

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 15-70

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File No. 4-15002

R E S O L U T I O N

WHEREAS, Aslan, LLC is the owner of a 0.67-acre parcel of land known as Tax Map 50 in Grid A-3 and is composed of Lots 8 through 15 and is said property being in the 17th Election District of Prince George's County, Maryland, and being zoned Urban Light Industrial (U-L-I) and the Development District Overlay (D-D-O) within the Arts Production and Entertainment character area of the Gateway Arts District development district; and

WHEREAS, on May 5, 2015, Aslan, LLC filed an application for approval of a Preliminary Plan of Subdivision for construction of 13,500 square feet of gross floor area (GFA) and six multifamily dwelling units for mixed uses on 8 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-15002 for Holladay Company's Addition to Brentwood, 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 July 9, 2015, 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 July 9, 2015, 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 4-15002, including a Variation from Section 24-122(a) for alternative public utility easements with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
 - a. Add the standard signature block to the plan.
 - b. Provide the adjoining property owner information for the lots across 41st Street and across Webster Street.
 - c. Revise General Note 24 to state the following:

"Mandatory Park Dedication requirement: Fee-in-Lieu."

- d. Change Volta "Street" to Volta "Avenue."
 - e. Provide a note stating that the subject site is located in the Arts Production and Entertainment character area of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.
 - f. Label the Revertible Slope Easement (SRC Plat No. 32587) as "To Be Extinguished."
 - g. Label the existing aluminum trailers and shed as "To Be Removed."
 - h. Revise the label for Rhode Island Avenue to state the roadway designation as "US 1," instead of "Rte. 1."
 - i. Correct General Note 1 to reflect the record plat number as LIB A-9.
 - j. Revise General Note 20 to reflect 11,000 square feet of retail, 2,000 square feet of office, the number of apartments on the second floor, and the number of apartments on the third floor.
- 2. Development of this site shall be in conformance with Stormwater Management Concept Plan 5346-2015-00 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 (PUE) along all public streets, or a PUE acceptable to the applicable public utility providers, as reflected on the approved detailed site plan.
 - 4. Prior to signature approval of the detailed site plan (DSP), the applicant shall provide documentation of concurrence to the public utility easement (PUE) layout shown on the DSP from the applicable utility providers, or provide a PUE in conformance with Section 24-122(a) of the Subdivision Regulations, and reflect that adjustment on the DSP.
 - 5. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication for the subject site.
 - 6. Total development within the area of this subdivision shall be limited to uses that would generate no more than 19 AM and 19 PM peak-hour vehicle trips. Any development generating an 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. In conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*,

the Detailed Site Plan shall depict a twelve-foot-wide sidewalk which may include a strip containing street trees, landscaping and pedestrian amenities along the subject site's entire frontage of Rhode Island Avenue (US 1), unless modified either in the Detailed Site Plan review or by the Maryland State Highway Administration (SHA).

8. Prior to approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
 - a. Reconstruct the existing handicap-accessible ramp located in the southwestern quadrant of the intersection of 41st Street and Webster Street with an Americans with Disabilities Act (ADA) compliant ramp.

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 with conditions, 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. **Background**—The subject property is located on Tax Map 50 in Grid A-3 and is composed of Lots 8 through 15 – Holladay Company's Addition to Brentwood, recorded on Plat LIB A-9, which was enrolled into the Prince George's County Land Records on March 1, 1904. The property consists of 29,398 square feet of land within the Urban Light Industrial (U-L-I) Zone and the Development District Overlay (D-D-O) Zone implemented through 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). The site is currently improved with miscellaneous structures that are to be razed. This preliminary plan of subdivision (PPS) proposes the construction of 13,500 square feet of gross floor area (GFA) and six multifamily dwelling units for mixed-use development. Pursuant to Section 24-111(c)(3) of the Subdivision Regulations, a final plat of subdivision approved prior to October 27, 1970 shall be re-subdivided prior to issuance of a building permit for the development of more than 5,000 square feet of GFA, resulting in this application.

