



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 16-147

File No. 4-16027

## RESOLUTION

WHEREAS, the Redevelopment Authority of Prince George's County is the owner of a 2.59-acre parcel of land known as Lots 4-9, 22, and 27-35, Block 27; and the remainder of Block 27 which lies south of the 15-foot alley shown on Plat BDS 1-93, north of Lots 1-8 shown on Plat JWB 5-646, and west of the lots recorded in Liber 231 at Folio 146; all being described by deed recorded in Liber 37383 at Folio 312, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Infill (M-U-I), One-Family Detached Residential (R-55), and Development District Overlay (D-D-O); and

WHEREAS, on September 29, 2016, Landex Companies filed an application for approval of a Preliminary Plan of Subdivision for one parcel and one outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16027 for Artisan 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 December 8, 2016, 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 December 8, 2016, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 416027 for one parcel and one outlot with the following conditions:

- I. Prior to signature approval of the preliminary plan of subdivision (PPS), the following technical corrections shall be made to the plan:
  - a. Delineate a 10-foot public utility easement (PUE) along all public streets on which the subject property has frontage.
  - b. Label the proposed vaulted water meter with the required Washington Suburban Sanitary Commission (WSSC) right-of-way and show the location outside of any required public utility easement.
  - c. Revise the general notes to indicate the site acreage in the R-55 Zone and the site acreage in the M-U-I Zone.

- d. Revise the plans to indicate sufficient right-of-way dedication (3–5 feet wide) along 40th Street to provide a standard sidewalk, free of obstructions, within the public right-of-way per DPW&T construction standards, unless modified by the Town of Brentwood.
  - e. Revise the general notes to indicate that mandatory dedication requirements will be met by a fee-in-lieu payment.
  - f. Revise the general notes to indicate current deed only as the existing property information and indicate the Tax Map and Grid as “50-A3.”
  - g. Reflect dedication and boundary line adjustments in accordance with Applicant’s Exhibit A.
2. Prior to the approval of any building permit for the subject property, the applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities as designated below or as modified by DPW&T/DPIE/ DPR, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency’s access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
- a. One bus shelter installation along Rhode Island Avenue as indicated on the BPIS bus stop shelter exhibit.
3. Total development shall be limited to uses that would generate no more than 51 AM and 73 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.
4. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to the approval any building permits.
5. Development of this site shall be in conformance with Stormwater Management Concept Plan 5407-2015-00 and any subsequent revisions.
6. At the time of detailed site plan, the applicant shall:
- a. Provide a standard sidewalk along the subject site’s entire frontage of Shepherd Street.
  - b. Provide bicycle parking on-site that includes a minimum of three bicycle lockers and a bicycle rack(s) accommodating a minimum of nine bicycles.

- c. Provide a standard sidewalk along one side of the access road linking the proposed parking with the sidewalk along Shepherd Street.
  - d. Provide a standard sidewalk, free and clear of obstructions, along the subject site's frontage on 40th Street.
7. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Dedicate public right-of-way of 45 feet from the center line of US 1 along the property frontage;
  - b. Grant a 10-foot-wide public utility easement (PUE) along all public rights-of-way as delineated on the approved preliminary plan of subdivision or submit a variation request from Section 24-122(a) of the Subdivision Regulations, in accordance with Section 24-113, with the final plat for review and approval by the Planning Board, subject to the concurrence of all affected utility providers that a reduced PUE may be provided or no PUE is required;
  - c. Provide payment of a fee-in-lieu of mandatory parkland dedication;
  - d. Dedicate the land area to provide a 15-foot alley width and incorporate property boundary adjustments in accordance with Applicant's Exhibit A; and
  - e. Dedicate the public right-of-way along 40<sup>th</sup> Street, to accommodate a standard sidewalk free of obstructions, in accordance with the approved preliminary plan of subdivision and detailed site plan.

