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Detailed Site Plan Special Permit

**DSP-11017
 SP-110002**

Application	General Data	
Project Name: Hyattsville Subway Sandwich Shop Location: On the western side of Baltimore Avenue (US 1), approximately 790 feet south of its intersection of Farragut Street. Applicant/Address: Jagjot Khandpur 11704 Centurion Way Potomac, MD 20854	Planning Board Hearing Date:	10/11/12
	Staff Report Date:	09/18/12
	Date Accepted:	07/09/12
	Planning Board Action Limit:	10/16/12
	Plan Acreage:	0.15
	Zone:	M-U-I/D-D-O
	Dwelling Units:	N/A
	Gross Floor Area:	1,400 sq. ft.
	Planning Area:	68
	Tier:	Developed
	Council District:	02
	Election District:	16
	Municipality:	Hyattsville
200-Scale Base Map:	206NE04	

Purpose of Application	Notice Dates	
Construction of a new 1,400-square-foot sandwich shop.	Informational Mailing:	02/08/12
	Acceptance Mailing:	07/09/12
	Sign Posting Deadline:	09/11/12

Staff Recommendation		Staff Reviewer: Ruth Grover, M.U.P., A.I.C.P. 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: Detailed Site Plan DSP-11017
Special Permit SP-110002
Hyattsville Subway Sandwich Shop

The Urban Design staff has reviewed the subject application and appropriate referral comments. The following evaluation and findings lead to a recommendation of **APPROVAL** with conditions as described in the Recommendation section of this report.

EVALUATION CRITERIA

The detailed site plan (DSP) was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.
- b. The requirements of the Zoning Ordinance in the Mixed Use–Infill (M-U-I) Zone.
- c. The requirements of the Development District Overlay (D-D-O) Zone.
- 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 Prince George's County Tree Canopy Ordinance.
- g. Referral comments.

FINDINGS

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

1. **Request:** The subject application requests approval for the establishment of a 1,400-square-foot Subway sandwich shop on the subject property.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	DDO/M-U-I	DDO/M-U-I
Use(s)	Vacant	Subway Sandwich Shop
Acreage	0.15 (6,367 square feet)	0.15 (6,367 square feet)
Parcels	One	One
Lots	Part of Two	Part of Two
Building Square Footage/GFA	3,264	1,400

OTHER DEVELOPMENT DATA

Parking Schedule

Type of Use	Parking Rate	Number of Seats and specified GFA	Number of Parking Spaces Required*	Parking Provided
Eating and Drinking Establishment (including drive-through service or carryout)	1 per three seats and one per 50 square feet of GFA (excluding any area used exclusively for storage or patron seating, and any exterior patron service area)	18 seats and 80 square feet of GFA	8	5

*Provided as per the requirement specified in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* and the Prince George's County Zoning Ordinance. A waiver of the development district standards has been requested for this requirement.

3. **Location:** The subject site is located in Planning Area 68 and Council District 2. More specifically, the site is located on the western side of Baltimore Avenue (US 1), approximately 790 feet south of its intersection of Farragut Street in Hyattsville.
4. **Surrounding Uses:** The subject property is bounded to the north by townhouses that are part of the EYA Hyattsville development; to the east by Baltimore Avenue (US 1), with the Shops at EYA beyond; to the west by townhouses, also part of the EYA Hyattsville project, and a portion of the adjacent car wash property; and to the south exclusively by the car wash property.
5. **Previous Approvals:** The site is subject to the requirements of the plat recorded in Liber 32700 at Folio 237.
6. **Design Features:** The project is planned to be accessed at a single point from the northern end of its Baltimore Avenue (US 1) frontage. Five parking spaces and a dumpster enclosure are provided for the project to its rear. Landscaping for the project is included along two portions of its US 1 frontage and in the northwestern corner of the site.

The architecture of the proposed approximately 20-foot-tall building is simple and rectilinear. The front façade includes a flat roof and two areas of storefront glass, with the left (southern) area containing the front entrance door. Both are surrounded by rectilinear blocks of yellow-colored stucco, with the remainder of the front façade treated in contrasting peach-colored stucco, with brick on the watertable. An internally-lit sign centered on the front façade includes the white, yellow, and green corporate logo, and a “crown” feature is included above. The architecture of the front façade should be modified in order to conform to the development district standards. More particularly, the architectural building elevations should be revised to provide a total of 60 percent storefront glass, the internally-lit sign should be replaced with a wood painted sign lit by a gooseneck spotlight, and brick should be applied to the entire first story, extending as pilasters up to the sign band, and the stucco “crown” should be embellished to become a decorative entablature. See Finding 8 for a more detailed discussion of conformance to development district standards. A proposed condition in the Recommendation section of this technical staff report would accomplish these front façade improvements.

