

# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 14-15

File No. 4-13021

## RESOLUTION

WHEREAS, LAH LLC is the owner of a 1.01-acre parcel of land known as Tax Map 18 in Grid F-3 and is also known as Parcel A, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on December 13, 2013, Brian McNeal filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13021 for Patient First, Beltsville, Parcel 1, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 13, 2014, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on March 13, 2014, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-13021, Patient First, Beltsville, Parcel 1, including a Variation from Section 24-121(a)(3) for 1 parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the following technical corrections shall be made:
  - a. Re-label proposed new Parcel A as Parcel 1 and revise General Note 5 as proposed Parcel 1.
  - b. Label the disposition of the existing building as to be razed.
  - c. Revise General Note 22 to state the following:

“The site is exempt from a Type 1 Conservation Plan per Woodland Conservation Ordinance Letter of Exemption (S-151-13) issued on September 6, 2013.”

2. Development of this site shall be in conformance with Stormwater Management Concept Plan 31046-2013-00 and any subsequent revisions.

3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement along the public right-of-way of Baltimore Avenue (US 1) as delineated on the approved preliminary plan of subdivision.
4. Prior to issuance of building permits for the subject property, a limited detailed site plan shall be approved by the Planning Board or its designee, to address the following:
  - a. The Baltimore Avenue (US 1) streetscape design to include walls, fences, landscaping, sidewalks, signage, paving, and other such elements deemed necessary to create a vibrant and walkable thoroughfare that has a sense of place.
  - b. Pedestrian amenities within the site to include specialty paving, crosswalks, sidewalks, lighting, street furniture, and other such elements deemed necessary to create safe, comfortable, inviting, pedestrian circulation throughout the site.
  - c. Provide two u-shaped bicycle racks close to the main entrance the building, for a total of four bicycle parking spaces. The racks shall be anchored into a concrete base.
  - d. Provide full cut-off optic light fixtures throughout the site to reduce light intrusion into the site and adjacent natural areas.
5. Residential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
6. Total development within the subject property shall be limited to a mix of commercial development or equivalent development which generates no more than 23 AM peak hour trips (19 in; 4 out) and 31 PM peak hour trips (10 in; 21 out). Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
7. At the time of final plat, the following notes shall be placed on the plat:
  - a. "A variation request from Section 24-121(a)(3) has been granted by the Planning Board for a total of one direct vehicular access to Baltimore Avenue (US 1) for Parcel 1."
  - b. "Provide an automatic fire suppression system for all new buildings proposed on-site, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate."

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Setting**—The subject site is located on Tax Map 18 in Grid F-3 and is known as Parcel A. The property consists of 1.01 acres within the Commercial Shopping Center (C-S-C) Zone. Parcel A was recorded in Plat Book WWW 50-41 on January 8, 1964. The project is improved with a 3,091-square-foot fast-food restaurant, which is to be razed.

The subject site is located on the west side of Baltimore Avenue (US 1), approximately 350 feet north of its intersection with Sunnyside Avenue. The neighboring properties to the northeast are in the C-S-C Zone and are developed with commercial uses. The property to the north is in the Multifamily Medium Density Residential (R-18) Zone and developed with multifamily residential. The property abutting to the southwest is zoned Reserved Open Space (R-O-S) and is developed with an institutional use known as the Beltsville Agricultural Research Center (BARC).

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

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	C-S-C	C-S-C
Use(s)	Restaurant	Medical Clinic
	To be razed (3,091 sq. ft.)	(8,033 sq. ft.)
Acreage	1.01	1.01
Lots	0	0
Outparcels	0	0
Parcels	1	1
Dwelling Units	0	0
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	Yes
		(24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on January 3, 2014. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations, for lots that are adjacent to an existing arterial road to be designed to have frontage and direct access onto an interior street or service road, was accepted on December 13, 2013 as discussed further in the Variation finding of this report. The variation was heard on January 3, 2014 at SDRC as required by Section 24-113(b) of the Subdivision Regulations.

4. **Community Planning**—The General Plan designates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density,

suburban, residential communities, distinct commercial centers, and employment areas that are increasingly transit-serviceable. This application is consistent with the General Plan Development Pattern policies for the Developing Tier. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of Prince George's County's current General Plan Growth Policy Update.

