



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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 File No. DSP-12030

PGCPB No. 16-55

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 28, 2016, regarding Detailed Site Plan DSP-12030 for Pregnancy Aid Center, the Planning Board finds:

1. **Request:** The subject application is for a 3,102-square-foot building addition to an existing medical office building.
2. **Development Data Summary:**

2.	EXISTING	APPROVED
Zone(s)	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	Medical Office	Medical Office
Acreage	1.40	1.40
Lots	2	2
Gross Floor Area/GFA (sq. ft.)	5,149	8,251 (3,102 new)

OTHER DEVELOPMENT DATA

Parking Requirements per the Sector Plan

Proposed Uses	Spaces Required
Medical Office (2,460 net sq. ft. @ 3 spaces per 1,000 net sq. ft.)	8
Total Required	8
Total Parking Provided	24*
	22 standard @ 9.5 feet x 19 feet 2 van-accessible handicapped

Bicycle Spaces per the Sector Plan

Required (minimum 1 space per 3 parking spaces)	8
Provided	7*

Note: *The number of parking spaces provided requires an amendment to the D-D-O Zone standard as discussed in Finding 7 below. A condition of this approval requires the applicant to provide the eight bicycle spaces required by the sector plan.

Loading Spaces (per Section 27-582 of the Zoning Ordinance) **:

Medical Office (less than 10,000 sq. ft.) 0 spaces required

Note: **The applicable D-D-O Zone does not have a standard for required loading spaces. Therefore, the requirements of the Zoning Ordinance apply. The subject site plan does not propose any loading spaces.

3. **Location:** The subject site is located in Planning Area 66, Council District 1, within the City of College Park. More specifically, the site is located on the northeast quadrant of the intersection of Baltimore Avenue (US 1) and Erie Street. The site is zoned Mixed Use-Infill (M-U-I) and is subject to the Development District Overlay (D-D-O) Zone standards found in the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (Central US 1 Corridor Sector Plan and SMA).
4. **Surrounding Uses:** The subject property is bounded to the north by a property developed with a commercial use in the M-U-I and D-D-O Zones and a property developed with a single-family residence in the One-Family Detached Residential (R-55) Zone; to the east by the right-of-way of 48th Avenue, with a single-family detached residence in the R-55 Zone beyond; to the south by the right-of-way of Erie Street with commercial uses in the M-U-I Zone and residential uses in the R-55 Zone beyond; and to the west by the public right-of-way of Baltimore Avenue (US 1) with commercial uses in the M-U-I Zone beyond.
5. **Previous Approvals:** The subject property is identified 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. The property is subject to Preliminary Plan of Subdivision (PPS) 4-13012, which was approved by the Prince George's County Planning Board on July 16, 2015 (PGCPB Resolution No. 15-77), subject to ten conditions. The property is improved with 5,149 square feet of medical office which is to remain. The subject property has a Stormwater Management Concept Plan, 26195-2012-00, which was approved on November 5, 2015 and will be valid through November 5, 2018.
6. **Design Features:** The subject property is roughly rectangular in shape and is surrounded on three sides by public rights-of-way, 48th Avenue to the east, Erie Street to the south and Baltimore Avenue (US 1) to the west. The subject DSP application proposes to expand the existing two-story, 5,149-square-foot medical office building of non-profit Pregnancy Aid Center, with a one-story, 3,102-square-foot addition. The existing building sits in the southwest corner of the site, closest to the intersection of US 1 and Erie Street, with several sheds along the northern property line. Immediately to the east of the existing building are various patio and garden areas, a detached garage structure, and a gravel parking area, accessed by a single driveway off Erie Street near the east end of the site. Other site improvements proposed with this DSP are the removal of several sheds and the detached garage, paving, striping and expansion of the parking area, addition of a

bicycle rack near the main entrance, additional plantings along the northern property line, and a bioretention area to the north of the parking area to accommodate stormwater, as well as some fencing changes.

The existing two-story rectangular building was a former residential structure that has been expanded previously. It is generally finished in a white siding with multiple windows on all sides and a gabled gray asphalt-shingled roof with multiple cross-gables. The main entrance is located under a porch on the eastern façade of the building facing the parking area. Along the northern side of the building is a wing that features a fully enclosed second story with an open air patio area on the ground level underneath. The only changes proposed to the existing structure are the enclosure of this ground level area to serve as a waiting room area and a narrow, two-story expansion along the western façade to accommodate an interior stairwell and a corridor connecting to the remainder of the building. The majority of the new enclosed area façades will be finished in full windows, with wooden mullions and frames, and with a watertable finished in green and black tiles. The corridor area will continue to run north at a one-story height and then expand into the rectangular, one-story expansion area that runs along the northern property line. The expansion will include mainly exam rooms, a lab and triage stations and is modern in design with a unique angled roof that allows for multiple skylights. All façades will be finished in white Hardie board horizontal siding, similar to that on the existing building, with multiple windows and glass service doors. The roof will be finished in a light grey rib seam metal roofing. Overall the building and site are very residential in character.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment and the standards of the Development District Overlay (D-D-O) Zone:** The 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (Central US 1 Corridor Sector Plan and SMA) defines long-range land-use and development policies, detailed zoning changes, design standards, and a Development District Overlay (D-D-O) Zone for the US 1 Corridor area. The land-use concept of the sector plan divides the corridor into four inter-related areas, walkable nodes, corridor infill, existing neighborhoods, and natural areas, for the purpose of examining issues and opportunities and formulating recommendations. Detailed recommendations are provided for six distinct areas within the sector plan: Downtown College Park, the University of Maryland, Midtown, Uptown, Autoville and Cherry Hill Road, and the Hollywood Commercial District. The overall vision for the Central US 1 Corridor is a vibrant hub of activity highlighted by walkable concentrations of pedestrian- and transit-oriented mixed-use development, the integration of the natural and built environments, extensive use of sustainable design techniques, thriving residential communities, a complete and balanced transportation network, and a world-class educational institution.