The side and rear architectural treatment is minimal with a stucco “crown” feature and brick on the watertable, the sole architectural embellishments to what are otherwise blank walls. The right (north) side elevation has a double storefront window that appears much like a standard drive-through window, though the restaurant is specified as a sit-down/carry-out facility. The rear façade has a single utilitarian storefront glass service door on its left (northern) side and two aluminum downspouts specified. As the side façades will be clearly visible to both pedestrian and vehicular traffic on Baltimore Avenue (US 1) and the rear façade will be clearly visible from the EYA Hyattsville development, staff would suggest that use of brick on the entire first story be continued to the sides and rear of the building and that either fenestration or other architectural features be utilized to visually enhance the remaining façades.

The applicant is showing the adjacent concrete sidewalk being continued across the access drive. By condition below, the brick on the adjacent property within the state right-of-way should be shown across the frontage of the subject project unless modified by the Maryland State Highway Administration (SHA), and the landscaping should be revisited so as to make the streetscape on both the subject and adjacent properties continuous, with final design to be approved by the Urban Design Section as designee of the Planning Board. All tree boxes in such redesign shall meet the minimum requirement of ten feet by five feet.

A recommended condition below would require these improvements to the proposed architecture and streetscape.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts District:**

- a. 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) superimposes a Development District Overlay (D-D-O) Zone over designated subareas called character areas to ensure that the development of the land meets the sector plan goals. The development district standards follow and implement the recommendations in the sector plan and sectional map amendment. The proposed project falls within the Town Center character area under the sector plan. The development district standards are organized in three parts to address site design, building design, and public space.

b. Section 27-548.25(b) of the Zoning Ordinance requires that in approving the detailed site plan, the Planning Board shall find that the site plan meets applicable development district standards. The subject detailed site plan meets the applicable development district standards except as noted below in the point-by-point response to those standards.

8. **Development District Standards of the Development District Overlay (D-D-O) Zone:** The application generally meets the development standards pertinent to achieving the town center character area in Hyattsville except as commented on below. Each relevant design development standard for each indicated subject area, as enumerated in the Gateway Arts District Sector Plan and SMA is included below in **boldface** type, followed by staff comment. Those standards which are not met in the subject application are so noted below and evaluated by staff as to whether such deviation from development district standards should be supported:

Site Design

Building and Streetscape Siting

1. **Along US 1, excluding the segment from Jefferson Street to Farragut Street the build-to line shall be 10 to 12 feet with an allowed variation of plus or minus 4 feet.**

Comment: The proposed setback of 11.6 feet meets this standard.

5. **All buildings shall be built out to a minimum of 80 percent of the site frontage.**

Comment: The proposed building would be built out to 62.8 percent of the site frontage, 11.2 percent short of the required 80 percent. Therefore, the applicant has requested a deviation from this requirement. As justification, the applicant has stated that there are no other options for access to the site, and providing the required 22-foot-wide ingress/egress makes conformance to this requirement impossible. Staff is in agreement with this statement and supports the requested deviation from development district standards.

Access and Circulation

2. **Sidewalks a minimum of five feet in width shall connect to building entrances, parking, and recreational facilities.**

Comment: Though this is a constrained site, an 11.6-foot-wide sidewalk is provided in conformance with this condition in the front of the building and a six-foot-wide sidewalk is provided in conformance with this requirement to the rear of the building.

3. **Sidewalks shall not be made of asphalt.**

Comment: The sidewalks on the plans are indicated as concrete, not asphalt, in accordance with this development district standard.

4. **Sidewalk material and design shall be continuous across driveways and driveway aprons.**

Comment: The sidewalk material (concrete) and design, 11.6 feet wide, is continued across the driveway and driveway apron in accordance with this condition.

5. **There shall be a maximum of two access driveways per lot or parcel from a public street to parking.**

Comment: Plans for the project indicate a single access drive to the project in conformance with this standard.

6. **Access to parking and the rear of the lot or parcel shall be located on a side street or alley and shall be a maximum of 18 feet wide.**

Comment: As the only access to the subject property is from US 1, it is impossible to access the parking and rear of the property from a side street or alley. In addition, the 22-foot travelway is supported by staff and more appropriate than an 18-foot travelway for access to a major collector instead of a side street or alley. Therefore, staff supports a deviation from this development district standard.

Parking and Loading

6. **If a parking district(s) is established in the Arts District or individual municipality, the number of off-street surface parking spaces, for uses with at least 35,000 SF of GFA, other than artist studio, residential and live/work shall not exceed 80 percent of the number of off-street parking spaces required by Section 27-568(a) of the Zoning Ordinance. If additional parking is provided, it shall be structured. Required parking may be on or off site but shall be located within one-quarter mile of the development site. This section's requirements shall apply to all development under 35,000 SF of GFA.**
7. **If a parking district(s) is established for the Arts District or individual municipalities, the minimum number of off-street surface parking spaces for uses other than artist studio, residential, and live/work shall be reduced 50 percent from the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance. If off-site shared parking is utilized in accordance with off-site shared parking requirements below, then this minimum for on-site surface parking may be waived. The minimum number of off-street surface parking spaces permitted for each land use type shall comply with Section 27-568(a) of the Zoning Ordinance.**

Comment: A 50 percent reduction in the number of parking spaces required by Section 27-568(a) of the Zoning Ordinance would be allowed by development district Standards 6 and 7 if the City of Hyattsville has established a parking district in the Arts District. However, it is unclear as to whether or not the City has taken all necessary legal steps to set up a parking district, so in an abundance of caution, and as we would support the deviation in any case, staff recommends that a waiver of this development district standard and a reduction of three of the eight required parking spaces be granted as the size of the site prevents the applicant from meeting the full requirement.

