



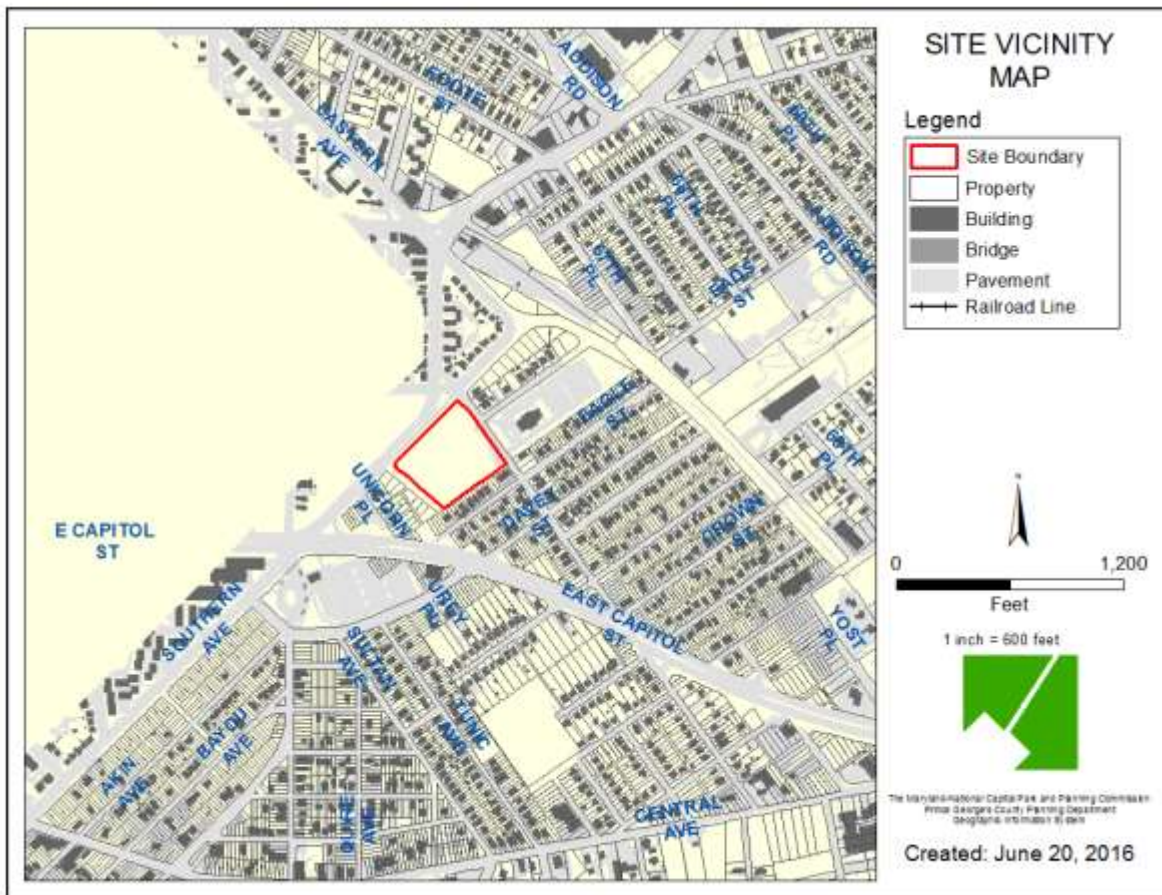
Note: Staff reports can be accessed at www.mnccppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-15029

Application	General Data	
Project Name: 210 Maryland Park Location: 210 Maryland Park Drive Capital Heights MD 20743 Applicant/Address: Community First Development 641 S Street NW, Suite 4023 Washington DC 20001 Property Owner: Redevelopment Authority of Prince Georges County 921 Basil Court Largo MD 20744	Planning Board Hearing Date:	01/26/17
	Staff Report Date:	01/05/17
	Date Accepted:	10/21/16
	Planning Board Action Limit:	03/25/17
	Mandatory Action Timeframe:	70 days
	Plan Acreage:	3.89
	Zone:	R-55/T-D-O
	Gross Floor Area:	220,882 sq. /178
	Lots:	13
	Parcels:	2
	Planning Area:	72
	Council District:	07
	Election District	18
	Municipality:	N/A
	200-Scale Base Map:	201NE05

Purpose of Application	Notice Dates	
This case has been continued from the Planning Board hearing date of January 12, 2017 to January 26, 2017. Mixed-use one parcel for 165-multifamily-dwelling units and 1,948 square feet of retail, and one parcel and 13 lots for townhomes.	Informational Mailing	01/07/16
	Acceptance Mailing:	10/12/16
	Sign Posting Deadline:	12/13/16

Staff Recommendation		Staff Reviewer: Ferrante, John Phone Number: 301-952-3665 E-mail: John.Ferrante@ppd.mnccppc.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 4-15029
210 Maryland Park Drive

OVERVIEW

The subject property is located on Tax Map 66, Grid A-4, and is known as Parcel 104. The property is an acreage parcel that has never been the subject of a prior preliminary plan of subdivision application (PPS). The property is located in the R-55/T-D-O Zone and has a gross tract area of 3.89 acres, of which .83 acres is located in the floodplain. Sensitive environmental features exist on the property associated with a stream system that runs along the southern and western boundary of the site. The property is a through lot which as defined by Section 27-107.01(a)(144) of the Zoning Ordinance is a corner lot fronting on three or more streets. The Southern Avenue right-of-way abutting the property to the north, is a minor arterial roadway that is entirely located within the District of Columbia and maintained by the D.C. DOT. Maryland Park Drive, abutting the property to the east is a 40-foot-wide County-maintained roadway, and Viola Place (Lee Avenue), partially abutting the property to the west, is a platted but unconstructed 40-foot-wide right-of-way.

The subject application proposes 13 lots and two parcels for a 220,882-square-foot mixed-use development consisting of 1,948 square feet of commercial retail space and 178 dwelling units, (13 townhouses and 165 multifamily-dwelling units). The 13 townhouse lots that are fronting along Maryland Park Drive will be divided into two separate sticks, with one stick having 7 lots and the other having 6 lots. The lot sizes will consist of 1,066 square feet for the 9 interior lots, and 1,096 square feet for the 4 end-unit lots. All of the townhouses will be rear-loaded units, and direct vehicular access to Maryland Park Drive will be denied for the individual lots. A 22-foot-wide parcel is proposed directly behind the 13 townhouse lots that will provide private vehicular access to the lots. This parcel will be dedicated to the Homeowners's Association at the time of final plat.

