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Chesapeake Bay Critical Area Conservation Plan Detailed Site Plan

CP-17003
DSP-16053

Application	General Data	
Project Name: 4550 Rhode Island Avenue Location: On the north side of US 1 (Rhode Island Avenue), approximately 225 feet northeast of its intersection with Wallace Street. Applicant/Address: 4550 Rhode Island Avenue, LLC 1003 Elm Avenue Takoma Park, MD 20912	Planning Board Hearing Date:	11/09/17
	Staff Report Date:	10/31/17
	Date Accepted:	08/14/17
	Planning Board Action Limit:	11/09/17
	Plan Acreage:	0.28
	Zone:	I-D-O/R-55/ M-U-I/D-D-O
	Dwelling Units:	N/A
	Gross Floor Area:	N/A
	Planning Area:	68
	Council District:	04
	Election District	17
	Municipality:	North Brentwood
	200-Scale Base Map:	205NE03

Purpose of Application	Notice Dates	
Addition of the use of "outdoor storage" to the table of uses in the 2004 Gateway Arts District Sector Plan and Sectional Map Amendment as a permitted use in the Neighborhood Arts and Production character area for the subject property.	Informational Mailing:	12/21/16
	Acceptance Mailing:	06/30/17
	Sign Posting Deadline:	10/10/17

Staff Recommendation			Staff Reviewer: Ruth E. Grover, MUP, AICP Phone Number: 301-952-4317 E-mail: Ruth.Grover@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: Chesapeake Bay Critical Area Conservation Plan CP-17003
Detailed Site Plan DSP-16053
4550 Rhode Island Avenue

The Urban Design staff has completed the review of the subject applications and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this technical staff report.

The subject property is made up of Lot 10, Block A, fronting on 41st Avenue, and Lots 31-33, Block A (and part of Parcel 295 and Lot 46A), fronting on US 1 (Rhode Island Avenue). The entire 12,196-square-foot property is located within the Chesapeake Bay Critical Area (CBCA), and within the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* and subject to the Development District Overlay (D-D-O) Zone. However, the property is split zoned—Lot 10, Block A, is zoned One-Family Detached Residential (R-55) and is located within the Traditional Residential Neighborhood character area; and Lots 31–33, Block A (and part of Parcel 295 and Lot 46A), are zoned Mixed Use-Infill (M-U-I) and located within the Neighborhood Arts and Production character area.

The applicant originally requested to add outdoor storage to the list of permitted uses in the D-D-O Zone for the entire property. Staff advised the applicant that we would not support the outdoor storage land use within the Traditional Residential Neighborhood character area (Lot 10, Block A), and would only support the request for Lots 31–33, Block A (and part of Parcel 295 and Lot 46A), within the Neighborhood Arts and Production character area. In response, the applicant amended their request to permit the outdoor storage on Lots 31–33, Block A (and part of Parcel 295 and Lot 46A) only. Lot 10, Block A, which is part of the site, can be used to accommodate landscaping, green area, and impervious surface area requirements in conformance with the approved detailed site plan (DSP) and CBCA plan if approved. Staff is recommending approval of the DSP and CBCA plan, subject to conditions.

EVALUATION CRITERIA

The Conservation Plan (CP-17003) was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Chesapeake Bay Critical Area (CBCA) Intense Development Overlay (I-D-O) Zone.

The Detailed Site Plan (DSP-16053) was reviewed and evaluated for conformance with the following criteria:

- b. The requirements of the One-Family Detached Residential (R-55) and the Mixed Use–Infill (M-U-I) Zones, and the site plan design guidelines of the Prince George’s County Zoning Ordinance;
- c. The requirements of the Development District Overlay (D-D-O) Zone standards of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts District* (Gateway Arts District Sector Plan and SMA) for the Traditional Residential Neighborhood character area (Lot 10, Block A) and the Neighborhood Arts and Production character area (Lots 31–33, Block A).
- d. The requirements of the 2010 *Prince George’s County Landscape Manual*;
- e. The requirements of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance;
- f. The requirements of the Prince George’s County Tree Canopy Coverage Ordinance;
- g. Referral comments.