The subject site (existing Lots 8 through 15) has a rectangular form and is bounded on three sides by public rights-of-way. Along the northwest boundary of the site is Rhode Island Avenue (US 1), which is a variable-width right-of-way. Webster Street (40-feet-wide) bounds the site along the northeastern boundary and 41st Street (40-feet-wide) bounds the site along the southeastern boundary. There are two existing vehicular access driveways located on US 1; one on Webster Street and three on 41st Street.

The PPS proposes a reduction of the number of access driveways; one access driveway on US 1 and two on 41st Street. The number of access driveways and these locations will be determined as part of the Detailed Site Plan review.

The applicant has filed a variation to the Subdivision Regulations to provide alternative public utility easements, which is APPROVED.

3. **Setting**—The subject site is located at the southern quadrant of the intersection of Rhode Island Avenue (US 1) and Webster Street. The site is surrounded to the north, east, south, and partially to the west with U-L-I-zoned properties that are developed with various industrial, institutional, and residential uses. To the northwest of the site is property zoned Mixed Use–Infill (M-U-I) developed with an auto repair service and a community center.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

Zone Use(s)	EXISTING U-L-I/D-D-O	APPROVED U-L-I/D-D-O
	Vacant	13,500 square feet of GFA and six multifamily dwelling units for mixed uses
Acreage	0.67	0.67
Lots	8	8
Outlots	0	0
Parcels	0	0
Dwelling Units	0	6
Public Safety	No	No
Variance	No	No
Variation	No	Yes (Section 24-122(a))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on May 22, 2015. As discussed in the report and as required by Section 24-113(b) of the Subdivision Regulations, the requested variation to Section 24-122 was accepted on May 5, 2015 and heard on May 22, 2015 at the SDRC meeting, no less than 30 days prior to the Planning Board hearing date.

5. **Community Planning**—This site is located within the Existing Communities policy area of the Prince George’s County Growth Policy Map in the *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035). The vision for the Established Communities is to have context-sensitive infill and low- to medium-density development.

The site is also located within the Arts Production and Entertainment character area of the Gateway Arts District Sector Plan and SMA. The Arts Production and Entertainment character

area supports the development of arts, entertainment uses, small-scale retail and commercial businesses, artist live/work space, and arts production spaces. The proposed residential and granite fabrication business at this site conforms to the land use recommendations in the sector plan for small-scale retail and residential along Rhode Island Avenue (US 1), which will provide a strong first impression to residents, visitors, and businesses in the area.

The application, with its proposed mix of uses, is consistent with the land use recommendations of Plan Prince George's 2035, the sector plan, and the permitted uses in the U-L-I/D-D-O Zones.

6. **Town of Brentwood**—The PPS is located within the municipal boundary of the Town of Brentwood and was referred to the town for review and comment accordingly. The Town Council conducted a public hearing for the PPS on June 17, 2015. At the time of the writing of this report, no written comments have been received from the Town of Brentwood; however the Town Administrator, Reggie Bagley, has indicated verbally that the Town Council supports the proposed development.
7. **Urban Design**—The proposed development is located in the Arts Production and Entertainment character area of the Gateway Arts District development district. A detailed site plan (DSP) application is required because the site is designated as a "Gateway" and "View Terminus" site by the sector plan. The DSP will be subject to the D-D-O Zone standards for site design, building design, and public space. Conformance to the applicable standards will be evaluated at the time of DSP review. Conformance with Section 27-472.01 (U-L-I Zone) and Section 27-474 (Regulations) of the Prince George's County Zoning Ordinance for development in the U-L-I Zone, along with other applicable Zoning regulations, will be evaluated at the time of DSP review.

Conformance with the 2010 Prince George's County Landscape Manual

The proposed development is not subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The development district standards contained in the Gateway Arts District Sector Plan and SMA replace all those contained in the Landscape Manual.