The two multifamily buildings are located on a single parcel. One building will front on, and run parallel with Southern Avenue, and will contain multifamily dwelling units, a small amount of commercial/retail space, and the site's amenities that will serve all of the uses on the property. The other multifamily building is an "L" shaped building along the western portion of the property that will contain multifamily units only. A parking compound will be provided in the middle of the site with one access point being proposed along Maryland Park Drive that will serve all of the uses on the property.

The property is located within the limits of the 2008 *Approved Capitol Heights Transit District Development Plan (TDDP) and Transit District Overlay Zoning Map Amendment (TDOZ)*. New development within the TDOZ requires detailed site plan (DSP) review. A companion DSP, DSP-15045, has been applied for and will be heard by the Planning Board on the same day as the subject application. The applicant indicates that they intend to request rezoning of the property to the MixedUse-Infill

(M-U-I) Zone with the companion DSP, which will require mandatory District Council review per Section 27-548.09.01(b) of the Zoning Ordinance. Conformance with the Transit District Development Plan Standards and Guidelines, as well as applicable zoning regulations will be further evaluated with the companion DSP application. The approval of this PPS is predicated on the applicant obtaining the rezoning to the M-U-I Zone prior to Final Plat, as they proposed.

SETTING

The subject property is zoned One-Family Detached Residential (R-55) and is located within the Capitol Heights Transit District Overlay Zone (TDOZ). The site is bounded to the north by Southern Avenue, within the District of Columbia, to the west by a platted, but unimproved street, Viola Place, to the east by Maryland Park Drive, and to the south by single-family homes in the R-55 Zone.

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	PROPOSED
Zone	R-55/T-D-O	*M-U-I/T-D-O
Use(s)	Vacant	Multifamily, Commercial Retail, and Townhomes
Acreage	3.89	3.89
Gross Floor Area	None	
Multifamily	0	195,937 square feet
Retail	0	1,948 square feet
Townhomes	0	22,997 square feet
Total square feet		220,882 square feet
Parcels	1	2
Dwelling Units:		
Attached (TH)	0	13
Multifamily	0	165
Variance	No	No
Variation	No	Yes (24-122(a))

* Zoning change requested with Detailed Site Plan DSP-15045, and required prior to final plat.

Pursuant to Section 24-113 of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on November 4, 2016. The requested variation to Section 24-122(a) for the required 10-foot-wide public utility easement (PUE) along Southern Avenue, Maryland Park Drive and Viola Place, (Lee Avenue) was heard at the SDRC meeting on December 12, 2016 as required by Section 24-113(b) of the Subdivision Regulations.

2. **Environmental**—The Environmental Planning Section has reviewed the preliminary plan submitted for 210 Maryland Park Drive, 4-15029, stamped as received on October 31, 2016. A Natural Resource Inventory (NRI-266-15-01), was approved for the property on December 1, 2016 and a Numbered Exemption to the Woodland Conservation Ordinance, E-022-2016, was issued on May 5, 2016.

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the environmental technical manual.

Site Description

The site is located on the southwest corner of the intersection of Southern Avenue and Maryland Park Drive. The overall site contains 3.89 acres and is currently zoned R-55. According to the approved NRI (NRI-226-15-01), no woodlands exist on-site. A review of the available information identified that regulated environmental features such as areas of steep slopes, a stream buffer, floodplain and primary management area (PMA) exist in the western portion of the property. This site is located adjacent to Watts Branch, which flows through the District of Columbia, ultimately discharging into the Anacostia River. The site is not located in a stronghold watershed. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Urban Land Complexes (0-5 percent), and Issue Silt Loam (0-2 percent). According to available information, Marlboro clay soils are not found on or in the vicinity of this property. This site is not within a Sensitive Species Protection Review Area based on a review of the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources. The approved NRI indicates that no Forest Interior Dwelling Species (FIDS) habitat is located onsite. The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of the regulated Environmental Protection Areas Map as designated by the *Plan Prince George's 2035 Approved General Plan*. The 2005 *Approved Countywide Green Infrastructure Plan* shows that a Network Gap area is present in the northern portion of the property.

Master Plan Conformance

The 2008 Capitol Heights TDDP and TDOZ Map Amendment applies to the subject application.

2008 Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment

In the Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment, the Environmental Infrastructure section 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. The approved NRI shows the primary management area (PMA) contains 100-year floodplain and portions of a stream buffer on-site for a stream located off-site. The majority of the PMA is proposed to be preserved, as discussed further.

2005 Approved Countywide Green Infrastructure Plan

This property is partially located within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*, containing a Network Gap area. The Network Gap area occupies approximately thirty-five percent of the northern part of the property. The Network Gap area is proposed to be developed with the multifamily and retail building, as well as the townhomes, parking and site infrastructure.

Conformance with the 2010 Water Resources Functional Master Plan

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 county wide 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, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement, Prince George's County Department of Health, Prince George's County Department of the Environment, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sanitary Commission are also deemed to be consistent with this master plan.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when and by whom.

Natural Resources Inventory

The application has an approved Natural Resource Inventory (NRI), NRI-266-15-01, signed on December 1, 2016. The site contains floodplain and stream buffer associated with an off-site regulated stream. A discrepancy was found in the floodplain acreage shown on the stormwater concept plan (0.76 acre), the NRI (0.81 acre) and the area shown on the PPS (0.83 acre).

The PPS and/or the NRI should be revised as necessary to show the correct floodplain acreage. The approved stormwater concept plan should also reflect the correct acreage of floodplain.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the application is for a new PPS. An approved Woodland Conservation Letter of Exemption, E-022-2016, was issued on May 5, 2016, and submitted with this application stating that the project will result in clearing of 1,850 square feet of the 10,350 square feet of woodland present on the site. The proposed concept plan shows the remaining woodland to be left undisturbed with this project.

Preservation of Regulated Environmental Features/Primary Management Area

Section 24-130(b)(5) requires that, "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative

impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

The approved NRI for this property shows the PMA contains floodplain and portions of a stream buffer for a stream located off-site. The Site Development Concept Plan shows impacts to the PMA are proposed for the development of the site. A statement of justification has been received for the proposed impacts to the PMA.