This application conforms with the mixed-use commercial future land use recommendation of the Subregion 1 Master Plan and SMA, which retained the subject property in the C-S-C Zone. The proposed use is permitted in the C-S-C Zone.

#### **Other Issues**

While the proposed land uses on the subject property conforms with the land use recommendations of the Subregion 1 Master Plan, the master plan vision, urban design guidelines, and economic development strategies for the US 1 corridor are important to the review of this application. The master plan vision specifically states:

**Historically referred to as the "nation's Main Street," US 1 serves as a critical artery connecting the employment centers for Washington, D.C. and Baltimore. As a central spine of employment and service uses, the corridor functions as a main street in an economic sense but lacks the physical character and local focus of a traditional, walkable main street as well as a cohesive relationship to surrounding neighborhoods. Existing development patterns create an automobile-focused environment with an absence of pedestrian-oriented amenities.**

The subject property is part of the southern gateway to the US 1 corridor, Focus Area 1, a focal area for redevelopment and reinvestment in Subregion 1 and an important corridor in Prince George's County. The vision for this focus area is US 1 developed as a "main street" with new mixed-use neighborhoods. The Subregion 1 Master Plan furthermore places the subject property in a designated main street streetscape zone, which calls for the establishment of a highly pedestrian-oriented streetscape. It is in a prominent location adjacent to the main administrative buildings for the U.S. Department of Agriculture's (USDA) premier Beltsville Agricultural Research Center (BARC).

The Subregion 1 Master Plan envisions the US 1 corridor as a walkable main street. The master plan emphasizes the importance of high-quality design to improve the pedestrian environment along US 1. The subject property, located at the southern gateway to the US 1 corridor and adjacent to the USDA BARC campus, presents an opportunity to continue to improve the visual appeal and competitiveness of the corridor and to serve as an example for future (re)development efforts.

The conceptual site layout submitted for illustrative purposes is not consistent with a number of the master plan's policies and strategies specific to the US 1 corridor. These include establishing a consistent pedestrian-friendly streetscape and creating a well-defined and visually consistent

“street wall” along US 1. For example, while the conceptual layout of the site places the majority of the parking to the side and rear of the proposed building, two rows of parking continue to front US 1; this effectively pushes the proposed building approximately 75 feet from the public utility easement line and 85 feet from the property line. It will be particularly important that, during subsequent stages of development, the design be reviewed to ensure that parking does not dominate the street frontage and the site design not be further modified to push the building farther from US 1. The landscaping shown on the conceptual site layout to screen parking along US 1 further distances the proposed building from US 1 and does not help to create a street wall. In addition, while the signage is not approved at the time of PPS, the subject property does not appear to provide signage that conforms in scale and character to the main street character of this segment of US 1, to include pedestrian-scale lighting, or to consider pedestrian access from US 1 to the main entrance of the proposed building.

The inconsistencies with the master plan recommendations for development on the illustrative site layout, coupled with the importance of the design and orientation of new development along the US 1 corridor and the need to address site constraints associated with the width of the lot, would be most effectively addressed through a limited DSP to be approved by the Planning Board, or its designee, after final plat and prior to building permits.

As a note, a similar case (PPS 4-10023) commonly referred to as “the Aldi’s site,” located approximately one-half mile north of the subject property at 10916 Baltimore Avenue, was approved by the Planning Board on February 2, 2012. This shopping center has begun to set the tone for new pedestrian-friendly development along the US 1 corridor. In its approval, the Planning Board included a condition requiring a limited DSP to address site design issues relative to the US 1 streetscape and pedestrian amenities as discussed in the Subregion 1 Master Plan. This application poses concerns and opportunities similar to those raised and addressed by the approval of the Aldi’s site (PPS 4-10023 and DSP-11035) and focused on ensuring that new development fosters a pedestrian-friendly environment along the US 1 corridor.

Given the challenges and goals described above and the development tone established by the recently approved PPS 4-10023 and DSP-11035, development of the subject property has the potential to continue to maintain a high standard for future development at the southern gateway to this important corridor in northern Prince George’s County.

5. **Urban Design**—The 2010 *Prince George’s County Landscape Manual* (Landscape Manual) and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property, which will be evaluated at the time of DSP.