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 northwest quadrant of the intersection of Rhode Island Avenue (US 1) and Shepherd Street. The subject property is currently vacant and has not been the subject of a previously-approved preliminary plan of subdivision (PPS). The subject site is 2.59 acres and located in the Mixed-Use-Infill (M-U-I), One-Family Detached Residential (R-55), and entirely within the Development District Overlay (D-D-O) Zones. This application includes one parcel (Parcel 1) for the construction of a mixed-use building including 84 multifamily dwelling units and 4,772 square feet of retail, which are permitted uses in the underlying zone, and one outlot (Outlot A). The development is specifically located within the M-U-I zoned portion of the site. The M-U-I portion of the site fronts US 1 to the southeast;



Shepherd Street to the south; three single-family dwellings in the M-U-I Zone to the southwest, a 15-foot-wide alley along the north; and three single-family detached dwellings in the R-55 Zone to the east along Utah Avenue. The R-55 portion of the site includes existing Lot 27, which is located in the western part of the site at the intersection US 1 and Rhode Island Avenue, and existing Lot 22, which is located on the north side of the 15-foot alley and separate from the larger portion of the site, which is located south of the 15-foot alley. The R-55 portion of the site north of the 15-foot alley (existing Lot 22) is to be retained as Outlot A (2,178 square feet), and the R-55 portion of the site contiguous to the M-U-I portion of the site (existing Lot 27) is not proposed to be improved with any portion of the building or parking included in this development. A detailed site plan (DSP) is required for the development of this site in accordance with the requirements of the underlying M-U-I and D-D-O Zones.

The current deed description of the subject site includes two tracts of land. The first tract is known as Lot 22, Block 27, which was previously recorded in Plat Book BDS 1-93 and is resubdivided into Outlot A (2,178 square feet) with this application. The second tract of land is resubdivided into Parcel 1 (2.54 acres) with this application and includes the contiguous land areas previously known as; Lots 4-9, Block 27, recorded in Plat Book JWB 5-646; Lots 27-35, Block 27, recorded in a deed in Liber 231 at Folio 146; and the remainder of Block 27 which lies south of the 15-foot alley shown on Plat BDS 1-93, north of Lots 1-8 shown on Plat JWB 5-646, and west of the lots recorded in Liber 231 at Folio 146. However, the metes and bounds description included in the current deed (Liber 37383 at Folio 312) and reflected on the PPS includes an overlap into the existing 15-foot-wide alley north of subject site's second tract (Parcel 1) described above. The alley is shown on the PPS to be improved with existing public storm drain systems. The applicant shall correct the overlap by dedicating the overlapping area to public use as the time of final plat. The metes and bounds description also contains an apparent error of closure, leaving a small land area located west of abutting Lot 23 and south of the 15-foot-wide alley absent from the underlying property. The applicant has provided an exhibit showing the alley overlap and absent land area adjustments which will be revised on the submitted PPS prior to signature approval.

3. **Setting**—The property is located on Tax Map 50, Grid A3 in Planning Area 68 and is zoned M-U-I, R-55 and D-D-O. Development surrounding this site are also within the D-D-O and includes; Shepherd Street and Rhode Island Avenue to the south; single-family detached zoned M-U-I and 40<sup>th</sup> Street to the west; single-family detached zoned R-55, separated from the subject site by an alley, to the north; and single-family detached zoned R-55 and Utah Avenue to the east.



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

	EXISTING	APPROVED
Zone(s)	M-U-I (2.40 acres) R-55 (0.19 acre) D-D-O (2.59 acres)	M-U-I (2.40 acres) R-55 (0.19 acre) D-D-O (2.59 acres)
Use(s)	Vacant	Residential/Retail
Acreage	2.59 acres	2.59 acres
Lots	0	0
Outlots	0	1
Parcels	2	1
Dwelling Units:	0	84
Retail	0	4,772 sq. ft.
Public Safety Mitigation Fee	No	No
Variance(s)	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on October 21, 2016.

5. **Community Planning**—In accordance with Section 24-121(a)(5) of the Subdivision Regulations, the development is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). This property is located within the Ports Town Neighborhood Center. The General Plan describes Neighborhood Centers as “primarily residential areas that are often lower in density. These areas generally have fewer transit option[s] and offer neighborhood serving retail and office uses.”

The site is zoned M-U-I and R-55 and is located within the D-D-O-Z for the 2004 *Approved Sector Plan for the Prince George's County Gateway Arts District* (Sector Plan). The Sector Plan classifies the property in the Brentwood Arts Production and Entertainment (APE) Character Area and recommends “production facilities needed by artists and... residential options such as upper-story residential loft space and related commercial development.” The use table provided in the Sector Plan identifies retail uses and multifamily residential development, which are permitted uses in the APE Character Area, subject to the approval of a DSP and special permit (SP). Conformance with the Development District Standards of the Sector Plan are further evaluated with the DSP and SP applications, which are being processed concurrently with this application.