Statement of Justification

“The application includes a request for the approval of two impacts to regulated environmental features, totaling 0.47 acre. The floodplain, occupying approximately 0.83 acre of the site, extends along the southern boundary of the property, and expands north within the east and west boundary lines. Impacts are proposed on two separate sections of the floodplain, within the PMA.”

Analysis of Impacts

The two floodplain impacts, totaling approximately 0.47 acre (19,610 square feet) are proposed along the northwestern and southeastern portions of the site where the floodplain extends north on each side. The northern portion of the site is where much of the proposed development is concentrated, outside of the floodplain. The applicant states that the approximately 15,127 square feet of floodplain impacts on the northwestern area of the site is necessary to allow reasonable frontage along Southern Avenue, which is the main focus of the site. The impact to the approximately 4,483 square feet of floodplain on the southeastern portion of the site is primarily for grading, building and stormwater management. Staff supports the two PMA impacts as shown.

Based on the level of design information available at the present time, it has been determined that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. In the letter of justification, the applicant did not clearly justify as to why the impacts are necessary; however, even though the site is zoned R-55, staff recognizes that the proposed development shown on the stormwater concept plan is in accordance with the applicant's intent to obtain mixed-use infill (M-U-I) zoning for the site, which allows a higher density and a mix of land uses (residential, retail, office, etc). The site is located within one-half mile of a transit rail system (Capital Heights Metro Station). It is within a Transit District Overlay Zone (TDOZ) and is subject to the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment*, which encourages pedestrian-friendly neighborhoods and maximizes ridership. With multiple uses being required for mixed-use development, limiting the proposed development to the only the area outside of floodplain would present a challenge in developing the site in accordance with the intended future zoning. If approved by the Planning Board, the proposed floodplain impacts will also be subject to approval by the Department of Permitting, Inspections and Enforcement as part of the approval of the required stormwater concept plan.

Staff recommends **approval** of the impact in consideration of the site constraints. The impacts will be further evaluated in the future with the approved concept plan, prior to approval of the detailed site plan.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the delineated primary management area except for any approved impacts and should be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note should be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M–NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

Noise

Maryland Park Drive is classified as a local road. Southern Avenue, located within District of Columbia, is classified by the District Department of Transportation (DDOT) as a minor arterial road. The posted speed on Southern Avenue is 25 miles per hour. According to the Environmental Planning Section’s noise model and using the Average Daily Traffic (ADT) from DDOT, the 65dBA Ldn noise contour will not impact this site. A noise study will therefore not be required at this time.

Soils

The predominant soils found to occur on-site according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include Urban Land Complexes (0-5 percent), and Issue Silt Loam (0-2 percent). According to available information, Marlboro clay soils are not found on or in the vicinity of this property.

3. **Community Planning**—The subject application is located in Planning Area 72 within the Community, and within the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment*. The 2008 *Approved Capitol Heights Transit District Development Plan* (TDDP) recommends a mixed-use land use for the subject property and retained the property in the R-55/T-D-O Zone. The application proposes a mix of multifamily dwelling units, townhomes and commercial retail uses, which conform to the mixed-use land recommendations within the 2008 *Approved Capitol Heights Transit District Development Plan* (TDDP). However, the TDDP did not place the property in a mix-use zoning category, and therefore, some of the land-uses proposed are not currently permitted. The *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035), designates this area as a focal point of concentrated residential development and limited commercial activity serving our Established Communities (pg. 106). This application is consistent with the Plan Prince George’s 2035, which designates this area as a Local Transit Center (pg. 106).

The 2008 TDDP envisions the Town of Capitol Heights with a new mixed-use center at the Metro station and a revitalized business district along Old Central Avenue. The plan offers an opportunity to attract new jobs, retail services, and housing choices to under-utilized land around an existing Metrorail Blue and Silver Line station that is the first Blue Line stop in Prince George’s County.

The applicant proposes a mixed-use development, which includes 165 residential-multifamily dwelling units, 13 residential-townhouse lots and 1,948 square feet of retail space on a 3.89-acre parcel in the R-55/T-D-O Zone. The 2008 TDDP designates this area as the Metro Station Core Area and envisions it to be the most active and intensively developed of the Capitol Heights TDOZ character areas. It will contain the most diverse development mix and tallest building-mid- to high rise residential units, office space, public parking, retail, and a new central square (pg. 12).

To ensure the development of appropriate building forms and attractive streets the following standards and guidelines should be considered by the applicant at this early stage of development to ensure an accommodating lot layout and street sections. They include the following:

1. General Building Envelope and Site Standards and Guidelines (p. 65)

Standards

- 9. ADA-Compliant Street Intersection Curb Cuts: Street intersections shall have curb cuts for wheelchair/American with Disabilities Act (ADA) access on all corners. Sidewalk obstructions such as utility poles and streetlights are prohibited at these locations.**

Guidelines

- a. *Uses that include non-pedestrian or auto-oriented uses including garages entries, service bays or similar functions, should orient those functions away from primary street frontage, wherever possible, placing active, populated functions toward the street.*
- d. *Multifamily and nonresidential buildings should face the street and be located along a consistent build-to-line to create a continuous street wall. The street wall should clearly define the urban space in front of it. In selected locations within commercial and mixed-use areas, the street wall should sit far enough back from the street curb to permit amenities such as cafe seating, street furniture, and a variety of street-side activities.*

2. Character Areas (p. 67)

Metro Station Core Character Area

Standards

11. *Switch boxes and utility meters must be located out of view from the public street. All utilities and their connections must be underground.*

Guidelines

- g. *Public streets and spaces should be well lit at night; public plazas and civic spaces should have pedestrian-scale streetlights installed for pedestrian safety and to reinforce the Metro station core's distinct physical character after dark.*

4.3 Sidewalks

Standards

- 1. *All sidewalks designated in the TDDP shall be constructed according to the streetscape requirements listed in this section and shall meet the sidewalk width(s) delineated in the TDDP streetscape sections. Sidewalks not designated in the TDDP shall be at least five feet wide and shall meet county specifications.*
- 3. *Sidewalks are required for all street frontages along which occupied structures (commercial, residential, or mixed-use) occur.*