### **2010 Prince George's County Landscape Manual**

Landscaping, screening, and buffering of development in the C-S-C Zone is subject to the requirements of the Landscape Manual. More particularly, the application is subject to Section 4.2, Requirements for Landscaped Strips along Streets; Section 4.3, Parking Lot Requirements; Section, 4.4 Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements of the Landscape Manual. Compliance with these requirements will be judged at the time of DSP.

### **Zoning Ordinance**

Section 27-461, Uses Permitted, of the Zoning Ordinance specifies the uses that are permitted in the C-S-C Zone. The office of a medical practitioner or medical clinic is permitted in the C-S-C Zone.

Conformance with Section 27-462, Regulations, along with other applicable regulations of the Zoning Ordinance is required for the proposed development, and will be evaluated at the time of DSP. The required side and rear yard setbacks are those indicated in Section 27-462, or the buffer required in the Landscape Manual, whichever is greater. Because the property abuts an existing residential use to the north, compliance with the requirements of Section 4.7 of the Landscape Manual to buffer incompatible uses should be demonstrated at the time of DSP.

### **Other Design Issues**

The subject property is within the US 1 corridor, Focus Area 1, as described in the Subregion 1 Master Plan. The vision for this focus area is to become a main street with new mixed-use neighborhoods. The illustrative site layout, as submitted, presents a development pattern that is not generally consistent with many of the policies and strategies stated in the master plan for this area, such as enhancing the visual quality and identity of the corridor through streetscape improvements, creating a well-defined and visually consistent street wall along US 1, locating parking behind and to the side of buildings, and encouraging building design with form, massing, use, height, siting, and fenestration that is appropriate for the corridor. A DSP with a final site design would be the appropriate way to analyze the above site and architecture-related issues further. It is within the Planning Board's authority to require a DSP pursuant to Section 24-110 of the Subdivision Regulations.

A similar case within the Subregion 1 Master Plan, PPS 4-10023 (PGCPB Resolution No. 12-08), located at 10916 Baltimore Avenue, which is approximately one-half mile north of the subject property, was approved by the Planning Board on February 2, 2012. In that approval, the Board included a condition requiring a limited DSP for that property to address site design issues relative to the Baltimore Avenue streetscape design and pedestrian amenities discussed in the Subregion 1 Master Plan.

6. **Environmental**—An approved Natural Resources Inventory Equivalency Letter (NRI-141-13) for the subject property was reviewed and issued on September 5, 2013, with an expiration date of September 5, 2018. The site is exempt from the Woodland and Wildlife Habitat Conservation

Ordinance (WCO), and a standard letter of exemption (S-151-13) was issued on September 6, 2013 with an expiration date of September 6, 2015. A Type 1 tree conservation plan (TCP1) was not submitted with the review package and is not required.

**Conformance to the Master Plan**

The master plan for this area is the Subregion 1 Master Plan and SMA. In the approved master plan and SMA, the Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be 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 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

The project will meet water quality and quantity requirements in accordance with approved Stormwater Management Concept Plan 31046-2013-00 through the use of environmental site design, which includes the use of one micro-bioretenention facility for infiltration purposes.

**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.**

The stormwater management for this site is required to be reviewed and approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) to address surface water runoff issues in accordance with Subtitle 32, Water Quality Resources and Grading Code, which requires that environmental site design be implemented to the maximum extent practicable. The site has an approved Stormwater Management Concept Plan (31046-2013-00) that is in conformance with the current code.

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

The use of green building techniques and energy conservation techniques should be used as appropriate. The use of alternative energy sources such as solar, wind, and hydrogen power is encouraged.

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

The site is adjacent to the Beltsville Agricultural Research Center (BARC) which is designated as a priority preservation area. The use of alternative lighting technologies is encouraged so that light intrusion onto adjacent properties is minimized. Full cut-off optic

light fixtures should be used. The use of street lights and entrance lighting is discouraged adjacent to BARC.

**POLICY 6: Reduce air pollution by placing a high priority on transportation demand management (TDM) projects and programs.**

The TCP1 shows the proposed location of sidewalks on the sites' frontage along US 1 as an element of transportation demand management (TDM). The Transportation Planning Section will review the application further for appropriate strategies.

**Conformance with the Green Infrastructure Plan**

The site is not located within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*.

