THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 16-149

File No. SP-140007

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Special Permit SP-140007, requesting a special permit to construct a mixed-use building with 84 multifamily residential units and 4,772 square feet of retail space within the Mixed Use–Infill (M-U-I), One-Family Detached Residential (R-55), and the Development District Overlay (D-D-O) Zone of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on December 8, 2016, the Prince George's County Planning Board finds:

1. **Request:** The subject application proposes a mixed-use building with 84 multifamily residential units and 4,772 square feet of retail space within the Mixed Use–Infill (M-U-I) and One-Family Detached Residential (R-55) Zones, and the Development District Overlay (D-D-O) Zone of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA).

2. **Development Data Summary:**

	EXISTING	**APPROVED**
Zone(s)	M-U-I/R-55/D-D-O	M-U-I/R-55/D-D-O
Use(s)	Vacant	Multifamily Residential/Retail
Gross Acreage	2.59	2.29
Net Acreage	2.19	1.89
Parcels/Lots	20	1 parcel, 1 outlot
Dwelling Units	0	84
Commercial GFA (sq. ft.)	0	4,772
Total GFA (sq. ft.)	0	98,007
Floor Area Ratio (FAR)	0	1.19

OTHER DEVELOPMENT DATA

Parking Spaces Required	
Residential Use – 84 units @ 1 space/unit to 1.5 spaces/unit*	84–126 spaces
Commercial Retail – 4,772 sq. ft. @ 1 space/150 sq. ft. for first 3,000 sq. ft.; +1 space per 200 sq. ft. above 3,000 sq. ft.**	29 spaces
Total	**113–155 spaces**

Parking Spaces Provided	
Total Surface Spaces	**65 spaces**
Standard Spaces (9.5 ft. x 19 ft.)	43 spaces
Compact Spaces (9 ft. x 19 ft.)**	22 spaces
Total Structured Spaces	**55 spaces**
Standard Spaces (9.5 ft. x 19 ft.)	32 spaces
Compact Spaces (9 ft. x 19 ft.)**	18 spaces
ADA Spaces (13 ft. x 19 ft.)	5 spaces
Total Spaces Provided	**120 spaces**
Loading Spaces Required	**2 spaces**
Loading Spaces Provided* **	**0 spaces**

Notes: *The applicable D-D-O Zone provides a minimum and maximum parking space requirement for residential uses in the Arts Production and Entertainment (APE) Character Area.

**The applicable D-D-O Zone does not have standards for required parking for a general retail use in this character area, compact parking space size, or required loading spaces. The DSP provides sufficient parking to accommodate the amount required by Section 27-568(a) of the Zoning Ordinance (no parking district has been established) for a commercial use with a compact parking space size of 9 feet by 19 feet, which is larger than the standard compact parking space of 8 feet by 16.5 feet required by the Zoning Ordinance.

***No loading spaces are proposed, as opposed to the two required by the Zoning Ordinance for the two retail stores. The applicant seeks a departure from this requirement per Section 27-548.25(e), which does not require a separate application for such departures, but requires that the Planning Board find that the departure conforms to all the applicable development district standards. The reduction in the number of loading spaces does not affect the application's conformance with the applicable D-D-O Zone standards. This departure does not impair the development district and will contribute to the development district vision of concentrated development that minimizes the total parking in this area. Therefore, the Planning Board approved this departure request.

3. **Location:** The subject property consists of 20 parcels and lots located in the northwest quadrant of the intersection of Shepherd Street and Rhode Island Avenue (US 1) in the Town of Brentwood.

4. **Surrounding Uses:** The subject property is bounded to the northwest, beyond an undeveloped alley, by single-family detached dwellings located in the R-55 Zone, to the northeast by single-family detached dwellings located in the R-55 Zone, to the east by the public right-of-way of Rhode Island Avenue (US 1) with a church in the Urban Light Industrial (U-L-I) Zone beyond, to the west by the public right-of-way of 40th Street with multifamily residences in the Multifamily

High Density Residential (R-10) Zone and single-family detached dwellings in the R-55 Zone, to the southwest by single-family detached dwellings in the M-U-I Zone, and to the south by the public right-of-way of Shepherd Street with commercial uses in the Mixed Use Town Center (M-U-TC) Zone beyond. All surrounding properties are also in the D-D-O Zone.