FINDINGS

Based upon the analysis of the subject applications, the Urban Design staff recommends the following findings:

- 1. **Request:** Addition of the use of “outdoor storage” to the table of uses for the subject property in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts District* (Gateway Arts District Sector Plan and SMA) as a permitted use in the Neighborhood Arts and Production character area for Lots 31–33, Block A (and part of Parcel 295 and Lot 46A).
- 2. **Location:** The subject property is located on the north side of US 1 (Rhode Island Avenue), approximately 225 feet northeast of its intersection with Wallace Street. The project is also located in Planning Area 68 and Council District 4, in the town of North Brentwood.
- 3. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-D-O/R-55/M-U-I/D-D-O*	I-D-O/R-55/M-U-I/D-D-O
Use(s)	Vacant	Outdoor Storage
Acreage	0.2	0.2

Note: *The project is also located in the Chesapeake Bay Critical Area (CBCA) Intense Development Overlay (I-D-O) Zone. See Finding 7 for a detailed discussion of the project’s conformance with the requirements of the CBCA I-D-O Zone.

4. **Surrounding Uses:** The site is surrounded to the northeast by a building supply store and its adjacent storage in the M-U-I Zone; to the southeast by US 1 with commercial land use in the Urban Light Industrial (U-L-I) Zone beyond; to the southwest by vacant land and a single-family detached unit in the M-U-I Zone; and to the northwest by 41st Avenue and single-family detached units beyond.
5. **Previous Approvals:** The site is the subject of Stormwater Management Concept Plan 62162-2016-00, approved on July 26, 2017 and valid until July 26, 2020. The site is also the subject of Natural Resources Inventory NRI-024-2017, approved by the Environmental Planning Section on February 6, 2017.
6. **Design Features:** The subject property is improved with a building that was originally constructed in approximately 1940 and has been used generally by various commercial or industrial businesses, most recently, the sale of vintage house parts and radiators. The building is proposed to be razed, and the site used for outdoor storage on Lots 31–33, Block A. No new buildings are proposed.

The subject property is split-zoned, with the properties fronting on US 1 in the M-U-I Zone (Lots 31–33, Block A), and Lot 10, Block A, fronting on 41st Avenue in the R-55 Zone, all within the CBCA (Intense Development Overlay (I-D-O)) Zone. Access to the site is to be solely from US 1; no access is proposed to 41st Avenue.

The Gateway Arts District Sector Plan and SMA superimposed the D-D-O Zone on the subject property, placing the property in both the Traditional Residential Neighborhood character area (Lot 10, Block A) and the Neighborhood Arts and Production character area (Lots 31–33, Block A). Lots 31–33, Block A, were zoned M-U-I through this SMA as change number NBAPE-1, while Lot 10, Block A, was retained in the R-55 Zone. The subject property has frontage on both US 1 and 41st Avenue, as discussed.

Originally, the submitted plan showed the southern portion of Lot 10 paved, with revised plans showing all paving to be removed, as Lot 10 is located in the Traditional Residential Neighborhood character area of the sector plan. The plans reflect to pave only those portions of the site located in the Neighborhood Arts and Production character area (Lots 31–33, Block A) of the sector plan, replacing the existing pavement on Lot 10, Block A, with additional landscaping.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Chesapeake Bay Critical Area (CBCA) Ordinance:** The site is located within the CBCA I-D-O Zone; therefore, the site is subject to the CBCA regulations. The purposes of the I-D-O Zone, as outlined in Section 27-548.13 of the Prince George's County Zoning Ordinance, are to accommodate existing residential, commercial, or industrial land uses within the CBCA; to promote new residential, commercial, and industrial land uses in accordance with development intensity limits designated for the I-D-O Zone in this Subtitle; to conserve and enhance fish, wildlife, and plant habitats; and to improve the quality of runoff that enters the tributary streams of the Chesapeake Bay from developed areas. The regulations concerning the impervious surface ratio, density, slopes, and other provisions for new development in the I-D-O Zone are contained in Subtitle 5B of the Prince George's County Code, as follows:

Section 5B-113. – Intense Development Overlay (I-D-O) Zones.

- (e) Development standards. The following development standards must be demonstrated within the I-D-O Zone:**

- (1) For redevelopment plans, opportunities to reduce impacts on water quality generated by existing development shall be analyzed;**

The redevelopment of this site results in a reduction in the total area of impervious surface, with the planting of trees and shrubs in the reclaimed pervious area. The effects of these efforts on water quality will be analyzed with the review of the 10 percent pollutant reduction worksheet.

- (2) Urban Best Management Practices (BMPs) for stormwater treatment shall be considered and, where appropriate, implemented as part of all plans for development and redevelopment;**

The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has determined that, with less than 5,000 square feet of disturbance, this project is exempt from stormwater management requirements. However, since the property is within the I-D-O Zone, the 10 percent pollutant reduction worksheet is required and will be reviewed and approved by DPIE.