6. **Stormwater Management**—A Stormwater Management Concept Plan, 5407-2015-00, was approved for this site on January 19, 2016. The concept plan shows stormwater to be directed to micro-bio retention facilities and a submerged gravel wetland on-site.

Development must be in conformance with that approved plan or subsequent revisions to ensure that on-site or downstream flooding does not occur.

7. **Parks and Recreation**—The development is subject to mandatory parkland dedication in accordance with Section 24-134 of the Subdivision Regulations. A note provided on the PPS suggests that the applicant proposes to meet the mandatory parkland dedication requirement by providing a combination of private on-site recreational facilities and fee-in-lieu. However, a proposal for the type of on-site recreational facilities has not been provided with this application nor has it been provided with DSP-14034 and SP-140007 which are being reviewed concurrently with this application.

The Department of Parks and Recreation (DPR) conducted a needs analysis for recreational facilities in the area of the subject property and indicates facility needs within the area are low. Based on the information provided by the applicant and needs analysis provided by DPR, the payment of a fee-in-lieu in accordance with Section 24-134(a) of the Subdivision Regulations is required because the land available for dedication is unsuitable due to the size and location of the subject site.

8. **Trails**—This PPS application was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2004 *Approved Prince George's County Gateway Arts District Sector Plan and Sectional Map Amendment* in order to implement planned trails, bikeways, and pedestrian improvements. The subject application is located in the northwest quadrant of the Rhode Island Avenue (US 1) and Shepherd Street intersection. The site analysis includes access off Shepherd Street for the mixed-use development with 84 multifamily units and 4,772 square feet of retail space.

Because the site is located within the Baltimore Avenue Corridor and the Port Towns Neighborhood Center, it is subject to the requirements of Section 24-124.01 and the "Transportation Review Guidelines, Part 2, 2013". In order to meet these requirements, the Bicycle and Pedestrian Impact Statement (BPIS) must be submitted. The BPIS pre-application meeting was held on August 24, 2016.

**2009 Approved Countywide Master Plan of Transportation (MPOT) and the 2004 Approved Sector Plan and Sectional Map amendment for the Prince George's County Gateway Arts District Conformance**

Master plan sidewalk and bicycle facilities are recommended along US 1 in the 2004 *Approved Sector Plan and Sectional Map amendment for the Prince George's County Gateway Arts District* (Prince George's County Gateway Arts District Sector Plan and SMA) and MPOT. The Sector Plan also recommends appropriate sidewalk improvements. The text from the Sector Plan is excerpted below:

3. **Provide sidewalk additions and enhancements as necessary and emphasize the continuity of sidewalks.**



4. **Comprehensive bicycle and pedestrian facilities are recommended along US 1 within the Arts District. Designated bicycle lanes, continuous wide sidewalks, and other pedestrian amenities are recommended, where feasible and practical. It is also encouraged that the intersection at 38<sup>th</sup> Street be reconfigured so that it is pedestrian-friendly (area master plan, pages 44 and 46).**

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

Providing attractive and accessible sidewalk access from the surrounding public rights-of-way and sidewalks is vital. Pedestrians should be able to access buildings from the roads on complete sidewalk and walkway networks. The Prince George's County Gateway Arts District Sector Plan and SMA includes the following standard regarding sidewalk widths:

2. **Sidewalks a minimum of five feet in width shall connect to dwelling entrances, parking, recreational facilities, auxiliary buildings, recycling, and dumpster areas (area master plan, page 147).**

The Prince George's County Gateway Arts District Sector Plan and SMA also included a standard regarding the Rhode Island Avenue streetscape:

2. **The streetscape on US 1, 34th and 38th Streets and Alt. US 1 shall consist of a sidewalk a minimum of 12 feet wide and may include a strip containing street trees, landscaping, and pedestrian amenities (area master plan, page 155).**

Between the sidewalk construction, planters, bicycle parking and bus shelter shown on the US 1 Frontage Exhibit, the submitted plans meet the requirements of the Sector Plan.