4.6 Crosswalks, Curb Extensions and Medians

Standards

1. *Crosswalks shall be provided at all street intersections and shall be located within two feet of the intersecting streets to promote a minimum 14-foot-wide crosswalk with a 2-foot-wide concrete band on both sides of the crosswalk to promote high visibility, pedestrian safety, and contrast from the roadway pavement. In addition, a two-foot-wide vehicle stop bar shall be provided a minimum ten-foot distance from the crosswalk area and shall be painted with a white reflective paint for high visibility to encourage motorists not to enter the crosswalk area upon stopping at traffic lights.*

4. **Parks and Recreation**—The Department of Parks and Recreation (DPR) has reviewed and evaluated the PPS application for conformance with the requirements and regulations of: 1) the Capitol Heights Transit Development Plan, 2) the Formula 2040: Functional Master Plan for Parks, Recreation and Open Space and 3) the “Prince George’s County Subdivision Regulations (Subtitle 24) as they pertain to public parks and recreation. The subject property is 3.89 acres in size and located on the south side of the intersection of Southern Avenue and Maryland Park Drive, and is not adjacent to any existing M-NCPPC-owned parkland. The property is at the extreme edge of Prince George’s County and bordered to the east by the District of Columbia. The current development proposal calls for two multifamily buildings with 165 dwellings, and 13 townhome units along with a mix of retail uses. The total number of residential dwelling units will generate approximately 495 residents.

As per Section 24-134(a)(1) of the Subdivision Regulations, residential subdivisions of this density may be required to dedicate 15 percent of their land to the Maryland-National Park and Planning Commission (M-NCPPC) for public parks. In this case, application of the Mandatory Dedication requirement would require the dedication of 0.46 acres of land to M-NCPPC. Due to the location of the subject property, the dedication of public land would not provide benefits to the Parks system since the property is not contiguous to existing Parkland and the amount available land for dedication would not be desirable or suitable for public parkland use. The future residents would be best served by the provision of private on-site recreational facilities to meet the requirements of Mandatory Park Dedication under Section 24-135(b) of the Subdivision Regulations.

5. **Trails**—The PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area Master Plan in order to provide the appropriate recommendations.

<u>Type of Master Plan Bikeway or Trail</u>			
Municipal R.O.W.		Public Use Trail Easement	
PG Co. R.O.W.	X	Nature Trails	
SHA R.O.W.		M-NCPPC – Parks	
HOA		Bicycle Parking	X
Sidewalks	X	Trail Access	

The PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the appropriate sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

Background

Because the site is located in the Capitol Heights Metro Center and the Central Avenue Corridor, it will be subject to the requirements of Section 24-124.01 and the, “Transportation Review Guidelines – Part 2, 2013,” at the time of PPS. In order to meet these requirements, the Bicycle and Pedestrian Impact Statement (BPIS) must be submitted. The pre-application meeting was held on January 8, 2016. The BPIS report and associated exhibits was submitted on November 2, 2016. Based on the amount of dwelling units and retail space proposed, the cost cap for the site is \$54,081.80, based on \$300.00 per dwelling units and .35 per square feet of retail.

The Complete Streets element of the MPOT reinforces the need for these recommendations and 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.

The TDDP included a number of standards related to sidewalk and bicycle facilities that are applicable for the subject site. These included standards related to sidewalk construction are provided below:

4.3 Sidewalks

Intent: *To ensure a continuous network of sidewalks and crosswalks to provide safe and convenient access between uses and to public transit.*

Standards

- (1) Sidewalks:** All sidewalks designated in the TDDP shall be constructed according to the streetscape requirements listed in this section and shall meet the sidewalk width(s) delineated in the TDDP streetscape sections. Sidewalks not designated in the TDDP shall be at least five feet wide and shall meet county specifications.
- (2) Permitted Materials:** Brick, precast pavers, concrete, tinted and stamped asphalt, Belgium block, or granite pavers. Samples of proposed paving materials shall be submitted with the detailed site plan for review and approval by M-NCPPC staff.
- (3) Sidewalk Requirements:** Sidewalks are required for all street frontages along which occupied structures (commercial, residential or mixed-use) occur.

The TDDP does not appear to include specific standards regarding sidewalk widths. The street section shown on page 86 do not impact the subject site. However, staff believes that wide sidewalks are appropriate along Southern Avenue in order to accommodate pedestrians walking to Metro. Any and all improvements within the Southern Avenue right-of-way need to be coordinated with and agreed to by the District of Columbia Department of Transportation (D.C. DOT) as they are the operating agency responsible for that road.

4.4 Pedestrian and Bicycle Linkages

Intent: *To develop walkable neighborhoods with contiguous linkages that support pedestrian and bicycle use, residential sociability, and commercial activity.*

Standards

- (1) **American with Disabilities Act (ADA):** All sidewalks shall be constructed to meet ADA federal standards to comply with accessible design.
- (2) **Primacy of Sidewalks Over Vehicular Curb Cuts:** Vehicular entrances shall permit safe and clear pedestrian crossings. Sidewalk material(s) shall continue across driveway entrances at the same grade as the sidewalk on both sides of the curb cut.

9. Bikeways and Bicycle Parking

Intent: *To ensure the construction of bicycle parking facilities that provide convenient access to adjoining uses without compromising pedestrian/bicyclist safety and the quality of the streetscape environment.*

Standards

- (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.
- (5) **Bicycle Parking Locations:** Bicycle parking shall be located proportionally at each public entrance within a development.
 - (a) **Parking Structures:** Required bicycle parking within a structure shall be located in main entrances or near elevators.
 - (b) **On-Site:** Bicycle parking not located within a parking structure shall be located on-site within 50 feet of main building entrances. Bicycle parking shall not obstruct walkways.
 - (c) **Right-of-Way:** Bicycle parking may be located in the public right-of-way with the approval of SHA, DPW&T, and the Town of Capitol Heights.
 - (d) **Building:** Bicycle parking located within a building shall be easily accessible for bicyclists.
- (6) **Bike Parking Security**
 - (a) **Bicycle racks:** Secure stationary racks shall be provided that are anchored/bolted to the ground for security of bicycle property.
 - (b) **Bicycle locker:** Lockable enclosures shall be provided for the storage of

bicycles for security of bicycle property.

- (7) ***Bike Parking Access:*** Bicycle parking shall have direct access to the public right-of-way.

