (6) installing street trees.**

The cost cap, based on the 9,900 square feet of GFA for office/retail uses, is \$3,496.50. The required Bicycle and Pedestrian Impact Statement (BPIS) was submitted on September 2, 2015. The provision of off-site bicycle signage is proffered. The BPIS was reviewed with DPIE at the September coordination meeting and DPIE agreed that signage is an appropriate off-site treatment for the application, given the low cost cap. Furthermore, due to the site's close proximity to the Capitol Heights Metro Station, it is likely that some trips will be made to the station from the subject site and immediate vicinity. Bikeway signage will direct cyclists to the route designated in the Capitol Heights TDDP metro station. While bicycle lanes cannot be accommodated within the existing curb to curb space along either Chamber Avenue or Capitol Heights Boulevard, the signage will alert motorists to the possibility of bicycle traffic along the roads leading to the metro station and encourage a shared use environment between motorized and non-motorized trips.

Staff finds that there is a nexus between the subject application and the proffered off-site improvements. The subject site lies approximately 1,500 linear feet "walking or biking" distance from the Capitol Heights Metro Station, making non-motorized trips from the site to transit likely. Chamber Avenue and Capitol Heights Boulevard are the two main roads between the site and station and the signage will help to encourage and facilitate bicycle trips. In addition to serving the future employees and visitors to the proposed building, it will also help to implement the master plan bikeway along each road consistent DPW&T policies and standards. Right-of-way dedication (35 feet from centerline) is proposed along Old Central Avenue (MD 332) which is sufficient to accommodate bicycle lanes, which may be constructed by the operating agency in the future.

The BPIS contains an appropriate amount of improvements that will be associated with the development as required by Section 24-124.01.

The proposed improvements demonstrate adequacy for public pedestrian and bicycle facilities within one-half mile of the subdivision.

Based on the foregoing analysis, the PPS meets the required findings for adequate public pedestrian and bikeway, with conditions.

9. **Transportation**—The site will be redeveloped with a mixed-use building of approximately 9,900 square feet with 3,000 square feet of retail and 6,900 square feet office space. The site is expected to generate 14 AM peak-hour trips and 17 PM peak-hour trips. The critical intersection is signalized.

The subject property is located within Transportation Service Area – TSA 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. A traffic count was required pursuant to provisions in the “Transportation Review Guidelines, Part 1, 2012 (Guidelines).” A count was required for the intersection(s) of Old Central Avenue and Chamber Avenue for the purpose of making an adequacy finding. 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the “Guidelines.”

The findings and recommendations outlined below are based upon a review of materials and analyses conducted in accordance with the “Guidelines.”

The following critical intersection when analyzed with existing traffic using a count taken in December 2014 and existing lane configurations, operates as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume, (CLV) (AM & PM)		Level of Service, (LOS) (AM & PM)	
Old Central Avenue/Chamber Avenue	781	944	A	A

The critical intersection identified above is not programmed for improvements with 100 percent construction funding within the next six years in the current Maryland Department of Transportation “Consolidated Transportation Program” or the Prince George's County “Capital Improvement Program.” There was one background development in the vicinity of the site. Regional traffic growth was estimated at 1.0 percent per year for two years and added to through traffic movements. The following critical intersection, identified above, when analyzed with background traffic and existing lane configurations, operates as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume, (CLV) (AM & PM)		Level of Service, (LOS) (AM & PM)	
Old Central Avenue/Chamber Avenue	930	1,103	A	B

The intersection under study, when analyzed with any programmed improvements and total future traffic operates as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume, (CLV) (AM & PM)		Level of Service, (LOS) (AM & PM)	
Old Central Avenue/Chamber Avenue	958	1,124	A	B

It was found that the critical intersection operates acceptably under total traffic in both peak hours as currently constructed.

#### Site Access

One vehicular access driveway is proposed from Chamber Avenue, approximately 80 feet northeast of the intersection of Chamber Avenue and Old Central Avenue (MD 332) at the most appropriate location for general traffic circulation. Limited proposed parking is provided on-site. However, transit service is available on Old Central Avenue. The Capitol Heights Metro Station is located approximately 1,600 feet northeast, within walking distance of the site.

#### Master Plan Conformance

Old Central Avenue (MD 332) is referenced in the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Capitol Heights TDDP). The plan envisions the street as a pedestrian-friendly main street with two lanes of traffic, a bike lanes, and parking on both sides. The streetscape for this roadway is shown on page 86 of the Capitol Heights TDDP. Although the right-of-way is shown as 80 feet wide, only 70 feet of right-of-way is required to accommodate the listed improvements. Therefore, dedication of 35 feet from the master plan centerline of this roadway is recommended, in accordance with the Capitol Heights TDDP.

Chamber Avenue, a non-master plan roadway is shown with a variable width right-of-way. The Department of Transportation and Public Works has requested dedication of ten feet of right-of-way from the existing curb line of Chamber Avenue to accommodate the required frontage improvements along the street. Therefore, dedication of 10 feet from the existing curb line along Chamber Avenue is recommended.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations, with conditions.

10. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the “Adequate Public Facilities Regulations for Schools” (County Council Resolutions CR-23-2001 and CR-38-2002), and concluded that the subdivision will have no impact on school clusters because it is a nonresidential use.
11. **Fire and Rescue**—The PPS has been reviewed for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Capitol Heights Fire/EMS, Company 805. This first due response station located at 6061 Central Avenue is within the maximum seven-minute travel time for nonresidential land uses.