The sector plan recommends a mixed-use commercial land use for the subject property (see Map 7, page 59). This land-use is described on page 57 of the sector plan. Mixed-use commercial land uses are predominantly nonresidential on the ground floor and primarily commercial in nature, including office and institutional uses. The proposed development of medical office space is in conformance with the land use recommendations of the US 1 sector plan.

The proposed development is located in the corridor infill character area, as shown on the diagram on page 61 of the sector plan, and on map 26 on page 229. The corridor infill character area consists of mixed-use, but primarily residential development with park-like landscaping and easy accessibility to goods and services, and is intended to facilitate the redevelopment of existing strip-commercial development along Baltimore Avenue (US 1) while serving as a transition from the more intensive walkable nodes to existing residential areas adjacent to the corridor. The proposed development retains an existing two-story structure and expands to include medical offices, and conforms to the intent of corridor infill areas to serve as a transition from walkable nodes to the existing residential areas adjacent to the corridor.

Requests to Amend Development District Standards

The submitted application and justification materials indicate the need to deviate from a number of development district standards to accommodate the proposed development on the subject property. These standards are discussed below.

Note: all page numbers reference the approved sector plan.

Building Form: Height (page 233)

The standards in this section require a minimum building height of two stories and a maximum of four stories with a first floor commercial height of 11 to 25 feet. The applicant requests amendments to allow the proposed addition to be one-story and a minimum ceiling height of 10 feet 3 inches. The existing structure has a maximum height of 24 feet and the proposed expansion has a maximum height of 21 feet 8 inches. The applicant requests a modification in order to accommodate the design of the new structure and the use of the building as a medical office, rather than a retail store where a higher ceiling is typical. The Planning Board found that the requested amendments are reasonable given the nature of the existing medical office use. Therefore, the Planning Board approved these amendments.

Building Form: Frontage Buildout and Setbacks (page 233)

Based on the submitted DSP, multiple amendments are needed to the required frontage build-out of 60 percent along Erie Street and 48th Avenue, to the front build-to line (BTL) principal setback of 20 to 25 feet, and to the front BTL secondary of 10 to 20 feet. Most of these amendments are relative to the existing building and the fact that the property has two secondary street frontages.

The existing building and proposed addition both sit approximately 9 to 14 feet from the proposed right-of-way of US 1, which is the site's principal frontage. Therefore, the front BTL principal setback of 20 to 25 feet is not being met due to the location of the required right-of-way dedication, its proximity to the existing building, and the fact that the expansion has been designed to be in line with the existing building.

The existing building and proposed addition sit approximately 24 to 51 feet from the right-of-way of Erie Street and a minimum of 198 from the right-of-way of 48th Avenue. Therefore, the front BTL secondary setback of 10 to 20 feet is not being met, along with the frontage buildout of 60 percent at the BTL. Again, this is mainly due to the location of the existing building at the west end of the site and the design of the expansion adjacent to it. Given that this is a medical office use, having the buildings at the western end of the site, farthest from adjacent existing residential uses outside of the D-D-O Zone, is appropriate. Additionally, there is extensive existing vegetation along both the Erie Street and 48th Avenue frontages that is to be maintained and will serve as a more appropriate frontage treatment along these mainly residential streets. Therefore, the Planning Board approved these amendments.

Building Form: Parking (page 239)

The applicant requests an amendment to the parking standards to increase the amount of the provided parking spaces from the 8 required to 24 spaces. The applicant justifies this in that all of the 24 provided parking spaces exist on the site currently and serve the existing smaller building. The subject application proposes only repaving and restriping of the parking area and no increase to the number of spaces. The applicant feels 24 spaces is adequate for the current and future needs of the facility. The Planning Board was supportive of this request, as the parking spaces are existing and well screened from adjacent properties and rights-of-way. Therefore, the Planning Board approved this amendment.

Building Form: Parking Access (page 241)

One of the development district standards requires that vehicular access drives to a parking lot be no wider than 22 feet. The existing access to the parking lot is via a 17.8-foot-wide two-way driveway off of Erie Street, which meets this standard. However, no minimum width is given and, per the requirements of the Zoning Ordinance (Section 27-563), every parking lot shall be connected to a street by means of a driveway that is at least 11 feet wide for each lane of traffic, or 22 feet for a two-way driveway. The applicant seeks a departure from this Zoning Ordinance requirement per Section 27-548.25(e), which does not require a separate application for such a departure, but requires that the Planning Board find that the departure conforms to all of the applicable development district standards. The applicant justifies the request by explaining that the driveway is secured via an existing mechanical gate with key pad, which would be prohibitively expensive to replace to accommodate a widened driveway. As mentioned, the proposed driveway does conform to the applicable standard as it is no wider than 22 feet. At the hearing, the Planning Board found that the requested departure met the requirements of Section 27-239.01(b)(7)(A) of the Zoning Ordinance in that the purposes of the Ordinance will be equally well or better served by the applicant's proposal; the departure is the minimum necessary, given the specific circumstances of the site; the departure is necessary in order to alleviate circumstances which are unique to the site; and the departure will not impair the visual, functional, or environmental integrity of the site and surrounding neighborhood. Therefore, the Planning Board approved this departure.