**Environmental Review**

No woodland areas are located on-site. According to mapping research and as documented with the approved NRI, no regulated environmental features (stream buffers, wetlands, 100-year floodplains, and steep slopes) are found on the property. This site is within the Anacostia watershed which flows into the Potomac River basin. The predominant soils found to occur on-site, according to the USDA, Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include Croom gravelly sandy loam (5–10 percent slopes), Croom-Urban land complex (3–15 percent slopes), Urban land-Russett-Christiana complex (0–5 percent slopes), and Urban land-Sassafras complex (0–5 percent slopes). According to available information, Marlboro clay is absent from this property; however, Christiana complexes are found to occur on this property. This information is provided for the applicant's benefit. The county may require a soils report during the building permit review process. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species mapped to occur on or in the vicinity of this property.

The site has frontage from Baltimore Avenue (US 1) which is a master-planned arterial road. Neither US 1 nor Circle Road is designated as a scenic or historic road. The site is located in the Developing Tier of the General Plan.

This property is exempt from the provisions of the WCO because, although the gross tract area of the subject property is greater than 40,000 square feet, there are less than 10,000 square feet of existing woodland and it has no previously approved tree conservation plan. A Standard Letter of Exemption (S-151-13) issued for the site on September 6, 2013 expires on September 6, 2015. A TCP1 is not required.

7. **Stormwater Management**—DPIE has determined that on-site stormwater management is required. A Stormwater Management Concept Letter, 31046-2013-00, for the site was approved on October 22, 2013 and is valid until October 22, 2016. The concept plan shows the approval of one



micro-bioretenment facility for infiltration purposes. One outfall structure is shown for this structure connecting to an existing curb inlet. Development must be in accordance with the approved plan, or any subsequent revisions, as long as the revisions are not inconsistent with the PPS approval.

The approved stormwater management plan is required to be designed in conformance with any approved watershed management plan pursuant to Subtitle 32, Water Resources and Protection; Division 3, Stormwater Management Plan; and Section 172, Watershed Management Planning, of the Prince George's County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, has been addressed with the approval of the stormwater management concept plan by DPIE.

8. **Parks and Recreation**—In accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations, the subdivision is not subject to the mandatory dedication of parkland because the development proposed is nonresidential.
9. **Trails**—This PPS has been reviewed for conformance with Sections 24-123 and 24-124.01 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

The MPOT, Complete Streets Section, Policy 2, recommends that all road frontage improvements and road capital improvement projects within the Developed and Developing Tiers be designed to accommodate all modes of transportation, and that continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The Subregion 1 Master Plan and SMA contains a policy for improved vehicular and pedestrian safety. Specifically, it recommends that streetscape improvements and safety features should be constructed where needed. The area master plan also recommends that a main street streetscape be implemented along US 1 between Sunnyside Avenue and the “focal place” at Rhode Island Avenue.

Sidewalks exist along US 1 at the subject property location and generally within one-half mile of the property. The sidewalks along the subject property frontage are relatively new, and they connect to a pedestrian activated crosswalk at the BARC US 1 road frontage at Sunnyside Avenue. This is the closest pedestrian signal crossing to the subject site. There are bus stops along US 1 and bus access improvements have been made to the major roads and local streets in the quarter-mile area. The Maryland State Highway Administration (SHA) constructs and maintains bicycle facilities on US 1, a state-maintained roadway. Sufficient rights-of-way exist for the development of bikeways along the subject property frontage without the need for additional dedication if required by SHA.

There appear to be adequate public pedestrian and bicycle facilities along the subject property frontage and within the surrounding area of the proposed subdivision. There are no major gaps in the sidewalk network within the area. There are minor gaps in the sidewalk network on Sunnyside Avenue and Rhode Island Avenue (south of Sunnyside). There are active and completed county CIP complete street projects on Sunnyside Avenue, 47th Avenue, Montgomery Road, and Rhode Island Avenue.

**Review of Adequate Public Pedestrian and Bikeway Facilities in Centers and Corridors**

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

Section 24-124.01(c) and (d) includes the following guidance regarding pedestrian and bikeway improvements:

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

In accordance with the "Transportation Review Guidelines, Part 2," the applicant met with the Transportation Planning Section, the Department of Public Works and Transportation (DPW&T), and DPIE. A scoping agreement was signed by the Transportation Planning Section and a bicycle and pedestrian impact statement (BPIS) was submitted on November 21, 2013.