#### **Capital Improvement Program (CIP)**

There are no Prince George's County CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

12. **Police Facilities**—The proposed development is within the service area of Police District III, Palmer Park. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the July 1, 2014 (U.S. Census Bureau) county population estimate is 904,430. Using 141 square feet per 1,000 residents, it calculates to 127,524 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
13. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval." The 2008 *Water and Sewer Plan* placed part of this property in water and sewer Category 3, Community System. The site will therefore be served by public water and sewer service. The site is located in Sustainable Growth Tier 1 which also requires public service systems.
14. **Health Department**—The Prince George's County Health Department has evaluated the PPS and recommends that the applicant remove any trash debris from the site at the time of grading permits.
15. **Public Utility Easements**—In accordance with Section 24-122(a) of the Subdivision Regulations, when public utility easements (PUEs) are required by a public utility company, the subdivider should include the following statement on the final plat:

"Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748."

#### **Variation Request**

The applicant has filed a variation request from Section 24-122(a) of the Subdivision Regulations for standard public utility easements (PUEs), which are ten feet wide and adjacent to all public rights-of-way. The PPS proposes an alternative PUE to serve the proposed development. Section 24-122(a) states the following:

- (a) **When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.**



Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation request as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

The location of utilities on the site must be reviewed and approved by the applicable utility providers to determine their most adequate location in relation to other easements and the overall development of site, thereby ensuring public safety, health, and welfare.

- (2) **The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The conditions on which the variation is based are unique because the site is adjacent to rights-of-way (MD 332 and Chamber Avenue) which currently contain existing utilities that can serve the site. The site is exceptionally narrow and irregularly shaped, being approximately 65 feet in width for the majority of its developable area.

Furthermore, the right-of-way dedication of 35 feet from the centerline along Old Central Avenue (MD 332) and ten feet from the property line along Chamber Avenue is required. Therefore, the placement of a ten-foot-wide PUE along the property frontage would severely inhibit the ability to develop the site.

- (3) **The variance does not constitute a violation of any other applicable law, ordinance or regulation.**

As the location of the alternative PUE would require approval of the applicable public utility providers, it is determined that no other applicable law, ordinance, or regulation would be violated by the granting of this variation.

- (4) **Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

As previously stated, the site is exceptionally narrow and irregularly shaped, ranging from 121 feet to 45 feet in width. This location creates a situation in which the resulting parcel shape is unique and peculiar within the surrounding

area. Provision of a standard PUE along the property frontage would create a severe loss of space upon which the proposed development may be constructed.

Based on the findings above, staff recommends **Approval** of the variation from Section 24-122(a) for an alternative PUE, with conditions.

The PPS does not depict a PUE on the subject site to serve the proposed development. As discussed, the applicant intends to implement an alternative PUE, which is supported. Therefore, prior to certification of the DSP for development of the site, a color-coded utility plan or acceptable alternative for the PUE should be submitted for review. The DSP shall demonstrate the proposed utility easements in conformance with the utility plan but may also show that no PUE is required on-site and that all the utilities will be located within the public right-of-way where an easement is not required. The applicant shall provide documentation of concurrence of the alternative layout from the applicable utility providers at the time of DSP. At the time of final plat, the PUE shall be reflected on the final plat if required and granted in conformance with the DSP. If the applicant is unable to obtain consent from all of the affected utilities, a standard ten-foot-wide PUE shall be required.

16. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources or known archeological sites.
17. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new subdivision is recommended. There exists different adequate public facility requirements comparatively between residential and nonresidential uses, and there are other considerations for a residential subdivision not considered in the review of commercial, industrial, and mixed-use development including recreational components, noise, and access. A new subdivision is recommended if residential development is to be proposed.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
  - a. Revise all scale references to reflect that the plan scale is 1 inch = 20 feet.
  - b. Dimension the proposed right-of-way dedication with bearings, distances, and square footage.
  - c. Add “(MD 332)” to the label for Old Central Avenue.
  - d. Add digital approval block to plan.
  - e. Revise General Note 5 to reflect 9,900 square feet of gross floor area (GFA).
  - f. Revise General Note 11 to reference the 2008 *Approved Capitol Heights Transit District*

*Development Plan and Transit District Overlay Zoning Map Amendment (TDDP)* ) and note that the site is in the Main Street Character Area of the TDDP.

- g. Revise plat reference to “LIB A-75” instead of “BB5 P.75.”
  - h. Revise General Note 20 to reflect 9,900 square feet of GFA and provide the square footage breakdown of each proposed use.
  - i. Remove General Note 42.
- 2. Development of this site shall be in conformance with Stormwater Management Concept Plan 3113-2014-00 and any subsequent revisions.
  - 3. At the time of final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement (PUE) along all public streets, or a PUE acceptable to the applicable public utility providers, as approved with the detailed site plan.
  - 4. Prior to signature approval of the detailed site plan (DSP), the applicant shall provide documentation of concurrence to 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.
  - 5. Prior to the approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency’s access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
    - a. Four Share the Road sign assemblies (MUTCD sign W11-1 and W16-1) along the Chamber Road between the subject site and Capitol Heights Boulevard.
    - b. Two Share the Road sign assemblies (MUTCD sign W11-1 and W16-1) along Capitol Heights Boulevard between Chamber Road and the Capitol Heights Metro Station.
  - 6. In conformance with the *2009 Approved Countywide Master Plan of Transportation* and the *2008 Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment (TDDP)*, the Detailed Site Plan shall demonstrate the provision of bicycle parking as required by the TDDP, meeting the specifications and dimensions included in Standard 4 of the Bikeways and Bicycle Parking Section of the TDDP. A detail for the type of bicycle parking shall be provided with the DSP.
  - 7. Any nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
  - 8. Total development shall be limited to uses that would generate no more than 14 AM and 17 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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.

STAFF RECOMMENDS APPROVAL OF:

- Preliminary Plan of Subdivision 4-13032
- Variation from Section 24-122(a)