Building Form: Parking Lots (page 242)

The submitted DSP requires an amendment to the standard that requires off-street surface parking to be set back a minimum of 20 feet from all property lines along streets. The existing parking area is set back approximately 19 feet from the existing right-of-way, but only 8.8 feet from the proposed right-of-way of Erie Street, per dedication required by the preliminary plan.

Again, this is an existing condition and there is a heavily landscaped strip along the roadway, therefore, the Planning Board approved this amendment.

Building Form: Parking Lot Landscaping (page 242)

The applicant requests an amendment to parking lot landscaping requirements. The proposed parking area totals 9,874 square feet and includes 24 parking spaces. The development district standards require interior planting for parking lots that exceed 6,000 square feet, and that interior planting areas comprise at least six percent of total lot area. Technically, the submitted DSP proposes no interior planting area within the parking lot and the applicant requests an amendment based on the retention of existing trees along the parking lot's perimeter, including several specimen trees. The Planning Board found that the requested modification is reasonable given the retention of existing trees and the amount of proposed and existing landscaping throughout the site. Therefore, the Planning Board approved this amendment.

Architectural Elements: Fencing (page 250)

The applicant requests an amendment to allow the existing chain-link fence to remain as it is, screened from US 1 and Erie Street by slopes and mature landscaping and to install additional chain-link fence. The development district standards specify that fences be built of durable, attractive materials, such as brick, stone, wrought iron and wood and chain-link fence is not permitted. The Planning Board found that the proposed chain-link fence is not consistent with the intended design character of the corridor infill character areas. However, some parts of the existing fence are deeply entwined in the landscaping and would create more impacts to the overall site appearance if removed. Therefore, a condition has been included in this approval requiring that all proposed fences should be specified as a durable attractive material per the development district standard. Additionally, the Planning Board approved an amendment to this standard to allow the existing chain-link fence on the property to remain undisturbed.

Streets and Open Spaces: Sidewalks and Streetscape Amenities (page 264)

The development district standards require that at the time of development the property owner is required to install sidewalks with the goal of improving pedestrian safety and connectivity along the US 1 corridor and in surrounding neighborhoods. The applicant has dedicated sufficient right-of-way along US 1, Erie Street and 48th Avenue, and has requested to be released from the requirement to construct the sidewalks and streetscape amenities due to the steep slope and grade differences, the lack of existing or proposed sidewalks in the surrounding area, the presence of the existing mature vegetation and the residential character of the neighborhood.

Along US 1, due to the fact that the Maryland State Highway Administration (SHA) is currently in the design phase for the sidewalk and retaining wall along Baltimore Avenue and has agreed to construct the sidewalk at the front of the property. The applicant will dedicate the necessary right-of-way for the improvements, but should not be required to construct them, as SHA will do in the future.

Along 48th Avenue and Erie Street, the applicant has dedicated sufficient right-of-way to allow for future construction of a sidewalks and streetscape amenities. The Planning Board found that the applicant should be released from the requirement to construct the sidewalk and amenities due to existing conditions in the area. Therefore, the Planning Board approved amendments to these requirements.

8. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-U-I Zone and the requirements of the Development District Overlay (D-D-O) Zone of the Zoning Ordinance:
- a. Section 27-546.19(c), Site Plans for Mixed Uses, of the Zoning Ordinance requires that:

(c) **A Detailed Site Plan may not be approved unless the owner shows:**

1. **The site plan meets all approval requirements in Part 3, Division 9;**
2. **All proposed uses meet applicable development standards approved with the Master Plan, Sector Plan, Transit District Development Plan, or other applicable plan;**

The site plan meets all of the site design guidelines and development district standards of the Central US 1 Corridor Sector Plan and SMA, except for those requested amendments to the D-D-O-Z Standards as discussed in Finding 7 above.

3. **Proposed uses on the property will be compatible with one another;**
4. **Proposed uses will be compatible with existing or approved future development on adjacent properties and an applicable Transit or Development District; and**

The application proposes only a medical office use within one existing building. The proposed use is an expansion of the existing use on the subject property that will be compatible with itself and will be compatible with existing or approved future development on adjacent properties, including the existing single-family residential uses to the east and south and commercial uses to the north, south and west.

5. Compatibility standards and practices set forth below will be followed, or the owner shows why they should not be applied:

(A) Proposed buildings should be compatible in size, height, and massing to buildings on adjacent properties;

The properties adjacent to the subject site include one- and two-story, small-scale, commercial and residential buildings. The proposed one-story, approximately 21-foot-high building expansion is generally compatible in size and height to these buildings. The mass of the existing and proposed expansion are located along the US 1 property frontage, closest to the larger-scale commercial developments and away from the smaller-scaled residential homes to the east of the property.