Dumpsters, Services, Utilities, Outdoor Storage, and Stormwater Management

2. **Dumpsters, outdoor storage, utility boxes, and HVAC units shall be screened by an opaque material similar in color and material to that of the main building so they are not visible from the public sidewalks or streets.**

Comment: The main building is proposed to be composed of a combination of stucco and brick. A recommended condition below proposes revisions to the architecture resulting in its composition to be primarily of brick and a second recommended condition would require that the dumpster enclosure be composed primarily of brick. The gates of the enclosure should be of a durable, low sheen, non-wood, green composite material to match the canvas awnings to be utilized on the building. Then it may be said that the application conforms to this development district standard.

Lighting

- 1. Illumination shall be provided for main entrances, passageways, parking lots, recycling areas, service entrances and areas, alleys, pathways, parks and plazas.**

Comment: The detailed site plan, but not the landscape plan, indicates two semicircular light fixtures in plan view. No detail for the fixtures is provided. The only additional information regarding lighting is provided in Note 19 which states: “Adequate lighting shall be provided that will not cross over to neighboring property and to minimize overall sky glow.” This is insufficient to evaluate conformance to this development district standard. Additionally, there are no lights indicated on the front of the building or at the rear of the site. Staff has included a proposed condition of approval that would require, prior to signature approval, the applicant to revise the detailed site and landscape plans to include a detail and additional lighting that would address the front of the building and the rear of the lot. Further, in order to ensure that off-site light intrusion into adjacent and environmentally-sensitive areas designated by the *2005 Approved Countywide Green Infrastructure Plan* is minimized, and so that sky glow does not increase as a result of this development, the detail provided shall reflect a full cut-off optical fixture.

Landscaping

- 2. Shade trees with a minimum of 2.5-3-inch caliper shall be provided at a rate of one shade tree per every 5,000 square feet of the gross site area (exclusive of street dedications). Existing trees and street trees to be planted within the abutting right-of-way may be counted toward meeting this standard.**

Comment: In conformance with this requirement, two Japanese Zelkovas (*Zelkova Serrata*) at the specified two and one-half-inch caliper size are included on the detailed site and landscape plans for the project.

Building Openings—Windows

- 1. The ground floor of commercial structures with first-floor retail uses shall contain at least 60 percent two-way visual transparent material.**

Comment: The first floor front façade of the building contains approximately 40 percent two-way, visually-transparent material. A recommended condition below which would require architectural modifications includes increasing this percentage to 60 prior to signature approval. After such revision, the application would conform to this development district standard.

- 2. All façades should have substantial fenestration on all stories, including those facing the rear, alley, driveways, parking lots or other open areas.**

Comment: As only the front façade has substantial fenestration, in contravention of this development district standard, staff has proposed a condition requiring that, prior to signature approval, the architecture be revised to include substantial fenestration on all four façades. After such revision, the application would conform to this development district standard.

- 12. New buildings should be faced on any façade fronting a public street with quality materials such as brick, stone, wood, masonry, or stucco compatible with the character of the surrounding neighborhoods.**

Comment: As brick predominates in the EYA development, which is directly adjacent on two sides of the subject site, staff has included a proposed condition that would require additional brick on the subject building. After such revision, the application would conform to this development district standard.

Signage

- 9. Sign area shall not exceed the regulations of Sections 27-613(c) and 27-107.1 of the Zoning Ordinance.**

Comment: Per Section 27-546.18(a)(3), Regulations in the M-U-I Zone, C-S-C Zone regulations apply to all other uses, including the subject eating and drinking establishment. Therefore, per Sections 27-613(c) and 27-107.1 of the Zoning Ordinance, the applicant’s proposed 27.5-square-foot sign is well within the maximum allowed sign size (60 square feet) permitted for building-mounted signage. The proposed sign also conforms to the definition of sign and on-site sign contained in Section 27-107.1(210) and (212) of the Zoning Ordinance. Therefore, it may be said that the application conforms to this development district standard.

Public Space—Streetscape

- 5. On US 1, Alternate US 1 and 38th Street, tree boxes shall be at least 5 feet wide and 10 feet long and 4 feet deep.**

Comment: As the tree boxes shown do not meet this minimum requirement and because the streetscape is recommended to be redesigned prior to signature approval, staff will ensure that, in the redesign of the streetscape, the tree boxes meet this minimum requirement.