#### **Proposed On-Site Bicycle and Pedestrian Improvements**

Consistent with the policies of the MPOT, a standard sidewalk along the subject site's entire frontage of Shepherd Street and a wide sidewalk along the site's frontage of Rhode Island Avenue shall be provided. The sidewalk along the frontage of Rhode Island Avenue shall comply with the 12-foot width specified in the Prince George's County Gateway Arts District Sector Plan and

SMA. The sidewalk along Shepherd Street shall be extended along the site's entire frontage and an additional sidewalk/walkway connection linking the parking behind the building with the sidewalk along Shepherd Street shall be provided. Bicycle parking is also required on-site, consistent with the Prince George's County Gateway Arts District Sector Plan and SMA.

**Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements**

Due to the location of the subject site within a designated corridor, the application is subject to CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) of the Subdivision Regulations includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

County Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the improvements is calculated according to Section 24-124.01(c) of the Subdivision Regulations:

**The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.**

Based on the above requirement, the 84 multifamily dwelling units and 4,772 square feet of retail space proposed results in a cost cap for the site of \$26,870.20.

Section 24-124.01 also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
  - 1. **installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**



2. installing or improving streetlights;
3. building multi-use trails, bike paths, and/or pedestrian pathways and crossings;
4. providing sidewalks or designated walkways through large expanses of surface parking;
5. installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and
6. installing street trees.

The required BPIS report was submitted on October 6, 2016. Also, a GIS map was generated that shows the subject site and the surrounding half-mile radius around the site. The map also indicates existing and planned bicycle, pedestrian and trails facilities and potential bicycle and pedestrian trip generators such as restaurants, commercial uses and bus stops.

**Compliance with Section 24-124.01 and the Transportation Review Guidelines, Part 2, 2013**

The applicant has proffered a bus shelter as their off-site improvement to serve the site. A bus shelter exhibit was also provided that shows the location of the shelter at the intersection of Rhode Island Avenue and Shepherd Street. "On-site" improvements are those within the subject site and along its road frontages out to the centerline of the abutting roads. To be counted as "off-site," improvements are typically provided beyond the centerline of the roads that the property has frontage on. However, in this particular case, it appears that the shelter location will best serve the subject site by providing an improved bus shelter convenient to the residences included in this application. The bus shelter is above and beyond what is typically provided as part of standard road frontage improvements. Because of this factor and the likelihood that the location of the bus shelter will best meet the needs of the future residents of the subject site, the location of the bus shelter as proposed in the BPIS is approved.

**Demonstrated nexus between the subject application and the off-site improvements**

Section 24-124.01(c) of the Subdivision Regulations requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between the proffered off-site improvement and the subject application is summarized below.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to**

**require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

**Demonstrated Nexus Finding:** The bus shelter will serve both the future residents of the subject site and the retail space. The location is convenient to the site and will provide transit access to both residents and employees near the building entrance.

**Finding of Adequate Bicycle and Pedestrian Facilities**

Section 24-124.01 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. More specifically, Section 24-124.01(b) (1) and (2) includes the following criteria for determining adequacy:

- (b) Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
  - 1. The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
    - a. the degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**
    - b. the presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

The submitted plans include a wide streetscape along Rhode Island Avenue and a standard sidewalk along the site's frontage of Shepherd Street. The Rhode Island Avenue improvements will provide a comfortable and inviting pedestrian environment, with the



street trees serving to buffer pedestrians from motor vehicle traffic. The extension of the Shepherd Street sidewalk along the entire frontage of the site and one additional sidewalk connection linking the parking lot with the building entrance and commercial space will be reviewed at the time of DSP. Based on the on-site facilities, the additional sidewalks required, and the bus shelter to be provided, pedestrian facilities are adequate and the bus shelter will improve transit access for the site and surrounding uses.

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

The provision of bike lanes along Rhode Island Avenue will likely have to be accomplished via a Maryland State Highway Administration (SHA) capital improvement project. The bike lanes (or other appropriate on-road treatment) will best be implemented for a significant stretch of the roadway, not just the frontage of one property. At the time of road resurfacing, it is recommended that the road be stripped consistent with the SHA 2015 Bicycle Policy and Design Guidelines. Bicycle parking will be provided on-site and will serve the commercial space, residential units, and the bus shelter. Based on the 120 vehicle parking spaces provided, a minimum of 12 bicycle parking spaces shall be provided that includes a mix of bicycle racks and lockers.

