



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 15-77

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File No. 4-13012

## RESOLUTION

WHEREAS, The Pregnancy Aid Center c/o Mary Jelacic is the owner of a 1.40-acre parcel of land known as Lots 20-A and 21-A located in the City of College Park on Tax Map 25, Grid E-3 in Plat Book MMB 236 Plat Number 57, said property being in the 21<sup>st</sup> Election District of Prince George's County, Maryland, and being zoned Mixed-Used Infill (M-U-I) and is within the Central US 1 Corridor Development District Overlay Zone (D-D-O); and

WHEREAS, on April 30, 2015, The Pregnancy Aid Center c/o Mary Jelacic filed an application for approval of a Preliminary Plan of Subdivision for 2 lots to expand an existing medical office and associated site facilities; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13012 for The Pregnancy Aid Center 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 16, 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 16, 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 DISAPPROVED the Variation from Section 24-122(a) for nonstandard public utility easement along public roads and APPROVED Preliminary Plan of Subdivision 4-13012, 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 digital approval block to the plan.
  - b. Revise General Note 4 as follows "Purpose of Subdivision: 8,251 square feet of GFA."
  - c. Correct General Note 10 to reflect 6,826 square feet of road dedication.
  - d. Add "D-D-O" to General Note 11.



- e. Correct General Note 15 to reflect that the property is not affected by the Andrews Interim Land Use Control Zones.
  - f. Add the corridor name to General Note 16.
  - g. Correct General Note 21 to reflect that the project is "exempt" from the mandatory park dedication requirement.
  - h. Add General Note 32, stating that "a variation will be required at time of final plat from Section 24-122(a) of the Subdivision Regulations for an alternative public utility easement."
  - i. Label the proposed lots as "Lot 22 and Lot 23." Add the lot area for the proposed lots.
  - j. Label all existing structures as "to remain" or as "To be removed."
  - k. Add a note: This site (Lots 22 and 23) are considered one site or "lot" for development purposes pursuant to Section 27-107.01(129). The interior lot line is not subject to the 2010 *Prince George's County Landscape Manual* or building setbacks as long as the DSP is for one "lot," being that Lots 22 and 23 are developed as one site.
  - l. Provide the centerline of all abutting rights-of-way.
  - m. Reflect ultimate right-of-way of 50 feet along 48<sup>th</sup> Avenue.
2. A substantial revision to the uses on the subject property, including the addition of residential, that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to the approval of building permits.
3. At time of DSP review, full cut-off exterior optic light fixtures shall be used to reduce sky glow and light intrusion onto residential properties to the fullest extent possible.
4. At time of DSP review, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
- a. Provide seven u-shaped designed bicycle parking spaces anchored into a concrete base.
  - b. Reflect for construction a minimum five-foot-wide sidewalk with accessible ramps along the subject property frontage of Erie Street and 48<sup>th</sup> Avenue within the right-of-way if required by the City of College Park.
  - c. Reflect for construction a minimum five-foot-wide sidewalk with accessible ramps along the subject property frontage within the public right-of-way of US 1 subject to modification by SHA.



5. Total development shall be limited to uses that would generate no more than 24 AM and 31 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
6. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 26195-2012-00, and any subsequent revisions.
7. At the time of final plat approval, the applicant shall dedicate right-of-way along Baltimore Avenue (US 1), to an ultimate right-of-way width of 100 feet (50 feet from centerline), and additional right-of-way along Erie Street to an ultimate right-of-way of 50 feet (25 feet from centerline), as reflected on the approved preliminary plan of subdivision.
8. 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 an alternative PUE acceptable to all applicable public utility providers, as reflected on the approved DSP.
9. Prior to final plat approval, the detailed site plan shall reflect all required utility easements. If the utility companies do not consent to an alternative utility easement, the detailed site plan shall reflect the standard ten-foot-wide public utility easement (PUE) along all public streets, which shall be reflected on the final plat.
10. Prior to the approval of the final plat, the applicant shall submit a variation in accordance with Section 24-113(b) to Section 24-122 for an alternative public utility easement, if necessary.