In terms of evaluating the value of the off-site improvements within one-half mile of this subdivision, the assessment was based on 35 cents per gross square foot because the proposed development is a nonresidential use. Section 24-124.01(d) provides specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required:

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
1. **installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
  2. **installing or improving streetlights;**
  3. **building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
  4. **providing sidewalks or designated walkways through large expanses of surface parking;**
  5. **installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
  6. **installing street trees.**

The BPIS' assessed value of the off-site improvement for the proposed development is \$2,811. The BPIS proposed three options for off-site improvement for the site:

1. **Addition of marked crosswalks along the entrance of the project site with associated crosswalk signage;**

Improvement along the entrance of the site cannot be considered as off-site improvement.

2. **Addition of marked crosswalks along US Route 1 within a half-mile of the project site with associate crosswalk signage;**

Baltimore Avenue (US 1) is maintained by SHA and therefore crosswalks and associate signage will need to be approved by SHA. Crosswalks and signage on US 1 were not need or desired by the operating agency at this time.

3. **Improvement of existing sidewalk in the neighborhood located northeast of the project site at Usange Street and 46th Avenue. Addition of ramps and a**

**crosswalk across Usange Street to connect existing sidewalk on both sides of the road;**

The sidewalk improvement on Usange Street and 46th Avenue would require infrastructure improvements including stormdrain, curb, and gutter that would exceed the cost of the cap of \$2,811.

DPW&T, DPIE, and M-NCPPC met to review the extent of the off-site pedestrian and bikeway improvements within one-half mile of the subject subdivision. It was determined that sidewalk improvements are adequate in the half-mile area of the proposed subdivision. There are adequate connections from the subject property to public schools, parks, shopping centers, and bus transit stops within available public rights-of-way. The infrastructure in the area is generally adequate and being further improved by county and SHA CIP projects. At this time, there are no additional off-site facilities that can be improved by the applicant within the half-mile area. There are no obvious gaps in the sidewalk network. Based on the DPW&T and DPIE, there are no warrants for the construction of new crosswalks at this time.

There is a lack of some streetscape elements in the area, such as benches and covered bus stops. The cost to implement streetscape elements, such as benches or lighting, and the associated infrastructure and permit for these elements will exceed the cap of \$2,811 and will not be proportional to the impact that the proposed development will have on the pedestrian and bikeway system within the half-mile area. The cost cap of \$2,811 for the site is limiting and makes it difficult to utilize it for other needs in the area. Therefore, off-site improvements for streetscape elements are not recommended for the subject subdivision.

**Review of Criteria for Adequate Bicycle and Pedestrian Facilities**

Section 24-124.01 of the Subdivision Regulations requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities prior to approval of the PPS. Furthermore, Section 24-124.01(b)(1) and (2) provide specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

(b) **Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**

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

(A) **The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the**

**Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area.**

There are adequate sidewalks on US 1, and a buffer exists between the newer sidewalks and the street. Trees are planted and maintained intermittently along the corridor, and overhead electrical poles are placed along the street. Other streetscape features, such as benches, covered bus stops, or trash containers have not been constructed by the state, and are generally absent.

The applicant's cost for off-site improvements enabled by Section 24-124.01 could pay for streetscape elements. However, the cost to implement streetscape elements and required infrastructure and permit for these elements will exceed the cap of \$2,811 as determined in consultation with DPW&T.

- (B) the presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage).**

There is adequate street lighting in the area. There are marked crosswalks on all of the major roadway intersections where sidewalks exist. A pedestrian activated signal exists 235 feet south of the site located at the Agricultural Research Center, 10300 Baltimore Avenue.

There are new pedestrian facilities within the half-mile area that surrounds the property. Sidewalks with curb and gutter exist on US 1, 47th Avenue, and Montgomery Road. There is a county CIP project along Montgomery Road, which includes new sidewalks and bicycle improvements. There is also a county CIP project along Sunnyside Avenue and Rhode Island Avenue in the area. These projects include sidewalk construction and road/drainage improvements.

- (2) The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
  - (A) the degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**

Today, bicyclists have to share the road with vehicles in undesignated portions in the area.

The MPOT recommends that US 1 contain bicycle facilities. SHA is responsible for the construction of bicycle facilities on state-maintained roadways. Bicycle lanes and shared road bikeway elements, such as signage, striping, and paving may be constructed by SHA in the future.