5. **Previous Approvals:** The 2004 Gateway Arts District Sector Plan and SMA classified the subject property in the Development District Overlay/Mixed Use–Infill (D-D-O/M-U-I) and the Development District Overlay/One-Family Detached Residential (D-D-O/R-55) zones. The R-55 zoned portion of the property is a small area in the northeast corner. A Preliminary Plan of Subdivision (4-16027) for the proposed development is scheduled to be heard by the Planning Board on December 8, 2016.

   The project has an approved Stormwater Management Concept Plan, 5407-2015-00, that was approved on January 19, 2016, and is valid until January 19, 2019.

6. **Design Features:** The 20 vacant lots and parcels that make up the subject development proposal are owned by the Redevelopment Authority of Prince George's County. The applicant proposes one, approximately 50-foot-high, mixed-use building that includes five levels or stories, of which four residential/commercial levels are above ground and one level for parking is partially below grade. The angled building sits in the southeast corner of the property, fronting on Rhode Island Avenue (US 1) and Shepherd Street. The building includes 42 studio and 42 two-bedroom multifamily apartment units, for a total of 84 units and 93,235 square feet of residential development. In addition, 4,772 square feet of commercial/retail uses are proposed in two bays on the ground floor of the building at ground level facing the corner of Rhode Island Avenue and Shepherd Street. Structured parking for 54 spaces is proposed within the basement level of the building. A single 48-foot-wide driveway off Shepherd Street provides access to the surface parking lot located behind the building, the entrance to the garage level, and the internal trash receptacle area. Stormwater management is accommodated in multiple bioretention areas along the north and south sides of the property.

   Architecture—The applicant proposes a building design that provides a modern contemporary façade along Rhode Island Avenue and includes a mix of materials and colors, such as red, buff, and charcoal brick, corrugated metal panel in grey shades, and fiber cement panels and siding in grey shades and tan, arranged in regular patterns. The façades are punctuated by a regular pattern of windows, some with Juliet balconies, and large aluminum storefront windows, along with aluminum and fabric canopies, in the retail and lobby areas. Brick is the predominant finishing material on the main façades oriented toward Rhode Island Avenue and Shepherd Street, with the fiber cement panels and siding becoming predominant on the rear side of the building facing the parking lot. The lowest level on the rear side of the building, along the structured parking, is finished with concrete masonry block with openings covered by decorative vent grilles.

Recreational Facilities and Amenities—The building includes a central courtyard, above the parking level on the rear of the building, that consists of passive seating areas, planters, a barbecue area, and a wading pool and deck for residents. An internal fitness room, adjacent to the courtyard, is also proposed for the residents.

Signage—A signage plan has been provided which indicates the use of commercial and residential identification building-mounted signage; no freestanding signage is proposed. The commercial signage is proposed along the retail frontage and includes two 50-square-foot signs with 24-inch-high, cast aluminum, backlit letters mounted above the proposed canopies. In total, 100 square feet of commercial signage is proposed.

Two major residential identification signs are proposed on the elevation along Rhode Island Avenue. The project name "The Artisan" is proposed vertically down the building face in 34-inch cast aluminum letters with backlighting and horizontally on the aluminum canopy above the main residential entrance. The project address is proposed both vertically on the building and horizontally on the canopy along the Rhode Island Avenue façade. Additionally, a similarly designed sign is proposed above the lower-level vehicular entrance specifying "Parking Garage." In total, approximately 136 square feet of residential identification signage is proposed

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject special permit (SP) has been reviewed for compliance with the requirements of the D-D-O and M-U-I Zones and the site plan design guidelines of the Zoning Ordinance. No development is proposed within the R-55 zoned portion of the property.

   a. The subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed uses in this application are permitted uses in the M-U-I Zone and the Gateway Arts District. However, the dog park shown on the site plan is not allowed in the D-D-O Zone. Therefore, a condition has been included in this approval requiring its removal.