Based on the preceding findings, the subject site will have adequate public pedestrian and bikeway facilities in accordance with Section 24-121.01 of the Subdivision Regulations.

9. **Transportation**—The subject site consists of approximately 2.59 acres and is located on the west side of Rhode Island Avenue (US 1) in the northwest quadrant of US 1 and Shepherd Street, an unsignalized intersection. The subject site is currently vacant. The site has never been the subject

of an approved PPS and, therefore, there are no underlying transportation conditions. The submitted plan subdivides the subject property into one parcel and one outlot for development of a five-level mixed-use building which will include 84 multifamily residential dwelling units and approximately 4,772 square feet of commercial retail space.

#### **Traffic Analysis**

The development would generate 51 AM and 73 PM peak-hour trips with appropriate reductions for pass-by and internal capture trips, based on trip rates recommended by the "Transportation Review Guidelines, Part 1, 2012" (Guidelines). Pursuant to Section 24-124(a) and before approving a submitted preliminary plan of subdivision, the Planning Board must find that the roads are adequate to serve the proposed subdivision. For this reason, a traffic impact study (TIS) dated March 2016 was prepared and submitted for review with the preliminary plan of subdivision. At the Subdivision Review Committee meeting on October 21, 2016, the TIS was deemed acceptable and was subsequently referred to the operating agencies, which include Maryland State Highway Administration (SHA), the County Department of Public Works and Transportation (DPW&T), and the County Department of Permitting, Inspections, and Enforcement (DPIE) for their review and comments.

The findings outlined below are based upon a review of these materials, consistent with the Guidelines.

The subject property is located in the Transportation Service Area 1 (TSA-1), as defined by *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The property is also within the *2004 Approved Sector Plan and Sectional Map amendment for the Prince George's County Gateway Arts District* (Sector Plan), and is within the Brentwood Arts Production and Entertainment (APE) Character Area of the Development District Overlay Zone (D-D-O). As such, the subject property is evaluated according to the following standards:

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

**Unsignalized intersections:** Using *The Highway Capacity Manual* procedure for unsignalized intersections, if no movements exceed 50.0 seconds of delay, the intersection is deemed to operate acceptably and the analysis is complete. For any movement within an unsignalized intersection with delay exceeding 50 seconds, additional analysis are warranted which would lead to a "pass-fail." The procedure for un-signalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.



The traffic generated by the plan would impact the following intersections:

- Rhode Island Avenue and Shephard Street (unsignalized)
- Rhode Island Avenue and Utah Avenue (unsignalized)
- Rhode Island Avenue and 38<sup>th</sup> Street (signalized)

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

Existing and Total Projected Traffic Conditions				
Intersection	Existing		Projected	
	CLV/Delay* (sec) /LOS		CLV/Delay (sec) / LOS	
	AM	PM	AM	PM
Rhode Island Avenue & Shephard Street *	13.8 / B	10.0 / B	15.2 / C	10.7 / B
Rhode Island Avenue & Utah Avenue *	26.8 / D	30.0 / D	29.3 / D	36.9 / E
Rhode Island Avenue & 38 <sup>th</sup> Street	891 / A	973 / A	969 / A	1100 / B

Background conditions are deemed to be the same as the existing conditions, since within the study area there are no approved but unbuilt development activities. None of the critical intersections identified above are programmed or permitted for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program," the Prince George's County "Capital Improvement Program," or by any private developer(s).

As shown by the above table, all of the study intersections are currently operating at acceptable levels of service and would continue to operate at acceptable levels of service in the morning and afternoon peak hours with total traffic.

#### Site Access Evaluation

Vehicular access to the site will be limited to a new full-access driveway onto Shepherd Street, a two-lane undivided roadway owned and maintained by the Town of Brentwood, abutting to the west. At the intersection of Shepherd Street with Rhode Island Avenue, there is a median within Rhode Island Avenue to the south of the subject site, which precludes the ability to make left turns to and from Rhode Island Avenue from Shepherd Street. Alternates for these types of movements could be achieved by either making a left turn at the signalized intersection of Rhode Island and 38<sup>th</sup> Street (MD 208) and a right turn onto Shepherd Street, or making a U-turn at the unsignalized intersection of Utah Avenue with Rhode Island Avenue.

