



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

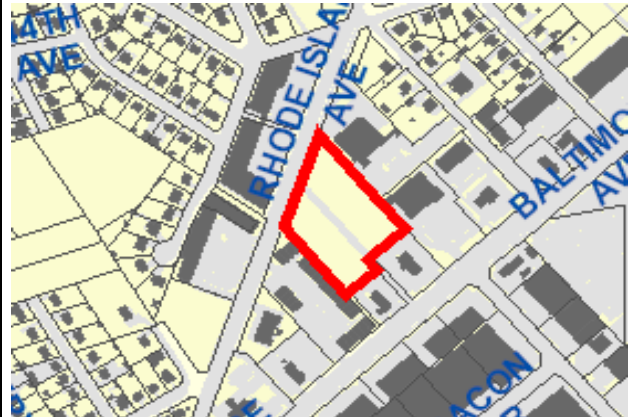
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Preliminary Plan of Subdivision PPS-2022-006

SPARC Recreation Facility

REQUEST	STAFF RECOMMENDATION
Two parcels for development of 19,800 square feet of recreational use.	With the conditions recommended herein: <ul style="list-style-type: none">• Approval of Preliminary Plan of Subdivision PPS-2022-006• Approval of Type 1 Tree Conservation Plan TCP1-018-2022

Location: On the east side of Rhode Island Avenue, approximately 1,100 feet north of its intersection with US 1 (Baltimore Avenue).	
Gross Acreage:	3.31
Zone:	CGO
Gross Floor Area:	19,800 sq. ft.
Lots:	NA
Parcels:	2
Planning Area:	61
Council District:	01
Municipality:	N/A
Applicant/Address: 10801 Rhode Island, LLC 2 Bethesda Metro Center, Suite 850 Bethesda, MD 20814	
Staff Reviewer: Antoine Heath Phone Number: 301-952-3554 Email: Antoine.Heath@ppd.mncppc.org	



Planning Board Date:	12/08/2022
Planning Board Action Limit:	02/28/2023
Mandatory Action Timeframe:	140 days
Staff Report Date:	11/23/2022
Date Accepted:	09/27/2022
Informational Mailing:	05/12/2022
Acceptance Mailing:	09/23/2022
Sign Posting Deadline:	11/08/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision PPS-2022-006
Type 1 Tree Conservation Plan TCP1-018-2022
SPARC Recreation Facility

OVERVIEW

The subject property is located on the east side of Rhode Island Avenue, approximately 1,100 square feet north of its intersection with US 1 (Baltimore Avenue), and is 3.31 acres. The subject property is comprised of one lot, recorded in Prince George's County Land Records as Lot 2, in Plat Book 215 page 35. The property is within the Commercial, General and Office (CGO) Zone. In accordance with Section 24-4503 of the Prince George's County Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by and subject to approved Certificate of Adequacy ADQ-2022-006. The site is subject to the *2010 Approved Subregion 1 Master Plan and Section Map Amendment* (master plan), Subtitles 24 and 27 of the Prince George's County Code, and other applicable plans, as outlined herein. This PPS proposes two parcels for development of 19,800 square feet of recreational use. Access to the site is proposed via an existing access easement, which accesses Rhode Island Avenue and US 1. The site is currently vacant.

Staff recommends **approval** of the PPS, with conditions, based on the findings contained in this technical staff report.

SETTING

The property is located on Tax Map 19 in Grid A2. The property is within Planning Area 61. The properties abutting the subject site to the north consist of office and commercial development within the CGO Zone. The properties to the east consist of commercial development within the CGO Zone. The properties abutting the site to the south consist of office development within the CGO Zone. The properties to the east, beyond US 1, consist of commercial and industrial development within the Industrial Employment (IE) Zone. The properties to the west, beyond Rhode Island Avenue, consist of commercial and office development within the CGO Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	CGO	CGO
Use(s)	Vacant	Recreational Use
Acreage	3.31	3.31
Lots	1	0
Parcels	0	2
Dwelling Units	0	0
Gross Floor Area	0	19,800 sq. ft.