- (3) Stormwater shall be addressed in accordance with the following provisions:**

- (A) Development or redevelopment projects shall use technologies as required by applicable ordinances in order to minimize adverse impacts to water quality caused by stormwater.**
- (B) In the case of redevelopment, if these technologies do not reduce pollutant loadings measured by use of the keystone pollutant method by at least 10 percent below the level of pollution on the site prior to redevelopment, then offsets shall be provided. Guidance for compliance with this requirement is provided in the Critical Area 10% Rule Guidance Manual – Fall 2003 and as may be subsequently amended.**
- (C) In the case of new development, offsets shall be used if they reduce pollutant loadings by at least 10 percent of the pre-development levels. Guidance for compliance with this requirement is provided in the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance – Fall 2003 and as may be subsequently amended.**
- (D) Offsets may be provided either on or off site, provided that water quality benefits are equivalent, that the benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring or other computation of mitigation measures. Guidance regarding offsets is provided in the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance–Fall 2003.**

With the redevelopment of the site and the reduction in impervious area, the applicant must utilize technologies to minimize adverse impacts to water quality, or provide offsets if the 10 percent pollutant reduction cannot be achieved on-site. The review of the 10 percent pollutant reduction worksheet will determine compliance on-site, or if offsets will be required by DPIE as set forth in the Stormwater Management Concept Letter (62162-2016-00) dated July 26, 2017.

- (4) There is no Critical Area lot coverage maximum in the I-D-O, however, where practicable, permeable areas shall be established in vegetation, and whenever possible, redevelopment shall reduce existing levels of pollution.**

Currently the site contains 12,108 square feet of impervious surface, and with this application the new impervious area will be 10,825 square feet. A reduction of 1,283 square feet of impervious surface is proposed. As indicated, there is no maximum for CBCA lot coverage within the I-D-O.

- (5) Areas of public access to the shoreline, such as foot paths, scenic drives and other public recreational facilities, should be maintained and, if possible, encouraged to be established within the I-D-O.**

This site does not contain shoreline or any reasonable means of accessing the shoreline. As discussed in Finding 9.g., staff recommends approval of the CBCA plan (CP-17003).

8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-U-I, R-55, and D-D-O Zones and the site plan design guidelines of the Zoning Ordinance.

- a. Section 27-285(b)(2) of the Zoning Ordinance states the following:

- (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).**

There is no conceptual site plan approved for the subject project, therefore, this finding need not be made.

- b. Section 27-548.26(b)(1)(B) of the Zoning Ordinance states the following:

- (b) Property Owner.**

- (1) Notwithstanding the provisions of subsection (a), above, a property owner may request the District Council amend development requirements for the owner's property, as follows:**

- (B) An owner of property in the Development District may request changes to the underlying zones or the list of allowed uses, as modified by the Development District Standards.**

As previously stated, the applicant has requested a modification of the uses permitted for the subject site to allow outdoor storage. The subject property is made up of Lot 10, Block A, fronting on 41st Avenue; and Lots 31–33, Block A (and part of Parcel 295 and

Lot 46A), fronting on US 1. The entire 12,196-square-foot property is located within the CBCA, and within the 2004 Gateway Arts District Sector Plan and subject to the D-D-O Zone. However, the property is split zoned—Lot 10, Block A, is zoned R-55 and is located within the Traditional Residential Neighborhood character area, and Lots 31-33, Block A (and part of Parcel 295 and Lot 46A), are zoned M-U-I and located within the Neighborhood Arts and Production character area. The applicant originally requested to add outdoor storage to the list of permitted uses in the D-D-O Zone for the entire property. Staff advised the applicant that we would not support the outdoor storage land use within the Traditional Residential Neighborhood character area (Lot 10, Block A), and would only support the request for Lots 31–33, Block A (and part of Parcel 295 and Lot 46A), within the Neighborhood Arts and Production character area. In response, the applicant amended their request to permit the outdoor storage on Lots 31-33, Block A (and part of Parcel 295 and Lot 46A) only. The use of Lot 10, Block A, which is part of the site, can be used to accommodate landscaping, green area, and impervious surface area requirements. Staff is recommending **approval** of the DSP and CBCA plan, subject to conditions.

The applicant in the subject case has requested a change to the list of allowed uses pursuant to this provision of the Zoning Ordinance.