- 6. Street trees shall be shade trees and shall be a minimum of 2.5 to 3 inch caliper.**

Comment: The plant schedule indicates that the proposed Zelkovas meet this requirement.

- 9. Requirements of the Zoning Ordinance in the Mixed Use–Infill (M-U-I) Zone:** Where the development district standards contained in the Gateway Arts District Sector Plan and SMA are silent on varying regulated areas, the requirements for the M-U-I Zone contained in the Zoning Ordinance apply. More specifically, the purpose of the M-U-I Zone is identified in Section 27-546.15 of the Zoning Ordinance. Therein, the purpose of the zone, among other things, is stated to implement recommendations in approved master plans, sector plans, and other plans by encouraging residential or commercial infill development in areas where most properties are already developed, to encourage innovation in the planning and design of infill development, and to create community environments enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses. As to uses, Section 27-547 specifically allows an eating and drinking establishment with carry-out such as the proposed use

in the M-U-I Zone. As to regulations, Section 27-546.18 specifies that C-S-C (Commercial Shopping Center) Zone regulations apply to the subject use. Staff has reviewed each relevant C-S-C regulation not replaced by development district standards in the Gateway Arts District Sector Plan and SMA and found the subject project to be in compliance with those requirements.

10. **The Prince George's County Landscape Manual:** The proposed development is subject to the requirements of Sections 4.2, 4.4, and 4.9 of the 2010 *Prince George's County Landscape Manual*. Staff has reviewed the submitted plans against the requirements of these sections and found them to be in conformance.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** In comments dated July 17, 2012, the Environmental Planning Section stated that the property under discussion is not subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of woodland. Further, they stated that a standard letter of exemption had been issued for the subject property, was submitted with the application, and that no further information about woodland conservation is required from the applicant.
12. **Prince George's County Tree Canopy Coverage Ordinance:** A ten percent tree canopy coverage requirement applies to this M-U-I-zoned site as per the Prince George's County Tree Canopy Coverage Ordinance. This amounts to approximately 640 square feet or ten percent of the subject 6,367-square-foot site. The application meets this requirement by providing three Japanese Zelkova trees (*Zelkova Serrata*) planted at two and one-half-inch caliper. Per the Tree Canopy Coverage Ordinance, Japanese Zelkova trees planted at the specified size are classified as major shade trees, with each tree earning 225 tree canopy coverage credits, for a total of 675, meeting and exceeding the 640-square-foot tree canopy coverage requirement.
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic**—In a memorandum dated July 11, 2012, the Historic Preservation Section stated that their review of DSP-11017 and SP-110002, Hyattsville Subway Sandwich Shop, indicated that the subject site is located within the National Register of Historic Places, Hyattsville Historic District (68-041). They stated, however, that there are no federal guidelines or requirements concerning new construction within a National Register historic district. Therefore, they concluded that the subject application for the Subway Sandwich Shop building and associated parking will have no effect on the historic district or identified historic sites or resources.
 - b. **Archeology**—In a second memorandum dated July 19, 2012, the archeology coordinator of the Historic Preservation Section stated that she would not recommend a Phase I archeological survey for the subject property. As a basis for this recommendation, she stated that 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. In closing, she notes that the existing one and a half-story-high, aluminum sided building with concrete foundation, was constructed on the property in 1969 for use as part of an auto sales center and repair shop.

- c. **Community Planning North Division**—In a memorandum dated July 26, 2012, the Community Planning North Division stated that the subject application is consistent with the 2002 *Prince George's County Approved General Plan Development Pattern* policies for the Developed Tier and conforms to the commercial infill land use recommendations of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* for the Town Center character area.

The Community Planning North Division then stated that the goal of the Gateway Arts District Town Center character area is to enhance the walkability of the town center by creating a framework for high-quality, mixed-use, pedestrian-oriented development incorporating human-scale buildings, an attractive streetscape, landscaping, and small parks. See Finding 7 for a detailed description of the subject project's conformance to the applicable design development standards relevant to the subject proposal.

- d. **Transportation**—In a memorandum dated July 31, 2012, the Transportation Planning Section offered the following:

The site encompasses one lot of an old underlying plat; therefore, there are no caps on development that would restrict this use. Because the site is currently developed and the building will be replaced by a smaller building of less than 5,000 square feet, there will be no preliminary plan of subdivision.

The site has frontage on Baltimore Avenue (US 1). The plan generally describes US 1 as a master plan major collector within a right-of-way ranging from 90 to 110 feet. However, the D-D-O Zone standards include an allowance for a lesser right-of-way (between 60 and 80 feet) along US 1 between Hamilton Street and Oliver Street, which is the section of concern for the subject site. The 60-foot right-of-way shown on the plan is consistent with other approved plans along this section of US 1, and shall be the right-of-way recommendation for this plan. Consequently, the build-to line reflected on the plan of 10.6 feet is deemed acceptable for purposes of transportation.