The applicant is proposing two parcels. A recreational building is proposed for development on Parcel 1 and Parcel 2 is proposed to support future development, according to the applicant. However, Parcels 1 and 2 should be consolidated, as the applicant is proposing a stormwater management (SWM) pond on Parcel 2, which will support the development on Parcel 1. In addition, the approved SWM concept plan shows parking on Parcel 2 that will support the development on Parcel 1. Whether or not parking is constructed on Parcel 2, no other development is proposed at this time, nor was evaluated, other than for the proposed recreational use; and Parcel 2 is therefore independently non-buildable. A new PPS would be required to evaluate additional development. Consolidation of the proposed lots will ensure that the maintenance of the necessary infrastructure supporting the proposed development will be maintained, in perpetuity, by the owner of Parcel 1, in accordance with Section 24-4102(f) of the Subdivision Regulation. The applicant may file a new PPS to further divide the property, at such time additional development is proposed.

There is an existing access easement, recorded in Prince George's County Land Records at Liber 34454 folio 96, which allows cross access between the subject property and the commercial development to the east. The easement has not yet been improved for the intended vehicular cross access. The applicant is proposing to relocate this easement, in order to accommodate a proposed SWM pond. A new easement agreement should be recorded, and the revised location of the easement shown on the final plat of subdivision, prior to its approval. This and other access related to the site are discussed further in the Transportation finding of this technical staff report.

Pursuant to Section 24-3305(e) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on October 14, 2022.

2. **Previous Approvals**—The property is subject to PPS 4-05007 (PGCPB Resolution No. 06-86), which was approved on April 6, 2006 by the Prince George's County Planning Board for one lot for development of 43,481 square feet of office use and 4,999 square feet of commercial use.

On September 21, 2006, the Planning Board approved the final plat of subdivision, pursuant to PPS 4-05007, and the property was recorded as Lot 2 of Sawczyn – Schultze Subdivision in County Land Records in Plat Book REP 215 page 35.

PPS 4-05007 will be superseded by this PPS, if approved, and a new final plat of subdivision will be required, prior to approval of permits for the proposed development.

On November 29, 2021, the Prince George's County District Council approved Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the Commercial Shopping Center (C-S-C) Zone to the CGO Zone, effective April 1, 2022.

3. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

Plan 2035

This application is located in the Established Communities growth policy area. The vision for the Established Communities area is context-sensitive infill and low- to medium-density development.

Master Plan Conformance

The master plan recommends commercial (retail office) use on the subject property. However, indoor recreation uses are permitted in the CGO Zone, in accordance with Section 27-5101(d) of the Zoning Ordinance. In accordance with Section 24-4101(b)(3) of the Subdivision Regulation, "Should an Area Master Plan, Sector Plan, and/or Functional Master Plan affecting the subject property be in direct conflict with any provision of the County Zoning Ordinance that is applicable to said property – such that the current comprehensive plan and requirements of the Ordinance cannot be reconciled, and/or the District Council has not imposed the respectively corresponding zoning proposal for the area of the subject property – then the provisions of the County Zoning Ordinance shall supersede the recommendations set forth in any applicable Area Master Plan, Sector Plan, and/or Functional Master Plan for the subject property."

4. **Stormwater Management**—An application for a major subdivision must include an approved SWM concept plan. SWM Concept Plan 27864-2022-00, approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), was submitted with this application. The SWM concept plan shows the use of a combination of four micro-bioretenention areas, permeable paving, and one SWM pond to detain and treat water before it leaves the site.

Staff finds that development of the site, in conformance with SWM concept approval and any subsequent revisions to ensure that no on-site or downstream flooding occurs, will satisfy the requirements of Section 24-4403 of the Subdivision Regulations.

5. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area master plan, to provide the appropriate transportation recommendations.

Master Plan Right of Way

The subject site has frontage along master-planned roadway Rhode Island Avenue, which is designated in the MPOT and the master plan as C-118 (a collector roadway), with an ultimate right-of-way of 80 feet. The latest PPS submission shows a right-of-way of 80 feet along the property frontage, with 40 feet of right-of-way from the centerline to the existing property line.

Master Plan Pedestrian and Bike Facilities

The subject property fronts a recommended master-planned bicycle lane along Rhode Island Avenue.

