

RESOLUTION

WHEREAS, Oakcrest West, LLC is the owner of an 11.04-acre parcel of land known as Outlots 1 through 5, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Multifamily High Density Residential (R-10); and

WHEREAS, on September 29, 2016, Oakcrest West, LLC filed an application for approval of a Preliminary Plan of Subdivision for three parcels and an outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16018 for Brooks Drive South 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 the Type 1 Tree Conservation Plan (TCP1-001-13-01), and further APPROVED Preliminary Plan of Subdivision 4-16018 for three parcels and an outlot with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to reflect Parcel A as a single parcel.
2. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a 10-foot-wide public utility easement along all public rights-of-way.
3. A change of uses on the subject property that affects Subtitle 24 adequacy findings, beyond that which is set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to approval of any building permits.
4. Total development shall be limited to uses which generate no more than 147 AM peak hour trips and 327 PM peak hour trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities and a new preliminary plan of subdivision.

5. Prior to issuance of a building permit for the subject property, the following road improvement shall (a) have full financial assurances, (b) have been designed per the appropriate operating agencies, and (c) have been permitted for construction through the operating agency's access permit process:
 - Construct a northbound left-turn lane on Brooks Drive at the proposed access point.
6. At the time of final plat, the following note shall be placed on the plat: "Access is denied along the frontage of Pennsylvania Avenue (MD 4) and Brooks Drive, with the exception of one access driveway along Brooks Drive."
7. Prior to approval of the final plat of subdivision, a draft Declaration of Restrictive Covenants over the approved shared access for the subject property pursuant to Section 24-128(b)(9) shall be submitted to The Maryland-National Capital Park and Planning Commission for review and approval. The limits of the shared access shall be reflected on the final plat, consistent with the approved preliminary plan of subdivision (and detailed site plan). Prior to recordation of the final plat, the Declaration of Restrictive Covenants shall be recorded in Prince George's County Land Records, and the liber/folio of the document shall be indicated on the final plat with the limits of the shared access.
8. Prior to signature approval of the preliminary plan of subdivision (PPS), revise the natural resources inventory to remove what is identified as the isolated wetland and the associated buffer. Revise the Type 1 tree conservation plan and PPS accordingly.
9. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan TCP1 shall be revised as follows:
 - a. Revise Note 7 to state that the site is within "Environmental Strategy Area 1, formerly the Developed Tier..."
 - b. Correct the American Beech Genus to "Fagus" in the specimen tree identification list.
 - c. Delineate the steep slopes on the plan, as represented in the legend.
 - d. Show the critical root zone of the specimen trees in accordance with Section 3.2 of the State Forest Conservation Technical Manual.
 - e. Remove the areas of proposed woodland preservation along the frontage of Brooks Drive South, as it is less than 50 feet in width and not associated with a contiguous protected floodplain. This area must be valued as woodlands retained—not credited.
 - f. Add the owner's awareness certificate for all affected private property owners.
 - g. Reflect Parcel A as a single parcel.

- h. Have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
10. Prior to signature approval of a Type 2 tree conservation plan (TCP2) for this property, pursuant to Section 25-122(d)(1)(B) of the Prince George's County Code, all woodland preserved, planted, or regenerated on-site shall be placed in a woodland conservation easement recorded in land records and the liber/folio of the easement shall be indicated on the TCP2. The following note shall be placed on the plat:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber _____ folio _____. Revisions to this TCP2 may require a revision to the recorded easement”.
11. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-001-13-01). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-001-13-01), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”
12. At the time of final plat, a conservation easement shall be described by bearings and distances on the plat. The conservation easement shall contain the delineated primary management area, except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
13. Prior to approval of the detailed site plan (DSP) and the Type 2 tree conservation plan, the applicant shall limit the disturbance to Specimen Tree 3 (ST-3) to 30 percent or less of its critical root zone, or a variance for the removal of ST-3 shall be approved at the time of DSP.

14. Prior to approval of the detailed site plan (DSP), the revised and approved stormwater concept plan and letter for the current proposal shall be submitted and correctly reflected on the Type 2 tree conservation plan and the DSP.
15. Prior to approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities as designated below, or as modified by the Prince George's County Department of Public Works and Transportation/Prince George's County Department of Permitting, Inspections and Enforcement/Prince George's County Department of Parks and Recreation, 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 crosswalk (with associated curb ramp and sidewalk improvements) at the site's entrance on Brooks Drive, as shown on the Pedestrian Crosswalk Exhibit.
 - b. Reconstruct the existing standard sidewalk along Brooks Drive to an eight-foot-width between the site entrance and the existing crosswalk north of the site access.
 - c. Replace the existing sidewalk along Pennsylvania Avenue (MD 4) with a shared-use sidepath from Brooks Drive to the existing bus stop, unless modified or not required by the Maryland State Highway Administration.
16. At the time of detailed site plan (DSP) review, provide an exhibit that illustrates the location and limits of all off-site improvements proffered in the bicycle and pedestrian impact statement (BPIS submitted August 31, 2016) for review by the operating agencies. This exhibit shall not delay the acceptance of the DSP.
17. At the time of detailed site plan, the applicant shall demonstrate that the rear building elevation of the grocery store is visually attractive so that it will be compatible with the surrounding architecture and the other buildings internal to the site. High-quality materials, such as brick, shall be utilized in the design of the rear elevation, and special attention should be paid to the form, massing, architectural detail, and pattern of fenestration along the rear elevation.
18. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall draft covenants that adequately ensure the future maintenance and preservation of stormwater management facilities on Parcel A, which will run with the land in perpetuity. The covenants shall be submitted to the Subdivision Review Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.