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 in the City of College Park on Tax Map 25, Grid E-3, and is known as Lots 20-A and 21-A, recorded in the Prince George's County Land Records in Plat Book MMB 236 Plat Number 57 on July 16, 2012 and are legal lots. This plat was recorded pursuant to Section 24-108(a)(3) of the Subdivision Regulations to dedicate additional right-of-way, along Baltimore Avenue (US 1) and 48<sup>th</sup> Avenue. Lots 20-A and 21-A have never been the subject of a Preliminary Plan of Subdivision (PPS). This site is currently improved with 5,149 square feet of medical office which is to remain. The PPS is required as a result of the proposed and previous additions onto an existing office building that result in a cumulative total of more than 5,000 square feet of gross floor area (GFA). The PPS is for the construction of an additional 3,102 square feet, which will result in a total gross floor area of 8,251 square feet for the subject site resulting in this PPS requirement.



This property is located along the northeast quadrant of the intersection of US 1 and Erie Street and also fronts 48<sup>th</sup> Avenue. This PPS is for two lots; Lot 22 is proposed with 20,488 square feet and Lot 23 is proposed with 33,807 square feet. Together these lots are to be developed as one site, or lot as defined by Section 27-107.01(129) of the Zoning Ordinance, which defines a lot as one more record lots to be built on as a unit.

Therefore, the interior lot line is not subject to building setbacks or the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The Lot (Lots 22 and 23) has frontage and direct access to a public street. Right-of-way dedication is required along the frontages of both US 1 and Erie Street, totaling 6,826 square feet.

As part of the review of this PPS the applicant request a variation to the Subdivision Regulations to allow alternative locations for the public utility easements along public roads. The variation request was received on June 23, 2015. Section 24-113(b) of the Subdivision Regulations requires that a variation request be submitted no less than 30 days prior to the Planning Board hearing. Because of the 30-day requirement, the Planning Board is compelled to recommend disapproval of this variation request with the PPS. The request is evaluated in Finding 15. The applicant will have the option of requesting the Board's approval of the variation at the time of final plat, subject to the requirements of Section 24-113(b).

The Detailed Site Plan DSP-12030 is currently in review which is required for development in a DDOZ. Prior to the certification of the DSP it should be revised to be consistent with the PPS including the alternative locations of the utility easements.

3. **Setting**—The subject site is zoned Mixed-Use Infill (M-U-I) and is within Central US 1 Corridor Development District Overlay Zone (D-D-O). The site is bounded to the north by a commercial office use in the M-U-I Zone and single-family detached residential uses in the R-55 Zone; to the east by 48<sup>th</sup> Avenue; to the west by Baltimore Avenue (US 1); and to the south by Erie Street. The properties across 48<sup>th</sup> Avenue zoned R-55 and are developed with single-family detached residential. The properties across Erie Street are zoned M-U-I and R-55 and are developed with commercial. The properties across US 1 are zoned M-U-I/D-D-O and are developed with commercial
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.



	EXISTING	APPROVED
Zone	M-U-I	M-U-I
Use(s)	Medical Office	Medical Office
	(5,149 square feet)	(8,251 square feet)
Acreages	1.40	1.40
Lots	2	2
Outlots	0	0
Parcels	0	0
Dwelling Units	0	0
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	Yes
		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. The requested variation to Section 24-122(a) of the Subdivision Regulations was accepted on June 23, 2015 and heard at the SDRC meeting on July 6, 2015.

5. **Community Planning**—The PPS is consistent with the Plan Prince George's 2035 General Plan policies for the Innovation Corridor and conforms to the land use recommendations of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (2010 Central US 1 Corridor Sector Plan SMA) for mixed-use commercial land use.

This application is located within a designated Employment Area growth policy area. *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) describes Employment Areas as areas commanding the highest concentrations of economic activity in four targeted industry clusters and recommends continuing to support business growth in these areas, concentrating new business development near transit, where possible, improving transportation access and connectivity, and creating opportunities for synergies.

The Plan 2035 Strategic Investment Program places this property in a designated priority investment area—the Innovation Corridor. Plan Prince George's 2035 describes the Innovation Corridor as the area that “has the highest concentrations of economic activity in our four targeted industry clusters and the greatest potential to catalyze future job growth, research, and innovation in the near- to mid-term. This Innovation Corridor is well positioned to capitalize on the synergies that derive from businesses, research institutions, and incubators locating in close proximity to one another and on existing and planned transportation investment, such as the Purple Line.”