#### Master Plan Roads and Right-of-way (ROW) Dedication

US 1 is a master plan collector (C-209) roadway in the MPOT and the Sector Plan. The PPS correctly shows right-of-way (ROW) dedication of 45 feet from the existing centerline along the subject property's frontage on US 1. No additional right of way dedication is required for US 1.

A public storm drain right-of-way is shown to be located within the 15-foot-wide alley north of the subject site. The applicant shall provide right-of-way dedication for the portions of the subject site which overlap into the alley to reestablish the 15-foot-width for the alley.

Upon further review of the site frontage along 40<sup>th</sup> Street and the available and dedicated right-of-way for this publicly-maintained roadway, there is a lack of adequate right-of-way to widen the existing public sidewalk that is impeded by existing utility poles positioned within the sidewalk and thus impede safe and unobstructed pedestrian access. As a result, the PPS shall be revised to show the location of the existing sidewalk and utility poles and three to five feet of right-of-way dedication, as necessary, to widen the sidewalk along 40<sup>th</sup> Street to a standard width free and clear of obstructions.

Based on the preceding findings adequate transportation facilities will exist to serve the subdivision as required in accordance with Section 24-124 of the Subdivision Regulations.

10. **Schools**—This preliminary plan was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

**Impact on Affected Public School Clusters  
Multifamily Dwelling Units**

Affected School Clusters #	Elementary School 2 Cluster	Middle School 2 Cluster	High School 2 Cluster
Dwelling Units	84 DU	84 DU	84 DU
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	10	5	6
Actual Enrollment	20,414	4,349	8,318
Total Enrollment	20,424	4,354	8,324
State Rated Capacity	17,570	4,334	8,125
Percent Capacity	116%	100%	102%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$9,017 and \$ 15,458 to be paid at the time of issuance of each building permit.



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

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

11. **Fire and Rescue**—This preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

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

The project is served by Bunker Hill Fire/EMS, Company 855, a first-due response station (a maximum of seven (7) minutes travel time), located at 3716 Rhode Island Avenue.

“In the Fire/EMS Department’s Statement of Adequate Apparatus, as of April 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County.”

**Capital Improvement Program (CIP)**

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site. The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure.”

12. **Police Facilities**—The subject property is located in Police District I, Hyattsville. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on September 29, 2016.

**Residential**

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 9/29/2016	12/2015-1/2015	6 minutes	12 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based on the most recent available information as of December 2015, police response times, the response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls were met on September 29, 2016.

**Nonresidential**

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, 2015 (U.S. Census Bureau) county population estimate is 909,535. Using the 141 square feet per 1,000 residents, it calculates to 128,244 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

13. **Water and Sewer**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* designates this property in water and sewer Category 3, Community System, within Tier 1 under the Sustainable Growth Act and will therefore be served by public systems.

14. **Use Conversion**—The total units included in this PPS is 84 multifamily dwellings and 4,772 square feet of retail development in the M-U-I zoned portion of the site and within the D-D-O Zone. If a substantial revision to the mix of uses on the subject property is proposed, that affects Subtitle 24 adequacy findings as set forth in the resolution of approval, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.
15. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”



The PPS shall delineate a ten-foot-wide public utility easement along all public rights-of-way, which will also be required to be reflected on the final plat prior to approval.

16. **Historic**—There are no existing structures on the property. 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. Phase I archeology survey is not required on the subject property. This application will not impact any historic sites, historic resources or known archeological sites.
17. **Environmental**—The subject property was previously reviewed for a Natural Resources Inventory (NRI-201-14), which was issued on January 15, 2015, and a Standard Letter of Exemption (S-010-15) which was issued on January 16, 2015. No other previous environmental reviews have occurred on this site.

#### **Grandfathering**

The project is subject to the requirements of Subtitle 24 (Subdivision Regulations), Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance), and 27 (Zoning Ordinance) that became effective September 1, 2010 because this is an application for a new PPS.