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

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.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.

The following policies and strategies are provided for pedestrian and bicyclist facilities in the master plan (pg. 58):

Policy 1: Incorporate appropriate pedestrian-oriented and transit-oriented development features in the center and corridor nodes.

Policy 2: Provide sidewalks and neighborhood trail connections within existing communities to improve pedestrian safety, allow for safe routes to schools, and provide for increased non-motorized connectivity between neighborhoods.

Policy 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities.

Policy 6: Provide major trail facilities that connect Subregion 1 with the regional trails network and provide additional recreational opportunities.

The latest circulation plan with the PPS submission includes a 5-foot-wide sidewalk along the property frontage of Rhode Island Avenue and a designated pathway from Rhode Island Avenue to the building entrance. Crosswalks are also shown on the circulation plan, as well as curb ramps along all pathways. Staff recommends that the applicant provide the master-planned bicycle lane facility along the property frontage of Rhode Island Avenue, unless modified by the operating agency with written correspondence.

In addition, staff recommends that a minimum of two inverted u-style bicycle racks be provided near the building entrance. The above policies, strategies, and recommendations all support a multimodal environment.

Transportation Planning Review

The latest PPS proposes two vehicular full-access points to the site, one along Rhode Island Avenue and an additional access from US 1 via a private access easement. The easement within the limits of the site is currently built with a 25-foot right-of-way and, in conjunction with its connection to the easement on the adjacent site, functions as a shared access driveway for the site and the adjacent properties to the south, which provides access to US 1 and Rhode Island Avenue. The applicant noted that a shared access agreement was established and recorded with a prior approved plat, which the applicant asserts is still valid and indicated that the easement agreement specifies the width of the off-site easement as 24 feet, which meets County standards. Per the prior approved PPS, 4-05007, the private access easement was agreed upon by all property owners and allowed legal access through the subject properties. The applicant and the applicant's heirs, successors, and/or assignees shall not take any action to abandon or terminate the existing off-site access easement, which provides access to US 1 for the subject property.

In addition to the access easement connecting Rhode Island Avenue to US 1, a previously recorded cross-access easement is included on the latest PPS submission and located along the eastern border of the site, to facilitate inter-parcel access to the adjacent Aldi's grocery store. The cross-access easement on the subject site was originally recorded as a 25-foot easement located at the southern boundary of the subject site, but due to environmental features on-site and the proposed location of SWM facilities, the latest PPS submission modifies the recorded easement to 22-feet-wide and is relocated inward to the west to minimize disturbance. Staff finds this realignment of the easement acceptable and recommends that the applicant record an updated access agreement, to reflect the new location and design of the future connection.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the proposed subdivision, meet the findings required of Subtitle 24 of the County Code, and conform to the master plan, MPOT, and the "Transportation Review Guidelines – 2022 Supplement," subject to conditions recommended in this technical staff report.

6. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-4101(b)(1). The master plan provides goals and policies related to public facilities (pages 69–75), none of which specifically apply to the subject site. The proposed development does not impede the master plan public facilities vision where "Public Facilities are provided in locations that serve and promote a livable community in the Subregion 1 area. Schools are at or below capacity and are conveniently located to foster learning. Police, fire and rescue services are located where response time is minimal and library services are located within easy access of all residents in the Subregion 1 area." There are no police, fire and emergency medical service facilities, schools, parks, or libraries proposed on the subject property. This application is further supported by an approved Certificate of Adequacy (ADQ-2022-0006), which ensures adequate public facilities to support the proposed land use.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities. The plan includes a long-term priority recommendation to construct a new Police District VI, Beltsville station facility, in the vicinity of Van Dusen Road and Virginia Manor Road, which has not yet occurred, as the operating station is still located at

4321 Sellman Road. In addition, the renovation or replacement of the Beltsville Fire/EMS Station, Company 831, is identified in the master plan as an intermediate priority. This project is partially funded per the Prince George's County FY 2023-2028 Approved Capital Improvement Plan. However, neither station is proposed to be located on the subject property.

7. **Public Utility Easement**—Section 24-4401 of the Subdivision Regulations requires that, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748.”