The Approved Land Use North Map (Map 7) on page 59 of the 2010 Central US 1 Corridor Sector Plan SMA recommends mixed-use commercial land uses. The site fronts Baltimore Avenue



(US 1), which is a major collector (MC-200) with a right-of-way width of 88 to 112 feet per the 2010 Central US 1 Corridor Sector Plan and SMA.

The 2010 Central US 1 Corridor Sector Plan and SMA recommends dedicated bicycle facilities, with bicycle lanes as a possible interim solution and cycle tracks as the preferred long-term facility, along Baltimore Avenue (US 1).

The subject site is not located within an Aviation Policy Area or the JLUS Interim Land Use Control area. The June 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (2010 US 1 Corridor Sector Plan and SMA) retained this property in the M-U-I Zone. The Development District Overlay Zone (D-D-O), which requires detailed site plan review (DSP), was retained on the site.

The Plan Prince George's 2035 general plan policies, strategies, and recommendations for employment areas and the innovation corridor are primarily focused on economic and employment growth. The PPS for the expansion of an existing medical office use will help achieve Plan Prince George's 2035 and is consistent with the previous 2002 *Prince George's County Approved General Plan*.

The 2010 Central US 1 Corridor Sector Plan and SMA recommends mixed-use commercial land uses for the site (see Map 7 on page 59). The proposed expansion of an existing medical office use is consistent with the sector plan's land use recommendations.

Conformance with the Development District Standards will be further reviewed with the DSP process. Special attention should be paid to the pedestrian connectivity to the site, particularly along Baltimore Avenue (US 1), and to sustainability elements given the proposed dedication to municipal and state transportation authorities.

6. **Stormwater Management**—A Stormwater Management Concept Approval Letter (26195-2012-00) and associated plan were submitted with the application for this site. The approval letter was issued on October 1, 2012 and is valid through October 1, 2015.

The concept letter and plan indicate the payment of fee-in-lieu for the provision of on-site attenuation/quality control measures, the use of rain barrels for storage and infiltration purposes, and the provision of a bioretention facility. An outfall structure is shown for the bioretention facility connecting to an existing curb inlet. Development should conform to this approval and subsequent revisions.

7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, this PPS is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.

8. **Trails**—Section 24-124.01 of the Subdivision Regulations establishes the general criteria by which to ensure the adequacy of public pedestrian and bikeway facilities in County Centers and



Corridors. The subject application proposes 3,102 square feet of new development. There are no new residential units proposed for development.

The proposal is exempt from Section 24-124.01 because less than 5,000 square feet of gross floor area (GFA) of new development is proposed by the applicant. Section 24-124.01 states the following exemption:

- (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.**

The subject property fronts on Baltimore Avenue (US 1) and is within "Character Area 4" of the "Corridor Infill Character Area" described in the June 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*. The sector plan recommends the establishment of sidewalks and bicycle lanes within the rights-of-way of US 1 and local roads.

The PPS reflects 20 feet of public right-of-way (ROW) dedication along US 1 for a total of 50 feet from the centerline of US 1 with a maximum ROW of 100 feet wide along the property frontage. This amount of proposed dedication is sufficient to implement the sector plan's recommended right-of-way along US 1 and accommodate SHA engineering plans, which are in the design phase.

#### **Baltimore Avenue US 1 Highway Improvement Plans**

Baltimore Avenue is the subject of an active Maryland State Highway Administration (SHA) highway improvement planning project. The state plan is currently in final design for the section of US 1 between College Avenue and University Boulevard (MD 193). Other sections of US 1, including the subject section of Baltimore Avenue (US 1), which is north of University Boulevard (MD 193) and south of the Capital Beltway (I-95/495), are in various phases of re-design.

The sector plan contains recommended projects to implement the plan's vision, including sidewalks, pedestrian crossings, bicycle enhancements, and transit improvements. Specifically, the sector plan recommends that Baltimore Avenue (US 1) be improved to accommodate more pedestrians and bicyclists.