19. At the time of detailed site plan, the private access easement pursuant to Section 24-128(b)(9) shall be reflected with a cross section consistent with the applicants "Brooks Drive South – Private Ingress/Egress Easements Plan View."
20. Approval of this preliminary plan of subdivision supersedes Preliminary Plan of Subdivision 4-12002 for the development of this site, subject to conditions.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on Tax Map 80, Grid F-1, and is known as Outlots 1 through 5. The property is located in the Multifamily High Density Residential (R-10) Zone and has a gross tract area of 11.04 acres. The property was the subject of prior Preliminary Plan of Subdivision (PPS) 4-12002 (PGCPB Resolution No. 13-81(C) that was approved on March 4, 2013 for five parcels for the development of 300 multifamily dwelling units. On May 26, 2016, Detailed Site Plan DSP-15038 (PGCPB Resolution No. 16-59) was approved for infrastructure for the 300 multifamily dwelling units. On November 10, 2016, Final Plat of Subdivision 5-16117 was approved by the Planning Board for five outlots. The current PPS application will supersede those approvals, and the approval of a new DSP application will be required as further discussed below.

Prince George's County Council Bill CB-62-2015 (DR-2) was approved by the District Council on October 20, 2015 to permit a Business Advancement and Food Access Infill in the R-10 Zone under certain circumstances. Section 27-107.01(38.1) of the Prince George's County Zoning Ordinance defines a Business Advancement and Food Access Infill as follows:

Business Advancement and Food Access Infill: A development which combines a food and beverage store not exceeding 40,000 square feet of gross floor area; a consolidated storage facility; may include an eating or drinking establishment, or any other use that is permitted by right in the C-S-C (Commercial Shopping Center) Zone; and shall not include a Department or Variety Store or Gas Station uses, where:

- (A) the proposed development is part of a revitalization project in accordance with Section 27-445.15 of this Subtitle; and
- (B) the development meets the criteria of Division 5, Part 5 of this Subtitle.

The specific requirements for a Business Advancement and Food Access Infill are contained in Section 27-445.15 of the Zoning Ordinance. Conformance with these requirements will need to be demonstrated at the time of DSP.

Section 27-445.15. Business Advancement and Food Access Infill.

- (a) Applicability.** As permitted in the Residential Use Tables in Section 27-441 of this Subtitle, the following additional requirements apply to development or redevelopment in the County proposing Business Advancement and Food Access Infill uses, as defined in Section 27-107.01 of this Subtitle:

 - (1)** the proposed use shall be located in a Revitalization Tax Credit District Census Tract;
 - (2)** the proposed use shall be located within a Historically Underutilized Business ("HUB") Zone;
 - (3)** the proposed use is located at the intersection of two (2) four-lane, divided roadways, one of which is a State road with functional transportation classification as an expressway; and
 - (4)** the property on which the proposed uses will be located has a land area of at least eight (8) acres and abuts property in the R-10 (Multifamily High Density Residential) Zone.
- (b) Other Requirements.**

 - (1)** The prescriptions set forth in Section 27-442 of this Subtitle shall not apply to the uses and structures within a Business Advancement and Food Access Infill development project. The dimensions and structures shown on the approved detailed site plan for the project shall serve as the development regulations for the project.
 - (2)** All Business Advancement and Food Access Infill development shall be subject to detailed site plan approval process in accordance with Division 9, Part 3 of this Subtitle.
 - (3)** The detailed site plan review shall include review and approval of architectural elements, including building materials, typical building elevations, signs, and outdoor lighting.
 - (4)** All consolidated storage for a Business Advancement and Food Access Infill development shall meet the requirements set forth in Sections 27-344.01(a)(5), (6), and (7) of this Subtitle.

The property is a corner lot with street frontage on both Pennsylvania Avenue (MD 4) and Brooks Drive. Pennsylvania Avenue is a high-volume expressway and, although Brooks Drive is undesignated in the master plan, it has been built as an arterial facility with a right-of-way width of 120 feet, with a median. The heavier traffic volumes and speeds along Brooks Drive could lead to safety issues if an additional driveway entrance was proposed beyond the single access point that is shown on the PPS. As a result, all vehicular access from the site to MD 4 will be denied. Pursuant to Section 24-128(b)(9) of the Subdivision Regulations, a 26-foot-wide vehicular access easement is proposed that will provide interparcel connections and a single access point to Brooks Drive; all other access along Brooks Drive is denied. The food or beverage store, consolidated storage, and medical office uses will all be situated on separate parcels. Parcel 'A' will contain the site's sensitive environmental features and will be retained by the owner. Covenants that adequately ensure the future maintenance and preservation of stormwater management facilities on Parcel A, which will run with the land in perpetuity, will be submitted prior to approval of the final plat.

3. **Setting**—The property is located at the northwest quadrant of Pennsylvania Avenue (MD 4) and Brooks Drive. The site is bounded to the north by multifamily residential buildings in the R-10 Zone; to the south by MD 4, a master plan expressway facility, and beyond by multifamily residential buildings in the Multifamily Medium Density Residential (R-18) Zone and townhomes in the Townhouse (R-T) Zone; to the east by Brooks Drive, and beyond by multifamily residential buildings in the R-10 and R-18 Zones; and to the west by detached single-family dwellings in the One-Family Detached Residential (R-55) Zone.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	R-10	R-10
Use(s)	Vacant	Food or Beverage Store (36,253 sq. ft.), Consolidated Storage (114,912 sq. ft.), Medical Office (20,000 sq. ft.)
Acreage	11.04	11.04
Gross Floor Area	None	171,165 sq. ft.
Parcels	0	4
Outlots	5	0
Variance	No	No
Variation	No	No

Pursuant to Section 24-113 of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on October 21, 2016.

5. **Environmental**—The following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-12002	TCP1-001-13	Planning Board	Approved	07/11/2013	13-81(C)
DSP-15038	TCP2-005-16	Planning Board	Approved	05/05/2016	16-59
4-16018	TCP1-001-13-01	Planning Board	Pending	Pending	Pending

A Natural Resources Inventory, NRI-027-12, was approved by the Environmental Planning Section on December 17, 2012.

Proposed Activity

The current application is for a grocery store, a consolidated storage facility, and an office building.