Conformance with the Prince George's County Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on this property because the application proposes to construct or disturb 5,000 square feet or more of land area. Properties zoned U-L-I are required to provide a minimum of ten percent of the gross tract area in tree canopy, which will be reviewed with the DSP.

8. **Environmental**—The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George's County Code that came into effect on September 1, 2010 because the application is for a new PPS.

The site was previously reviewed for a Natural Resources Inventory Equivalency Letter (NRI-024-2015), which was issued on February 10, 2015, and a Standard Letter of Exemption (S-024-15) which was issued on February 10, 2015. Because the property is less than 40,000 square feet in size, contained no woodlands, and a standard letter of exemption was issued, the site was found to

be exempt from the Prince Georges County Woodland and Wildlife Habitat Conservation Ordinance.

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 Northwest Branch of the Anacostia watershed, which flows into the Potomac River basin. The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include Urban land-Elsinboro complex (0–5 percent slopes) and Urban land-Russett-Christiana complex (0–5 percent slopes). According to available information, Marlboro clay is not present on this property; however, Christiana complexes are found to occur on this property. 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 species mapped to occur on or in the vicinity of this property. The site has frontage on three improved rights-of-way: Rhode Island Avenue (US 1) to the west is a master-planned collector road; Webster Street to the north and 41st Street to the east are local roadways without master plan designations. These roadways are not classified as arterial or higher and are not regulated for transportation-related noise impacts. None of the adjacent roads are designated as scenic and/or historic. The site is located within Environmental Strategy Area 1 (ESA 1) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035. The site contains no regulated, evaluation, or network gap areas within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*.

Sector Plan Conformance

The site is located within the 2004 Gateway Arts District Sector Plan and SMA area. The Environmental Infrastructure section of the master plan contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance:

Recommendation 2: Incorporate low-impact development design features and implement green building techniques that include the latest environmental technologies.

The use of low-impact development design and green building techniques that include the latest environmental technologies should be used as appropriate. The use of alternative energy sources such as solar, wind, and hydrogen power is encouraged.

Recommendation 4: Seek opportunities to create new, connected green infrastructure elements. New development or redevelopment project proposals should establish landscaped areas and open space connections, wherever possible.

The redevelopment of this site should establish landscaped areas and open space connections whenever possible, and will be reviewed at the time of DSP.

Recommendation 5: Require the following tree cover areas based on ten-year tree canopies: 10 percent tree cover on all properties not in the CBCA I-D-O overlay and within the industrial areas, 15 percent tree cover on property containing an L-D-O (limited development overlay), 20 percent tree cover within mixed-use or commercial area, and 26 percent tree cover within residential areas.

Establish street trees along main transportation corridors. Count trees planted in the public right-of-way but within 16 feet of a property line toward a development's tree coverage.

The proposed development is located outside of the Chesapeake Bay Critical Area (CBCA) Intense Development Overlay (I-D-O) Zone. The U-L-I Zone is required to have a minimum of ten percent tree canopy coverage (TCC) under Section 25-128(b), Division 3, of the County Code. Adherence to TCC requirements will be reviewed at the time of DSP. Street trees planted within the three adjacent public rights-of-way are encouraged and can be counted towards meeting the TCC requirement.

Recommendation 6: Decrease impervious surfaces by sharing parking to the fullest extent, constructing green roofs, and following the County's Department of Environmental Resources requirements to the fullest extent.

Recommendation 7: Use micromanagement stormwater treatment methods on new development or redevelopment projects.

The site has an approved Stormwater Management Concept Plan (5346-2015-00) that has been found in conformance with Subtitle 32, Water Quality Resources and Grading Code, by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). Because this project involves redevelopment of an existing developed site, the site will be designed to treat for 50 percent of the water quality volume of the impervious surface with this proposed disturbed area, and 100 percent water quality volume and channel protection storage volume for new impervious area using environmental site design (ESD) practices and techniques.