The SHA plan for the entire US 1 corridor contains some of the following elements and based on on discussion with the City of College Park, include the frontage of the subject site:

- Geometric Improvements
- Planted Medians
- Pedestrian Safety Elements and Pedestrian Refuges
- Bicycle Lanes (six-foot-wide Typical)
- Improved Crosswalks and Signal Timing



- Revised Bus-Stop locations and Bus Pads in the Roadway
- Sidewalk Improvements (five-foot-wide Typical)
- Pedestrian-Scaled Lighting

The final design of the US 1 corridor is currently undergoing changes, and as recently as May 7, 2016, SHA anticipates that the typical section along US 1 will change to accommodate six-foot-wide bicycle lanes.

SHA anticipates acquiring property along the corridor for the highway improvement project at some locations. Right-of-way dedication proposed by the applicant will contribute to the SHA project. Bicycle facilities and sidewalks can be accommodated within the area that is proposed for dedication by the applicant along US 1.

#### **City of College Park Streets**

The subject property has frontage on three public rights-of-way, Erie Street and 48<sup>th</sup> Avenue, are under the jurisdiction of the City of College Park. Access is provided along Erie Street. The PPS reflects ten feet of public right-of-way dedication along Erie Street for a total of twenty-five feet from centerline. Both Erie Street and 48<sup>th</sup> Avenue are planned for a 50-foot ultimate right-of-way width at the property frontage. Erie Street is an east-west direction street, and currently does not contain sidewalks, but are recommended.

The subject property is within "Character Area 4" of the "Corridor Infill Character Area" described in the June 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*. The sector plan recommends the establishment of sidewalks within, or adjacent to the rights-of-way of local roads.

The sector plan recommends that all east-west streets in the plan area function as a "secondary frontage" or a "side street" when a corner lot is located at the intersection of a major north-south and east-west streets. The sector plan recommends various street types that can be utilized for the Corridor Infill Character Area (pages 262–263). The sector plan recommends sidewalk widths that vary between four feet and eight feet for the roads within the Corridor Infill Character Area.

For the current proposal, it is recommended that a sidewalk within the public right-of-way, minimum five-foot-wide, be constructed along the subject property frontage of Erie Street, which is a side street and 48<sup>th</sup> Avenue. Construction should conform to the Americans with Disabilities Act (ADA) ramps and a driveway aprons may be required by the Department of Public Works and Transportation (DPW&T), or the City of College Park.

#### **Countywide Master Plan of Transportation**

The November 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Growth Policy Area (Developed and Developing Tiers). The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians, which support the right-of-way dedication



proposed by the applicant:

**Policy 1:**

**Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**Policy 2:**

**All road frontage improvements and road capital improvement projects within the developed and**

**Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

The subject property has frontage on Baltimore Avenue (US 1), Erie Street, and 48<sup>th</sup> Avenue which should contain sidewalks as recommended. The applicant proposes right-of-way dedication on US 1 and Erie Street for the provision of sidewalks. As stated previously, bicycle facilities will be accommodated within property that is proposed for dedication by the applicant along US 1. The nearest intersection with a crosswalk is located at the intersection of Fox Street and US 1.

**Bicycle Parking**

The area master plan recommends that one bicycle parking space be provided for every three vehicular parking spaces (page 239). The applicant's concept plan proposes 22 vehicle-parking spaces. It is recommended that a bicycle parking schedule for 7 bicycle parking spaces be included in the DSP.

9. **Transportation**—The subject property is located within Transportation Service Area – TSA 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. A traffic count was required pursuant to provisions in the "Transportation Review Guidelines, Part 1 2012." Account was required for the intersection of US 1 and Fox Street for the purpose of making transportation adequacy finding. The applicant is proposing to add 3,102 square feet to an existing medical office building of 5,149 square feet for a total of 8,251 square feet.