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 of the Prince George's County Code that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual.

Site Description

The 11.04-acre site is located on the corner of the north side of Pennsylvania Avenue (MD 4) and the west side of Brooks Drive South. Based on available information, the site contains a stream, steep slopes of 15 percent and greater, and 100-year floodplain. The site is in the Oxon Run watershed of the Middle Potomac River basin. The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include the Udorthents and reclaimed gravel pits (5–15 percent slopes). Based on available information, Marlboro clay is not found to occur in the vicinity of this property, nor are Christiana complexes. According to the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the property is primarily located within the network gap, with regulated areas present surrounding the floodplain on the site.

Master Plan Conformance

Plan Prince George's 2035

The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 1 (ESA 1 of the Regulated Environmental Protection Areas Map as designated by the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035).

Approved Subregion 4 Master Plan and Sectional Map Amendment (June 2010)

The master plan for this area is the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan and SMA). The Environmental Infrastructure section of the master plan contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and enhance the Green Infrastructure Network in subregion 4.

The property is located entirely within the Green Infrastructure Network and contains regulated and network gap areas. The regulated area is associated with the stream and floodplain system which runs along the northern boundary of the site. The network gap area covers the remainder of the property and is fully wooded. The TCP1 proposes to remove 9.78 acres of the existing 10.82 acres of woodland in the net tract, preserving the remaining 1.04 acres.

Impacts to the Green Infrastructure network gap are necessary for the development of the site and planned circulation, and will be further evaluated to be minimized as needed.

Based on the necessary disturbance inside the Green Infrastructure Network, this proposal meets the intent of protecting critical resources.

Policy 2: Minimize the impacts of development in the Green Infrastructure Network and SCA's.

The entire site is within the Green Infrastructure Network. Development is proposed on the less-sensitive areas of the site and will not directly impact Soil Conservation Areas (SCA's) within Subregion 4.

Policy 3: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.

This development proposal currently has an approved Stormwater Management Concept Plan (19543-2014-00) dated June 26, 2014, based on the previous development proposal. The site does not have stormwater management concept approval based on the current proposal, however, DPIE will review the stormwater concept plan and technical approval for water quality measures in accordance with County requirements, ensuring that Policy 3 is met.

Policy 4: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.

The subject site has an approved Natural Resources Inventory (NRI-027-12) that provides an account of the existing conditions of the site. The plan proposes grading within the stream buffer for the connection to existing sewer and for stormwater management outfall. The proposed impacts do not warrant stream restoration or mitigation at this time.

Policy 5: Require on-site management of stormwater through the use of sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.

This development proposal currently has an approved Stormwater Management Concept Plan (19543-2014-00) dated June 26, 2014, based on the previous development proposal. The site does not have stormwater management concept approval for the current proposal, however, DPIE will review the stormwater concept plan and technical approval to ensure that sensitive stormwater management techniques are utilized in accordance with County requirements, therefore, ensuring that Policy 5 is met.

Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.

The existing stream is located off-site; however, the stream buffer is located along the northern boundary of the subject site. The plan proposes to preserve the existing woodlands within the buffer, except for the area impacted for connection to the existing sewer, for the proposed stormwater outfalls, and for the proposed retaining walls.

Policy 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.

Air quality is a regional issue that is currently being addressed by the Council of Governments.

Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.

Residential uses are not proposed for this site; however, the construction plans should demonstrate that indoor decibel levels will be reduced by increasing insulation, using double pane windows, and other common noise attenuation building standards.

Policy 9: Implement environmental sensitive building techniques that reduce overall energy consumption.

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally-sensitive building techniques to reduce overall energy consumption is encouraged to the greatest extent possible.

Policy 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.

This site currently has a sidewalk along the entire frontage of Brooks Drive South and partially along MD 4. Bus transit is located along both frontages and this site is within one-half mile of numerous multifamily residential units. This proposal meets the intent of this policy.

Policy 11: Increase the county's capacity to support sustainable development.

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally-sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques is encouraged to the greatest extent possible.

Policy 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.

The subject property is not located in the Chesapeake Bay Critical Area.

Policy 13: Preserve, restore, and enhance the existing tree canopy.

Subtitle 25, Division 3, of the County Code requires the site provide 10 percent tree canopy coverage. Tree canopy coverage will be addressed at the time of detailed site plan.

The site is subject to the WCO. The PPS proposes to develop a large portion of the site; however, much of the woodland within the primary management area (PMA) will be preserved.

Policy 14: Improve the county's capacity to support increases in the tree canopy.

Tree canopy coverage will be addressed by the Urban Design Section.

2005 Approved Countywide Green Infrastructure Plan

The entire site is within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), containing regulated and network gap areas. The regulated area is primarily located along the northern boundary of the site and is associated with the Oxon Run stream valley. The remainder of the area is within the network gap. The TCP1 focuses preservation and protection within the regulated area, where woodland preservation is proposed. A limited portion of the regulated area will be impacted for the connection to the existing sewer and for stormwater management outfalls. The remainder of the site, mostly network gap, will be developed with the proposed commercial/retail uses and associated parking. It is possible that future revisions to the proposed stormwater management design may reduce the proposed impacts to the regulated and network gap areas using environmentally-sensitive design, which will focus on water quality and quantity control. The conceptual design, as reflected on the TCP1, is in keeping with the goals of the Green Infrastructure Plan and focuses preservation on the most sensitive areas of the site.

Natural Resources Inventory/Existing Conditions

The Natural Resources Inventory, NRI-027-12, was approved on December 17, 2012. Wetlands shown on the NRI, the TCP1, and the PPS are not regulated wetlands, and are the result of the previous mining and grading operation on the property.

Prior to signature approval of the PPS, revise the NRI to remove what is identified as the isolated wetland and the associated buffer. Revise the TCP1 and PPS accordingly.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A TCP1 has been submitted for review.