Section 27-548.25(c) of the Zoning Ordinance states the following:

If the applicant so requests, the Planning Board may apply development standards which differ from the Development District Standards, most recently approved or amended by the District Council, unless the Sectional Map Amendment text specifically provides otherwise. The Planning Board shall find the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.

The application necessitates two such amendments to the development district standards. See Finding 9 for a detailed description of those needed amendments, and a discussion of the way in which the requests meet the required findings.

- c. The DSP is in general conformance with the applicable site design guidelines, as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance, insofar as these guidelines are applicable to the subject case.

- 9. **2004 Approved Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts District:** The application is located in the land area covered by the Gateway Arts District Sector Plan and SMA. The sector plan retained Lot 10 of the subject property in the R-55 Zone, and reclassified Lots 31, 32, and 33, and Parcel 295 of the subject property from the Miscellaneous Commercial (C-M) Zone to the M-U-I Zone and superimposed a D-D-O Zone over all the lots and parcel comprising the property.

The M-I-U-zoned portion of the property is located in the Neighborhood Arts and Production character area, and the R-55-zoned portion of the site is located in the Traditional Residential Neighborhood character area. The request of the subject application is to add outdoor storage to the list of approved uses for the subject property in the Neighborhood Arts and Production character area.

The applicant has requested the following two amendments to the development district standards:

Standard 1, page 149

Fencing, Walls, Screening, and Buffering: To allow the inclusion of an opaque fence exceeding four feet in height.

A six-foot-tall sight-tight fence to be constructed of a durable composite material shall be provided surrounding the area, to be utilized for outdoor storage, together with gates to US 1 and Lot 10 constructed of the same or a visually-compatible material. The fence and gates providing access to US 1 and to Lot 10 shall be shown in the same location on the DSP and the landscape plan. The final design of the fence and gates shall be approved by the Urban Design Section as designee of the Planning Board. Landscaping, including a minimum of two street trees, one on each side of the entrance gates, and other landscaping shall be provided along the subject property's US 1 frontage, respecting the public utility easement (PUE), prior to certificate of approval.

This request meets the findings required by Section 27-548.25(c) for an amendment of a development district standard in that it will benefit the development by providing additional safety and security for materials to be stored on the site. It will benefit the development district in that it will prevent unsightly views into the site.

Standard 5, page 151

Landscaping: To allow 13 percent less than the required 40 percent of the net area as green space.

This request is too great a reduction in the requirement to meet the findings required by Section 27-548.25(c). Therefore, staff recommends additional landscaping along US 1 where previously the applicant had proposed only a six-foot-tall fence with a gate. The landscape strip shall include a minimum of two street trees, one on each side of the entrance gate, and other additional landscaping (green space) along the US 1 frontage. Subject to the additional landscaping, the required findings in this request may be made. The amendment will benefit the development and the development district by enhancing the US 1 frontage. The remaining landscaping, as proposed, provides a substantial buffer between the subject development and the adjacent Traditional Residential Neighborhood character area where the development seeks to protect the existing traditional pattern of single-family homes built close together on narrow streets laid out in a grid. Therefore, staff would recommend, and a condition in the Recommendation section of this report would require that, prior to certificate of approval, the applicant revise the plans to include a 10-foot-wide landscape strip along the subject property's US 1 frontage and widened for the placement of a minimum of two shade trees, one on either side of the entrance gate (outside the PUE), and additional landscaping (shrubs and grasses) which can be located within the 10-foot-wide PUE.

10. **2010 Prince George's County Landscape Manual:** The following discussion is offered regarding landscaping requirements for the subject property, which derive from the Gateway Arts District Sector Plan and SMA. As stated on page 142 of the sector plan, its requirements replace all those in the Zoning Ordinance and the 2010 *Prince George's County Landscape Manual*.

DEVELOPMENT DISTRICT STANDARD	REQUIRED/ALLOWED	PROVIDED
A. Minimum Lot Area	N/A	0.28 acre
B. Lot Coverage	N/A	N/A
C. Floor Area Ratio (F.A.R.)	N/A	N/A
D. Maximum Building Height	N/A	N/A
E. Setbacks	N/A	N/A
F. Landscaping	REQUIRED	PROVIDED
1. Existing trees should be preserved	2 (existing)	2 (preserved where feasible)
2. Shade trees with a minimum of 2.5- to 3-inch caliper shall be provided at a rate of 1 shade tree per every 5,000 sq. ft. of gross site area	3	6 (4 to be planted)
3. Parking shall be planted with a minimum of 1 shade tree per every 10 spaces in the provided corners, bump outs, or islands	N/A (no proposed parking)	N/A
4. The property owner should install hose bibs on the outside of new buildings in locations appropriate for watering street trees and landscaping and cleaning sidewalks where this does not interfere with entrance embellishments.	N/A (no proposed building)	N/A
5. Each site shall retain a minimum of 40 percent of the net area as green space.	40%	27%***