(B) Primary façades and entries should face adjacent streets or public walkways and be connected by on-site walkways, so pedestrians may avoid crossing parking lots and driveways;

Due to the private nature of the medical office use, all of the existing primary building entries face east, into the site, and the parking lot area. The primary entrances are connected via multiple walkways and patio areas that are residential in appearance and compatible with the residential uses adjacent to the east end of the property.

(C) Site design should minimize glare, light, and other visual intrusions into and impacts on yards, open areas, and building façades on adjacent properties;

The site plan provides for proposed parking lot lights and building-mounted lighting on-site along with a photometric plan. The provided notes indicate that all lighting will utilize full cut-off optics. Additionally, the photometric plan indicates that the proposed lighting will produce little to no light impacts at all property lines.

(D) Building materials and color should be similar to materials and color on adjacent properties and in the surrounding neighborhoods, or building design should incorporate scaling, architectural detailing, or similar techniques to enhance compatibility;

The main proposed building materials for the building expansion include white Hardie board siding and a light gray metal rib seam roof, with some detail areas finished with green tile and natural wood. These building materials and colors are very similar to that of the existing building and

will blend with the residential developments in the surrounding neighborhood.

- (E) Outdoor storage areas and mechanical equipment should be located and screened to minimize visibility from adjacent properties and public streets;**

The DSP does not propose any outdoor storage areas and the majority of the proposed mechanical equipment will be located internal to the site. The majority of the northern, eastern and southern property lines are heavily vegetated with existing plants that are to remain undisturbed with the proposed improvements and will minimize visibility from adjacent properties and public streets.

- (F) Signs should conform to applicable Development District Standards or to those in Part 12, unless the owner shows that its proposed signage program meets goals and objectives in applicable plans; and**

The submitted DSP does not propose any new signage.

- (G) The owner or operator should minimize adverse impacts on adjacent properties and the surrounding neighborhood by appropriate setting of:**

- (i) Hours of operation or deliveries;**

The proposed medical office use will maintain standard daytime weekday office hours (approximately 8:00 a.m. to 5:00 p.m.) and will not have any regular deliveries that would cause adverse impacts on the adjacent properties and surrounding neighborhood.

- (ii) Location of activities with potential adverse impacts;**

No activities with potential adverse impacts are proposed on-site.

- (iii) Location and use of trash receptacles;**

The submitted DSP does not propose any outdoor trash receptacles.

(iv) Location of loading and delivery spaces;

The subject DSP does not require or provide any loading or delivery spaces.

(v) Light intensity and hours of illumination; and

The site plan provides a photometric plan for the lighting on-site confirming there are minimal adverse impacts on adjacent properties and the surrounding neighborhood.

(vi) Location and use of outdoor vending machines.

The subject DSP does not propose any outdoor vending machines.

- b. Section 27-548.25(b) of the Zoning Ordinance requires that the Planning Board find that the site plan meets the applicable development district standards in order to approve a DSP. As discussed in Finding 7 above, this DSP requests multiple amendments to the applicable D-D-O Zone standards. The Planning Board found that the requested amendments to the development standards would benefit the development district and would not substantially impair implementation of the Central US 1 Corridor Sector Plan and SMA, if the plan is revised as conditioned below.

9. **Preliminary Plan of Subdivision 4-13012:** Preliminary Plan of Subdivision 4-13012 for the Pregnancy Aid Center was approved by the Planning Board on July 16, 2015, subject to ten conditions, of which the following are relevant to the review of this DSP:

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.**

The submitted DSP provides details for the proposed light fixtures, which indicates that they are full cut-off luminaires.

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.**

The submitted DSP indicates that a seven-space bicycle rack is proposed and a detail was provided indicating that the bicycle rack will be anchored into a concrete base as required.

- b. Reflect for construction a minimum five-foot-wide sidewalk with accessible ramps along the subject property frontage of Erie Street and 48th Avenue within the right-of-way if required by the City of College Park.**

The submitted DSP does not provide a sidewalk along either the Erie Street or 48th Avenue frontages. The City of College Park indicated that they will not require either sidewalk at this time.

- 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.**

The submitted DSP indicates a six-foot-wide sidewalk within the public right-of-way of US 1 as required. The sidewalk will be constructed 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.**

The Transportation Planner indicated that no additional development is proposed beyond what was approved in the preliminary plan. Therefore, this trip cap is met with the subject proposal.

- 6. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 26195-2012-00, and any subsequent revisions.**

In a memorandum dated February 10, 2016, the Department of Permitting, Inspections and Enforcement (DPIE) indicated that the DSP is consistent with the approved Site Development Concept Plan No. 26195-2012-00, dated November 5, 2015.

- 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.**

The DSP labels the right-of-way dedication correctly, but some of the provided dimensions are incorrect. All labels and dimensions should be corrected to reflect the 50-foot-wide dedication required. The DSP correctly shows the additional 25-foot right-of-way dedication from the centerline of Erie Street.

The proposed road dedication along other frontages is unclear on the plans. The DSP is required to clearly show all proposed road dedications, and label the boundaries with bearings, distances and quantify the area in square feet that is to be dedicated to public use to match the record plat. A condition has been included in this approval requiring these labels and dimensions to be corrected.