The MPOT recommends that Sunnyside Avenue contain a sidepath. The county CIP project does include sidewalks, but no sidepath on Sunnyside Avenue. A Sidepath may be constructed by a county CIP project in the future.

The MPOT recommends that Rhode Island Avenue contain bicycle lanes. The county CIP project does include sidewalks, but no bicycle lanes on Rhode Island Avenue. Bicycle lanes may be constructed by a county CIP project in the future.

The MPOT recommends that Montgomery Road contain bicycle lanes. Space for bicyclists has been constructed on Montgomery Road by the county.

- (B) the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**

There are no consistently constructed bicycle lanes in this area. However, new space for bicyclists has been constructed on Montgomery Road by the county.

Bicycle lanes and shared road bikeway elements, such as signage, striping, and paving may be constructed by SHA or the county in the future. SHA constructs bicycle facilities on state-maintained roadways. Sufficient rights-of-way exist for the development of bikeways along the subject property frontage by SHA without the need for additional dedication.

- (C) the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**

Bicyclists have to share the road with vehicles in undesignated portions in area. On-road vehicle parking does not exist on US 1, Sunnyside Avenue, Montgomery Road, or Rhode Island Avenue. The MPOT recommends sidewalk and bicycle lanes on Montgomery Road, Rhode Island Avenue, and US 1, and a sidepath on Sunnyside Avenue. All of the roads have sidewalks constructed by the county. The county CIP project has constructed space for bicyclists on Montgomery Road.

Coordination with SHA and DPW&T for the construction of bicycle lanes can be done with future CIP projects.

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

As described above, these elements exist sporadically within the half-mile area. It is required that the applicant provide two bicycle parking spaces to be located close to the building entrance and anchored in concrete pads.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Sections 24-123 and 24-124.01 of the Subdivision Regulations.

10. **Transportation**—The site is located on the west side of Baltimore Avenue (US 1), approximately 350 feet north of the intersection of Sunnyside Avenue and US 1. The property is currently improved with a 3,146-square-foot building which once functioned (now dormant) as a fast-food restaurant. The subject application proposes razing the current building and the construction of an 8,033-square-foot medical clinic.

**Growth Policy-Service Level Standards**

The subject property is located within the Developing Tier as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

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

intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

#### **Analysis of Traffic Impacts**

The proposed development would generate 23 AM peak hour trips (19 in; 4 out) and 31 PM peak hour trips (10 in; 21 out). These rates were determined by using the 2012 "Transportation Review Guidelines, Part 1" (Guidelines).

The traffic generated by the proposed PPS would impact the following intersections:

- US 1 at Sunnyside Avenue (signalized)
- US 1 at Site Access (unsignalized)

Based on trip generation rates found in the Guidelines, it has been determined that the proposed development will generate fewer than 50 trips in either peak hour. Consequently, a traffic study was not requested. The applicant provided a peak hour turning movement count for both peak hours at the intersection of Sunnyside Avenue and US 1. The application is supported by a traffic count dated January 14, 2014, provided by the applicant. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the Guidelines.

The critical intersections, when analyzed with existing traffic and existing lane configurations, operate as follows:

<b>EXISTING CONDITIONS</b>		
<b>Intersection</b>	<b>AM (LOS/CLV)</b>	<b>PM (LOS/CLV)</b>
US 1 at Site Access*	Future	Future
US 1 at Sunnyside Avenue	A/690	B/1026
*In analyzing unsignalized intersections, the average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.		

The intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation (MDOT) Consolidated Transportation Program (CTP) or the Prince George's County CIP.



The traffic study identified two background developments whose impact would affect the study intersection. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

<b>BACKGROUND CONDITIONS</b>		
<b>Intersection</b>	<b>AM (LOS/CLV)</b>	<b>PM (LOS/CLV)</b>
US 1 at Site Access	Future	Future
US 1 at Sunnyside Avenue	A/703	B/1054
*In analyzing unsignalized intersections, the average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.		

Using the Guidelines, the proposed development will be adding 23 AM peak hour trips (19 in; 4 out) and 31 PM peak hour trips (10 in; 21 out). A third analysis depicting total traffic conditions was done, yielding the following results:

<b>TOTAL CONDITIONS</b>		
<b>Intersection</b>	<b>AM (LOS/CLV)</b>	<b>PM (LOS/CLV)</b>
US 1 at Sunnyside Avenue	A/709	B/1058
US 1 at Site Access *	34.0 seconds	<b>119.2 seconds</b>
*In analyzing unsignalized intersections, the average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.		