***An amendment to the development district standard has been requested by the applicant. See Finding 9 for a detailed discussion of that request. Prior to certificate of approval, the amount of green space will be adjusted on the plan based on the additional green area conditioned along US 1.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance because the subject property is located entirely within the CBCA.
12. **Prince George's County Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage Ordinance became effective on September 1, 2010. The subject property, located entirely within the CBCA, is exempt from the Tree Canopy Coverage Ordinance, in accordance with Section 25-127(b)(1)(E) of the County Code.
13. **Referral Comments:** The subject application was referred, and the comments are summarized as follows:
 - a. **Historic Preservation and Archeological Review**—In a memorandum dated August 24, 2017, the Historic Preservation Section offered the following regarding the subject project:

The subject property comprises 0.28 acre and is located on the north side of US 1, approximately 225 feet northeast of its intersection with Wallace Street in North Brentwood. The subject application proposes to raze the existing 1940 building so that

the property can be used for outdoor storage. The subject property is split zoned, fronting on US 1 in the M-U-I Zone and on 41st Avenue in the R-55 Zone.

Lot 10 in the subject application is within the North Brentwood National Register Historic District and Lots 31, 32, and 33 are adjacent to the district. The existing building on Lot 33 was constructed circa 1940 and has recently been used as a business supplying vintage house parts and radiators. The house on Lots 32 and 33 in Block A of the Holladay Company Addition to Brentwood, was built for George and Ida L. Stewart between 1936 and 1940. The lots were originally purchased in 1907 by George's father, Thomas H. Stewart, who was an African American who was employed as a messenger for the Patent Office of the Department of the Interior in Washington, D.C. George Stewart died on October 13, 1937 and his widow and sister, Ida K. Stewart and Elizabeth A. Stewart, continued to reside in the house at 4550 Rhode Island Avenue. Ida K. Stewart added Lots 31 and 10 in Block A to her property in 1945. Ida K. Stewart defaulted on the mortgage on the property, which was sold at public auction in 1951 to Maurice B. Berneter. The property changed hands numerous times between 1951 and 1966, when it was purchased by Jesse T. Mower. Paul P. Lutov eventually acquired the property in 2004 and established Vintage House Parts & Radiators.

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. The subject application notes that the existing house on the property will be razed. The Historic Preservation Section should be given the opportunity to photo document the existing building before it is razed. This proposal will not impact any historic sites, historic resources, or known archeological sites.

- b. **Community Planning**—In a memorandum dated September 12, 2017, the Community Planning Division offered the following:

Determinations

Pursuant to Section 27-548.25(b) of the Zoning Ordinance, the subject DSP application meets the applicable standards of the Gateway Arts District D-D-O Zone.

Pursuant to Section 27-548.26(b)(2)(A) and (b)(5), the proposed amendments, as revised, to the Gateway Arts District D-D-O Zone conform with the purposes and recommendations for the development district, as stated in the Gateway Arts District Sector Plan and SMA to allow consolidated outdoor storage in the Neighborhood Arts and Production character area.

General Plan, Master Plan, And Zoning

General Plan: This application is located in the Established Communities area as defined in Plan Prince George's 2035. It includes existing residential neighborhoods and commercial areas served by public water and sewer, outside of the regional transit districts and local centers. Established Communities are more appropriate for context-sensitive infill and low- to medium-density development (page 20) and redevelopment within the Gateway Arts District Sector Plan and SMA, in Planning Area/Community 68 in North Brentwood. This application is not located within an aviation policy area or the Military Installation Overlay Zone.

The Gateway Arts District Sector Plan and SMA retained Lot 10 in the R-55 Zone, reclassified Lots 31, 32 and 33 and Parcel 295 of the subject property from the C-M Zone into the M-U-I Zone, and superimposed a D-D-O Zone over all lots and the parcel comprising the property. A CBCA I-D-O Zone is further superimposed over all lots and the parcel comprising the property.