      The development district standards contained in the Gateway Arts District Sector Plan and SMA replaced all those contained in the Zoning Ordinance.

   b. Section 27-239.02(6), Special Permits, prescribes the following required finding for approval of a special permit:

      (C) The Planning Board may grant a Special Permit in other zones, as provided in the use tables, if it finds:

(i) The site plan generally conforms with design guidelines in an approved Master Plan or other applicable plan; and

The subject application is subject to the D-D-O standards in the Gateway Arts District Sector Plan and SMA discussed in Finding 8 below. Discussion of the application's conformance with the goals of the sector plan is provided in Finding 13.b. below.

(ii) The site plan shows that the proposed use will not be incompatible with adjacent properties because of building or site design.

The proposed mixed-use building is immediately adjacent to single-family residential uses to the north and south. An amendment has been requested to modify the maximum building height standard to allow for a 50-foot-high building, instead of the 42 feet allowed. Given this request, additional consideration of the visual impact of the proposed development on abutting properties along Utah Avenue and Shepherd Street is necessary to ensure compatibility. The Planning Board recognized the challenges presented in buffering the north side of the proposed development given the steep slope and elevation difference between the bulk of the site and houses along Utah Avenue. Many abutting properties along Utah Avenue have mature trees in their rear yards that will minimize the visual impact of the proposed development during the portion of the year where the trees have leaves. However, the Planning Board found that, prior to certification, the DSP be revised to provide an enhanced buffer to include additional plants and fencing, along adjacent single-family homes to the northeast and southwest. A condition has been included in this approval regarding this requirement.

8. **2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District:** The subject property is partially within the Arts Production and Entertainment (APE) character area and partially within the Multifamily Residential Community (MRC) character area of the Gateway Arts District Development District Overlay Zone.

A DSP application is required because the proposed multifamily dwelling use is a special permit use in the APE character area. The proposed multifamily dwellings are consistent with the sector plan's approved land use map and its description of the Brentwood Arts Production and Entertainment character area.

In accordance with the D-D-O Zone review process as stated in Section 27-548.25(c), modification of the development district standards is permitted. In order to allow the plan to deviate from the development district standards, the Planning Board must find that the alternative development district standards will benefit the development and the development district, and will not substantially impair implementation of the sector plan. The applicant has requested amendments to the D-D-O Zone standards. Each relevant design development standard for each indicated subject

area, as enumerated in the Gateway Arts District Sector Plan and SMA, is included below in **[boldface]** type, followed by discussion. Those standards which are not met in the subject application are noted below and evaluated as to whether such deviation from development district standards is supported:

SITE DESIGN

Building and Streetscape Siting—Standard 2

1. **Build-to Line along US 1 with on-street parking, excluding the segment from Jefferson Street to Farragut Street: up to 17 feet from edge of right-of-way**

2. **Build-to Line without on-street parking: up to 17 feet from face of curb**

The proposed setback of the building is approximately 18.5 to 23 feet from the Rhode Island Avenue (US 1) right-of-way and approximately 27 feet from the face of curb along Shepherd Street, which does not meet these standards. The applicant proposes a wide sidewalk, street trees, and environmental site design elements to manage stormwater which require the additional frontage width. The building placement and architecture, where storefronts and building frontage are located on the sidewalk, meets the intent of these standards to create a pedestrian-friendly street wall. The applicant's statement of justification refers to planter boxes, but does not indicate what plant material will be located within these planter boxes. The Planning Board found that the proposed plants provide a diversity of foliage, colors, and shapes in accordance with the sector plan's landscaping intent. A condition requiring this has been included in this approval. Therefore, the Planning Board approved the requested deviations from the development district standards with the revision.