The 11.04-acre site contains 10.82 acres of existing woodland on the net tract and 0.22 acre of woodland within the 100-year floodplain. The site has a woodland conservation threshold of 2.16 acres, or 20 percent of the net tract, as tabulated. The TCP1 shows a total woodland conservation requirement of 5.54 acres, which includes 0.07 acre of off-site woodland clearing. The TCP1 proposes to meet this requirement by providing 1.04 acres of on-site woodland preservation and the remaining 4.50 acres in off-site woodland conservation credits. All four specimen trees identified on the property are proposed to be preserved at this time.

The TCP1 has been reviewed and requires technical revisions to be in conformance with the WCO.

Specimen Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Environmental Technical Manual."

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted County Code effective on September 1, 2010.

The specimen tree table on the TCP1 shows that all four specimen trees will be preserved with this plan, however, the critical root zone of Specimen Tree 3 (ST-3), a 37-inch diameter American Beech listed in good condition, will be significantly impacted by grading and fill. The plan shows a retaining wall with approximately 10 feet of fill depth to be placed within 20 feet of the tree base. The limit of disturbance is shown within approximately 10 feet of the tree base. This impact will likely result in damage and suffocation of the roots, and the ultimate demise of the tree. Prior to approval of the DSP and the Type 2 tree conservation plan, the applicant should limit

disturbance to ST-3 to 30 percent or less of its critical root zone, or a variance for the removal of ST-3 should be applied for and approved.

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 TCP1, impacts to the PMA are proposed for stormwater management outfalls, for installation of a retaining wall, and for connecting to the existing sewer line. Impacts to the stream buffers are proposed for stormwater management outfalls and for the connections to the existing sewer line. A statement of justification has been received for the proposed impacts to the stream buffer and the PMA.

Statement of Justification

The statement of justification includes a request for seven impacts on-site to the PMA, totaling approximately 6,534 square feet on-site.

Analysis of Impacts

Based on the statement of justification, the applicant is requesting a total of seven impacts described below:

Impacts 1, 2, and 4: Grading, Slope Stabilization, Retaining Wall Construction and Maintenance—Due to the topography of the site, the proposed development will be rough graded to allow for future commercial uses that will meet or exceed minimum standards for construction. The existing topography of the site slopes away from Brooks Drive and Pennsylvania Avenue to the south, and toward Oxon Run. The property was previously mined, or was subject to some type of industrial use which may have contributed to the existing topography. For the proposed uses to be constructed on this property, the land should be graded to minimize slopes and to accommodate safe vehicular and pedestrian circulation, utility connections, and stormwater management best practices. Due to the particularly ridged and irregular nature of the PMA line, conventional grading and construction techniques would result in greater impacts to the PMA to meet the minimum standards. Conventional grading would, therefore, be impractical for this site. The

developable area would be limited based on the change in existing topography and the large amount of fill required to create buildable sites.

Impacts to the PMA have been largely avoided; however, in the areas where it cannot be, the buildings and land uses have been reconfigured or redesigned to accommodate the environmentally-sensitive areas.

The proposed grading of the site minimizes the environmental impacts by providing a retaining wall directly adjacent to the environmentally-sensitive areas. A retaining wall is proposed near the PMA line to protect the PMA, while still meeting minimum standard design/construction requirements. The use of retaining walls minimizes the PMA impacts that would otherwise be intensified if conventional grading was used. A 10-foot construction/maintenance area is provided for construction and maintenance of the retaining walls. PMA Impacts 1, 2, and 4 are provided for the construction and future maintenance of the walls.

The proposed grades will reduce the slopes and allow for the highest and best uses proposed for the site to be attainable. Retaining walls minimize disturbance to the PMA to the maximum extent practical while providing better protection to the PMA, as compared to conventional grading methods. Because of the previous uses and poor quality of existing environmental features across the developable area, the site was designed to minimize PMA impacts where environmental features are of the greatest quality, to the fullest extent practical.

PMA Impacts 1, 2, and 4 have been deemed necessary by the Planning Board.

Impacts 3 and 6: Utility Impacts for Sanitary Sewer Connection—The proposed temporary impacts result from utilizing the only feasible approach in providing sanitary service to the property. After analyzing all possible connection points surrounding the property based on topography, location of connection, and sewer depth, the proposed connection points provide the necessary sewer depth to allow the site to drain by gravity flow.

Engineers have analyzed the possibility of consolidating the two sanitary connection points, however, there were concerns based upon technical design and detailed design constraints. Until further more detailed engineering design can be completed, the current proposal illustrates the greatest environmental impacts based on alternative sanitary sewer routes for the proposed uses.

At the time of DSP, the applicant will continue to work with WSSC to design the sanitary sewer for the proposed development to limit the environmental impacts to the maximum extent practical. At this time, however, the proposed sanitary sewer connections are designed to minimize PMA impacts.

PMA Impacts 3 and 6 have been deemed necessary by the Planning Board.

Impact 5 and 7: Utility Impacts for Stormwater Outfall—As proposed, the stormwater outfall impacts are necessary to keep with environmental site design practices of maintaining the existing drainage divides and discharging stormwater into existing drainage channels without creating an erosive condition.

The stormwater was planned to outfall downstream on the northern side of the existing property. The appropriate outfalls are designed to discharge back to the stream, while limiting erosion at the discharge points. To discharge the stormwater along steep slopes, necessary grading must occur at the outfall locations to limit stormwater velocity, thereby, reducing erosion at the planned outfall locations. Erosion control and stormwater velocity reduction practices utilized include: decreasing the slope, providing rip-rap rock structures and utilizing geo-textile fabric, erosion control matting, and vegetative stabilization.

The environmental site design practices and the proposed retaining walls will minimize and avoid PMA disturbances to the fullest extent practicable, to protect the PMA at a much greater extent than would normally be allowed if conventional grading and construction techniques were to be used to develop this site.

Impacts 5 and 7 have been deemed necessary by the Planning Board.

Based on the level of design information currently available, 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 impact exhibits and the TCP submitted for review.