**Traffic Analysis**

The site is within the June 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* area which requires that traffic counts be averaged. "Within the Central US 1 Corridor Development District, the transportation facilities adequacy standard shall be Level of Service E, based on the average peak period levels of service for all signalized intersections in three designated segments of the Central US 1 Corridor." The site falls within the segment between the Capital Beltway (I-95/495) and University Boulevard (MD 193). The averaged traffic counts are then grouped together with other signalized intersections in the study area as defined by the sector plan to determine adequacy. This procedure is explained in the *Guidelines* on pages 31 and 32. The study area includes the following signalized intersections:



- US 1 and Ramp from I-95/I-495 Edgewood Road
- US 1 and Cherry Hill Road
- US 1 and Hollywood Road
- US 1 and Fox Street
- US 1 and Cherokee Street (North) (Future Signal)

The applicant was required to provide an existing count for the intersection of US 1 and Fox Street. The other traffic counts were taken from a 2014 traffic study and a growth adjustment to 2015 was applied. A traffic signal is approved for US 1 and Cherokee Street. The table below contains critical lane volumes (CLV) and intersection volumes as well as corridor averages as required by the 2010 *Approved Central US 1 Corridor Sector and Sectional Map Amendment*.

EXISTING TRAFFIC CONDITIONS						
Intersection	(LOS/CLV/INTVOL, AM)			(LOS/CLV/INTVOL, PM)		
US 1 & Edgewood Road	D	1,398	4,170	D	1,327	4,602
US 1 & Cherry Hill Road	F	1,729	4,721	F	1,709	5,318
US 1 & Hollywood Road	E	1,511	3,738	D	1,349	4,220
US 1 & Fox Street	E	1,453	3,611	C	1,227	4,267
US 1 & Cherokee Street	--	--	--	--	--	--
<b>Corridor Average</b>	E	1,523	4,060	D	1,403	4,602

The critical intersections identified above are not programmed for improvements 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." The corridor average is at LOS E in the AM peak hour which is acceptable.

Background traffic from two nearby developments included 22,000 square feet of office space, 220 apartments, and 25,000 square feet of retail space.

BACKGROUND TRAFFIC CONDITIONS						
Intersection	(LOS/CLV/INTVOL, AM)			(LOS/CLV/INTVOL, PM)		
US 1 & Edgewood Road	D	1,415	4,206	D	1,390	4,676
US 1 & Cherry Hill Road	F	1,737	4,779	F	1,730	5,413
US 1 & Hollywood Road	E	1,520	3,802	D	1,370	4,315
US 1 & Fox Street	E	1,461	3,669	C	1,248	4,362
US 1 & Cherokee Street	E	1,570	3,782	D	1,370	4,553
<b>Corridor Average</b>	E	1,541	4,048	D	1,422	4,664



Under background conditions the corridor still operates at an acceptable level of service (LOS E) with a corridor critical lane volume (CLV) of 1,559 (1,451 to 1,600 is acceptable). The table below shows total traffic conditions with trips from the proposed medical office expansion added. The corridor average remains at LOS E in the AM peak hour and LOS D during the PM peak hour which is acceptable.

TOTAL TRAFFIC CONDITIONS						
Intersection	(LOS/CLV/INTVOL, AM)			(LOS/CLV/INTVOL, PM)		
US 1 & Edgewood Road	D	1,418	4,237	D	1,392	4,704
US 1 & Cherry Hill Road	F	1,741	4,810	F	1,738	5,450
US 1 & Hollywood Road	E	1,524	3,828	D	1,378	4,351
US 1 & Fox Street	E	1,466	3,707	C	1,262	4,407
US 1 & Cherokee Street	F	1,629	3,889	E	1,455	4,686
<b>Corridor Average</b>	E	1,556	4,094	D	1,445	4,720

#### Site Access Evaluation

On-site access will be provided on Erie Street at an existing commercial entrance. All of the parking spaces are located behind the existing building on Lot 20-A. Site access and circulation will be further reviewed at DSP.

#### Master Plan Roads

Baltimore Avenue (US 1) is in the 2010 *Approved Central U.S. 1 Corridor Sector Plan and Sectional Map Amendment* as a major collector roadway. A right-of-way width of 88 to 92 feet is recommended in the master plan which may extend to 108 to 112 feet where bus pads are provided. US 1 is under the jurisdiction of the State Highway Administration (SHA). For PPS frontage on US 1; the ultimate right-of-way is 100 feet, the right-of-way on the PPS is shown fifty feet from the centerline, twenty feet of right-of-way dedication is proposed. Erie Street and 48<sup>th</sup> Avenue are under the jurisdiction of the City of College Park. Erie Street is shown on the PPS with the ultimate right-of-way width of 50 feet, the right-of-way on the PPS is shown twenty-five feet from the centerline, ten feet of right-of-way dedication is proposed. 48<sup>th</sup> Street has an ultimate right-of-way of 50 feet, the right-of-way width on the PPS is shown twenty-five feet from the centerline, additional dedication along 48<sup>th</sup> Avenue is not required. The proposed dedications along US 1 and Erie Street are acceptable.