The sidewalk, building, and parking placement appear to meet the standards of the D-D-O Zone. It is noted that there is not a parking district within the City of Hyattsville, and this site is within the city; it is not clear that the minimum number of parking spaces required for the site may be reduced by 50 percent. The rationale for reducing parking requires further review.

Comment: There is some controversy as to whether or not the City of Hyattsville has met all legal requirements for establishing a parking district. See discussion in Finding 8.

The use will be served by an existing driveway from US 1 that extends around the rear of the building to the southern property line. This is acceptable given the size of the site and the need to place required on-site parking within a very small site.

As such, aside from noting the requirements and the major features of the plan, the Transportation Planning Section has no comments on this plan.

- e. **Subdivision**—In a memorandum dated August 9, 2012, the Subdivision Review Section offered the following:

The subject property is known as Part of Lot 6 and Lot 7, and a parcel described as Parcel 1 in Liber 32700 at Folio 237, located on Tax Map 42 in Grid C-4, and is 6,367 square feet. The site is within the Mixed Use–Infill (M-U-I) Zone. Part of Lot 6 and Lot 7 are the residue from a plat that was recorded in 1930 in plat book A-18. The property is accurately reflected in the current deed recorded at Liber 32700 at Folio 327.

The property is improved with a 3,381-square-foot building and is proposed to be razed. The applicant has submitted a detailed site plan and special permit to construct a building containing 1,400 square feet of gross floor area (GFA).

Pursuant to Section 24-107(c)(7)(a) of the Subdivision Regulations, the application is exempt from the requirement of filing a preliminary plan of subdivision because less than 5,000 square feet of GFA is proposed.

The PGAtlas Master Plan Right of Way layer reflects that the master plan right-of-way of Baltimore Avenue (US 1) extends on the subject site. Pursuant to Section 27-107.01(a)(225)(A)(ii) of the Zoning Ordinance, the right-of-way is defined as a street for development purposes. Section 27-259 of the Zoning Ordinance states that:

No building or sign permit (except as provided in Part 12 of this Subtitle) may generally be issued for any structure on land located within the right-of-way or acquisition lines of a proposed street, rapid transit route, or rapid transit facility, or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility, as shown on a Master Plan; however, the Council may authorize the issuance of the building or sign permit in accordance with this Section.

The Transportation Planning, Community Planning, and Urban Design Sections should coordinate to verify that the right-of-way is correctly shown and determine if any additional approvals are necessary to approve the site plan as proposed for the building location, setbacks, and structures in the right-of-way, etc.

Comment: The Subdivision Section then suggested that the following be included as recommended condition of approval.

- (1) Prior to certificate of approval, the DSP should be revised to show the following:
 - (a) Add the deed reference “Liber 32700 at Folio 237” to the plan notes.
 - (b) Add the underlying property information to the plan drawing.
 - (c) Reflect the master plan right-of-way of Baltimore Avenue (US 1), if determined to be appropriate by the Transportation Planning Section.

In closing, the Subdivision Section suggested it be noted that the bearings, distances, lots, and blocks as reflected on the deeds must be shown on the site plan and match those on the deed. Failure of the site plan and the deed to match will result in building permits being placed on hold until the plans are corrected.

The Subdivision Review Section's proposed condition above has been included in the Recommendation section of this technical staff report.

- f. **Trails**—In a memorandum dated September 4, 2012, the trails coordinator stated that Detailed Site Plan DSP-11017, Hyattsville Subway Sandwich Shop, 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 master plan trails. Further, they noted that the Maryland State Highway Administration (SHA) right-of-way, sidewalks, and bicycle parking were involved in the project and that their review was for conformance with the MPOT and the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property consists of 0.15 acre of land along Baltimore Avenue (US 1) in Hyattsville. The property is immediately to the south of the existing EYA development. A subway restaurant is proposed in a new 1,400-square-foot building, which will replace the existing structure on the site.

The trails coordinator then offered the following review comments:

- (1) The MPOT recommends designated bike lanes and a sidepath (or wide sidewalks) along US 1 inside the Capital Beltway (I-95/495). The area master plan reinforces this proposal by recommending the following:
 - (a) Comprehensive bicycle and pedestrian facilities are recommended along US 1 within the Gateway Arts District. Designated bicycle lanes, continuous wide sidewalks, and other pedestrian amenities are recommended where feasible and practical (Sector Plan, pp 45 and 46).
 - (b) The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets section 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.

- (c) Baltimore Avenue (US 1) is an important corridor for pedestrians and bicyclists, and the approved plans recommended that road improvements accommodate these modes of transportation. The subject site is immediately to the south of the EYA development, which included an extensive series of streetscape improvements which currently end at the northern edge of the subject site's frontage. The subject application should incorporate road improvements that are consistent with the

existing streetscape immediately to the north of the site. It appears that a wide pedestrian zone is being provided along the frontage of the subject site. This sidewalk/streetscape appears to be consistent in width with the adjacent EYA development. However, the details of the streetscape have not been provided. This treatment (including sidewalk width, surface treatment, special features, lighting, landscaping, and crosswalks) should be consistent with the existing EYA improvements.