Proposed On-Site Bicycle and Pedestrian Improvements

Sidewalk improvements are reflected along the site's frontage of both Southern Avenue and Maryland Park Drive. The right-of-way for Southern Avenue is entirely within the District of Columbia and needs to be coordinated with D.C. DOT. However, the completion of the sidewalk along the site's frontage will fill an existing gap in the sidewalk network and serve as a primary pedestrian route from the site to the Capitol Heights Metro to the south. The PPS also reflects sidewalk connections from both Southern Avenue and Maryland Park Drive to the front of the two multifamily buildings. Internally, sidewalks connect the two buildings to each other and the surface parking lot. The retail space fronts on Southern Avenue and will be accessed via the sidewalk along that road. The internal sidewalk network and the frontage improvements are acceptable and meet the intent and standards of the TDDP. The sidewalks along both Southern Avenue and Maryland Park Drive are acceptable as reflected consistent with the companion Detailed Site Plan, DSP-15045, which is scheduled for hearing on the same day as this application. These improvements should be constructed as shown, unless modified by the appropriate operating agency.

Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements:

Due to the location of the subject site within a designated corridor, the application is subject to CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

- (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 bike 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 rights of way.**

County Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the improvements is calculated in accordance with Section 24-124.01(c):

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.

Per the requirements of Section 24-124.01(c) of the Subdivision Regulations, the cost cap for the proposed 1,948 square feet of commercial/retail space and 178 dwelling units (townhouse + multifamily) is \$54,081.80.

Section 24-124.01(d) of the Subdivision Regulations also provides specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required:

- (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 required Bicycle and Pedestrian Impact Statement (BPIS) was submitted as part of the PPS package. The site is less than 1,000 linear feet to the north of the Capitol Heights Metro Station, with Southern Avenue serving as the primary pedestrian route between the site and the station. The majority of the neighborhood roads in the vicinity of the subject site were platted prior to 1950 and included minimal right-of-way dedication and limited accommodations for pedestrians. Sidewalk gaps exist along Southern Avenue between the subject site and Metro. Facilities for pedestrians are minimal or absent along many roads. On-road bicycle facilities do not exist in the vicinity of the subject property.

Compliance with Section 24-124.01 and the Transportation Review Guidelines – Part 2, 2013:

Due to the site's location in both the Capitol Heights Metro Center and Central Avenue Corridor, the application is subject to the requirements of Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines – Part 2, 2013," at the time of PPS. The required Bicycle and Pedestrian Impact Statement (BPIS) has been submitted. Proffered off-site improvements included in the BPIS:

- ADA-compatible sidewalk ramps and crosswalk treatments at the Maryland Park Drive and Early Street intersection.
- ADA-compatible sidewalk ramps and crosswalk treatments at the Maryland Park Drive and Eagle Street intersection.
- ADA-compatible sidewalk ramps and crosswalk treatment along Maryland Park Drive at Coolidge Street.
- Sidewalk reconstruction (for ADA compatibility) along the west/south side of Maryland Park Drive from Coolidge Street to Crown Street.

Because of the way that on-site facilities are separated from off-site improvements (the road centerline), half of the crosswalk improvements at Early Street will count as an “on-site” improvement and half will count towards the off-site requirement. This reduces the cost of the off-site package (as calculated in the BPIS by \$4,170. The cost estimate for the off-site improvements included in the BPIS is now \$20,604.14, which is below the cost cap of \$54,081.80.

After discussions with DPW&T/DPIE, it was determined that additional improvements were warranted consistent with the cost cap specified in Section 24-124.01(c). Alternatives were discussed, including additional ADA and crosswalk improvements along Maryland Park Drive, enhanced crosswalk treatments (DPW&T STD 300.22), and additional sidewalk construction along Southern Avenue. As Southern Avenue is under the jurisdiction of D.C. DOT, it was decided to focus the required off-site improvements along a county-maintained road. Therefore, the following additional improvements are recommended and incorporated into the recommended conditions of approval:

- All crosswalk treatments at all legs of identified intersections.
- ADA-compatible sidewalk ramps and crosswalk treatments at the Maryland Park Drive and Davey Street intersection.
- ADA-compatible sidewalk ramps and crosswalk treatment at all legs of the Maryland Park Drive at Coolidge Street intersection.
- Shared-lane Markings (or “sharrows”) along Maryland Park Drive.

Based upon the costs provided in the BPIS and the unit costs included in the DPW&T Construction Price List, the cost for the off-site improvements is estimated to be \$49,588, which is within the cost cap of \$54,081.80 specified in Section 24-124.01(c). Further refinements to the cost estimates and facility list can be made when the BPIS exhibit is provided prior to certification of the DSP consistent with the requirements of Section 24-124.01 of the Subdivision Regulations.

Demonstrated nexus between the subject application and the off-site improvements:

Section 24-124.01(c) of the Subdivision Regulations requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is provided below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized by Transportation Planning Section staff.

- (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 bike 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 rights of way.**

Demonstrated Nexus Finding:

The proffered and recommended sidewalk ramp, crosswalk, and sidewalk improvements will directly benefit the future residents, guests, and employees of the subject site by provided improved and accessible sidewalk access from the site and to the nearby Capitol Heights Metro, surrounding residential communities, and to commercial uses along East Capitol Street (MD 214).

Finding of Adequate Bicycle and Pedestrian Facilities:

Section 24-124.01 of the Subdivision Regulations requires that the Planning Board to make a finding of adequate bicycle and pedestrian facilities at the time of PPS. More specifically, Section 24-124.01(b)(1) and (2) includes the following criteria for determining adequacy:

- (b) Except for applications for development project 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 include, at a minimum, 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; and**
 - b. The presence of elements that make is 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 lines, “bulb out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

Existing sidewalk facilities are fragmented and minimal in the immediate vicinity of the subject site. ADA access is not provided along many of the roads where older sidewalks are present. Crosswalk treatments are also missing at many locations. The proffered and recommended sidewalk ramps, crosswalk treatments and sidewalk construction will retrofit needed ADA improvements along Maryland Park Drive. Sidewalks and crossings will be made ADA compatible and attractive and durable treatments will be provided at crosswalk locations. These improvements will improve the pedestrian environment for the future residents, employees and guests of the subject site and provide enhanced and ADA-accessible connectivity between the subject site and surrounding uses, including the Capitol Heights Metro.

2. **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
 - a. **The degree to which 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 bike 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**
 - 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 is recommended on-site. The location, number and type of bicycle parking will be determined at the time of Detailed Site Plan. As Maryland Park Drive is a master plan bikeway, signage and/or pavement markings (shared lane markings) are recommended. After discussions with DPW&T/DPIE it was determined that shared lane markings should be provided along Maryland Park Drive. These improvements will implement the master plan bikeway along Maryland Park Drive as envisioned in the master plan and will accommodate bicycles along the road consistent with current DPW&T and federal guidance.