Based on the results shown above, the critical intersection will operate adequately if the proposed development is approved. However, the site driveway will operate with a delay in excess of 50 seconds per car. Typically, when an unsignalized intersection is projected to operate with delays in excess of 50 seconds per car, a determination of the approach volume of at least one minor street approach must be evaluated. The intersection of the site access with US 1 is the only minor approach of this three-legged intersection. This minor approach volume is projected to be fewer than 100 peak trips. Pursuant to the Guidelines, this intersection is deemed to operate acceptably.

**Master Plan Right-of-Way**

The property is located in an area where the development policies are governed by the Subregion 1 Master Plan and SMA and the MPOT. One of the recommendations from the master plan was the upgrade of Baltimore Avenue (US 1) to an arterial standard (A-9) of 90–120 feet wide right-of-way. Based on the site plan presented, the site is showing an existing right-of-way width of 50 feet from the centerline of US 1, or an ultimate right-of-way of 100 feet. This is deemed adequate pursuant to the recommendation of the master plan.

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

11. **Variation to Section 24-121(a)(3)**—The PPS proposes one direct access onto Baltimore Avenue (US 1), a master plan arterial facility, from Parcel 1. The applicant filed a variation request from Section 24-121(a)(3) of the Subdivision Regulations to allow direct access onto an arterial or higher classification of roadway. Section 24-121(a)(3) states:

- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

Section 24-121(a)(3) establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline requires that an applicant develop alternatives to direct access onto an arterial or higher classification of roadway. The applicant is requesting relief from this requirement to allow direct access onto US 1 from Parcel 1.

The applicant has filed a variation from Section 24-121(a)(3) which was submitted on December 13, 2013 and was heard on January 3, 2014 at the Subdivision and Development Review Committee (SDRC) meeting as required by Section 24-113(b) of the Subdivision Regulations.

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

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that**

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

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

The granting of this variation will not be detrimental to the public safety, health, or welfare, or injurious to other properties. The property is currently improved with an existing access point to Baltimore Avenue (US 1). Also, the proposed access is greater than 300 feet from the closest intersection, the US 1 and Sunnyside Avenue intersection. The proposed access and frontage improvement will be built to SHA standards and will be reviewed further under SHA's permit process. Baltimore Avenue (US 1) is a state right-of-way.

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

The site abuts a property zoned R-18 and developed with multifamily buildings to the north. The site abuts a property zoned R-O-S and developed with an institutional use (BARC) to the south. The neighboring properties to the northeast are zoned C-S-C and developed with commercial uses with shared access to US 1 and 47th Avenue. Therefore, unlike the surrounding properties, the site has frontage only on US 1 and no other roadways or shared access. If the property is not designed to front on US 1, it will be effectively "landlocked." The only available public right-of-way that can be used to access the property is US 1.

- (3) The variation does not constitute a violation of any law, ordinance, or regulation;**

The access would not violate any other applicable laws, ordinances, or other regulations. Access permits to Baltimore Avenue (US 1) are regulated by SHA. As such, SHA will further evaluate any access permit related issues that may arise through the process.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from**

**a mere inconvenience, if the strict letter of these regulations is carried out;**

The subject property's shape is narrow compared to its lot depth and does not have a stem that extends out to provide access and frontage onto a secondary road. Due to the shape of the property, the site's only street frontage and access is along Baltimore Avenue (US 1). Denial of access to this arterial would result in the property not being able to be developed and would be a particular hardship to the landowner.

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

The site is not located in any of the listed zones; therefore, this condition does not apply.

Based on the preceding findings for each of the criteria, the Planning Board approved the requested variation from Section 24-121(a)(3) of the Subdivision Regulations to allow one vehicular access from the Parcel 1 onto Baltimore Avenue (US 1).

12. **Schools**—The proposed PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the "Adequate Public Facilities Regulations for Schools" (Council Resolutions CR-23-2001 and CR-38-2002), and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
13. **Fire and Rescue**—The proposed PPS has been reviewed for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

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

The proposed project is served by the Beltsville Fire/EMS Station, Company 31, a first due response station located at 4911 Prince George's Avenue, and their respond time is within the maximum of seven minutes travel time.