Access and Circulation—Standard 6

6. **Access to parking and the rear of the lot or parcel shall be located on a side street or alley and shall be a maximum of 18 feet wide.**

The submitted DSP proposes one access to the parking lot off Shepherd Street, a secondary street; however, it is shown as 48 feet wide. This additional width is to provide sufficient turning radius for trash trucks to access the internal trash area, located adjacent to the commercial uses. Therefore, the Planning Board approved the requested deviation from the development district standard.

BUILDING DESIGN

Building Height—Standard 1

1. **Buildings adjacent to a one-family residential dwelling or a historic landmark shall have a maximum height of 42 feet. Buildings adjacent to a historic landmark shall have a height that is architecturally compatible with that landmark.**

The proposed building is adjacent to single-family residential dwellings and proposes a maximum building height of approximately 50 feet. The D-D-O Zone does not establish maximum building densities and, pursuant to Section 27-546.18(b), the "site plan as approved shall set out the regulations to be followed" for a mixed-use development. The development proposed is a permitted use in the zone. A vertical mix of uses is clearly preferred by the sector plan and reinforced by the property's reclassification into the M-U-I Zone. The Planning Board found the applicant's contention that additional height is necessary to support ground-floor commercial spaces and structured parking compelling given the current market and construction costs.

The proposed amendment to the development district standards for building height will not substantially impair the sector plan and will benefit the proposed development pursuant to Section 27-548.25(c). However, the applicant should take into consideration the visual impact of the proposed development on the abutting properties along Utah Avenue and Shepherd Street. To that end, a condition has been included in this approval requiring an enhanced buffer along adjacent single-family homes to the northeast and southwest. Therefore, the Planning Board approved the requested deviation from the development district standard with the above condition.

Unit Design—Standard 3

3. **New residential units shall only be located above the ground floor.**

The applicant requests an amendment to this standard to locate three residential dwelling units on the ground floor facing the interior courtyard. The Planning Board supported the proposed amendment, as courtyard-facing units will have no impact either on the building design or on the street frontage. Therefore, the Planning Board approved the requested deviation from the development district standard.

Additional information is required to be provided on the DSP in order to fully demonstrate conformance with the following development district standards:

SITE DESIGN

Building and Streetscape Siting–Standard 29

29. Buildings on corner lots should not have blank exterior walls at the pedestrian level.

The submitted site plan elevations show a blank exterior wall along the western side for approximately one-third of the Shepherd Street frontage at the pedestrian level. Architectural features, other than variations in brick color, should be provided. A condition requiring this modification has been included in this approval.

Access and Circulation—Standard 2

2. Sidewalks a minimum of five feet in width shall connect to dwelling entrances, parking, recreational facilities, auxiliary buildings, recycling, and dumpster areas.

The submitted site plan should clearly indicate internal sidewalks, at least five feet wide, connecting entrances, parking, recreational facilities, recycling, and dumpster areas.

Dumpsters, Services, Utilities, Outdoor Storage, and Stormwater Management – Standard 2

2. Dumpsters, outdoor storage, utility boxes, and HVAC units shall be screened by an opaque material similar in color and material to that of the main building so they are not visible from the public sidewalks or streets.

The submitted site plan shows a transformer located along the entrance driveway clearly visible from Shepherd Street. This transformer should be relocated out of sight of Shepherd Street or "screened by an opaque material similar in color and material to that of the main building" per the standard. A condition requiring this revision has been included in this approval.

Lighting—Standard 4

4. Fixtures should be located and shielded so that light does not spill from a parking lot onto an adjacent one-family residential property or into residential building windows.

The submitted lighting plan shows off-site light impacts along Rhode Island Avenue (US 1), but not along other property lines. The lighting plan also clearly shows light spillage onto single family properties along Shepherd Street, but does not show the full extent of this impact. The photometric plan should be revised to show the full extent of

light impact from the subject property, including, if necessary, the relocation of light fixtures to avoid light impact on adjacent single-family properties. A condition requiring this has been included in this approval.