- (d) Both the MPOT and the area master plan recommend that all new roads and all retrofit road projects be developed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, where feasible (Sector Plan, p 41). These guidelines outline current “best practices” for accommodating bicycles on roads. The types of facilities addressed include designated bike lanes, wide outside curb lanes, paved shoulders, and shared-use roadways. With regard to US 1, Recommendation 1 of the Transportation section recommends on-street bike lanes and continuous sidewalks along US 1 (Sector Plan, p 41). Suitable pavement markings to accommodate bicyclists will be determined by SHA.

In conclusion, the trails coordinator stated that three conditions should be included in the staff recommendation to implement the above concerns regarding the need for suitable bicycle parking, continuing the adjacent streetscape and sidewalk treatment along the subject site’s US 1 frontage, and continuing the surface material for the sidewalk across the site’s ingress/egress point along US 1, or a high-visibility crosswalk should be provided at this location. These proposed conditions have been included in the Recommendation section of this technical staff report.

- g. **Permits**—In a memorandum dated August 3, 2012, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plan or in the recommended conditions below.
- h. **Environmental Planning**—In a memorandum dated July 17, 2012, the Environmental Planning Section offered the following background for their review of the project:

A standard letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance was issued on January 30, 2012 because the site is less than 40,000 square feet in size and has no previous tree conservation plan approvals. The property is subject to the current provisions of Subtitles 24, 25, and 27 of the Prince George’s County Code that went into effect September 1, 2010 because there are no previous land development approvals to provide grandfathering. The current application is for a site 0.15 acre in size for the development of 1,400 square feet of commercial miscellaneous space.

The 0.15-acre site in the D-D-O/M-U-I Zones is located in the northwest quadrant of the intersection of Baltimore Avenue (US 1) and Jefferson Street. There are no streams, wetlands, or associated 100-year floodplain found to occur on this property. The information was obtained from 2011 aerial photography and the PGAtlas Environmental layer. The exemption letter indicates that the site contains less than 10,000 square feet of woodlands, and is therefore exempt from the Woodland and Wildlife Habitat Conservation Ordinance. According to the U.S. Department of Agriculture (USDA) Web

Soil Survey, the principal soils on this site are urban land (Un), which poses no particular problems related to land development. The site is not located in a sensitive species protection review area based on a review of the Sensitive Species Project Review Areas (SSPRA) GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources. Although located adjacent to Baltimore Avenue, the proposed commercial use is generally not regulated for noise impacts. The proposed use is not expected to be a noise generator. The property is located in the Anacostia watershed and is in the Developed Tier of the General Plan. The subject property contains no elements within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*.

The Environmental Planning Section then offered the following review comments:

- (1) A natural resources inventory (NRI) was not included in the application. This information is required at least 35 days prior to the Planning Board hearing.

Comment: In a supplementary email dated September 13, 2012, the Environmental Planning Section stated that the total disturbed area proposed is 4,750 square feet, which is just under the threshold for the requirement of a NRI (5,000 square feet). Based on this information, they stated that a NRI is not required for the subject project.

Sufficient evidence has been provided on this subject. A NRI will not be recommended by condition

- (2) The property is not subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of woodland. A standard letter of exemption has been issued for this subject property and was submitted with the application.

Comment: No further information about woodland conservation is required for the subject property.

- (3) This site contains no regulated environmental features that are required to be protected under Section 27-285(b)(4) of the Zoning Ordinance. The required finding of “fullest extent possible” is not required for the subject application.

Comment: No impacts to regulated features of the site are proposed.

- (4) No county delineated 100-year flood plain is located on the subject parcel as set forth in Section 24-129 of the Subdivision Regulations. The site has a drainage area of less than 50 acres. The site has an approved Stormwater Management Concept Plan (362-87-2011). The approved concept plan indicates payment of a fee-in-lieu of \$86.32 for providing on-site attenuation/quality control measures is required.

Comment: No additional information is required concerning stormwater management for the subject property.

- (5) The existing public road network already serves the subject project and road improvements will not be required in accordance with Section 23-103 of the County Road Ordinance. In accordance with Section 24-152 of the Subdivision

Regulations, there are no scenic or historic roads located on or adjacent to the subject property. The subject property is located in the vicinity of Baltimore Avenue (US 1), a master plan roadway designated as a collector.

Comment: The design and implementation of any road improvements to Baltimore Avenue (US 1) required by this project shall be coordinated with SHA. Access from the site is located on US 1, which is not designated as an arterial or higher road classification.

- (6) Policy 5 in the Environmental Infrastructure chapter of the General Plan calls for the reduction of overall sky glow, minimizing of the spill-over of light from one property to the next, and a reduction of glare from light fixtures. This is of particular concern on a commercial site such as the subject application, where outdoor lighting and parking lot lighting may be proposed. The proposed lighting should use full cut-off optics to ensure that off-site light intrusion into adjacent and environmentally-sensitive areas designated by the Green Infrastructure Plan is minimized, and so that sky glow does not increase as a result of this development.