**Capital Improvement Program (CIP)**

The Prince George's County FY 2014–2019 Approved CIP provides funding for replacing the existing Beltsville Fire/EMS Station with a new 4-bay fire/EMS Station.

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

14. **Police Facilities**—The proposed development is within the service area of Police District VI, Beltsville. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the July 1, 2012 (U.S. Census Bureau) county population estimate is 881,138. Using 141 square feet per 1,000 residents, it calculates to 124,240 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
15. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS and final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System Adequate for Development Planning. Water and sewer lines in Baltimore Avenue (US 1) abut the site.

16. **Health Department**—The Prince George's County Health Department has evaluated the proposed PPS and offered the following comments:

The property is located in the recharge area for the Patuxent aquifer, a groundwater supply that serves the Beltsville Agricultural Research Center (BARC), the Patuxent Wildlife Research Center, and the City of Bowie. The quantity of impervious surface appears to remain consistent from the prior use to the proposed use; it is anticipated that the configuration of the stormwater management structures will improve the overall capture and retention of waters to this recharge area.

Demolition of the existing structure must be preceded by a raze inspection performed by the designated environmental health specialist at DPIE to assure the proper remediation of any asbestos-containing materials on-site. This information is provided for the applicant's benefit. Asbestos-containing materials will be evaluated during the raze permit review process.

During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. This project should conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. This project should conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

17. **Public Utility Easement**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner's dedication 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 PPS correctly delineates a ten-foot-wide public utility easement along the public rights-of-way as requested by the utility companies.

18. **Historic**—A Phase I archeological survey is not required on the 1.02-acre property located at 10424 Baltimore Avenue in Beltsville, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, documented properties, or known archeological sites. No further archeological work is needed.
19. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new PPS is recommended. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are other considerations for a residential subdivision not considered in the review of commercial, industrial, and mixed-use development including the recreational components. A new PPS is recommended if residential development is to be proposed.
20. **Detailed Site Plan**—A medical clinic, as a permitted use in the C-S-C Zone, does not require a DSP. However, as discussed throughout this report, the subject site is located within the Subregion 1 Master Plan and SMA that establishes the urban design guidelines and goals for the Baltimore Avenue (US 1) corridor. The master plan designated the site in the US 1 corridor's Focus Area 1, which calls for the area to be developed as a main street with new mixed-use neighborhoods. The overall vision for the US 1 corridor is a walkable main street with emphasis on high-quality design to improve the pedestrian streetscape and a well-defined street wall along US 1. The site abuts the USDA BARC campus to the south, which is a highly-visible site and provides an opportunity to continue to improve the visual appeal of the corridor. In the approval of PPS 4-10023, within the US 1 corridor (Aldi's site), the Planning Board conditioned a limited DSP to ensure that new development addresses the vision for a pedestrian-friendly environment along the US 1 corridor

Detailed Site Plan DSP-11035 was approved by the Planning Director on June 8, 2012. The DSP evaluated and approved the streetscape design and pedestrian amenities including walls, landscaping, sidewalks, lighting, signage, and street furniture for the Aldi's site. The streetscape

and pedestrian amenities have been permitted and built, and the result has exceeded the design goals and pedestrian-friendly vision of the Subregion 1 Master Plan. The Aldi's site frontage along US 1 includes decorative walls, benches, lighting, and landscape that has visually enhanced the appeal of the US 1 corridor and set a high-quality design standard for future development.

The proposed conceptual layout of the development on the subject site is not consistent with many of the master plan policies and visions for the US 1 corridor. To ensure that the design guidelines and policies that the master plan has envisioned for the US 1 corridor are carried forward with this development, and to be consistent with previous approvals (PPS 4-10023 and DSP-11035) by the Planning Board in the US 1 corridor, it is recommended that a limited DSP for the subject site be approved by the Planning Board or its designee prior to building permits.

Pursuant to Section 27-270 of the Zoning Ordinance, Order of Approvals, the DSP is normally required prior to approval of the final plat of subdivision. However, in this case, approval of the DSP will have no bearing on the proposed parcel's configuration. Therefore, it is determined that the DSP could occur prior to building permits and not prior to final plat, as provided for in Section 27-270(a)(5), which allows for modification of the Orders of Approval if technical staff determines that the site plan approval will not affect final plat approval.


BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*


This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, March 6, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of March 2014.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NEPPC Legal Department  
Date 3/19/14