PUBLIC SPACE

Streetscape—Standard 5

5. **On US 1, Alt US 1 and 38th Street, tree boxes shall be at least 5 feet wide, 10 feet long, and 4 feet deep. On all other streets tree boxes shall be at least 4 feet wide, 8 feet long, and 4 feet deep. All tree boxes shall be spaced 30–40 feet apart.**

The submitted site plan and statement of justification references tree boxes within the streetscape and provides details for tree plantings. However, the landscape plan is unclear regarding tree box dimensions and separations that meet this standard. A condition requiring this revision has been included in this approval.

9. **Preliminary Plan of Subdivision 4-16027:** This SP is being processed concurrently with Preliminary Plan of Subdivision 4-16027 for the development of a multifamily and retail building, and both were heard by the Planning Board on December 8, 2016. The Subdivision Section provided a review of the SP that is incorporated into Finding 13(d) below, with conditions that have been included in this approval to ensure that the SP is in conformance with the proposed preliminary plan.

10. **2010 Prince George's County Landscape Manual:** The site plan is not subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The development district standards contained in the Gateway Arts District Sector Plan and SMA replace all those contained in the Landscape Manual.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square feet of woodland onsite, and has no previous tree conservation plan approvals. A standard letter of exemption from the WCO was issued for this site (S-010-15), which expires on January 16, 2017.

12. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned M-U-I are required to provide a minimum of ten percent of the gross tract area in tree canopy coverage. The subject property is 2.59 acres in size, resulting in a tree canopy coverage requirement of 11,282 square feet. This requirement will be met through the planting of 11,375 square feet of landscape trees.

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. **Historic Preservation**—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. A Phase I archeology survey is not recommended on the subject property. This proposal will not impact any historic sites, historic resources, or known archeological sites.

b. **Community Planning**—The Planning Board reviewed a discussion of the development district standards that is incorporated into Finding 8 above, as well as the following comments on the subject application:

This property is located within the Port Towns Neighborhood Center. The *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) 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 proposed mixed-use development is consistent with the Plan Prince George's 2035 vision for neighborhood centers.

c. **Transportation**—The subject property is located in Transportation Service Area 1 (TSA-1), as defined by Plan Prince George's 2035. The property is also within the 2004 *Approved Sector Plan for the Prince George's County Gateway Arts District* (Sector Plan), and is within the Arts Production and Entertainment Character Area of the Gateway Art District Development District Overlay (D-D-O) Zone. By virtue of the site being within the D-D-O Zone, the site plan is subject to the standards and requirements of the Sector Plan's Arts Production and Entertainment Character Area. This brings elements of building form, sustainability, streetscape, parking, access, and adequacy of transportation facilities into the review.

The findings outlined below are based upon a review of relevant and submitted material and analysis, all conducted in accordance with the requirements of the approved Plan, and the "Transportation Review Guidelines, Part 1, 2012" (Guidelines).

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. At the intersection of Shepherd Street with Rhode Island Avenue, there is a median along Rhode Island Avenue that eliminates making left turn to and from Rhode Island Avenue. Acceptable alternates for these types of movements would be by either making a left turn at the signalized intersection of Rhode Island Avenue and 38th Street (MD 208) and right turn onto Shepherd Street, or making a U-turn at the unsignalized intersection of Utah Avenue and Rhode Island Avenue.

The maximum parking allowed for the proposed development using the approved D-D-O parking standards is slightly higher than the proposed provision of 120 spaces.
The approved Sector Plan contains a number of recommendations and policies for promoting the diversion of some of the generated vehicle trips to transit, walking, or biking trips. To this end, it would be highly desirable if the applicant agrees to improve the existing bus stop along the subject site's frontage of Rhode Island Avenue with a bus shelter and other needed amenities, including seating per the Department of Public Works and Transportation (DPW&T) and/or the Washington Metropolitan Area Transit Authority (WMATA) standards.

Finally, while the Sector Plan recommends the establishment of parking districts, as of this writing no such district has been established.