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.**

The DSP shows public utility easements (PUEs) that are less than ten feet wide. The PPS addresses this issue with Conditions 8, 9, and 10. As stated, prior to final plat, the applicant will either have to provide a ten-foot-wide PUE along all public streets, or provide proof of an alternative PUE that is acceptable to all applicable public utility providers. If an alternative easement is proposed, a variation will have to be submitted prior to approval of the final plat. If what is shown on the final plat does not match the DSP as approved, a DSP revision will have to be approved showing the final PUE layout.

10. **2010 Prince George's County Landscape Manual:** The Central US 1 Corridor Sector Plan and SMA states that Sections 4.2, 4.3, and 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) do not apply within the applicable development district. Therefore, the proposed development is only subject to the requirements of Sections 4.4, 4.5, and 4.9 of the Landscape Manual. The Planning Board reviewed the submitted plans against the requirements of these sections and found them to be in conformance as follows:
 - a. **Section 4.4, Screening Requirements**—Section 4.4 requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets. The submitted DSP does not propose any dumpsters, loading spaces or ground-level mechanical equipment.
 - b. **Section 4.5, Stormwater Management Facilities**—Section 4.5 requires that landscaping for stormwater management facilities, such as the proposed bioretention area, be coordinated at the time of technical approval of the stormwater management plan.

- c. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires a certain percentage of plants within each plant type, including shade trees, ornamental trees, evergreen trees, and shrubs, to be native species or the cultivars of native species. The subject application indicates conformance with the requirements of Section 4.9 by providing 100 percent native trees and shrubs.

11. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** In comments dated February 10, 2016, the Environmental Planning Section stated that the property under discussion is not subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site has less than 10,000 square feet of woodlands. There are six specimen trees located throughout the site. The removal of these trees is not subject to a variance because the site is exempt from the WCO. However, the applicant intends to preserve the existing specimen trees. A standard letter of exemption has been issued for this subject property and was submitted with the application.

12. **Prince George’s County Tree Canopy Coverage Ordinance:** A ten percent tree canopy coverage requirement applies to this M-U-I-zoned site per the Prince George’s County Tree Canopy Coverage Ordinance. This amounts to approximately 6,098 square feet or ten percent of the subject 1.40-acre site. The submitted plans provide the correct schedule showing the requirement being met through a combination of existing trees and proposed tree plantings on-site.

13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Community Planning**—The Planning Board reviewed an analysis of the subject DSP’s conformance with the D-D-O Zone as discussed in Finding 7 above. They also reviewed the following additional information:

This application is consistent with the *Plan Prince George’s 2035 Approved General Plan* policies for the Innovation Corridor. 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 proposed expansion of an existing medical office use is consistent with and will help achieve Plan Prince George’s 2035.

This application is located within a designated Employment Area growth policy area. 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 Prince George's 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 four targeted industry clusters and the greatest potential to catalyze future job growth, research, and innovation in the near- to mid-term.

This application conforms to the land use recommendations of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* for mixed-use, commercial land use.

- b. **Transportation Planning**—The Planning Board reviewed an analysis of the DSP's conformance with the transportation-related PPS conditions, which is incorporated into Finding 9 above, along with the following summarized comments:

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. A five-foot-wide sidewalk is proposed along US 1. On-site circulation and parking is acceptable.

Baltimore Avenue is the subject of an active Maryland State Highway Administration (SHA) highway improvement planning project. The project 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. Some of the design elements include sidewalk improvements, pedestrian safety, and bicycle lanes.

The 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* contains recommended projects to implement the sector plan's vision, including sidewalks, pedestrian crossings, bicycle enhancements, and transit improvements. Specifically, the sector plan recommends that Baltimore Avenue be improved to accommodate more pedestrians and bicyclists. Right-of-way dedication proposed by the applicant during the preliminary plan stage 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.

Baltimore Avenue (US 1) is a major collector roadway in the sector plan. A right-of-way width of 88 to 92 feet is recommended in the master plan, which may extend from 108 to 112 feet where bus pads are provided. US 1 is under the jurisdiction of SHA. The site plan shows the ultimate right-of-way on US 1 of 100 feet, and the ultimate rights-of-way of Erie Street and 48th Avenue at 50 feet. These dedications are acceptable, no structures are shown within the master plan right-of-way of US 1 or on Erie Street and 48th Avenue. The applicant requests a departure from the design standard in Section 27-563 of the Zoning Ordinance that requires a 22-foot-wide driveway connection between the parking lot and street for two-way traffic. The site plan shows that a portion of the existing access

drive from Erie Street is approximately 18 feet at the security gate entrance, requiring a departure of four feet.

The applicant's justification cites the hardship and expense of replacing the existing mechanical gate with a new 22-foot-wide gate. The Planning Board agreed with applicant's justification statement concerning costs, amount of traffic, and neighborhood context, and approved the requested departure.

Overall, from the standpoint of transportation, it is determined that this DSP is acceptable and meets the finding required for a detailed site plan as described in the Zoning Ordinance.

- c. **Subdivision Review**—The Planning Board reviewed an analysis of the DSP's conformance with the PPS conditions, which is incorporated into Finding 9 above with conditions of approval, as necessary. Since the PPS conditions are addressed, the DSP is in substantial conformance with the PPS.