PMA Impacts 1 through 7 have been deemed necessary by the Planning Board, and are approved.

Noise

The current proposal is for the construction of retail and commercial uses. No residential uses are proposed. Noise mitigation analysis and mitigation is not required.

Soils

The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include the Udorthents and reclaimed gravel pits (5–15 percent slopes). Based on available information, Marlboro clay is not found to occur in the vicinity of this property, nor are Christiana complexes.

Stormwater Management

This development proposal currently has an approved Stormwater Management Concept Plan (19543-2014-00) dated June 26, 2014, based on the previous development proposal. The site does not have stormwater management concept approval based on the current proposal. An approved plan with detail for the current proposal should be provided prior to approval of the DSP.

6. **Community Planning**—The subject application is located in Planning Area 75A within the Capitol Heights Community, and within the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA). The sector plan retained the subject property in the R-10 Zone and recommended a high-density residential land use with more than 20 dwelling units per acre. This application does not conform to the residential high-density land use recommendation within the sector plan. However, CB-62-2015 (Business Advancement and Food Access Infill) was approved by the District Council on October 20, 2015 to allow the proposed uses. Section 24-121(a)(5) of the Subdivision Regulations states that a preliminary plan shall conform to the area master plan unless the Planning Board finds that events have occurred to render the relevant plan. Recommendations no longer appropriate in this instance.

Plan Prince George's 2035 designates the area in the Established Communities Growth Policy area. The vision for established communities is a context-sensitive infill and low- to medium-density development. This application is consistent with the Established Communities Growth Policy in Plan Prince George's 2035.

7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the PPS application is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
8. **Trails**—The PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master plan in order to provide the appropriate recommendations.

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*		Public Use Trail Easement	
PG Co. R.O.W.*	<u>X</u>	Nature Trails	
SHA R.O.W.*	<u>X</u>	M-NCPPC – Parks	
HOA		Bicycle Parking	<u>X</u>
Sidewalks	<u>X</u>	Trail Access	

*If a master plan trail is within a city, county, or state right-of-way, an additional two to four feet of dedication may be required to accommodate the construction of the trail. To further address pedestrian access and connectivity to the site, the applicant has proffered an additional three feet of right-of-way dedication along Brooks Drive so that the existing standard sidewalk can be removed and replaced with an eight-foot-wide sidewalk. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has found the additional right-of-way dedication and proposed eight-foot-wide sidewalk to be acceptable.

The PPS has been reviewed for conformance with the MPOT and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is located at the northwestern quadrant of the Pennsylvania Avenue (MD 4) and Brooks Drive intersection. The site is accessed off Brooks Drive and is covered by the MPOT and the Marlboro Pike Sector Plan and SMA (area master plan). The subject application proposes a grocery store, a medical office building, and two public storage buildings.

Background

Because the site is located within the Pennsylvania Avenue Corridor, it is subject to the requirements of Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2, 2013" (Guidelines). In order to meet these requirements, a bicycle and pedestrian impact statement (BPIS) must be submitted. The pre-application meeting was held on June 16, 2016.

Three master plan trail/bikeway recommendations impact the subject site. Master plan trails are recommended along Pennsylvania Avenue (MD 4) and Oxon Run. The text from the area master plan regarding these two facilities is copied below:

POLICY 2: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas, commercial areas, and employment centers.

STRATEGIES:

- **Complete the trail along the north side of Pennsylvania Avenue (MD 4) along the entire length of MD 4 within the Capital Beltway. Link communities with adjacent commercial areas and provide safe pedestrian access to bus stops along the corridor.**
- **Provide an M-NCPPC stream valley trail along Oxon Run within the study area. Extend the trail from MD 4 to the Oakland Neighborhood Park (area master plan, page 63).**

Continuous sidewalks and designated bicycle lanes are also recommended along Brooks Drive in the MPOT. The sidewalks have been completed by the Prince George's County Department of Public Works and Transportation (DPW&T), and striping for designated bicycle lanes (or other appropriate on-road bicycle treatment) can be considered via a future resurfacing project consistent with the strategy copied below from the area master plan:

POLICY 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities.

STRATEGIES:

- **Provide bicycle-compatible road improvements and striping when road improvements are undertaken.**

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 important. Pedestrians should be able to access buildings from the roads on complete sidewalk and walkways.

Proposed On-Site Bicycle and Pedestrian Improvements

An existing standard sidewalk is in place along Brooks Drive, including the frontage of the subject site. Currently, only a narrow sidewalk exists along the site frontage of Pennsylvania Avenue, between Brooks Drive and the existing bus stop. No sidewalk exists along the majority of the site's frontage of Pennsylvania Avenue. The Transportation Planning Section has worked with the applicant to ensure that the site provides an inviting and accessible pedestrian environment for residents of the nearby apartment complexes. The on-site improvements agreed to by the applicant include replacing the existing standard sidewalk with an eight-foot wide sidewalk north of the site access driveway to the existing crosswalk, and the provision of a sidewalk and enhanced streetscape along the portion of the access road leading from Brooks Drive to the proposed grocery store and the proposed office building. A small amount of bicycle parking is required to serve the proposed uses.

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) 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):

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 Subsection (c) and the 171,165 square feet of commercial/retail space proposed (36,253-square-foot grocery store, 20,000 square feet retail or office, and 114,912 square feet of self-storage), the cost cap for the site is \$59,907.

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 was submitted on August 31, 2016. Also, a GIS map was compiled for the vicinity of the site showing existing and planned bicycle and pedestrian facilities within a one-half mile radius of the subject site, as well as potential pedestrian destinations that future residents and guests of the site may use. This map indicates that there are existing standard sidewalks along both sides of Brooks Drive, and a shared use path is planned along the north side of MD 4. In addition, there are a number of bus stops in the vicinity, with the ones closest to the subject site being along MD 4 and Brooks Drive.