Pursuant to Sections 27-548.26(b)(1)(B) and 27-548.26(b)(2)(A) and (b)(5) of the Zoning Ordinance, the proposed amendment to the Gateway Arts D-D-O Zone conforms with the purposes and recommendations for the development district, as stated in the Gateway Arts District Sector Plan and SMA by limiting the storage use to the more intense Neighborhood Arts and Production character area on the site, being along US 1 and conditioned on the addition of appropriate fencing and landscaping along the US 1 frontage.

The outdoor storage use is a low traffic-generating land use, on a small scale, based on the site-specific request. The land use character of the Neighborhood Arts and Production character area discourages light industrial uses that are not compatible with the abutting traditional character areas. To address this, the applicant is proposing to utilize, preserve, and enhance the portion of the site located within the Traditional Neighborhood character area which will further buffer and protect that residential-type land use on abutting properties.

- c. **Transportation Planning**—In a memorandum dated August 29, 2017, the Transportation Planning Section offered the following:

Rhode Island Avenue is a master plan collector, with right-of-way as required by the sector plan reflected on the site plan. Existing right-of-way along the frontage is 120 feet in width, and is consistent with plan recommendations. The applicant should be aware that access onto US 1 is under the jurisdiction of the Maryland State Highway Administration (SHA) and must be approved by that agency.

From the standpoint of transportation, this plan is acceptable and meets the finding required for a DSP, as described in Sections 27-285 and 27-284 of the Zoning Ordinance, with no vehicular access to 41st Avenue, and proposes safer and efficient vehicular circulation within the site.

- d. **Subdivision Review**—In a memorandum dated October 16, 2017, the Subdivision Section offered the following:

The subject property is located on Tax Map 50 in Grid B2 and is 31.34 acres. The site includes Lots 10 and 31–33, Block A, recorded in Prince George’s County Land Records in LIB A-9 on a record plat for Holladay Company’s Addition to Highland (Brentwood) dated March 1904. The site also includes Parcel 295, recorded in Land Records in Liber 19887 folio 68, and part of Lot 46A recorded in land records in Liber 21945 folio 490. Lot 10 is in the R-55 Zone; and Lots 31–33, Parcel 295, and Part of Lot 46A are in the M-U-I Zone. All lots that comprise the site are within the CBCA I-D-O Zone, the D-D-O Zone, and the Gateway Arts District Sector Plan and SMA.

The property is not subject to an existing preliminary plan of subdivision. In accordance with Section 24-111(c) of the Subdivision Regulations, the development of more than 5,000 square feet will require a resubdivision.

Parcel 295 is owned by Prince George's County; the applicant has requested to have the parcel put into surplus for acquisition and proposes to complete the acquisition prior to certification of the DSP. Both Parcel 295 and Lot 46A were created pursuant to road abandonments. The acquisition of these properties is necessary in order for the subject site to have frontage on, and direct access to, a public street, which is required.

- e. **Trails**—In a memorandum dated September 15, 2017, the trails coordinator offered the following:

The Transportation Planning Section has reviewed the DSP application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject project is located along the north/west side of US 1, approximately 225 feet northeast of the Wallace Street intersection. The site is accessed off US 1 and is covered by the MPOT and the Gateway Arts District Sector Plan and SMA. The subject project proposes to raze an existing structure and to utilize the site as outdoor storage.

Background

Master plan sidewalk and bicycle facilities are recommended along US 1 in the sector plan and MPOT. The sector plan also recommends appropriate sidewalk improvements. The text from the sector plan (pages 44 and 46) is copied below:

3. **Provide sidewalk additions and enhancements as necessary and emphasize the continuity of sidewalks.**
4. **Comprehensive bicycle and pedestrian facilities are recommended along US 1 within the Arts District. Designated bicycle lanes, continuous wide sidewalks, and other pedestrian amenities are recommended, where feasible and practical. It is also encouraged that the intersection at 38th Street be reconfigured so that it is pedestrian-friendly.**

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 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.

Providing attractive and accessible sidewalk access from the surrounding public rights-of-way and sidewalks is important; however, the storage yard use does not lend itself to general public access. Frontage improvements may be required by SHA with access permits.

- f. **Permits**—In a revised memorandum dated October 16, 2017, the Permit Review Section offered several comments regarding the project that are addressed as conditions in the Recommendation section of this report.
- g. **Environmental Planning**—In a memorandum dated October 4, 2017, the Environmental Planning Section offered the following comments regarding the subject project:

Background

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
NRI-024-2017	N/A	Staff	Approved	2/06/2017	N/A
CP-17003	N/A	Planning Board	Pending	Pending	Pending
DSP-16053	N/A	Planning Board	Pending	Pending	Pending

Proposed Activity

The current application is for the demolition of the existing structure and redevelopment of the site as a paved surface for outdoor storage.