Prior to certification of the Detailed Site Plan, the applicant, and the applicant's heirs, successors, and/or assignees should provide an exhibit that illustrates the location and limits of all off-site improvements proffered in the BPIS and recommended by the Transportation Planning Section for the review of the operating agencies. This exhibit shall show the location of all off-site sidewalk ramps, crosswalk treatments, pavement markings, and sidewalk construction, and shall include all specifications and details used for the off-site improvements.

Finding

The internal sidewalk network and frontage improvements along Maryland Park Drive and Southern Avenue are sufficient as shown on the PPS. Road frontage improvements should be constructed as shown on the plans, unless modified by the appropriate operating agency.

6. **Transportation**—The subject property consists of 3.89 acres of land in the R-55 Zone; the site is also within the transit district overlay (T-D-O). The property is located within the southern/southeastern quadrant of the intersection of Southern Avenue and Maryland Park Drive. The applicant is proposing 13-townhouse lots, one HOA parcel to contain the vehicular access for the townhouse lots, and one parcel to contain 165 multifamily residences and 1,948 square feet of retail/commercial space.

Analysis of Traffic Impacts

Trip Generation:

The table below summarizes trip generation in each peak hour that will be used for the analysis and for formulating the trip cap for the site:

Trip Generation Summary, 4-15029, 210 Maryland Park Drive								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Multifamily	165	units	17	69	86	64	35	99
Townhouses	13	units	2	7	9	7	4	11
Total Residential Trips			19	76	95	71	39	110
Residential Transit Reduction (28 percent)			-5	-21	-26	-20	-11	-31
Net Residential Trips			14	55	69	51	29	79
Retail	1,948	square feet	1	1	2	2	3	5
Retail Transit Reduction (25 percent)			0	0	0	-1	-1	-2
Net Retail Trips			1	1	2	1	2	3
Subtotal with Transit Reductions			15	56	71	52	30	82
Internal Trip Capture for Site			0	0	0	1	1	2
Total Trips Utilized in Analysis			15	56	71	51	29	80

It is noted that the traffic study used a slightly different development program, but included the current development proposal in the appendix. The trip reductions proposed are acceptable.

The traffic generated by the proposed preliminary plan would impact the following (5) intersections, interchanges, and links in the transportation system:

- Southern Avenue and East Capitol Street/MD 214
- Southern Avenue and Maryland Park Drive
- Banks Place and 63rd Street
- MD 214 and Addison Plaza Shopping Center
- Maryland Park Drive and Early Street/site access

The application is supported by a traffic study dated May 2016 using counts dated December 2015. The study was provided by the applicant and referred to the Maryland State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T) and the County Department of Permitting, Inspections and Enforcement (DPIE). As of the writing of this referral, comments from SHA have not been received. Any comments received prior to the hearing date will be added to the record and addressed. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Transportation Review Guidelines – Part 1, 2012."

Existing Traffic:

The subject property is located within Transportation Service Area (TSA) 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. 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.”

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this 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 warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic using counts taken in May 2016 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Southern Avenue and East Capitol Street/MD 214	1,345	1,053	D	B
Southern Avenue and Maryland Park Drive	302	290	A	A
Banks Place and 63rd Street	848	833	A	A
MD 214 and Addison Plaza Shopping Center	807	1,210	A	C
Maryland Park Drive and Early Street/site access	9.3*	9.8*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Background Traffic:

None of the critical intersections identified above are programmed for improvement 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.” Background traffic has been analyzed for the study area. No approved but unbuilt developments within the study area were identified. A 0.0 percent annual growth rate

for a period of six years has been assumed. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Southern Avenue and East Capitol Street/MD 214	1,345	1,053	D	B
Southern Avenue and Maryland Park Drive	302	290	A	A
Banks Place and 63rd Street	848	833	A	A
MD 214 and Addison Plaza Shopping Center	807	1,210	A	C
Maryland Park Drive and Early Street/site access	9.3*	9.8*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Total Traffic:

The following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the “Transportation Review Guidelines,” including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Southern Avenue and East Capitol Street/MD 214	1,378	1,103	D	B
Southern Avenue and Maryland Park Drive	368	331	A	A
Banks Place and 63rd Street	894	859	A	A
MD 214 and Addison Plaza Shopping Center	808	1,212	A	C
Maryland Park Drive and Early Street/site access	10.9*	11.1*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is found that all critical intersections operate acceptably under total traffic in both peak hours. A trip cap consistent with the trip generation assumed for the site, 71 AM and 80 PM peak-hour vehicle trips, is recommended.

The County provided the following comments regarding the traffic impact study summarized and followed by staff comment:

“1. It was indicated that counts could not be verified because counts were not included in the study.”

Response: The traffic consultant forwarded the counts upon request, and they were verified.

“2. The County indicated that the sidewalk along the east side of Southern Avenue should be completed by the applicant.”

Response: This comment has been forwarded to ensure that it is reviewed with the Bicycle Pedestrian Impact Study (BPIS).

“3. The County requests that adequate on-site parking at a rate of at least one space per dwelling unit be provided.”

Response: It needs to be noted that sizable trip reductions were shown and accepted in the traffic study, in part, due to the low parking ratio proposed for this site. The site is less than one-quarter mile from the Capitol Heights Metrorail Station. In any regard, the number of parking spaces is a detailed site plan issue, and this issue of parking supply should be given consideration during that review.

Plan Comments

Access and circulation is acceptable. Access is proposed from Maryland Park Drive opposite to Early Street. While a second access point might be desirable, the site has existing development on its east and south sides, and Southern Avenue (a minor arterial owned and maintained by the District of Columbia) on its west side. With these constraints, a second access point does not appear to be feasible. The site is not within or adjacent to any master plan roadways. As noted above, Southern Avenue is wholly within the District of Columbia.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code.