#### **Site Description**

The site shares frontage with Rhode Island Avenue to the east, 40<sup>th</sup> Street to the west, and Utah Avenue to the north. The site is located approximately 140 feet to the northwest of the intersection of Rhode Island Avenue with Shepherd Street. The overall site is 2.59 acres and is zoned M-U-I and R-55. According to the approved NRI (NRI-201-14), no woodlands exist on-site. A review of the available information identified that regulated environmental features such as streams, wetlands, and associated buffers are not found on the property; however, other regulated features such as areas of steep slopes and 100-year floodplain exist on-site. This site is outside of the Chesapeake Bay Critical Area (CBCA) and is located in the Northwestern Branch of the Anacostia River Watershed that drains into the Patuxent River Basin. The site is not located in a stronghold watershed, which is an area designated by the Maryland Department of Natural Resources (DNR) to be “places where rare, threatened, or endangered species of fish, amphibians, reptiles, or mussels have the highest numbers.” The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include Christiana-Downer Urban Land Complex (5–15 percent slopes), Elsinboro-Urban Land Complex (0–5 percent slopes), and Urban Land Russett Christiana Complex (0–5 percent slopes). According to available information, although no soils containing Marlboro clay are found on-site, soils containing Christiana complexes are found on this property. This site is not within a Sensitive Species Protection Review Area based on a review of the SSPRA GIS layer prepared by the DNR Wildlife and Heritage Service. None of the streets that the site fronts on are regulated for noise or have a historic or scenic designation. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site does not include any regulated areas, evaluation areas, or network gaps.

**Plan Prince George's 2035 Approved General Plan (2014)**

Prior to submittal of the current application a new General Plan was adopted by the District Council. The site is now located within the Established Communities Area of the Growth Policy Map and 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*.

**Conformance with the 2010 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 Countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement, Prince George's County Department of Health, Prince George's County Department of the Environment, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban Sanitary Commission are also deemed to be consistent with this master plan.

**2004 Prince George's County Gateway Arts District Sector Plan and Sectional Map Amendment Conformance**

The site is subject to the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Prince George's County Gateway Arts District Sector Plan and SMA), which includes an Environmental Infrastructure section containing goals, objectives and recommendations to be implemented during development application review. The following guidelines have been determined to be applicable to the current project. The text in BOLD font is from the master plan and the standard font is comments on master plan conformance:

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

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

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



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

**Recommendation 5:** Require the following tree cover areas based on ten-year tree canopies: 10 percent tree cover on all properties not in the CBCA I-D-O overlay and within the industrial areas, 15 percent tree cover on property containing an L-D-O (limited development overlay), 20 percent tree cover within mixed-use or commercial area, and 26 percent tree cover within residential areas. Establish street trees along main transportation corridors. Count tree planted in the public right-of-way but within 16 feet of a property line toward a development's tree coverage.

The proposed development is zoned mixed-use and as such, is required to have a minimum of 20 percent tree canopy coverage. The Tree Canopy Coverage Ordinance, Section 25-128(b), Division 3, requires 10 percent tree canopy coverage (TCC). Adherence to the TCC requirements will be reviewed at the time of DSP. Street trees planted within the three adjacent public rights-of-way are encouraged and can be counted towards meeting the TCC requirement.

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

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

With regard to Recommendations 6 and 7, the site has an approved Stormwater Management Concept letter (5407-2015-00) and plan that has been found in conformance with Subtitle 32, Water Quality Resources and Grading Code, by the Department of Permitting, Inspection and Enforcement (DPIE). DPIE has approved a fee payment in lieu of providing on-site attenuation/quality control measures.

DPIE will continue to review the project for technical conformance with Code requirements through the development process, including the use of environmental site design (ESD) practices and techniques.

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

The subject site does not contain any wetlands. The project includes the construction of one engineered submerged gravel wetland in the northeastern corner of the property.

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

The site is located along collector and non-designated roadways which are not generally regulated for transportation noise impacts. Standard construction shell techniques generally reduce exterior noise levels by a minimum of 25 dBA Ldn. State noise standards for interior noise in residential units generally require 45 dBA Ldn or less.

**Conformance with the 2005 Countywide Green Infrastructure Plan**

The 2005 *Approved Countywide Green Infrastructure Plan* indicates that none of the property is within or near the designated network.

**Natural Resource Inventory (NRI)**

A signed Natural Resources Inventory (NRI-201-14), which included a detailed forest stand delineation (FSD), was submitted with the application. The site contains areas of steep slopes, 100-year floodplain, and primary management area (PMA). No other regulated environmental features exist on this site according to available data. No areas of existing woodlands or specimen trees were identified on the NRI. No additional information is required with regard to the NRI.