The property is currently developed with a commercial structure and parking. The site is not within the 100-year floodplain; however, The Federal Emergency Management Agency (FEMA) has determined that it falls within Zone AH, with a ponding depth of two feet. The ponding results from an interior drainage analysis on the landward side of the levee. The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey include the Codorus-Hatboro-Urban land complex (frequently flooded), which are hydric soils. Due to the distance to tidal waters, approximately 590 linear feet, this site is not within the secondary buffer, in accordance with the provisions in Section 5B-121(a)(1)(C)(v) of the County Code. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. The site is not located within a Sensitive Species Protection Review Area. No scenic or historic roads are affected by this proposal. According to the approved 2017 *Countywide Green Infrastructure Plan*, the property is entirely within an evaluation area. The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 4 of the Regulated Environmental Protection Areas Map, as designated by Plan Prince George's 2035.

Variances

This application does not require any CBCA variances for the proposed development.

Chesapeake Bay Critical Area Commission (CAC) Review

At this time, no comments have been received from the CAC concerning this case.

Environmental Review

This application proposes to remove existing impervious areas and replace them with landscape areas, for a net decrease in impervious surface. Currently, the site contains 12,108 square feet of impervious surface and, with this application, the new impervious area will be 10,825 square feet. A reduction of 1,283 square feet of impervious surface is proposed. There is no maximum for CBCA lot coverage within the I-D-O Zone.

Department of Permitting, Inspections and Enforcement (DPIE)—Review

A copy of the approved Stormwater Management Concept Plan (62162-2016-00) and letter dated July 26, 2017 were submitted with the subject application. The concept plan shows that the site is exempt from stormwater management requirements because the proposed disturbance will remain below 5,000 square feet.

This property is not located within the FEMA 100-year floodplain; however, it has been determined by DPIE to be within a County floodplain, with a flood protection elevation of 27.1 feet. In the stormwater management concept approval letter, DPIE indicated that a floodplain waiver will not be required, since the existing building is being removed and no fill is proposed.

Prior to certification of the conservation plan, a 10 percent pollutant reduction worksheet will be required for review by DPIE, demonstrating that the post-development impervious area of the site will result in at least a 10 percent reduction in pollutant runoff from the site.

Chesapeake Bay Critical Area (CBCA) Conservation Plan

The plan labeled as a “Conservation Plan—Chesapeake Bay Critical Area Plan for Congressional Commercial, LLC” contains information such as existing and proposed conditions, Zoning Ordinance lot coverage calculations, and proposed landscape plantings because these requirements are needed as part of the overall conservation plan for this site.

No woodlands or regulated environmental features will be impacted as part of this application.

Natural Resources Inventory Plan

The subject site has an approved natural resources inventory (NRI-024-2017) dated February 6, 2017, which was included with the application package. The existing conditions of the site are correctly shown on the conservation plan. No additional information is required with regard to the existing conditions of the site.

Chesapeake Bay Conservation and Planting Agreement

A Chesapeake Bay Conservation and Planting Agreement will be required to be executed and recorded prior to certification approval for development of the site.

Chesapeake Bay Conservation Easement

A conservation easement will not be required for this site. The site does not contain any woodland.

- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated October 13, 2017, DPIE noted that, as US 1 is a state road, coordination regarding any required frontage improvements needs to be with SHA and, as 41st Avenue is a Town of Brentwood road, coordination regarding any required frontage improvements needs to be with the Town of Brentwood. Additionally, noting that the subject site is located within the CBCA and contains floodplain, DPIE stated that development of the site requires approval of a CBCA conservation plan prior to issuance of permits for the project, that coordination with DPIE would be necessary at the time of

permit, and that the project is in conformance with approved Stormwater Management Concept Plan 62162-2016 dated July 26, 2017.