- d. **Trails**—The Planning Board reviewed the DSP application for conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements. There are two MPOT trail recommendations that directly impact the subject site. The MPOT recommends a 'Shared-Use' side path and a bicycle lane along Baltimore Avenue along the frontage of the subject site.

The MPOT includes additional policies and strategies related to multimodal transportation. The complete streets section of the MPOT includes the following policies regarding sidewalk provision:

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 submitted site plan shows a proposed standard sidewalk along the subject site's frontage on Baltimore Avenue. The site plan also shows 24 feet of dedicated right-of-way along Baltimore Avenue. A bicycle lane can be installed as part of a future/ongoing corridor wide capital improvement project.

Baltimore Avenue is the subject of an ongoing Maryland State Highway Administration (SHA) highway improvement planning project. This improvement project will likely include pedestrian and bicyclist improvements such as medians, bicycle lanes, pedestrian refuges, and lighting. The approved preliminary plan of subdivision depicts 24 feet of right-of-way dedication along Baltimore Avenue. The planned facilities in the SHA improvement project can likely be accommodated within the right-of-way dedication. The sidewalk, provided by the applicant will be subject to modification by SHA. The 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* provides recommendations for development of the overall Central US 1 Corridor area as well as specific development standards. The sector plan discusses the applicability of the D-D-O Zone (page 203):

All new development and redevelopment of existing structures within the DDOZ shall comply with the development district standards and the general intent and goals of the Central US 1 Corridor Sector Plan. Development must show compliance with the development district standards during the detailed site plan process.

Whenever there appears to be a conflict between the Central US 1 Corridor D-D-O-Z regulations and definitions and the Zoning Ordinance (as applied to a particular development), the D-D-O-Z shall prevail. For development standards not covered by the Central US 1 Corridor D-D-O-Z, the other applicable sections of the Zoning Ordinance and the Landscape Manual shall serve as the requirements. All development shall comply with all relevant federal, state, county, and local regulations and ordinances.

The sector plan identifies the subject site as the “Corridor Infill” development character type (page 228):

Corridor Infill – Consists of mixed-use but primarily residential urban fabric. It may have a wide range of building types, such as single-family, sideyard, and row houses. Setbacks and landscaping are variable. New development in corridor infill areas is regulated in detail in these development district standards.

The sector plan identifies parking standards and guidelines, including detail for providing bicycle parking (page 239):

- **Within the corridor infill and walkable node areas, a minimum of one bicycle parking space shall be provided within the public or private frontage for every three vehicular spaces. Bicycle racks shall be placed in highly visible locations along the street or within parking garages as appropriate.**

The applicant provided comments regarding the provision of streetscape amenities, including bicycle parking, in the statement of justification (SOJ) submitted with the DSP (SOJ, page 15):

Applicant's Response:

“Streetscape amenities are not proposed along US 1 or Erie Street because of a steep slope and grade difference in the slope easement area, lack of existing or proposed sidewalks, existing mature vegetation and the residential character of the neighborhood.”

Bicycle parking is not shown in the submitted detailed site plan. Although the plan recommends installing bicycle parking along street frontage or within a parking garage, bicycle parking at this location may be more convenient if installed on the parking lot of the subject site. The Planning Board found that eight bicycle parking spaces should be installed on the subject site, per the sector plan requirements.

The sector plan identifies streets and open-space standards and guidelines, including detail for providing sidewalks (page 264):

- **At the time of development, the developer/property owner (including the developer and the applicant's heirs, successors, and/or assignees) is required to install sidewalks.**
- **Special decorative paving materials, such as brick, precast pavers, Belgium block, or granite pavers, are recommended in the walkable nodes and at appropriate locations within the corridor infill areas.**
- **Sidewalk materials should be continued across driveways whenever possible, and accent paving should be used to define pedestrian crossings.**

The applicant provided comments regarding the provision of sidewalks in the statement of justification, submitted with the detailed site plans (SOJ, page 15):

Applicant's Response:

“A five (5) foot sidewalk is proposed to be installed along US 1, in accordance with the State Highway Administration (SHA). The SHA will allow the sidewalk to run along the back of curb to eliminate the need for a retaining wall along the west side of the property. A handrail will be installed between the walk and US 1. The applicant requests a variation from the requirement to install a sidewalk along Erie Street because of a steep slope and grade differences in slope easement areas, and the need for a retaining wall to be constructed in order to preserve the existing

drop off and parking spaces for the handicapped along the south side of the property.”

The submitted site plans depict a proposed five-foot wide sidewalk along the subject site frontage on Baltimore Avenue. This sidewalk meets the streetscape details from the sector plan (sector plan, page 260-263) and will be subject to modification by SHA.

The submitted plans also show an approximate 13.5 foot right-of-way dedication and a proposed standard five-foot-wide sidewalk along the subject site’s frontage on Erie Street. This sidewalk meets the streetscape details from the sector plan (pages 260–263) and will be subject to modification by the City of College Park.

The plans do not depict any sidewalks on 48th Avenue. During the Subdivision Review Committee Meeting (SDRC) (January 29, 2016), staff from the City of College Park indicated that a sidewalk along 48th Avenue would not likely be required. The submitted site plans depict a previously dedicated public right-of-way approximately ten feet wide. This right-of-way was dedicated as a condition of Preliminary Plan of Subdivision 4-13012 (PGCPB Resolution No. 15-77). The additional right-of-way reflects the ultimate 50-foot right-of-way along 48th Avenue. Installing a sidewalk along 48th Avenue is only necessary if required by the City of College Park and is subject to modification by the City.