The standard requirement for public utility easements (PUE) is 10 feet wide along both sides of all public rights-of-way. The subject site has frontage along the existing public right-of-way Rhode Island Avenue. The PPS depicts the required 10-foot-wide PUE along Rhode Island Avenue.

8. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. A Phase I archeology survey is not recommended. The subject property does not contain and is not adjacent to any designated Prince George's County historic sites or resources. The master plan contains goals and policies related to historic preservation (pages 101–104). However, these are not specific to the subject site or applicable to the proposed development. This proposal will not impact any Prince George's County historic sites, historic resources, or known archeological sites.
9. **Environmental**—PPS-2022-006 was accepted for review on September 27, 2022. Comments were provided during the SDRC meeting on October 14, 2022. Revised information was received on November 3, 2022. The following applications and associated plans have been reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
N/A	NRI-114-2022	Staff	Approved	7/26/2022	N/A
PPS-2022-006	TCP1-018-2022	Planning Board	Pending	Pending	N/A

Plan 2035

The site is located within Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Master Plan Conformance

The site falls within Focus Area 1 of the master plan. The Environmental Infrastructure section of the plan text contains the following guidelines, which have been determined applicable to the current project. The text in **BOLD** is the text from the master plan, and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the Subregion 1 plan area.

Measures to protect, preserve, and enhance these areas are discussed in the Green Infrastructure Plan section of this staff report.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Policy 3: Implement the State Storm Water Management Act of 2007 in Subregion 1 as of the adoption of this Plan to enhance the water quality and control flooding in the Anacostia and Patuxent River watersheds.

A copy of an approved SWM concept plan was submitted with this application, which was reviewed by DPIE for conformance with the provisions of the County Code and state regulations. The SWM concept plan shows the use of a combination of four micro-bioretenment areas, permeable paving, and one SWM pond to detain and treat water before it leaves the site.

Policy 4: Implement more environmentally sensitive building techniques and reduce overall energy consumption.

Green building techniques and energy conservation techniques should be applied, as appropriate. The use of alternative energy sources, such as solar and wind, is also encouraged. Charging stations for electric vehicles are also encouraged.

Policy 5: Reduce light pollution and intrusion, especially into the Rural Tier and environmentally sensitive areas.

The site is adjacent to existing condominiums. The use of alternative lighting technologies, such as full cut-off optic fixtures, is encouraged to minimize light intrusion onto adjacent properties.

Green Infrastructure Plan

Only a small portion of the northern edge of the site is mapped within an evaluation area of the designated network of the *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan*. No regulated areas are mapped on-site.

The majority of the evaluation area is proposed to be preserved. Only 0.05 acre of woodlands within this evaluation area are proposed to be removed with this application, and no impacts are proposed to the existing 100-year floodplain or primary management area (PMA) within the evaluation area. The overall site has been graded under previous approvals, and the design of the site meets the zoning requirements and the intended growth pattern established in Plan 2035.

Environmental Review

Natural Resources Inventory

An approved Natural Resources Inventory (NRI-119-2020) was submitted with this PPS application. This site was previously graded and is currently an open mowed field with an

existing paved pathway connecting the northwestern and southeastern sides of the property. One small forest stand, totaling 0.30 acre, exists on the northern edge of the property. The general condition of this forest stand is rated as being poor, due to it being largely made up of invasive species. However, this area has a high priority for preservation and restoration, since the majority of this stand is within an existing regulated 100-year floodplain. Only one specimen tree is located on-site, which is a 31-inch diameter at breast height (DBH) willow oak in good condition. This tree is located within the existing forest stand. No regulated environmental features (REF), such as existing streams, stream buffer, wetland, and wetland buffer exist on-site. However, PMA associated with 100-year floodplain is mapped along the northern edge of the property. The PPS is consistent with the environmental features identified on the NRI.