Based on the preceding findings, the Planning Board concluded that no traffic-related findings are required with detailed site plan review, and the site plan is acceptable from the standpoint of transportation.

Upon further review of the site frontage along 40th Street and the available and dedicated right-of-way, the Planning Board was concerned with the lack of adequate right-of-way to widen the existing sidewalk. The sidewalk is currently impeded by existing utility poles positioned within the sidewalk, which do not allow for safe and unobstructed passage of wheelchairs, strollers, or carts. As a result, the Planning Board found that the DSP should be revised to show the existing sidewalk widened by three feet along the subject site's entire frontage of 40th Street, as modified by the City of Brentwood and/or DPW&T construction standards.

This issue regarding right-of-way improvements is germane to the review of Preliminary Plan 4-16027, which was reviewed concurrently with the subject DSP. Final determinations of requirements were made with the preliminary plan approval, and a condition of approval requiring conformance with the approved preliminary plan will ensure the DSP is revised, as necessary.

d. **Subdivision**—This SP is being processed concurrently with Preliminary Plan of Subdivision 4-16027, for the development of a multifamily and retail building, and both were heard by the Planning Board on December 8, 2016. The following conditions of approval will ensure SP conformance with the preliminary plan:

(1) Prior to signature approval of the DSP, the plan shall be revised to:

(a) Update the general notes to reflect that one parcel and one outlot are proposed.

(b) Label Parcel 1 and its acreage.

(c) Revise the general notes to include One-Family Detached (R-55) zoning. The zoning line shall be reflected on the plan and indicate the acreage included in each zone.

(d) Indicate conformance with the approved preliminary plan.

A final plat will be processed subsequent to the approval of the SP in accordance with the required order of approvals, and Subtitle 24. It should be noted that the bearings, distances, lots, and blocks as reflected on the final plats must be shown and match the approved SP. Failure of the site plan and record plats to match will result in the permits being placed on hold until the plans are corrected.

e. **Trails**—The subject application is located at the northwestern quadrant of the Rhode Island Avenue and Shepherd Street intersection. The site is accessed off Shepherd Street and is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (area sector plan). The subject application proposes a 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 Center, it was subject to Section 24-124.01 and the "Transportation Review Guidelines, Part 2, 2013" at the time of Preliminary Plan.

Master plan sidewalk and bicycle facilities are recommended along US 1 in the area master plan and MPOT. The area sector plan also recommends appropriate sidewalk improvements. The text from the area sector plan (pages 44 and 46) reads as follows:

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 38th Street be reconfigured so that it is pedestrian-friendly.

The Complete Streets section 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 sidewalks from the surrounding public rights-of-way and sidewalks is vital. Pedestrians should be able to access buildings from the roads on a complete sidewalk and walkway network. The D-D-O Zone includes the following standard (page 147) 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.**

The D-D-O Zone also includes a standard regarding the Rhode Island Avenue streetscape (page 155):

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.**

Between the sidewalk construction, planters, bicycle parking and bus shelter shown on the "US Route 1 Frontage Improvements" exhibit, the submitted plans meet the requirements in the D-D-O Zone.

Consistent with the policies of the MPOT, a standard sidewalk should be provided along the subject site's entire frontage of Shepherd Street and a wide sidewalk along the site's frontage of Rhode Island Avenue. The sidewalk along the frontage of Rhode Island Avenue needs to comply with the 12-foot-width specified in the D-D-O Zone standard. The frontage improvements reflected on the "US Route 1 Frontage Improvements" exhibit appear to indicate compliance with the D-D-O Zone requirements. The sidewalk along Shepherd Street should 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 should be added. Also, bicycle parking is recommended on-site. Some of the bicycle rack spaces should be placed at a location convenient to the retail space, and some bicycle racks and lockers should be placed in the parking garage for the residential units.