Conclusion

Based on the preceding analysis, the Transportation Planning Section concludes that adequate bicycle and pedestrian transportation facilities exist to serve the proposed use with the following condition:

- Prior to signature of approval of the DSP, and in order to be in conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* and, the approved Preliminary Plan of Subdivision (4-13012), the applicant and the applicant’s heirs, successors, and/or assignees shall revise the detailed site plan in order to show the location of bicycle parking and detail of the u-shape rack type.

The DSP was revised to include a bicycle rack detail and to show bicycle parking spaces near the building.

- e. **Permit Review**—Permit review comments have either been addressed by revisions to the plan or worded in the conditions of approval below.
- f. **Environmental Planning**—The Planning Board reviewed a discussion of the DSP’s conformance with the Woodland and Wildlife Habitat Conservation Ordinance as discussed in Finding 11 above, and the following additional comments:

Natural Resources Inventory NRI-110-12, which was approved on August 31, 2012, was submitted with the detailed site plan review package. The NRI shows no regulated environmental features on the site.

A Stormwater Management Concept Approval Letter (26195-2012-00) and associated plan were submitted with the application for this site. The approval was issued on October 1, 2012 with this project from the Prince George County Department of Permitting, Inspections and Enforcement (DPIE). Since this area already contains impervious areas, the SWM plan proposes to construct a new on-site bio-retention pond with infiltration and rain barrels. A stormwater management fee of \$533.00 for on-site attenuation/quality control measures is required.

No County delineated 100-year floodplain is located on the subject parcel as set forth in Section 24-129 of the County Code. The site has a drainage area of less than 50 acres.

In accordance with Section 24-152 of the County Code, there are no scenic or historic roads located on or adjacent to the subject property. The site has frontage on Baltimore Avenue (US 1), which is a master plan roadway designated as a major collector road. This roadway is not a traffic noise generators and will not be regulated for noise mitigation against this medical office use.

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), are the Sassafras-Urban land complex and Urban Land-Sassafras complex. According to available information, Marlboro clay is not identified on the property, but Christiana complex which contains clay deposits, is found to occur on this property.

- g. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer comments on the subject application.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated February 10, 2016, DPIE offered the following summarized comments on the subject application:
 - (1) The property is located west of Baltimore Avenue (US 1), Erie Street to the south and 48th Avenue to the east. US 1 is maintained by the Maryland State Highway Administration (SHA) and Erie Street and 48th Avenue are City of College Park maintained roadways; therefore, coordination with SHA and the City of College Park is required for any right-of-way improvements along US 1. The applicant is encouraged to verify with SHA if road right-of-way dedication is required along US 1.

- (2) The proposed Detailed Site Plan is consistent with approved Site Development Concept Plan for Stormwater Management No. 26195-2012-00, dated November 5, 2015. Environmental Site Design (ESD) regulations are met through micro-bioretenion facility and rain barrels.
- (3) All storm drainage systems and facilities are to be in accordance with the Department of Public Works and Transportation's (DPW&T) specifications and standards.
- (4) The site plan reflects walls and parking spaces located in the public utility easement (PUE). Revise the plan to eliminate these conflicts or secure approval from utility companies prior to permit issuance.
- (5) A site development fine grading permit will be required for the proposed on-site improvements.
- (6) Conformance with the DPIE stormwater management landscape standard is required. Micro-bioretenion plantings are to be approved at time of site development fine grading permit.
- (7) This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
 - (a) Final site layout, exact impervious area locations are shown on plans;
 - (b) Exact acreage of impervious areas has been provided;
 - (c) Proposed grading is shown on the plans;
 - (d) Stormwater volume computations have not been provided;
 - (e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal;
 - (f) A narrative in accordance with the Code has been provided.
 - (g) The applicant shall provide items (a-g) at the time of filing final site permits.

The majority of DPIE's comments are required to be addressed prior to issuance of permits at the time of technical plan approvals. The DSP has been revised, though, to eliminate walls and parking spaces from the (PUE).

- i. **Prince George's County Health Department**—In a memorandum dated March 7, 2016, the Environmental Engineering Program of the Health Department indicated that they had reviewed the subject application and had the following comments/recommendations:

(1) Applicant must obtain a raze permit from the approving authority prior to the removal of sheds and the detached garages.

The applicant is responsible for obtaining the required permits prior to demolition or construction on the subject property.

(2) No construction noise should be allowed to adversely impact activities on adjacent occupied properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

This requirement will be enforced at the time of permit; however, a note should be provided on the DSP indicating conformance with these requirements.

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

This requirement will be enforced at the time of permit; however, a note should be provided on the DSP indicating conformance with these requirements.

- j. **Maryland State Highway Administration (SHA)**—SHA indicated that their comments dated June 18, 2013, from the original submittal of the application, were still valid. These comments included the requirement for right-of-way dedication along US 1, sidewalk improvements, platting and a trip generation study, all of which were reviewed and addressed by the preliminary plan approval.
- k. **Washington Suburban Sanitary Commission (WSSC)**—WSSC indicated that their comments on the application dated June 7, 2013, from the original submittal of the application, were still valid. These comments included needed coordination with other buried utilities, suggested modifications to the plans to better reflect WSSC facilities, and procedures for the applicant to follow to establish water and sewer service.
- l. **Verizon**—Verizon did not offer comments on the subject application.