- i. **Prince George's County Health Department**—In a memorandum dated August 31, 2017, the Health Department stated that they had completed a health impact assessment review of the DSP submission for the 4550 Rhode Island Avenue storage facility, and that they did not have any comments or recommendations at this time.
 - j. **Prince George's County Police Department**—At the time of this writing, staff has not received comment regarding the subject project from the Police Department.
 - k. **Town of North Brentwood**—In a telephone conversation, Mayor Robinson expressed concern that the proposed use may cause additional traffic congestion on US 1 (Rhode Island Avenue). Transportation is addressed, to the extent applicable, to a DSP in Finding 13.c.
 - i. **Prince George's Municipalities including Brentwood, Bladensburg, Colmar Manor, Cheverly, Cottage City, Edmonston, Hyattsville, Mt. Rainier and Riverdale Park**—At the time of this writing, staff has not received comment regarding the subject project from the above-listed municipalities
14. Based on the foregoing, and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
15. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board should also find that the regulated environmental features on a site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. The site contains no regulated environmental features; therefore, this finding is not applicable.

RECOMMENDATION FOR CONSERVATION PLAN CP-17003

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Chesapeake Bay Critical Area (CBCA) Conservation Plan CP-17003 for 4550 Rhode Island Avenue, and APPROVE the outdoor storage use on the property (Lots 31–33, Block A, part of Parcel 295, and Lot 46A) with a net reduction of 1,203 square feet of impervious surface within the Intense Development Overlay Zone of the land area covered by the CBCA, subject to the following conditions:

- 1. Prior to certificate of approval of the conservation plan, a 10 percent pollutant reduction worksheet will be required for review by the Prince George's County Department of Permitting, Inspections and Enforcement, demonstrating that the post-development impervious area of the site will result in at least a 10 percent reduction in pollutant runoff from the site.

2. Prior to certification of the conservation plan, the applicant shall execute and record a Chesapeake Bay Conservation and Planting Agreement. The agreement shall be reviewed by the County prior to recordation. The applicant shall provide a copy of the recorded agreement to the Maryland-National Capital Park and Planning Commission, and the liber/folio shall be shown on the conservation plan approval block.

RECOMMENDATION FOR DETAILED SITE PLAN DSP-16053

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and recommends APPROVAL of Detailed Site Plan DSP-16053, 4550 Rhode Island Avenue, to the District Council, as follows:

3. APPROVAL of the addition of the use “Outdoor Storage” to the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts District* for the Neighborhood Arts and Production character area for the subject property on Lots 31–33, part of Parcel 295, and Lot 46A.
4. APPROVAL of the following alternative Development District Overlay Zone standards, pursuant to Section 27-548, 25(c) of the Zoning Ordinance.
 1. **Standard 1, page 149**
Fencing, Walls, Screening, and Buffering: To allow the inclusion of an opaque fence exceeding four feet in height.
 2. **Standard 5, page 151**
Landscaping: To allow less than 40 percent of the net area as green space, provided a landscape strip is provided along US 1 (Rhode Island Avenue) as specified by condition of this approval.
5. APPROVAL of Detailed Site Plan DSP-16053, subject to the following conditions:
 1. Prior to certificate of approval, the following revisions shall be made, or information shall be provided:
 - a. The applicant shall provide evidence to staff that the Historic Preservation Section has been provided the opportunity to photo document the existing house on-site.
 - b. Clearly reflect and label all properties included in the site on all plan sheets and in all notes on the plans, including Lot 46A and Parcel 295.
 - c. Clearly label the location of vehicular access onto US 1 (Rhode Island Avenue) and denial of vehicular access to 41st Avenue.
 - d. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat and deeds.

- e. A six-foot-tall sight-tight fence, to be constructed of a durable composite material, shall be provided surrounding the area to be utilized for outdoor storage, together with gates to US 1 (Rhode Island Avenue) and Lot 10 constructed of the same or a visually-compatible material. The fence and gates providing access to US 1 and to Lot 10 shall be shown in the same location on the detailed site plan and the landscape plan. The final design of the fence and gates shall be approved by the Urban Design Section as designee of the Planning Board. Landscaping, including a minimum of two street trees, one on each side of the entrance gates, and other landscaping shall be provided along the subject property's US 1 frontage, respecting the public utility easement.
 - f. Schedule 4.7 Bufferyard "B" and "C" should be removed from the landscape plan.
 - g. The final design of the landscaping on Lot 10 shall be approved by the Urban Design Section as designee of the Planning Board.
 - h. General Note 6 shall be revised to remove reference to the Zoning Ordinance and to correct the required lot coverage to "N/A" and the provided lot coverage to "N/A."
2. Prior to issuance of the first building permit, the easement document shall be approved by the Maryland-National Capital Park and Planning Commission, fully executed, and recorded in the Prince George's County Land Records by the applicant. The easement shall set forth the rights, responsibilities, and liabilities, and shall include accommodation for reasonable access to the operating agency.