7. Schools—Residential Uses

The Special Projects Section has reviewed the PPS for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters
Multifamily Dwelling Units

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 3	High School Cluster 3
Dwelling Units	165 DU	165 DU	165 DU
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	20	9	12
Actual Enrollment	6,696	2,135	4,328
Total Enrollment	6,716	2,144	4,340
State Rated Capacity	8,786	2,890	6,211
Percent Capacity	76%	74%	70%

Single-Family Attached Units

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 3	High School Cluster 3
Dwelling Units	13 DU	13 DU	13 DU
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	2	1	1
Actual Enrollment	6,696	2,135	4,328
Total Enrollment	6.698	2,136	4,329
State Rated Capacity	8,786	2,890	6,211
Percent Capacity	76%	74%	70%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,116 and \$ 15,628 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a one-quarter-mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State Marc Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the county urban centers and corridors as defined in §27A-106 of the County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within a one-quarter-mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Schools—(Nonresidential)

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* (CR-23-2001 and CR-38-2002) and concluded that this use is exempt from a review for schools because it is a nonresidential use.

8. **Fire and Rescue—(Residential and Nonresidential)** The Special Projects Section has reviewed this preliminary plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e)(1) 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 Seat Pleasant Fire/EMS Co. 808, a first due response station (a maximum of seven (7) minutes travel time), is located at 6305 Addison Road.

“In the Fire/EMS Department’s Statement of Adequate Apparatus, as of May 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County.”

Capital Improvement Program (CIP)

There are no 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 Mitigation of Adequate Public Facilities: Public Safety Infrastructure.”

9. **Police Facilities—Residential** -The subject property is in Police District III, Palmer Park. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The PPS was accepted for processing by the Planning Department on October 21, 2016.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 10/21/2016	12/2015-1/2015	6 minutes	12 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based on the most recent available information as of December 2015, police response times, the response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls were met on November 1, 2016.

Police Facilities—Nonresidential

The proposed development is within the service area of Police District III, Palmer Park. There is 267,660 square feet of space in all the facilities used by the Prince George’s County Police Department and the July 1, 2015 (U.S. Census Bureau) county population estimate is 909,535. Using the 141 square feet per 1,000 residents, it calculates to 128,244 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

10. **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 this property in Water and Sewer Categories 3, Community System Adequate for Development Planning. The property is within Tier 1 under the Sustainable Growth Act, and will therefore be served by public systems.
11. **Use Conversion**—The subject application is proposing the development of 220,882 square feet, consisting of 165 multifamily dwelling units, 1,948 square-feet of commercial/retail, and 13 townhouse lots. If a substantial revision to the use on the subject property is proposed that affects Subtitle 24 adequacy and findings as set forth in the resolution of approval, a new preliminary plan of subdivision shall be required prior to approval of any building permits.

12. **Public Utility Easement (PUE)**—Section 24-122 of the Subdivision Regulations requires a public utility easement (PUE) along both sides of all public rights-of-way. The property's street frontage is along Southern Avenue, Maryland Park Drive and Viola Place (Lee Avenue). The applicant is not proposing to provide the required public utility easement along their side of the public streets and has requested a variation request from Section 24-122(a) of the Subdivision Regulations.

Variation—A variation from Section 24-122(a) of the Subdivision Regulations has been requested by the applicant for the waiver of the require 10-foot wide public utility easement (PUE) along Southern Avenue, Maryland Park Drive and Viola Place, (Lee Avenue). The requested variation was heard at the SDRC meeting on December 12, 2016 as required by Section 24-113(b) of the Subdivision Regulations, and is recommended for approval.

Section 24-122(a) of the Subdivision Regulations states the following:

Section 24-122. - Public facilities requirements.

- (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 of the Subdivision Regulations sets forth the required findings for approval of variation request:

Section 24-113 Variations

- (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 Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

The development will not propose PUE's along Southern Avenue, Maryland Park Drive and Viola Place, (Lee Avenue). The Southern Avenue, right-of-way abutting the property to the north, is a minor arterial roadway that is entirely located within the District of Columbia and maintained by the DDOT. Maryland Park Drive, abutting the property to the east is a 40-foot wide county-maintained roadway, and Viola Place (Lee Avenue), partially abutting the property to the west, is a platted but unconstructed 40-foot-wide right-of-way.

All of the necessary utilities that would normally be provided within the PUE are already located within the Southern Avenue and Maryland Park Drive

rights-of-way. Therefore, a PUE is not necessary along these two streets. Viola Place (Lee Avenue) was platted in 1911 but has never been constructed. The site contains floodplain and a stream buffer associated with an off-site regulated stream along the western portion of the site that impacts portions of the Viola Place (Lee Avenue) right-of-way. These sensitive environmental features would appear to make any future construction of the right-of-way extremely unlikely. As a result, there is no need for a PUE abutting Viola Place (Lee Avenue). Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any other property.

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

The property falls within the 2008 *Approved Capitol Heights Transit District Development* (TDDP). It is more specifically located in the within the Metro Station Core character area which requires that buildings, “shall sit along the established build-to-line measured 12 feet from the edge of the curb”. Meeting this requirement along Maryland Avenue is not possible due to the distance of the right-of-way line from the curb, required sidewalks, and required landscaping and stoops in the front yards of the townhomes.

Additionally, the same build-to-line requirements apply to Southern Avenue. Meeting the 12-foot build-to-line (BTL) requirement along this roadway is not possible to the distance of the right-of-way line from the curb and because there is an existing 20-foot-wide WSSC easement located along the property’s entire street frontage of Southern Avenue. Although it is impossible to comply with the exact build-to-line requirement envisioned by the TDDP, the site design still strives to achieve this character area requirement to the degree possible. Since the design of the site attempts to get as close to the 12-foot build-to-line requirement as possible, there is no room for a standard PUE, nor is one needed to due to all of the necessary utilities being located within the limits of the Southern Avenue and Maryland Park Drive rights-of-way. Therefore, for these reasons, the conditions on which the variation is based are unique to this property.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The use of reduced width PUEs, or the inability to provide PUE’s particularly in urban areas, is not uncommon and has been approved with other development applications. A condition has been recommended to require consent from the affected utility companies prior to the approval of the final plat of subdivision. The variation to Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation.

(4) Because of the particular 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;

The two abutting rights-of-way where utility connections are proposed already contain the necessary utilities needed to serve the property. Additionally, there is an existing WSSC easement and a TDDP build-to-line requirement which severely limit the space in which a PUE could be provided. The extensive PMA and floodplain on-site are a result of topographical conditions that limit the developable area of the site. If the strict letter of these regulations are carried out, it would result in conflicting easements and could result in the proposed development being setback further from the abutting the rights-of-way in conflict with the TDDP.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is zoned R-55/TDO and to be rezoned to M-U-I; therefore, this provision does not apply.