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

Due to the site's location in both the Westphalia Center and the MD 4 Corridor, it will be subject to the requirements of Section-24-124.01 and the "Transportation Review Guidelines, Part 2" at the time of PPS. The required BPIS has been submitted. The following proffered off-site improvements were included in the BPIS:

- One crosswalk installation. Brooks Drive has been constructed with a wide median. Crosswalk improvements (including curb ramps and short sidewalks (pedestrian refuges) in the median have been provided. The applicant is proffering one additional crossing that will link the subject site with the apartment complex on the opposite side of the road. This connection will provide direct pedestrian access to the site from the existing residences directly across the street from the proposed grocery store and medical office building.

Because of the way that on-site improvements are separated from off-site improvements (the road centerline), half of the crosswalk will count as an on-site improvement and half will count towards the off-site requirement. The cost estimate for the off-site improvements included in the BPIS is \$21,975, which is below the cost cap of \$59,907. However, it should be noted that the applicant has also proffered to upgrade the existing streetscape including additional right-of-way dedication to accommodate a wider sidewalk beyond what is typically required for standard frontage improvements. The applicant will reconstruct the existing sidewalk from its current width to eight feet wide north of the site access driveway to the existing crosswalk. As these improvements along Brooks Drive are above and beyond what would typically be required for frontage improvements, the inclusion of this enhanced streetscape is a part of the package of bicycle and pedestrian improvements provided per Section 24-124.01 of the Subdivision Regulations.

Lastly, the site has no vehicular access to Pennsylvania Avenue (MD 4) even though the site abuts the roadway. Pedestrian safety has been an issue along MD 4 due to the volume and speed of motor vehicle traffic, the amount of bus stops, lack of sidewalks, and abutting high-density residential uses. The MPOT recommends a sidepath along the entire north side of MD 4. Portions of this sidepath have been constructed as development has occurred, and the Maryland State Highway Administration (SHA) has a capital improvement project for the design and construction of the sidepath along MD 4 from Forestville Road to Silver Hill Road (SHA Project Number PG758-51). As part of the package of off-site improvements for the subject site, the sidepath should be constructed along the site's frontage of MD 4 from Brooks Drive to the existing bus stop approximately 210 feet from the intersection with Brooks Drive, unless modified or not required.

by SHA. This sidepath would replace the existing narrow sidewalk and provide the master plan trail for a distance of approximately 210 linear feet.

The extension of the sidepath along the entire length of the subject property is not appropriate, as there is no logical terminus for the facility at that end of the site and there is no connecting sidewalk or sidepath on the adjacent property.

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

Section 24-124.01(c) 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 each of the proffered off-site improvements 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 proffered off-site crosswalk and enhanced streetscape along Brooks Drive will directly benefit customers and employees of the proposed grocery store and medical office building by providing a safe and direct crossing of Brooks Drive from adjacent uses and by providing an inviting and accessible streetscape along the high-volume roadway. The recommended sidepath along MD 4 will improve access from the subject site to the closest bus stop, consistent with the area master plan and MPOT.

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 proffered crosswalk, enhanced streetscape along Brooks Drive, and internal sidewalk improvements provided to the proposed grocery store and office building meet the intent of Section 24-124.01, and will provide for adequate pedestrian facilities in the vicinity of the subject site consistent with the elements noted above.

- 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 MPOT and area master plan recommend a shared-use sidepath along MD 4 to accommodate both pedestrians and cyclists. The construction of this sidepath is recommended to provide bicycle access and more comfortable pedestrian access to the existing bus stop. This improvement will also implement a short segment of the master plan trail and the needed pedestrian safety improvements planned by SHA. Bicycle parking is also recommended on-site. These improvements will provide adequate bicycle facilities for the site, to the extent practicable, within the constraints of the cost cap. Striping for bicycle lanes along Brooks Drive can be considered comprehensively by DPW&T at the time of road resurfacing.

The area master plan and MPOT recommend the extension of the shared-use path along the north side of MD 4. The existing path runs from Walters Lane to Parkland Drive.

9. **Transportation**—The applicant is proposing to create three new parcels and an outlot, and is proposing a total of 171,165 square feet of mixed commercial and mini-warehouse space in accordance with County Council Bill CB-62-2015, within a designated Business Advancement and Food Access Infill use.

Analysis of Traffic Impacts

Trip Generation

The application is a PPS for a subdivision of mixed commercial uses. The size and type of uses vary within the referral package, however. There are multiple conflicts within the materials submitted:

- The statement of justification in the referral states that the storage facility will be 45,300 square feet. The traffic study uses 114,912 square feet. The TCP clearly shows sizable multi-story storage buildings. For the purposes of this analysis, the 114,912 quantity shown in the traffic study will be used.
- The statement of justification states that the grocery store will be 36,300 square feet. The traffic study uses 36,253 square feet. The TCP shows this building at 36,185 square feet. However, the end user in question places their stores according to a template, and recent plans have used the 36,185 quantity. For the purposes of this analysis, the 36,253 quantity shown on the traffic study will be used.
- The third building is shown at a consistent size of 20,000 square feet. The statement of justification describes this building as “commercial uses.” The traffic study describes it as “shopping center.” The TCP describes it as “medical office building.” For the purposes of this analysis, the 20,000-square-foot building will be analyzed as a medical office building in order to determine a trip cap allowing maximum flexibility for the applicant.

The table below summarizes the trip generation in each peak hour that will be used for the analysis and formulating the trip cap for the site:

Trip Generation Summary, 4-16018, Brooks Drive South								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Food and Beverage Store	36,253	square feet	76	47	123	188	180	368
Less Pass-By (40 percent AM and PM)			-30	-19	-49	-75	-72	-147
Net Grocery Store Trips			46	28	74	113	108	221
Medical Office Building	20,000	square feet	46	11	57	24	52	76
Consolidated Storage	114,912	square feet	9	7	16	15	15	30
Total Trips Utilized in Analysis			101	46	147	152	175	327

It needs to be noted that the traffic study states that, currently, there is an approved trip cap for the site by virtue of the approval of Preliminary Plan of Subdivision 4-12002. For the sake of clarity, the case was approved, but the trip cap was never “vested” for the narrow sense of a traffic analysis. While those trips would have to be counted by other properties undergoing an analysis for adequacy because the preliminary plan still has validity, they have not been “vested” by means of a record plat for this property, and that is why a new traffic study accounting for the impact of all proposed uses on the site was needed.