Woodland Conservation

The site is subject to the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because this site is subject to a new PPS and proposes clearing of woodlands on-site. A Type 1 tree conservation plan (TCP1) was submitted showing an existing woodland amount of 0.05 acre of existing woodlands net tract and 0.25 acre of existing woodland in the floodplain. The TCP1 proposes to clear the entire area of woodlands outside of the floodplain, while preserving all woodlands within the floodplain area. The TCP1 worksheet has a woodland conservation threshold of 20 percent at 0.59 acre, and an afforestation threshold requirement of 15 percent at 0.39 acre. The woodland conservation requirement is 0.54 acre. The applicant proposes to meet this requirement entirely as fee-in-lieu.

Section 24-4304 of the Subdivision Regulations prioritizes methods to meet the woodland conservation requirements. A statement of justification (SOJ), dated September 8, 2022, was submitted with this application requesting the use of fee-in-lieu, exclusively for meeting the 0.54-acre conservation requirement. Priority for woodland preservation should be around areas of existing woodlands and specimen trees on-site, over fee-in-lieu. It appears that there is an opportunity to provide a portion of this requirement on-site as afforestation/ reforestation, immediately adjacent to the wooded floodplain on-site, between the proposed parking lot on proposed Parcel 2 and the existing floodplain. Staff recommends that the TCP1 is revised to show additional afforestation in this area. The SOJ does not discuss why the use of off-site mitigation is not a viable option, over fee-in-lieu. It has not been adequately or satisfactorily demonstrated that the requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished, and appropriate credits generated by a forest mitigation bank in the same county or watershed, or that there are not suitable banks within the County first for use. Therefore, staff recommends that the remainder of the requirement be shown as off-site mitigation in the TCP1 worksheet, instead of fee-in-lieu.

Additional technical revisions to the TCP1 are required and included in the conditions of this staff report.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Russett-Christiana-Complex (2-5 percent slopes), Urban Land-Russett-Christiana Complex (0-5 percent slopes), Urban Land-Sassafras Complex (0-5 percent slopes), and Woodstown-Urban Land Complex (0-5 percent slopes).

Marlboro clay has not been identified on or within the immediate vicinity of this property; however, unsafe soils containing Christiana complexes have been mapped across the entire site.

These soils have been previously disturbed and should not pose an issue to the proposed development because no critical slopes that would cause significant damage or cost are anticipated.

Correspondence from DPIE demonstrating conformance with Section 24-4101(c)(1) for unsafe soils is not required at this time and no further action is needed, as it relates to this application. DPIE may require a soils report, in conformance with Council Bill CB-94-2004, during future phases of development and/or at the time of permit.

Preservation of Regulated Environmental Features

Impacts to REF should be limited to those that are necessary for 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 SWM 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 REF. SWM outfalls may also be considered necessary impacts, if the site has been designed to place the outfalls at points of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, SWM 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 the County Code. Impacts to REF must first be avoided and then minimized. The SOJ must address how each on-site impact has been avoided and/or minimized.

Statement of Justification

An SOJ, dated November 3, 2022, and associated exhibits were submitted for two on-site impacts totaling 170 square feet.

Analysis of Impacts

Based on the SOJ, the applicant is requesting the following impacts described below:

Impacts 1 and 2

Impact 1 is 60 square feet and Impact 2 is 110 square feet. Both impacts are proposed in order to provide a SWM facility overtop of an existing Future Access Easement, recorded at Liber 34454 folio 96, requiring the access easement to be relocated. In order to minimize impacts, as much as possible, the width of the easement will be reduced from 25 feet to 22 feet.

Summary

After evaluating the applicant's request, Impacts 1 and 2 are supported for access to the property and to allow for SWM on-site. Regulated environmental features have been preserved and/or restored, to the fullest extent possible.

A floodplain waiver will be required by DPIE, prior to the permit for construction of the proposed access easement within the floodplain.

Specimen, Champion, or Historic Trees

According to approved NRI-114-2022, only one specimen, champion, or historic tree is located on-site. At the time of SDRC, staff requested that the applicant reduce the grading within the critical root zone (CRZ) of Specimen Tree 1 (31-inch DBH willow oak), so only one-third of the CRZ is impacted to increase its chances of survivability post-construction. Although the applicant's response to comments stated that this was addressed, the limits of disturbance (LOD) and associated grading were not adjusted on the revised set of plans. The LOD must be reduced to ensure survivability of this tree.