The site is unique to the surrounding properties and the variation request is supported by the required findings. The applicant will be required to provide consent from the affected utility companies prior to the approval of the final plat of subdivision. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to the General Plan, area master plan and their amendments.

Therefore, staff recommends **approval** of the variation to Section 24-122(a) of the Subdivision Regulations for not providing the required 10-foot-wide PUE's along Southern Avenue, Maryland Park Drive and Viola Place, (Lee Avenue).

14. **Stormwater Management**—The applicant has filed a conceptual Stormwater Management Plan (53320-2016) with DPIE which is currently under review and must be approved prior to Planning Board action on the ETOD DSP. DPIE will review for conformance to the SWM concept plan and technical approval at the time of grading permit to ensure that development does not result in any on-site or downstream flooding. Development must be in conformance with that approved plan and subsequent revisions.
15. **Urban Design**—The site is currently zoned One-Family Detached Residential (R-55) and is within the Capitol Heights Transit District Overlay Zone (TDOZ). The site is bounded to the north by Southern Avenue, within the District of Columbia, to the west by a paper street, Viola Place, to the east by Maryland Park Drive, and to the south by single family homes in the R-55 Zone.

Conformance with the Requirements of the Zoning Ordinance

New development within the TDOZ requires detailed site plan (DSP) review. The applicant is requesting the rezoning of the property to the Mixed Use - Infill (M-U-I) Zone with the DSP, which will require mandatory District Council review per Section 27-548.09.01(b) of the Zoning Ordinance. Conformance with the Transit District Development Plan Standards and Guidelines, as well as applicable zoning regulations will be evaluated at time of DSP review. The review of this PPS is predicated on the approval of the M-U-I Zone. Because of the orders of approval, the

rezoning will occur after PPS, however, prior to approval of the final plat, the rezoning to M-U-I must be in place to support the development proposed with this application.

Conformance with the 2010 Prince George's County Landscape Manual

The DSP is subject to the 2010 *Prince George's County Landscape Manual*, as amended by the development district standards contained in the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment*. Conformance with the applicable requirements will be evaluated at the time of DSP review.

Conformance with the Tree Canopy Ordinance

Subtitle 25, Division 3: Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on this property as the application proposes to construct or disturb 5,000 square feet or more of land area. Properties zoned M-U-I/T-D-O are required to provide a minimum of 10 percent of the gross tract area in tree canopy. Conformance with this requirement will be evaluated at the time of DSP review.

16. **Historic**—The subject property is currently vacant. 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. Phase I archeology survey is not recommended on the subject property. This proposal will not impact any historic sites, historic resources or known archeological sites.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Label Viola Place (Lee Avenue) as an unimproved street, (not paper street), and provide a plat reference for this recorded right-of-way.
 - b. Revise General Note 33 to indicate that the variation to Section 24-122(a) of the Subdivision Regulations was approved and specifically what for.
 - c. Add the following note:

“Approval of this PPS is predicated on the Applicant obtaining a rezoning to M-U-I prior to Final Plat.”
2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
3. Prior to signature approval of the preliminary plan of subdivision, the applicant and the applicant's heirs, successors and or assignees, shall submit two copies of an approved stormwater management concept plan, signed by DPIE, and two copies of the concept approval letter. The stormwater management concept plan approval number and approval date shall be delineated on the preliminary plan and TCP1. Any required stormwater management facilities shall be shown on the TCP1.

4. Prior to signature approval of the preliminary plan, the preliminary plan and/or the NRI shall be revised as necessary to show the correct floodplain acreage. The approved stormwater concept plan shall also reflect the correct acreage of floodplain.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M–NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
6. The applicant, his successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The details and triggers for construction of the facilities shall be reviewed and approved with the Detailed Site Plan for this project.
7. Prior to the approval of any building permit for the subject property, the applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities as designated below or as modified by DPW&T/DPIE 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. ADA-compatible sidewalk ramps and crosswalk treatments at all legs of the Maryland Park Drive and Early Street intersection.
 - b. ADA-compatible sidewalk ramps and crosswalk treatments at all legs of the Maryland Park Drive and Eagle Street intersection.
 - c. ADA-compatible sidewalk ramps and crosswalk treatments at all legs of the Maryland Park Drive at Coolidge Street intersection.
 - d. ADA-compatible sidewalk ramps and crosswalk treatments at all legs of the Maryland Park Drive at Davey Street intersection.
 - e. Reconstruct the existing sidewalk along the west side of Maryland Park Drive between Coolidge Street and Crown Street.
 - f. Provide Shared Lane Markings along Maryland Park Drive, unless modified by DPIE.
8. Prior to certification of the Detailed Site Plan, the applicant, and the applicant’s heirs, successors, and/or assignees shall provide an exhibit that illustrates the location and limits of all off-site improvements proffered in the BPIS or recommended by the Transportation Planning Section for the review of the operating agencies. This exhibit shall show the location of all off-site sidewalk ramps, crosswalk treatments, pavement markings, and sidewalk construction, and shall include all specifications and details used for the off-site improvements.

9. Total development shall be limited to uses which generate no more than 71 AM peak-hour trips, and 80 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities and a new preliminary plan of subdivision.
10. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners' association has been established. The draft covenants shall be submitted to the Subdivision Review Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission (M-NCPPC) are included. The liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation.
11. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners' association (HOA) land as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
 - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro.
 - b. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to an HOA shall be in accordance with an approved detailed site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to an HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD in accordance with the approved detailed site plan.
 - f. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
12. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide consent from the affected utility companies for not providing the required 10-foot-wide public utility easements along Southern Avenue, Maryland Park Drive and Viola Place, (Lee Avenue).
13. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 53320-2016 any subsequent revisions. The final plat shall note the Stormwater Management Concept Plan number and approval date.

14. The applicant, his heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA), for the construction of recreational facilities, to DRD for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county Land Records and the Liber and folio shall be reflected on the final plat prior to recordation.
15. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities, prior to the issuance of building permits. The recreational facilities to be required shall be determined with the full review of the detailed site plan.
16. The final plat shall carry a note that direct vehicular access to Maryland Park Drive is denied for Lots 1–13 (townhouse lots).

STAFF RECOMMENDS:

- Approval of PPS 4-15029
- Variation from Section 24-122(a)