At the time of Preliminary Plan 4-16027, the applicant proffered a bus shelter as their bicycle pedestrian impact statement (BPIS) improvement to serve the site, per Section 24-124.01. A bus shelter exhibit was also provided that shows the location of the shelter at the intersection of Rhode Island Avenue and Shepherd Street. The bus shelter location proposed by the applicant will best serve the subject site by providing an

improved bus shelter convenient to the residences proposed. The Planning Board approved the location of the bus shelter as proposed in the BPIS.

(1) 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, 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.

(2) Prior to signature approval, the following modifications shall be made to the DSP:

(a) Add a standard sidewalk along the subject site's entire frontage of Shepherd Street.

(b) Add a standard sidewalk along one side of the access road linking the proposed parking with the sidewalk along Shepherd Street.

(c) The bus shelter location shall be added to the DSP.

(d) Provide bicycle parking on-site that includes a minimum of three bicycle lockers and a bicycle rack(s) accommodating a minimum of nine bicycles.

(e) Provide a detail for the bicycle racks(s) and lockers.

(f) Relocate the bicycle parking to a location more convenient to the building entrances. The bicycle lockers and some bicycle rack space may be appropriate in the parking garage, and a bicycle rack should also be placed at a location convenient to the retail space.

The trail conditions have been included in this approval.

f. **Prince George's County Department of Parks and Recreation (DPR)**—DPR did not provide comments on the subject application.

g. **Permits**—Permit review comments have either been addressed through revisions to the plans or through conditions included in this approval.

h. **Environmental Planning**—The Planning Board reviewed a discussion of the application's conformance with the Woodland and Wildlife Habitat Conservation Ordinance (WCO), as discussed in Finding 10 above. They also reviewed a discussion of the sector plan's Environmental Infrastructure section containing goals, objectives and recommendations, as well as the following additional comments:

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.

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 County Code.

The site contains regulated environmental features. According to Preliminary Plan 4-16027 and the site development concept plan, impacts to the 100-year floodplain, totaling approximately 13,939 square feet, are proposed for a parking area, a submerged gravel wetland, a micro-bioretention area, and associated outfalls and piping. A statement of justification has been received for the proposed impacts to 100-year floodplain, which is within the PMA.

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 as stormwater conveyance between Utah Street and 40th Street. On-site stormwater is currently conveyed directly into this pipe via a riser inlet structure. The Planning Board agrees with the applicant that the addition of the proposed submerged gravel wetland, and three bioretention areas on-site would appear to result in improved water quality of stormwater leaving the site in a storm event; however, DPIE has jurisdiction over this issue.

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

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 necessary at this time.

The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include 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 information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

The site has an approved Stormwater Management Concept letter (5407-2015-00) and plan that is in conformance with the current code.

i. **Prince George's County Fire/EMS Department**—In a memorandum dated October 12, 2016, the Fire/EMS Department offered information on needed site access private road design, and the location and performance of fire hydrants. Those requirements have been transmitted to the applicant who will work with the Fire/EMS Department during the permit process.

j. **Prince George's County Department of Permitting, Inspections & Enforcement (DPIE)**—DPIE did not provide comments on the subject application.

The subject application included an approved Stormwater Management Concept Plan, 5407-2015-00, which is valid until January 19, 2019. Since DPIE never provided comment on the SP, a condition has been included in this approval requiring that, prior to certification, documentation be provided from DPIE that the SP is in conformance with the approved stormwater concept plan or as amended.

k. **Prince George's County Police Department**—The Police Department did not provide comments on the subject application.

l. **Prince George's County Health Department**—The Health Department did not provide comments on the subject application.

m. **Maryland State Highway Administration (SHA)**—In an e-mail dated October 5, 2016, SHA stated that they defer to M-NCPPC for requirement of a traffic impact study; any work in the SHA right-of-way will require an SHA access or utility permit, and any right-of-way dedication will have to be done per SHA plat format and follow the SHA dedication process.

n. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not provide comments on the subject application.

o. **Verizon**—Verizon did not provide comments on the subject application.

p. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comments on the subject application.

q. **Town of Brentwood**—The Town of Brentwood did not provide comments on the subject application.

r. **Other Municipalities**—The following municipalities did not return comment on the subject application:

Town of Bladensburg
Town of Colmar Manor
Town of Edmonston
City of Hyattsville
City of Mount Rainier
Town of North Brentwood

13. The subject application adequately takes into consideration the requirements of the D-D-O Zone Standards of the Gateway Arts District 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.