The previous impervious surface area of the site was 0.48 acre, and the proposed impervious surface of the site will increase by 0.12 acre to 0.60 acres, which will require treatment for 0.36 acre of impervious surface. DPIE will continue to review the project for technical conformance with Code requirements through the development process, including the use of ESD practices and techniques.

Recommendation 8: Encourage new development to avoid impact on wetlands. Where feasible, construct new wetlands with the intent of replicating the functions provided by natural wetlands, including pollutant interception, erosion control, and provision of wildlife habitat.

The subject site does not contain any wetlands. The creation of engineered wetlands does not appear to be a viable option for this site given its urban location and size constraints.

Recommendation 10: Evaluate noise impacts for proposed development and require that noise levels meet the state standards.

The proposed residential use is permitted within the U-L-I Zone with specific criteria cited in Section 27-473(b), Part 7, Industrial Uses, of the Zoning Ordinance. The site is located along collector roadways, which are not generally regulated for transportation noise impacts. Standard construction shell techniques generally reduce exterior noise levels by a minimum of 25 dBA Ldn. State noise standards for interior noise in residential units generally require 45 dBA Ldn.

Conformance with the Countywide Green Infrastructure Plan

Neither the subject property nor any adjacent properties are within the designated green infrastructure network.

9. **Stormwater Management**—DPIE has approved a Stormwater Management Concept Plan, 5346-2015-00, to ensure that development of this site does not result in on-site or downstream flooding. Because this project involves redevelopment of an existing developed site, the site will be designed to treat for 50 percent of the water quality volume of the impervious surface with this proposed disturbed area, and 100 percent water quality volume and channel protection storage volume for new impervious area using ESD practices and techniques. The previous impervious surface area of the site was 0.48 acre, and the proposed impervious surface of the site will increase by 0.12 acre to 0.60 acre, which will require treatment for 0.36 acre of impervious surface. DPIE will continue to review the project for technical conformance with Code requirements through the development process, including the use of ESD practices and techniques.

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection, and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to be implemented on individual properties or projects, and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans; County ordinances for stormwater management, 100-year floodplain, and woodland conservation; and programs implemented by DPIE; the Prince George's County Health Department; the Prince George's County Department of the Environment; the Prince George's Soil Conservation District; the Maryland-National Capital Park and Planning Commission (M-NCPPC), Planning Department; and the Washington Suburban Sanitary Commission (WSSC) are also deemed to be consistent with this functional master plan.

10. **Parks and Recreation**—The site is unsuitable for mandatory dedication. Therefore, in accordance with Section 24-134(a) of the Subdivision Regulations, payment of a fee-in-lieu of dedication for the site is recommended. The fee-in-lieu payment is required in conjunction with the approval of the final plat.

11. **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 2004 Gateway Arts District Sector Plan and SMA (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. Due to the site's location within the Baltimore Avenue General Plan Corridor and the Port Towns Neighborhood Center (per the Adequate Public Facility Review Map of Plan Prince George's 2035), the application is subject to the requirements of Prince George's County Council Bill CB-2-2012 and the associated "Transportation Review Guidelines, Part 2."

Conformance to the MPOT and Sector Plan

The applicant's subdivision proposal will not conflict with the area master plan, which recommends improving pedestrian, bicycle, and transit accessibility and circulation along major roadways and local streets. The area master plan recommends improving streetscapes and crosswalks for a safe and attractive pedestrian network.

Conformance to Section 24-124.01 (Adequate Public Pedestrian and Bikeway Facilities)

The subject property is located within a designated corridor and center in Plan Prince George's 2035. 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 Prince George's County Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent that such facilities do not already exist) throughout the subdivision and within one-half mile walking or biking distance of the subdivision if the Planning 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 includes the following guidance regarding pedestrian and bikeway improvements:

- (a) **Statement of Legislative Intent.** This Section establishes general criteria by which to ensure the adequacy of public pedestrian and bikeway facilities in County Centers and Corridors as designated by the General Plan (or as designated, defined, or amended by a subsequent master plan or sector plan). It also sets forth the requirements for those who establish subdivisions within Centers and Corridors to construct on-site and off-site pedestrian and bikeway facilities and other public streetscape improvements as part of any development project. The Approved 2002 General Plan states that the County should provide for a multimodal pedestrian-friendly transportation system at Centers and Corridors that is integrated with the desired development pattern. Accomplishing this requires the incorporation, to the maximum extent possible, of appropriate pedestrian, bicycle and transit-oriented design (TOD) and transit-supporting design (TSD) features in all new development within Centers and Corridors. Such features include integrated sidewalk, trail, and bikeway networks to divert as many trips as possible from

automobile travel and increase the multimodal accessibility and attractiveness of trips to transit stops, schools, parks, libraries, stores, services and other destinations for all users. Pedestrian and bikeway facilities should be designed to increase safety, reduce travel time and offer the most direct routes to destinations for persons of all abilities. These concepts are further articulated in the “complete streets” principles and policies set forth in the 2009 Approved Countywide Master Plan of Transportation.

- (b) Except for applications for development projects 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.
 - (B) The presence of elements that make it 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 markings, “bulb-out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage).

The development proposes commercial/retail development and dwelling units. A scoping agreement was signed on March 16, 2015. Available funds will be utilized by the applicant to construct public improvements for bicycle or pedestrian access and transit improvements, where necessary.

The applicant has provided a Bicycle and Pedestrian Impact Statement (BPIS) pursuant to Section 24-124(a) of the Subdivision Regulations. The applicant’s BPIS and associated mapping describes the degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the MPOT and applicable area master plans or sector plans have been constructed or implemented in the area. Rhode Island Avenue (US 1), Webster Street, and 41st Street currently contain sidewalks.

- (2) The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:
- (A) The degree to which the bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;
 - (B) the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;
 - (C) the degree to which protected bicycle lanes, on-street vehicle parking, medians, or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and
 - (D) the availability of safe, accessible, and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.

The subject property is within an existing commercial district on US 1, and is adjacent to residential property along 41st Street. It is close to many area destinations, which include employment centers. Bicycle parking is available at these locations.

Rhode Island Avenue is recommended to contain bicycle lanes in the area and functional master plans. The Maryland State Highway Administration (SHA) has implemented bikeways along the corridor, with signage and striping where appropriate. Narrow bicycle lanes exist on US 1 along the subject property and within one-half mile of the property. There are no protected bicycle lanes in this area. On-street vehicle parking is not currently present along US 1 at this location.

Trail access to the existing Northwest Branch Trail is approximately 200 feet north of the subject site.

- (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.

(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 applicant proposes the reconstruction of an existing handicap-accessible ramp located in the southwestern quadrant of the 41st Street and Webster Street intersection with an Americans with Disabilities Act (ADA) compliant ramp in order to meet the area's adequacy requirements for public pedestrian and bikeway facilities, pursuant to Section 24-124(a) of the Subdivision Regulations. The off-site improvements will be limited to the cost cap for off-site improvements as required by Section 24-124.01, which is calculated to be \$3,128.74.

The BPIS contains an appropriate amount of improvements that will be associated with the development as required by Section 24-124.01. The proposed improvements will demonstrate adequacy for public pedestrian and bicycle facilities within one-half mile of the subdivision.

The proposed improvements will demonstrate adequacy for public pedestrian and bicycle facilities within one-half mile of the subdivision. Based on the foregoing analysis, the PPS meets the required findings for adequate public pedestrian and bikeway, with conditions.

12. **Transportation**—The application includes the development of a 13,500 square feet of GFA and six multifamily dwelling units for mixed uses. The table below summarizes the trip generation in each peak hour that will be used for the analysis and for formulating the trip cap for the site:

Trip Generation Summary, 4-15002, Brentwood								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Commercial/Light Industrial	11,000	square feet	8	2	10	2	8	10
Office	2,500	square feet	4	1	5	1	4	5
Multifamily Residential	6	units	1	3	4	3	1	4
Total Trips Utilized in Analysis			13	6	19	6	13	19

The trip generation is estimated using trip rates and requirements in the “Transportation Review Guidelines, Part 1” (Guidelines) with use quantities as presented in the attached revised letter dated June 22, 2015 from the applicant’s traffic consultant (Nelson to Gorman).