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

- MD 4 and Brooks Drive
- Marlboro Pike and Brooks Drive
- Marlboro Pike and Capitol Heights Boulevard
- Brooks Drive and site access

The application is supported by a traffic study dated June 2016 using counts dated May 2016. The study was provided by the applicant and referred to SHA, DPW&T, and DPIE. The findings outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the “Transportation Review Guidelines, Part 1, 2012.”

The traffic study was written with the intent of two site access points. However, the current preliminary plan shows only one access point and the site has been analyzed in that capacity.

Existing Traffic

The subject property is located within Transportation Service Area 1 (TSA 1), as defined in Plan Prince George’s 2035. As such, the subject property is evaluated according to the following standards:

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

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in May 2016 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 4 and Brooks Drive	1,144	1,151	B	C
Marlboro Pike and Brooks Drive	1,066	1,104	B	B
Marlboro Pike and Capitol Heights Boulevard	757	652	A	A
Brooks Drive and site access	future	future	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Background Traffic

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. Background traffic has been developed for the study area using several approved, but unbuilt, developments within the study area. A 1.0 percent annual growth rate for a

period of six years has been assumed. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 4 and Brooks Drive	1,398	1,497	D	E
Marlboro Pike and Brooks Drive	1,199	1,398	C	D
Marlboro Pike and Capitol Heights Boulevard	916	858	A	A
Brooks Drive and site access	future	future	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Total Traffic

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the "Transportation Review Guidelines," including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 4 and Brooks Drive	1,401	1,524	D	E
Marlboro Pike and Brooks Drive	1,188	1,424	C	D
Marlboro Pike and Capitol Heights Boulevard	917	865	A	A
Brooks Drive and site access			--	--
Maximum Vehicle Delay (seconds)	26.8*	296.2*	Pass	No pass
Critical Lane Volume	646	1042	Pass	Pass
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is noted that background traffic included the underlying approval of 300 multifamily residences for this site, and the analysis includes a credit for the approved (PPS 4-12002) but unbuilt multifamily dwelling units (300). Also, the trips added for total traffic differs from the submitted traffic study because of the assumption of a medical office building for the proposed 20,000-square-foot building.

It is found that all critical intersections operate acceptably under total traffic in both peak hours. A trip cap consistent with the trip generation assumed for the site, 147 AM and 327 PM peak-hour vehicle trips, has been approved by the Planning Board.

The site access onto Brooks Drive poses an issue. During the review of PPS 4-12002, the recommendation included a left-turn lane along Brooks Drive into the site, and this recommendation was ultimately incorporated into the resolution approving the subdivision. This was an improvement requested by the County. In its comments for the current application, the County has again requested a northbound left-turn bay to serve the site access (the traffic study identifies two site accesses, and one was removed during the review of the plan). The Planning Board has included this improvement as a condition of approval.

The County also indicated that an additional operational analysis will be required at the intersection of Marlboro Pike and Brooks Drive. This comment is noted for the information of the applicant; nonetheless, the analysis indicated that this intersection would operate at LOS D under total traffic.

Within their review of the submitted traffic study, the State notes that the exhibit depicting total traffic does not constitute site traffic plus Background Traffic. This was noted in the transportation review; the site trip generation was changed as a part of that analysis and added the new trip generation to the background traffic to create new total traffic. This analysis did resolve this issue.

The State notes that a critical lane volume analysis was not done for intersection 3b as identified in the traffic study. This intersection is the second site access, which was eliminated during plan review. The State notes other minor transcription errors, and it is acknowledged that they did not affect the results.

Plan Comments

Access and circulation is acceptable. The main feature of access to the site and circulation within the site is an ingress/egress easement from Brooks Drive to serve all three development parcels. This easement is proposed pursuant to Section 24-128(b)(9) of the Subdivision Regulations. The Planning Board supports this easement for the following reasons:

- The denial of access from Pennsylvania Avenue (MD 4). Pennsylvania Avenue is a master plan expressway facility, and SHA is unwilling to grant driveway access in this location.
- Although Brooks Drive is undesignated in the master plan, it has been built as an arterial facility with a median. Due to the heavier traffic volumes using Brooks Drive, along with the speeds of that traffic, additional driveway beyond the single access point proposed leads to safety issues and is denied.

Master Plan Right-of-Way: Pennsylvania Avenue (MD 4)

The site is adjacent to MD 4, a current expressway facility. No additional right-of-way is required in support of current or planned functions of MD 4.

Master Plan Right-of-Way: Brooks Drive

The site is adjacent to Brooks Drive. While this roadway was constructed as an arterial, the most recent master plan in this area left this roadway undesignated.

The frontage of the site along Brooks Drive is currently improved with a five-foot-wide sidewalk. The applicant has proposed to reconstruct the sidewalk to an eight-foot-wide sidewalk north of the site access driveway to the existing crosswalk, and proposes an additional three feet of dedication along Brooks Drive. Given the neighborhood-oriented uses proposed for this site, the Planning Board endorses the wider sidewalk as a means of improving access to this site and the general walkability in this area.

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

10. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002), and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
11. **Fire and Rescue**—The PPS was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations.

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

The proposed project is served by the District Heights Fire/EMS, Company 826, a first due response station (a maximum of seven minutes travel time), located at 6208 Marlboro Pike.

“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 Analysis of Development Impact on Fire and Rescue Facilities.”

12. **Police Facilities**—The proposed development is within the service area of Police District III, Palmer Park. 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 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 Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations 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 PPS or final plat approval.” The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System Adequate for Development Planning and the site is located within Sustainable Growth Tier 1, and it will therefore be served by public systems.