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

10. **Schools**—The subdivision 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 (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.
11. **Fire and Rescue**—This PPS was reviewed for adequacy of fire and rescue services in accordance



with Section 24-122.01(e)(1)(E) of the Subdivision Regulations. Section 24-122.01(e)(1)(E) states "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 Branchville Fire and Rescue Company 11, a first due response station (a maximum of seven (7) minutes travel time), is located at 4905 Branchville Road, College Park, Maryland, and is within the response time standard.

12. **Police Facilities**—The proposed development is within the service area of Police District I, Hyattsville. 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, 2014 (U.S. Census Bureau) County population estimate is 904,430. Using the 141 square feet per 1,000 residents, it calculates to 127,524 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.
13. **Water and Sewer Categories**—The 2008 *Approved Water and Sewer Plan* designates existing Lots 20-A and 21-A in Water and Sewer Category 3, inside the Sewer envelope, in the Developed Tier (now Growth Policy Area) and within Tier 1 under the Sustainable Growth Act and will be served by public systems. A water line in Baltimore Avenue abuts Lot 21-A and water and sewer lines in Erie Street abut Lots 20-A and 21-A. Records indicate that the existing development is served by public water and sewer.
14. **Use Conversion**—The PPS was analyzed based on the proposal for commercial development. The analysis includes access, mandatory dedication, public facilities, and density specifically related to the land use and layout proposed with this application. While the subject application is not proposing any residential development, if such a land use were proposed, a new preliminary plan shall be required.
15. **Public Utility Easement (PUE) and Variation**—The PPS has frontage on three public rights-of-way, Baltimore Avenue, Erie Street and 48<sup>th</sup> Avenue. The applicant proposes an alternative to the standard ten-foot-wide PUE along the public rights-of-way to serve the proposed development. The variation request was received on June 23, 2015. Section 24-113(b) of the Subdivision Regulations requires that variation requests be submitted no less than 30 days prior to the Planning Board hearing. Because of the 30-day requirement, the Planning Board is compelled to recommend disapproval of this variation request with the PPS. The request is evaluated herein and saving this technical issue staff would recommend approval. The applicant will have the option of requesting the Planning Board's approval of the variation at the time of final plat which is recommended in this instance, subject to the requirements of Section 24-113(b).

Section 24-122 of the Subdivision Regulations states the following:



- (a) **When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.**

Section 24-113(a) sets forth the required findings for approval of a variation request 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;**

Granting this variation to permit the PUE in alternate locations will not be detrimental to 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 during the DSP review to determine their most appropriate location in relation to other easements and the overall development of the 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 of the necessity to accommodate the existing conditions of the property. According to public records, the existing structure was built in 1912. This existing situation and the fact that the property was platted in 1905 (A-59) creates conditions unique to the property. Along US 1, the required dedication results in an eight-foot PUE in front of the existing structure.

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

As the location of an alternative PUE would require approval of the applicable public utility providers, no other applicable law, ordinance, or regulation would be violated by approving the variation.



Each lot or parcel shall have PUE's of sufficient width to accommodate all utility providers, which will be included as part of the review of the detailed site plan.

- (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.**

With utilizing existing structures and dedicating right-of-way to accommodate requested road improvements, alternative design considerations are required to accommodate the design proposal. With the property fronting on three rights-of-way, the property is a through lot which results in design constraints. The existing building is currently in use by the medical office. The building fronts Baltimore Avenue and with the road dedication, the PUE is reduced to 8.53 feet. The encroachment of the proposed parking lot into the PUE on Erie Street is the result of preserving existing trees and gardens located in the center of the site. In this area, the PUE is reduced to 3.01 feet. The denial of this variation for the PUE design would result in a particular hardship to the applicant because existing structures, which are proposed to remain, would have to be razed.