- m. **Potomac Electric Power Company (PEPCO)**—PEPCO did not offer comments on the subject application.
 - n. **City of College Park**—In a letter dated April 26, 2016, the City of College Park stated that their City Council voted on April 25, 2016 to recommend approval of DSP-12030, Pregnancy Aid Center. They approved all of the requested alternative development district standards and the requested departure for the driveway width, subject to six conditions, all of which the Planning Board included in this approval.
 - o. **Town of Berwyn Heights**—The Town of Berwyn Heights did not offer comments on the subject application.
 - p. **City of Greenbelt**—The City of Greenbelt did not offer comments on the subject application.
14. The subject application, if approved with the proposed conditions below, adequately takes into consideration the requirements of the D-D-O Zone and the Central US 1 Corridor Sector Plan and SMA. The amendments to the development district standards required for this development would benefit the development and the development district as required by Section 27-548.25(c) of the Zoning Ordinance, and would not substantially impair implementation of the sector plan.
15. Based on the foregoing, and as required by Section 27-285(b)(1) of the Zoning Ordinance, the detailed site plan, if approved with the proposed conditions below, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
16. Per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:
- (4) **The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

This site contains no regulated environmental features that are required to be protected under Section 27-285(b)(4) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Detailed Site Plan DSP-12030, subject to the following conditions:

- A. The Planning Board APPROVED alternative development district standards for:
1. **Building Form – Character Area 4: Corridor Infill: Building Configuration (page 233):** To allow the proposed addition to be one-story and a minimum height of 10 feet 3 inches;
 2. **Building Form – Character Area 4: Corridor Infill: Lot Occupation and Setbacks - Building (page 233):** To allow for a frontage buildout of zero percent along Erie Street and 48th Avenue, a front BTL principal setback of 9 to 14 feet along US 1, and a front BTL secondary setback of 24 to 230 feet along Erie Street and 48th Avenue;
 3. **Building Form – Parking (page 239):** To allow an increase of the provided parking spaces to 24;
 4. **Building Form – Parking Lots, Loading, and Service Areas: Parking Lots (page 242):** To allow the existing parking to be setback a minimum of eight feet from the property line along Erie Street;
 5. **Building Form – Parking Lots, Loading, and Service Areas: Parking Lot Landscaping Requirements (page 242):** To allow for perimeter plantings and no interior planting within the parking lot;
 6. **Architectural Elements – Street Screens: Fences (page 250):** To allow for the existing chain-link fencing to remain where it is to be undisturbed;
 7. **Streets and Open Spaces – Streetscape, Amenities, and Adequate Public Facilities: Sidewalks and Streetscape Amenities (page 264):** To allow for no sidewalks or streetscape amenities to be installed at this time along any frontage.
- B. The Planning Board APPROVED Detailed Site Plan DSP-12030 for Pregnancy Aid Center, including a departure from design standards to reduce the width of the site access driveway to be narrower than 22 feet, subject to the following conditions:
1. Prior to certification, the applicant shall revise the detailed site plan (DSP) as follows or provide the specified documentation:
 - a. Provide a plan note that indicates conformance with construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - b. Provide a plan note that indicates the applicant's intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

- c. Clarify all labels and dimensions of the proposed road dedications, and label the boundaries with bearings, distances and quantify the area in square feet that is to be dedicated to public use to match the record plat.
- d. Clearly label all dimensions, setbacks, the height and size of the existing and proposed building expansion on the site plan.
- e. Label all existing property lines with bearings and distances.
- f. Clearly label the height and type of all existing and proposed fences on the site plan and the disposition of all existing fences.
- g. Replace the proposed chain-link fence with a different residential-style fence type made of durable and attractive materials, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
- h. Revise the parking table to match what is shown on the site plan.
- i. Move the parking lot light pole, identified as Pole 1, at least 15 feet to the west to lessen light spillage to the residences located along the south side of Erie Street. The intent is to reduce illumination from 2.3 foot-candles in this area to as close to 0.0 foot-candles at the property line, as is reasonably possible.
- j. Correct the parking schedule on Sheet 1 to reflect the net office space, rather than gross square footage.
- k. Add an additional bicycle parking space, for a total of eight bicycle parking spaces, to meet the sector plan requirement.
- l. Add a note denying access from Baltimore Avenue (US 1) to the property.
- m. Correct the architectural elevation labels on PE-1 and PE-2.
- n. Add a note on the site plan indicating that fencing along Erie Street shall be metal or wood picket, but not chain-link, and replaced upon the applicant's receipt of public grant funds for beautification of the streetscape along Erie Street. The applicant shall make replacement of the existing fence along Erie Street a priority upon receipt of any such public grant funds.

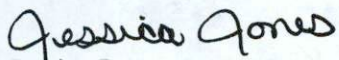
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Bailey, with Commissioners Washington, Bailey, Shoaff, and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, April 28, 2016, in Upper Marlboro, Maryland.

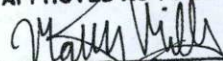
Adopted by the Prince George's County Planning Board this 19th day of May 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:rpg

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 5/9/16