Recommended Condition: Prior to certification of the detailed site plan, the proposed outdoor lighting shall be evaluated for full cut-off optic fixtures to ensure that off-site light intrusion into adjacent and environmentally-sensitive areas designated by the Green Infrastructure Plan is minimized, and so that sky glow does not increase as a result of this development.

The Environmental Planning Section's proposed condition has been included in the Recommendation section of this technical staff report.

- i. **Prince George's County Fire/EMS Department**—In a memorandum dated August 28, 2012, the Prince George's County Fire/EMS Department offered comment on needed accessibility, private road design, and the location and performance of fire hydrants.
- j. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated August 1, 2012, DPW&T stated that Baltimore Avenue (US 1) is a state-maintained roadway, and they would not be commenting on the transportation aspects of the project. However, with respect to stormwater management, they stated that the subject site plan is consistent with approved Stormwater Management Concept Plan 36287-2011, dated March 28, 2012.
- k. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated July 27, 2012, WSSC offered comments regarding needed coordination with other buried utilities, their prohibition on forest conservation easements overlapping with WSSC existing or proposed easements, suggested modifications to the plans to better reflect WSSC facilities and the proximity of fire hydrants to the site, and procedures for the applicant to follow to establish water and sewer service.
- l. **Health Department**—In a memorandum dated August 3, 2012, the Environmental Engineering Program of the Division of Environmental Health of the Prince George's County Health Department stated that they had completed a health impact assessment review of the detailed site plan submission for Hyattsville Subway Sandwich Shop and offered the following comments/recommendations:

- (1) The Health Department noted that use and occupancy permit records indicate historic land use on the site, including “Commercial Service-Car/Boat/Motorcycle Dealer/Repair” from at least 1978–2004. Further, they stated that documentation from the Maryland Historical Trust (MHT) states “since before the 1930’s the site has been associated with the repair of automobiles.” Additionally, they stated that the property is less than 200 feet south of the location of the original Lustine-Nicholson Motor Company (Oldsmobile), an automobile dealership established between 1923 and 1927, which by 1939 was one of the largest in the country; and subsequently operated as Lustine Chevrolet from 1950–1981. Due to this history and the potential for petroleum contamination of both soils and groundwater frequently associated with automobile-based operations, the Health Department recommended that an environmental site assessment be completed, and the report submitted at least 35 days prior to the Planning Board hearing.

Comment: As the Planning Department does not currently have the legislative authority to require environmental site assessments, we are unable to require one from the applicant.

- (2) There is an increasing body of scientific research that suggests that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. Light levels at residential property lines should not exceed .05 footcandles.

Comment: As the Zoning Ordinance does not provide specific footcandle measures at the property line, staff did not include a specific numerical limit on the intensity of the lighting. However, a recommended condition below would require that the proposed outdoor lighting be evaluated for full cut-off optic fixtures to ensure that off-site light intrusion into adjacent areas is minimized, and so that sky glow does not increase as a result of this development. This requirement is in accord with the Health Department’s concern regarding off-site light pollution.

- (3) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. The Health Department suggested that the applicant be required to indicate an intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Comment: A recommended condition of this approval would require that the applicant include a general note on the detailed site plan stating that: “The applicant intends to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

- m. **Maryland State Highway Administration (SHA)**—In a letter dated August 28, 2012, SHA, Office of Environmental Design, offered comments regarding requirements for planting within the state right-of-way, utilities, standards for curb and gutter to be installed along the project’s Baltimore Avenue (US 1) frontage, and the need for Access Management Division approval.

- n. **Potomac Electric Power Company (PEPCO)**—At the time of this writing, staff has not received comment on the subject project from PEPCO.
- o. **Verizon**—At the time of this writing, staff has not received comment on the subject project from Verizon.
- p. **City of Hyattsville**—A representative of the City of Hyattsville indicated to staff that the City Council had voted in favor of the project at a meeting held September 10, 2012 and that they would be issuing a letter of support at their September 17, 2012 meeting. The representative indicated, however, that the City was opposed to any drive-through service on the site and that they would not support any more of a departure from the parking requirement than is necessary for the proposed 18 seats in the restaurant.
- q. **City of Riverdale Park**—In a telephone conversation on September 12, 2012, a representative of the Town of Riverdale Park indicated they were undecided as to whether the Town wished to comment on the subject application. However, they indicated that they would decide at a meeting scheduled for September 24, 2012, whether they will comment or not on the subject project.

Comment: If the City of Riverdale Park provides comment on the subject project, staff will transmit it separately to the Planning Board or provide verbal comment regarding its content at the public hearing for the project.