Based on the proceeding findings, staff recommends a request for variation be submitted 30 days prior to the approval of the final plat for a variation from Section 24-122 for an alternative public utility easement (PUE).

16. **Historic**—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, Historic Districts or known archeological sites.
17. **Environmental**—The PPS was previously reviewed the site as a Natural Resource Inventory (NRI-110-12) which was approved on August 31, 2012. The site was found to be exempt from the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because although the site was larger than 40,000 square feet, it contained no woodlands. A Standard Letter of Exemption (S-057-15) was issued on March 31, 2015.

#### **Grandfathering**

The project is subject to the environmental regulations of Subtitle 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012, because the application is a new preliminary plan.

#### **Site Description**

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 Indian Creek



watershed of the Anacostia watershed, which flows into the Potomac River basin. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Sassafras-Urban land complex (5–15 percent slopes), and Urban land-Sassafras complex (0–5 percent slopes). According to available information, Marlboro clay and Christiana complexes are absent from this property. This site is not located within a sensitive species protection review area according to a letter dated August 2, 2012 from the Heritage and Wildlife Service, Maryland Department of Natural Resources. The site has frontage on Baltimore Avenue (US 1) to the west, which is a master-planned major collector road. The site also has frontage along two local roads with no master plan designations; Erie Street to the south and 48<sup>th</sup> Avenue to the east. None of the adjacent roads are regulated for noise because they do not have a classification of arterial or higher. The site shares no frontage with any road designated as a scenic or historic road. The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains no Regulated, Evaluation or Network Gap Areas within the designated network.

#### **Master Plan Conformance**

The Master Plan for this area is the Central US 1 Corridor Approved Sector Plan and Sectional Map Amendment (June 2010). In the approved Master Plan, 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** font is the text from the master plan and the text in plain font provides comments on plan conformance:

**Policy 2: Restore and enhance water quality in the Paint Branch stream system and other areas that have been degraded and preserve water quality in areas not degraded.**

The site is not located in the Paint Branch sub-watershed. The site has an approved Stormwater Management Concept Letter and associated plan (26195-2012-00), which includes the use of rain barrels and on-site bioretention for water quality control.

**Policy 3: Conserve water and avoid using potable water for nonpotable uses.**

The approved stormwater management concept plan (26195-2012-00) proposes the use of rain barrels for the conservation and reuse of non-potable water.

**Policy 4: Reduce flooding and its detrimental effects on human and natural resources.**

The Department of Permitting, Inspections and Enforcement (DPIE) will continue to review the project for conformance with Subtitle 32, Water Quality Resources and Grading Code.



**Policy 5: Implement more environmentally sensitive building techniques and reduce overall energy consumption.**

The use of green building methodologies 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 6: Preserve and enhance the existing urban tree canopy.**

Adherence to Subtitle 25, Division 3, Tree Canopy Coverage will be reviewed at the time of detailed site plan.

**Policy 7: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.**

Information regarding lighting was not provided with the current application. Because the proposed development is located adjacent to existing single-family residences to the north, east and south, it is recommended that downward facing full cut-off optics be used in the project area to reduce light spillover and sky glow to the fullest extent practicable. At time of DSP review, full cut-off exterior optic light fixtures shall be used to reduce sky glow and light intrusion onto residential properties to the fullest extent possible.

**Policy 8: Reduce air pollution to support community health and wellness by supporting development that is accessible by nonmotorized and alternative modes of travel, as well as by increasing the urban tree canopy.**

The preliminary plan shows the proposed location of sidewalks on the site's frontages along US 1 and Erie Street to improve walkability. A five-foot-wide sidewalk should also be reflected with the right-of-way of 48<sup>th</sup> Avenue. Improvements to US 1 are under the jurisdiction of the Maryland SHA. Improvements in Erie Street and 48<sup>th</sup> Avenue are under the jurisdiction of the City of College Park.

**Policy 9: Reduce adverse noise impacts to meet State of Maryland noise standards.**

The proposed development will not be a noise generator and roadways adjacent to the proposed development are not regulated for noise.

**Conformance with the Green Infrastructure Plan**

The site contains no elements of the 2005 *Countywide Green Infrastructure Plan*.

