

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on January 5, 2017 regarding Conceptual Site Plan CSP-16004 for The Ascent, the Planning Board finds:

1. **Request:** The subject conceptual site plan (CSP) application proposes to rezone the property from the Commercial Shopping Center (C-S-C) and Townhouse (R-T) Zones to the M-X-T Zone. Once rezoned, the property proposes to develop the 5.05 acres of land into a mixed-use development, including approximately 10,762 square feet of commercial space and a maximum of 370 multifamily or single-family attached residential dwelling units.
2. **Development Data Summary:**

Zone	<b>EXISTING</b>	<b>APPROVED</b>
Use(s)	C-S-C & R-T	M-X-T
	Commercial/retail, and residential	Commercial/retail, and residential
Gross Acreage	5.05	5.05
Floodplain Acreage Area	0	0
Gross Floor Area (sq. ft.)		
Commercial/Retail	0	10,762
Residential Dwellings	1,380	391,973
Total (sq. ft.)		405,135

**Floor Area Ratio (FAR) in the M-X-T Zone**

Base Density Allowed	0.40 FAR
Residential component	1.00 FAR
Total FAR Permitted	1.40 FAR (Optional Method of Development)
Total FAR Proposed	1.84 FAR*

**Note:** \*FAR may be increased at the time of DSP in accordance with the provisions of Section 27-545(b) of the Zoning Ordinance. Specifically, additional bonus incentives are required to support a F.A.R. above 1.40.

3. **Location:** The subject property is located in the southwest quadrant of the intersection of Southern Avenue and Davey Street. Specifically, the site is located on the south side of Southern Avenue, north of Atkins Avenue, west of Davey Street, extending westward past Cavalier Street, approximately 640 feet, in Planning Area 75B, Council District 7.
4. **Surrounding Uses:** To the north of the property, across Southern Avenue are existing single-family attached residences in the District of Columbia. To the south of the property, across Atkins Avenue are single-family detached developments in the R-T and C-S-C Zones. To the east is Davey Street and beyond, to the west is vacant wooded property.
5. **Previous Approvals:** The subject property was retained in the Commercial Shopping Center (C-S-C) and Residential Townhouses (R-T) Zones by the 2008 *Approved Capitol Heights Transit District Development Plan (TDDP) and Transit District Overlay (TDO) Zone Sectional Map Amendment*. The property is the subject of a plat recorded in land records in plat book A-74 and A-75. The property has an approved Storm Water Management Concept Plan, 29895-2016-00, approved on September 22, 2016.
6. **Design Features:** The applicant proposes to develop the property as a mixed-use development project consisting of a maximum of 370 residential units and 10,762 square feet of commercial/retail use. The retail/commercial space will front on Davey Street, which has approximately 200 linear feet of frontage. The residential component will consist of either townhouses or multifamily units. Access to the site is proposed via a driveway proposed within the existing Cavalier Street, and two access points from Akin Avenue. The CSP exhibits include a simplified diagram indicating commercial uses along the frontage of Davey street and residential development on the remaining portion of the property.

The residential component of this mixed-use development is proposed as either townhouses or 370 multifamily units. The proposed stormwater management (SWM) facilities as shown on the plans indicate primarily the use of bio-retention areas located in the southeast corner of the site and underground facilities.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **The 2008 Approved Capitol Heights Transit District Development Plan (TDDP) and Transit District Overlay (TDO) Zone Sectional Map Amendment:** The goal of the TDDP is to provide for transit-oriented development within the Capitol Heights Transit District Overlay Zone. The plan defines transit oriented development for land area located within a ten-minute walk or one-half mile of the rail transit station. The TDDP also goes on to state that the transit-oriented development is development that actively seeks to increase transit use and decrease automobile dependency by:

- Locating homes, jobs and shopping closer to transit services,
- Locating the mix of critical land use in closer proximity to one another; and
- Establishing land use/transit linkages that make it easier to use transit.