No further information is required regarding specimen, champion, or historic trees.

- 10. Urban Design**—The subject application is evaluated for conformance with the applicable plans and requirements, as follows:

Conformance with the Zoning Ordinance

The applicant proposes two parcels for a 19,800-square-foot indoor recreation facility, with physical therapy as an accessory use. The uses are permitted on this property; and this development is exempt from filing a detailed site plan, in accordance with Section 27-3605(a)(2)(O) of the Zoning Ordinance, since construction of less than 25,000 square feet of nonresidential development is proposed. Conformance with Zoning Ordinance regulations is required for the proposed development and will be reviewed at the time of permitting including, but not limited to, the following:

- Part 27-5 Use Regulations;
- Section 27-4203(d) requirements for CGO Zone as applicable;
- Section 27-6200 Roadway Access, Mobility, and Circulation;
- Section 27-6300 Off-Street Parking and Loading;
- Section 27-6400 Open Space Set-Asides;
- Section 27-6700 Exterior Lighting;
- Section 27-61000 Nonresidential and Mixed-Use Form and Design Standards; and
- Section 27-61500 Signage.

Based upon the circulation plan presented with this PPS, the application shall, to the maximum extent practicable, locate a minimum of 50 percent of the surface parking to the sides or rear of the building, in accordance with Section 27-61002(h)(2). The applicable design standard will be evaluated at the time of permit review.

Conformance with the 2010 Prince George's County Landscape Manual

The proposed development is subject to the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; Section 4.8, Building Frontage Landscape Requirements; Section 4.9, Sustainable Landscape

Requirements; and Section 4.11, Requirements for Nonresidential and Mixed-Use Development, apply to this site. Conformance with the applicable landscaping requirements will be determined at the time of permit review.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties that are zoned CGO are required to provide a minimum of 10 percent of the gross tract area, which equals to approximately 0.33 acre for this property, to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of permit review.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval, the preliminary plan of subdivision shall be revised to provide the following:
 - a. Consolidate Parcels 1 and 2.
 - b. Revise General Note 12 to delete Parcel 2 and its use as vacant.
2. Development of the site shall be in conformance with Stormwater Management Concept Plan 27864-2022-00, and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
 - a. The applicant and the applicant's heirs, successors, and/or assignees shall record a cross-access agreement that shows the extent and location of the new 22-foot easement on the subject property, as shown on the approved preliminary plan of subdivision.
 - b. The dedication of a 10-foot-wide public utility easement along abutting public right-of-way Rhode Island Avenue, as delineated on the approved preliminary plan of subdivision.
4. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-018-2022). The following notes shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-018-2022), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

5. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan (TCP2) shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and Folio reflected on the Type 2 Tree Conservation Plan, when approved.”
6. Prior to signature approval of Preliminary Plan of Subdivision PPS-2022-006 and Type 1 Tree Conservation Plan TCP1-018-2022, the TCP1 must be revised, as follows:
 - a. The TCP1 case number shall be typed in the TCP1 approval block on each sheet of the TCP1.
 - b. Add afforestation/reforestation on-site between the parking lot on Parcel 2 and the existing floodplain, where allowed.
 - c. Revise the grading and limits of disturbance to impact no more than one-third of the critical root zone of Specimen Tree 1.
 - d. Update the worksheet to show the woodland conservation requirement as being met through a combination of on-site and off-site mitigation and remove the fee-in-lieu request.
7. Prior to approval of a building permit, the applicant and the applicant’s heirs, successors, and/or assignees shall provide plans which include:
 - a. A minimum of two inverted u-style bicycle racks located near the building entrance.
 - b. Standard bicycle lane along the property frontage of Rhode Island Avenue, unless modified by the operating agency with written correspondence.
8. The applicant and the applicant’s heirs, successors, and/or assignees shall not take any action to abandoned or terminate the existing off-site access easement, which provides access to US 1 (Baltimore Avenue) for the subject property.

STAFF RECOMMENDS:

- Approval of Preliminary Plan of Subdivision PPS-2022-006
- Approval of Type 1 Tree Conservation Plan TCP1-018-2022