- r. **Other Municipalities**—The following municipalities, as of this writing, have not returned comment on the subject application:

Town of Cottage City
 Town of Bladensburg
 Town of Brentwood
 Town of Riverdale Park
 Town of University Park
 Town of Colmar Manor

The following municipalities have indicated to staff that they would not be providing comment on the subject project:

Town of North Brentwood
 Town of Edmonston

- 14. Based on the foregoing and as required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-11017 and Special Permit SP-110002 for Hyattsville Subway Sandwich Shop, subject to the following conditions, and grant the following deviations from the development district standards of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*:

Site Design Standard 5—To allow the proposed building to be built out to 62.8 instead of 80 percent of the site frontage.

Access and Circulation Standard 6—To allow access to parking and the rear of the lot or parcel to be located on an arterial street and not on a side street or alley, and to measure more than 18 feet.

Parking and Loading Standard 7—To allow the minimum number of off-street surface parking spaces to be five instead of the eight that would be required by the schedule contained in Section 27-568(a) of the Zoning Ordinance.

1. Prior to signature approval of this detailed site plan, the following revisions shall be made to the plans and additional specified documentation submitted:
 - a. Add the deed reference “Liber 32700 at Folio 237” to the plan notes.
 - b. Add the underlying property information to the plan drawing.
 - c. Add the material label of “stucco” to the yellow-colored portions of the front façade elevation drawing, if it is to remain an architectural material for the project.
 - d. Revise the parking schedule as follows:
 - (1) To reflect that the total number of parking spaces required is 8 (1 per 3 seats) for the 18 seats provided, and two for the 80 square feet of gross floor area (excluding any area used exclusively for storage or patron seating, and any exterior patron service area).
 - (2) To remove the following incorrect statement from the parking schedule (General Notes, Sheet 2):

“Parking required is reduced by 50 percent based on Gateway Arts District requirements.”
 - e. The proposed outdoor lighting shall be evaluated for full cut-off optics fixtures to ensure that off-site light intrusion into adjacent and environmentally-sensitive areas designated by the 2005 *Approved Countywide Green Infrastructure Plan* is minimized, and so that sky glow does not increase as a result of this development.
 - f. A minimum of five bicycle parking spaces shall be provided at a location convenient to the building entrance. The location and number of spaces (bicycle racks) shall be approved by the Urban Design Section and trails coordinator.

- g. The streetscape and sidewalk treatment along the subject site's frontage of Baltimore Avenue (US 1) shall be consistent in form and materials to the existing improvements immediately to the north of the subject site along the EYA development's frontage of US 1.
- h. The surface material for the sidewalk shall be continued across the site's ingress/egress point along Baltimore Avenue (US 1), or a high-visibility crosswalk shall be provided at this location.
- i. The applicant shall revise the landscape plan for the project to make it congruent to the detailed site plan for the case in all respects except that the landscape plan will provide landscaping in addition to all other information on the detailed site plan. Both plans shall be clearly legible. The Urban Design Section, as designee of the Planning Board, shall ensure that the plans are consistent with each other and both are clearly legible.
- j. The handicapped parking space shall be dimensioned as 16 feet by 19 feet.
- k. The dumpster detail shall be revised to indicate face brick to match the color of the brick to be utilized on the first story of the building as the external sheathing architectural material.
- l. General Note 4 on the detailed site plan shall be corrected to indicate that the proposed building height is 20 feet, 1 inch as indicated within the building footprint and by the submitted building elevations.
- m. General Note 6 on the detailed site plan shall be revised to indicate the square footage of the landscaped area on the site as green area, not "0 square feet" as is currently indicated.
- n. General Note 7 shall be revised to reflect the actual lot coverage of the site, not 6.367 or 100 percent.
- o. The limits of disturbance shall be indicated on the detailed site and landscape plans and General Note 8 shall be corrected if and as necessary if the disturbed area varies from the 4,750 square feet currently indicated in General Note 8 on both the detailed site and landscape plans.
- p. General Note 11 on the detailed site and landscape plans shall be revised to read:
 - "Property dimensions depicted hereon compiled and computed from land records data."
- q. The statement that "This site is not subject to any previous approvals" shall be removed from the detailed site plan as the site is subject to approval of a plat recorded in plat book A-18.
- r. General Note 12 of the detailed site and landscape plans that refer to "this survey" shall be removed as the subject documents are not surveys.

- s. The applicant shall revise the architecture for the project as follows:
- (1) Storefront glass shall comprise a minimum of 60 percent of the front façade;
 - (2) Red brick shall be applied to the entire first story of the building, extending as pilasters up to the sign band on the front façade;
 - (3) The stucco “crown” shall be embellished to become a decorative entablature;
 - (4) The internally-lit sign shall be replaced with a wooden painted sign, lit by a gooseneck spotlight.
 - (5) The dumpster enclosure shall be sheathed in red brick and the gates of the enclosure shall be of a green, non-wood, low sheen, durable material. The color shall match that of the canvas awnings of the front façade.

Final design of the architectural improvements to the proposed building shall be approved by the Urban Design Section as designee of the Planning Board.

- t. The applicant shall add a general note to the plans stating that: “The applicant intends to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”