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.”

14. **Use Conversion**—The subject application is proposing the development of 171,165 square feet for a food or beverage store, consolidated storage, and an office. If a change to the uses on the subject property is proposed that affects Subtitle 24 adequacy and findings as set forth in the resolution of approval, a new PPS shall be required prior to approval of any building permits.
15. **Public Utility Easement**—Section 24-122 of the Subdivision Regulations requires a public utility easement (PUE) along both sides of all public rights-of-way. The property’s street frontage is along Brooks Drive and Pennsylvania Avenue (MD 4), and the applicant has provided the required PUE along both public streets.

In accordance with the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner’s dedication on the final plat:

“Utility easements are granted pursuant to the terms and provisions recorded among the Prince Georges County Land Records of Prince George’s County in Liber 3703 at Folio 748.”

16. **Stormwater Management**—A Stormwater Management Concept Plan, 19543-2014-00, was approved for this site on June 26, 2014. Development must be in conformance with that approved plan, or subsequent revisions, to ensure that on-site or downstream flooding does not occur.
17. **Historic**—The subject property was previously graded. 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.

18. **Urban Design**—Pursuant to the requirements of County Council Bill CB-62-2015 (DR-2), the subject use is permitted by Section 27-455.15 of the Zoning Ordinance as “Business Advancement and Food Access Infill”. The applicability of the section, as stated in the bill, is to permit, per the residential use table (Section 27-441), development or redevelopment of a Business Advancement and Food Access Infill use as defined in Section 27-107.01 of the Zoning Ordinance if the property meets the following four requirements:

- a. The proposed use shall be located in a Revitalization Tax Credit District Census Tract;
- b. The proposed use shall be located within an Historically Underutilized Business (HUB”) Zone;
- c. The proposed use is located at the intersection of two four-lane, divided roadways, one of which is a state road with functional transportation classification as an expressway; and
- d. The property on which the proposed uses will be located has a land area of at least eight acres and abuts property in the R-10 (Multifamily High Density Residential) Zone.

The subject property meets these requirements. As a Business Advancement and Food Access Infill use, per CB-62-2015, the regulations normally applicable to residential uses as outlined in Section 27-443 of the Zoning Ordinance do not apply, and the dimensions and structures shown on the required DSP for the project serve as the regulations for the project. Also, per CB-62-2015, the review for the DSP must include architecture, signs, and outdoor lighting. Additionally, it is stipulated that the only provisions of the Zoning Ordinance that apply to Business Advancement and Food Access Infill development are Subsections (a)(5), (6), and (7) of the Zoning Ordinance regarding consolidated storage, which address:

- e. Compatibility of the architecture with the prevailing architecture and appearance of other development in the surrounding neighborhood;
- f. Having adequate entrances to individual consolidated storage units visible from a street or adjacent residential or commercially-zoned or designated-residential or -commercial land; and
- g. That the entrances to the individual consolidated storage units be either oriented toward the interior of the development or completely screened from view by a solid wall with landscaping on its exterior side.

The requirements of the Zoning Ordinance that apply to the proposed Business Advancement and Food Access Infill will be further reviewed at the time of DSP.

Conformance with Prior Approvals

The site was the subject of Detailed Site Plan DSP-15038 for infrastructure for the construction of 300 multifamily units under PPS 4-12002. The intention in the current application is to entirely

supersede that previous approval with the subject PPS to develop the property pursuant to County Council Bill CB-62-2015. Therefore, there are no conditions of prior approvals applicable to the subject project.

Conformance with 2010 Prince George's County Landscape Manual

As the 2010 *Prince George's County Landscape Manual* (Landscape Manual) is part of the Zoning Ordinance, per Council Bill CB-62-2015, its requirements are not applicable to the project. However, the applicant should use its requirements as a guide when designing landscaping, screening, and buffering within the property for the DSP. Landscaping issues will be reviewed at the time of DSP.

Other Design Issues

The lotting pattern of this PPS may result in the rear of the proposed grocery store being visible from its surroundings and will face the front of the second retail/office building. While architecture is not part of the review of a PPS, there are concerns with the relationships that the lotting pattern sets up for the proposed development. In this case, the use of one of the two following options should be utilized to address this undesirable relationship at the time of DSP:

- Adjust the lotting pattern to shift the grocery store building to the north so that the rear elevation is oriented toward the environmental buffer along the northern property line. This would ensure that the views of the grocery store building from adjoining multi-level apartment buildings, the primary entrance drive, and the second retail/office building are protected from views of the rear, primary blank, façade of the proposed grocery store building.
- Design the rear building elevation of the grocery store to be visually attractive so that it will be compatible with both the surrounding architecture and other building(s) internal to the site. Special attention should be paid to the form and massing, use of architectural detail, an attractive pattern of fenestration and use of high-quality materials, such as brick, in the design of the rear building elevation.

19. Section 24-128(b)(9) Access Easement

The access easement shall be designed as a unifying element for the commercial component and should create an identifiable route through the development, and be designed not only for vehicles but for pedestrians and bicyclists. The route will be reviewed for a level of comfort for all users, and not be reduced to a circuitous route through the parking lot.

To address this issue, the applicant filed a cross section with the PPS identified as "Brooks Drive South – Private Ingress/Egress Easements Plan View" which includes landscaping (shade), lighting, and space for pedestrians and bicyclists. The cross section shall be further refined with the review of the DSP, where the interaction between the building face and parking shall be evaluated.

The access easement is recommended for approval pursuant to Section 24-128(b)(9) of the Subdivision Regulations, and by definition is treated as a driveway for setback and zoning purposes. The Planning Board approves the use of the access easement subject to a cross section being submitted at the time of DSP that is consistent with the applicant's "Brooks Drive South – Private Ingress/Egress Easements Plan View."

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.

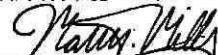
Adopted by the Prince George's County Planning Board this 5th day of January 2017.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JF:tpg

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 12/21/16