**Woodland Conservation**

The site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property contains less than 10,000 square feet of woodland on-site, and has no previous Tree Conservation Plan (TCP) approvals. A standard letter of exemption from the Prince George's County Woodland Conservation Ordinance was issued for this site (S-010-15), which expires on January 16, 2017. No additional information is required regarding woodland conservation.

**Preservation of Regulated Environmental Features/Primary Management Area**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts



for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

The site contains regulated environmental features. According to the Preliminary Plan of Subdivision and Site Development Concept Plan, impacts to the 100-year floodplain are needed for a parking area, a submerged gravel wetland, a micro-bioretenention area, and associated outfalls and piping. A statement of justification has been received for the impacts to the 100-year floodplain, which is within the PMA.

The Statement of Justification and included exhibit includes a request for 1 impact to the 100-year floodplain totaling approximately 13,939 square feet. This impact consists of required parking, one submerged gravel wetland, a micro-bioretenention area, associated piping and outfalls.

The area of previously developed 100-year floodplain is not associated with any nearby streams or wetlands and is characterized by mowed turf with a few scattered open grown trees. The area was previously developed stormwater conveyance between Utah Street and 40<sup>th</sup> Street. On-site stormwater is currently conveyed directly into this pipe via a riser inlet structure. The addition of the submerged gravel wetland and three bioretention areas on-site appears to result in the improved water quality of stormwater leaving the site in a storm event.

In addition, the applicant states that the Gateway Arts District Overlay Zone constrains the site's parking configuration by limiting all proposed parking to be placed in the rear of the property behind the proposed building. The site is also located within a priority area for redevelopment, in that the site is in both the Arts Production and Entertainment Character Area and Multifamily Residential Community Character Area of the Gateway Arts District Overlay Zone.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the Site Development Concept Plan. The Planning Board **approves** one impact to the PMA totaling 13,939 square feet.

#### **Noise**

As previously stated, none of the roads located adjacent to the site generate enough traffic to produce noise above the state standard. A Phase I Noise Study is not required with this PPS.

18. **Urban Design**—The subject Preliminary Plan of Subdivision to consolidate existing lots into one parcel and one outlot for a commercial and residential mixed-use building is required as the proposed development is in excess of 5,000 square feet of gross floor area (GFA). Development of the site is subject to the following requirements:

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

Conformance with requirements of the Zoning Ordinance Section 27-546.19, Site Plans for Mixed Uses, and Section 27-546.18, Regulations for development in the M-U-I Zone, along with other applicable Zoning regulations will be further evaluated at the time of

DSP/SP review. The PPS conforms to the requirements of zoning as applicable to the subdivision application.

**Conformance with the Requirements of the 2004 Gateway Arts District Sector Plan and Sectional Map Amendment**

The proposed development is located in the Arts Production and Entertainment (APE) Character Area of the Gateway Arts District Development District. A detailed site plan (DSP) and special permit (SP) applications are required because the multifamily units require a special permit according to the use table (p. 195). The DSP/SP will be subject to all of the D-D-O Zone Standards and conformance to the applicable standards will be evaluated at that time.

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

The DSP/SP is not subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The development district standards contained in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* replace all those contained in the Landscape Manual.

**Conformance with the Tree Canopy Ordinance**

Subtitle 25, Division 3: Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on this property as the application proposes to construct or disturb 5,000 square feet or more of land area. Properties zoned M-U-I/D-D-O are required to provide a minimum of 10 percent of the gross tract area in tree canopy as discussed in the Environmental finding. This requirement will be further evaluated with review of the DSP/SP.

19. **Town of Brentwood**—The Town of Brentwood provided a letter dated November 21, 2016 in support of this application.

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

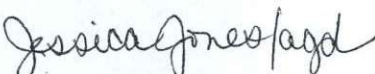
\* \* \* \* \*



This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, and Hewlett voting in favor of the motion, and with Commissioner Doerner absent, at its regular meeting held on Thursday, December 8, 2016, in Upper Marlboro, Maryland.

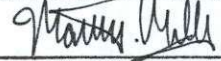
Adopted by the Prince George's County Planning Board this 5th day of January 2017.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:SC:rpg

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPC Legal Department  
Date 12/20/16