**Conformance with the Water Resources Functional Master Plan**

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 county-wide 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, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), Prince George's County Department of Health, Prince George's County Department of the Environment (DoE), Prince George's Soil Conservation District, Maryland-National Park and Planning Commission (M-NCPPC) and Washington Suburban and Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

#### **Environmental Review**

An approved Natural Resource Inventory plan (NRI-110-12) was submitted with the review package, which was approved on August 31, 2012. The NRI verifies that no regulated environmental features or woodlands occur on the subject property. No further information is required with regards to the NRI.

This project is exempt from the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because although the site is larger than 40,000 square feet in area, the site contains less than 10,000 square feet of woodland, and does not have a previously approved tree conservation plan. The site received a letter of Exemption (S-057-15) on March 31, 2015, and a Type 1 Tree Conservation Plan is not required. No additional information is required with regard to woodland conservation.

Section 24-130(b)(4) of the County Code requires that "Where a property is partially or totally within an area covered by an adopted watershed plan, the plat shall conform to such plan."

The approved stormwater concept 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, Section 172 Watershed Management Planning. As such, the requirements of Section 24-130(b)(4), which requires that a subdivision be in conformance with any watershed management plan have been addressed with the approval of the stormwater management (SWM) concept plan by the Department of Public Works and Transportation (DPW&T).

According to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Sassafras-Urban land complex (5–15 percent slopes), and Urban land-Sassafras complex (0–5 percent slopes). According to available information Marlboro clay and Christiana complexes are absent from this property. This information is provided for the applicant's benefit. The County may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review.

18. **Urban Design**—The Applicant has filed a Detailed Site Plan, (DSP-12030), which is pending to construct a 3,102-square-foot addition onto an existing 5,149-square-foot office building and an



expanded parking area. The PUE location will be evaluated with the DSP and reflected on the final plat prior to approval, along with the submittal of a variation to Section 24-122(a) of the Subdivision Regulations.

**Conformance with the Requirements of the Zoning Ordinance**

Conformance with Section 27-546.18 Regulations and Section 27-546.19 Site Plans for Mixed Uses for development in the M-U-I Zone along with other applicable Zoning Regulations will be evaluated at time of DSP review.

**Conformance with the Requirements of the Central US 1 Corridor Sector Plan and SMA**

The proposed development is within the Corridor Infill Character Area of the Central US 1 Corridor Sector Plan Development District and is thus subject to the DDOZ standards for Building Form; Architectural Elements; Sustainability and the Environment; and, Streets and Open Spaces. Conformance to the applicable standards will be evaluated at the time of DSP review.

**Conformance with the 2010 Prince George's County Landscape Manual**

The sector plan exempts development in the development district from Section 4.2 (Requirements for Landscape Strips Along Streets), Section 4.3 (Parking Lot Requirements) and Section 4.7 (Buffering Incompatible Uses). Conformance with the applicable requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), including 4.4 (Screening Requirements) and 4.9, Sustainable Landscaping Requirements will be determined at time of DSP review.

**Conformance with the Tree Canopy Ordinance**

Because the site is in the D-D-O Zone, it is exempt from TCC requirements.

19. **City of College Park**—The subject property is within the City of College Park. The PPS is scheduled to be heard by the City Council on July 14, 2015. As of the writing of this technical staff report, the City of College Park Department of Planning, Community and Economic Development is in support of the PPS and Variation Request. The Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department have incorporated the City of College Park recommendations as appropriate.
20. At the public hearing on July 16, 2015, the Planning board accepted into the record Applicant's Exhibit #1 and #2. The Planning Board approved revisions to conditions numbered 1(h), 1(m), and 4b, as well as the additional Finding 21 below, which is related to the Applicant coordination with SHA and the City of College Park for right-of-way improvements.
21. In the event that an access permit is required by SHA, the Applicant should coordinate with SHA and the City of College Park for any required right-of-way improvements for US 1.

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.

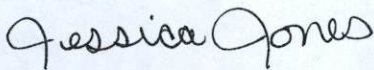


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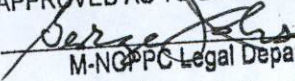
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 16, 2015, in Upper Marlboro, Maryland.

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

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:SN:ydw

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NCPPC Legal Department

Date 7/20/15