The traffic generated by the proposed PPS would impact the following intersections, interchanges, and links in the transportation system:

- US 1 and Volta Avenue (unsignalized)
- US 1 and Webster Street (signalized)

The application is supported by weekday peak-hour traffic counts dated February and March 2015 that were 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 subject property is located within Transportation Service Area 1 (TSA 1), as defined in Plan Prince George’s 2035. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is

computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in 2015 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1 and Volta Avenue	43.1*	24.8*	--	--
US 1 and Webster Street	22.6*	15.9*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the 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.				

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." Background traffic has been developed for the study area using two nearby approved, but unbuilt developments within the study area. A 0.5 percent growth rate for a period of two years has been assumed along Rhode Island Avenue (US 1). The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1 and Volta Avenue	47.0*	27.2*	--	--
US 1 and Webster Street	25.9*	18.1*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the 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 following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above and the distribution as follows: 45 percent north US 1, and 55 percent south along US 1, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1 and Volta Avenue	47.9*	28.3*	--	--
US 1 and Webster Street	27.3*	19.7*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the 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.				

It is found that all critical intersections operate acceptably under total traffic in both peak hours. In accordance with this analysis, a trip cap consistent with the trip generation assumed for the site (the proposed development of 19 AM and 19 PM trips) is conditioned.

Plan Comments

Rhode Island Avenue (US 1) is a master plan collector facility. The proposed access using US 1 and 41st Street is supportable as shown on the plan. The master plan recommends US 1 as a four-lane divided roadway with a 90- to 110-foot right-of-way along the frontage of the subject property. It is noted that the subject property is within the Gateway Arts District Sector Plan and SMA. Page 79 of the master plan recommends adding shade trees and an eight-foot-wide strip for landscaping and pedestrian amenities on each side of US 1. Any development in the Arts District is subject to the D-D-O Zone development standards of the character area within which it is located. The subject property is within the Arts Production and Entertainment character area. The streetscape requirement on page 155 of the master plan states that "the required streetscape on US 1 shall consist of a sidewalk a minimum of 12 feet wide and may include a strip containing street trees, landscaping, and pedestrian amenities." Taking all of this into consideration, the existing dedication of 44 feet can accommodate the following:

- Half of the required median width, or nine feet
- Two travel lanes totaling 23 feet
- An on-road bike lane of five feet
- Part of the required 12-foot sidewalk/landscape strip area

The Transportation Planning Section has determined that no additional right-of-way dedication is required along US 1, Webster Street, or 41st Street. While a portion of the required 12-foot strip containing landscaping and pedestrian amenities can be contained within the public right-of-way, the remainder can be on adjacent private property, and would be demonstrated at the time of DSP.

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

13. **Schools**—The Special Projects Section has reviewed this PPS for impact on school facilities in accordance with Section 24 122.02 of the Subdivision Regulations and Prince George’s County Council Resolution CR 23 2003 and concluded the following:

Impact on Affected Public School Clusters
Multifamily Units

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	6	6	6
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	1	0	0
Actual Enrollment	20,414	4,349	8,318
Total Enrollment	20,415	4,349	8,318
State Rated Capacity	17,570	4,334	8,125
Percent Capacity	116%	100%	102%

Source: Prince George’s County Planning Department, M-NCPPC, 2014

Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$9,035 and \$ 15,489 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a quarter mile of a Metro station; or within the Bowie State MARC Station Community Center designation area, as defined in the 2010 *Approved Bowie State MARC Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within County urban centers and corridors as defined in Subtitle 27A, Section 27-106, of the County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within a quarter mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings, or other systemic changes. The nonresidential development proposed by this PPS is exempt from the review for schools.