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:

A. The Planning Board APPROVED the alternative development district standards for:

1. **Site Design, Building and Streetscape Siting, Standard 2**—To allow the proposed building to be setback a maximum of 24 feet from the right-of-way of Rhode Island Avenue (US 1), instead of the required 17 feet in width, and a maximum of 27 feet from the face of curb on Shepherd Street, instead of the required 17 feet in width.

2. **Site Design, Access and Circulation, Standard 6**—To allow for the access to parking to be a maximum of 48 feet wide, instead of the required 18 feet in width.

3. **Building Design, Building Height, Standard 1**—To allow for a 50-foot-high building adjacent to single-family residential dwellings, instead of the required 42 feet in height.

4. **Building Design, Unit Design, Standard 3**—To allow for residential dwelling units to be located on the ground floor, facing the courtyard.

B. The Planning Board APPROVED Special Permit SP-140007 for Artisan, including a departure from the number of provided loading spaces, subject to the following conditions:

1. The following revisions shall be made to the detailed site plan prior to certification:

   a. Obtain signature approval of Preliminary Plan of Subdivision 4-16027.

   b. Update the general notes to reflect that one parcel and one outlot are proposed.

   c. Label Parcel 1 and its acreage.

   d. Revise the general notes to include One-Family Detached (R-55) zoning. The zoning line shall be reflected on the plan and indicate the acreage included in each zone.

   e. Conform to the approved Preliminary Plan of Subdivision 4-16027, except label the public utility easements as "Proposed public utility easements, unless a variation is approved by the Planning Board at the time of final plat."

   f. Demonstrate the location of the five required handicapped-accessible parking spaces.

   g. Remove any references to the dog run park from the plan.

   h. Provide details, dimensions and locations for all proposed streetscape features, paving, plantings, and amenities in conformance with all applicable development district standards.

i. Add a standard sidewalk along the subject site's entire frontage of Shepherd Street.

j. Add a minimum five-foot-wide sidewalk along one side of the access road linking the proposed surface parking with the sidewalk along Shepherd Street.

k. Add the proposed bus shelter location and details.

l. Provide bicycle parking on-site that includes a minimum of three bicycle lockers and a bicycle rack accommodating a minimum of nine bicycles.

m. Provide a detail for the bicycle rack and lockers.

n. Relocate the bicycle parking to a location more convenient to the building entrances. The bicycle lockers and some bicycle rack space may be appropriate in the parking garage, and a bicycle rack shall also be placed at a location convenient to the retail space.

o. Revise the DSP to provide an enhanced buffer, to include additional plants and fencing, along adjacent single-family homes to the northeast and southwest of the subject property. Provide an exhibit depicting the potential view of the proposed building from houses along Utah Avenue, including the existing and proposed trees.

p. Provide a building template with dimensions on the plan.

q. Show building setbacks and sidewalk widths on the plan.

r. Revise the plan that shows the internal layout of the parking garage to label parking space sizes, internal drive aisle widths, and bicycle parking.

s. Revise the photometric plan to show the full extent of light impact from the subject property, including, if necessary, the relocation of light fixtures to avoid light impact on adjacent single-family properties.

t. Revise the DSP to correctly identify all of the approved development district standard amendments and departures.

u. Revise the architectural elevations to provide architectural features, other than variations in brick color, along the western one-third of the Shepherd Street frontage at the pedestrian level.

v. Revise the plan to either relocate the transformer that is visible from Shepherd Street or screen it in accordance with the development district standards.

2. Prior to issuance 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, 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 along Rhode Island Avenue as indicated on the bicycle pedestrian impact statement bus stop shelter exhibit.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner 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:JK:rpg

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPPC Legal Department

Date 12/21/16