14. **Fire and Rescue**—The 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)(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 Fire/EMS Company 16. This first due response station, located at 3716 Rhode Island Avenue, is within the maximum seven-minute travel time for both residential and nonresidential land uses.

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

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

15. **Police Facilities**—The PPS has been reviewed for adequacy of police services and is located in Police District I, Hyattsville.

The response time standard for residential is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The PPS was accepted for processing by the Planning Department on May 5, 2015.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date	5/2014-4/2015	6 minutes	12 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and the 25 minutes for nonemergency calls were met on May 11, 2015.

The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

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 location of utilities on the site must be reviewed and approved by the applicable utility providers to determine their most adequate location in relation to other easements and the overall development of site, thereby ensuring public safety, health, and welfare.

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

The conditions on which the variation is based are unique because the site is adjacent to rights-of-way (US 1 and 41st Street) which currently contain existing utilities that can serve the site. Furthermore, the site is exceptionally narrow, ranging from 121 feet to 45 feet in width. The placement of a ten-foot-wide PUE along the property frontage would severely inhibit the ability to develop the site.

- (3) **The variance does not constitute a violation of any other applicable law, ordinance or regulation.**

As the location of the alternative PUE would require approval of the applicable public utility providers, it is determined that no other applicable law, ordinance, or regulation would be violated by this variation.

- (4) **Because of the peculiar 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.**

As previously stated, the site is exceptionally narrow, ranging from 121 feet to 45 feet in width. This location creates a situation in which the resulting parcel shape is unique and peculiar within the surrounding area. Provision of a standard PUE along the property frontage would create a severe loss of space upon which the proposed development may be constructed.

Based on the findings above, the variation from Section 24-122(a) for an alternative PUE is APPROVED, with conditions.

The PPS does not depict a PUE on the subject site to serve the proposed development. As discussed, the applicant intends to implement an alternative PUE on the site, which is supported. Therefore, prior to certification of the DSP for development of the site, a color-coded utility plan for the alternative PUE should be submitted for review. The DSP shall demonstrate all of the proposed utility easements in conformance with the utility plan. The applicant shall provide documentation of concurrence of the alternative layout from the applicable utility providers at the time of DSP.

At the time of final plat, the PUE shall be reflected on the final plat and granted in conformance with the DSP. If the applicant is unable to obtain consent from all of the affected utilities, a standard ten-foot-wide PUE shall be required.

19. **Historic**—The North Brentwood National Register Historic District (68-061) is located north and west of the subject property. The subject property was extensively graded in the past. 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, or known archeological sites.
20. **Use Conversion**—The subject application is proposing six multifamily dwelling units and 13,500 square feet of GFA for retail/office use in the U-L-I/D-D-O Zone. If a substantial revision to the mix of uses on the subject property is proposed that substantially affects Subtitle 24 adequacy findings as set forth in the resolution of approval, that revision of the mix of uses may require approval of a new preliminary plan of subdivision prior to approval of any building permits.
21. At the public hearing on July 9, 2015, the Planning Board approved staff's revised Conditions 1 and 5 to acknowledge that the that the PPS requests the approval of 8 lots, rather than the consolidation of Lots 8 through 15 into one parcel. Secondly, the Planning Board approved a revision to the report overview, per Applicant's Exhibit No. 1, to clarify the number of existing access driveways located on the site. Lastly, the Planning Board approved revised Conditions 1(f), 1(g), 7, and 8(a), per Applicant's Exhibit No. 1, for the purpose of making technical corrections pertaining to the disposition of a slope easement and existing structures on the site, clarifying the timing and nature on sidewalk improvements along US 1, and clarifying the location of the required BPIS improvement.

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.

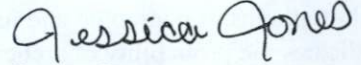
* * * * *

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 9, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of July 2015.


APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 7/16/15

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:WM:ydw