The subject applicant proposes the rezoning of the property which would allow for an increase in the intensity of development and to allow for the possibility of vertical mixed use of the property. The increase in residential development is substantial, compared to the existing R-T residential zone. The 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zone Sectional Map Amendment* retained a portion of the site between Davey Street and Cavalier Street in the C-S-C Zone, and the other portion south of Cavalier Street, in the R-T Zone. The portion in the C-S-C Zone is included in the “Recommended Areas for Mixed-Use Rezoning Application” (pages 46 and 47 of the TDDP). This area is identified in the plan as the Metro Station Core character area. This area is appropriate to be designed with the highest intensity of the overall site. The portion in the R-T Zone is in the medium-density residential edge area. The rezoning of the subject properties to a higher density zone is consistent with the goals of the TDDP, given their close location to the Capital Heights Metro Station.

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the following Zoning Ordinance requirements:
- a. Section 27-548.09.01 of the Zoning Ordinance prescribes an applicant requesting rezoning in a TDOZ to demonstrate that the proposed development conforms to the purposes and recommendations of the transit district as stated in the TDDP. The following is an analysis of Section 27-548.09.01 of the Zoning Ordinance to address the impact of the proposed rezoning as an amendment to an approved TDOZ.

**(b) Property Owner.**

- (1) A property owner may ask the District Council, but not the Planning Board, to change the boundaries of the T-D-O Zone, a property’s underlying zone, the list of allowed uses, building height restrictions, or parking standards in the Transit District Development Plan. The Planning Board may amend parking provisions concerning the dimensions, layout, or design of parking spaces or parking lots.**

This application must be reviewed by the District Council to change the underlying zone.

**(2) The owner's application shall include:**

- (A) A statement showing that the proposed development conforms with the purposes and recommendations for the Transit District, as stated in the Transit District Development Plan; and**

The applicant has submitted a statement in accordance with the requirement above.

- (B) A Detailed Site Plan or Conceptual Site Plan, in accordance with Part 3, Division 9.**

The applicant has submitted a CSP in accordance with Part 3, Division 9.

- (3) Filing and review of the application shall follow the site plan review procedures in Part 3, Division 9, except as modified in this Section. The Technical Staff shall review and submit a report on the application, and the Planning Board shall hold a public hearing and submit a recommendation to the District Council. Before final action the Council may remand the application to the Planning Board for review of specific issues.**

The Planning Board's decision will be duly filed with the Clerk of the Council and copies of the decision will be sent to all persons of record.

- (4) An application may be amended at any time. A request to amend an application shall be filed and reviewed in accordance with Section 27-145.**

The application has been amended since the original filing and is in conformance with the above Section 27-145 requirements.

- (5) The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, the District Council shall find that the proposed development conforms with the purposes and recommendations for the Transit Development District, as stated in the Transit District Development Plan, and meets applicable site plan requirements.**

The purposes of the TDOZ are contained in Section 27-548.03 of the Zoning Ordinance. The applicant has filed a CSP for the entire property proposing the rezoning from the C-S-C and R-T Zones to the M-X-T Zone and includes the land area of Cavalier Street (to be vacated). The applicant has also provided a justification statement in support of the rezoning of the property. Section 27-548.03 lists the following specific purposes of TDOZs. The purposes are stated below in **[boldface]** type and following each is the applicant's justification, followed by the Planning Board's conclusions:

**(1) To enhance the development opportunities in the vicinity of transit stations;**

The applicant provided the following discussion in the statement of justification:

“The Subject Property is located in the Metro Station Core and Medium-Residential Edge Character Areas. The intent of the TDDP for Metro Core Area is to be developed with the most active and intense development in the Capitol Heights TDOZ. The TDDP calls for buildings that range in height from 4 to 14 stories and serve as landmarks for the surrounding community. This Applicant believes The Ascent, as proposed, complies with the intent of the TDDP while at the same time the development will respect the existing homes in the surrounding community. The building fronting on Davey Street will be 3 to 5 in height. This building, located 15 feet from Davey Street, will incorporate quality and distinctive architecture and quality materials, will create the mass anticipated in the TDDP and therefore create the desired landmark for not only the surrounding community but also for people using the Capitol Heights Metro Station. The residential component of the community will be located to the south of Davey Street and will be comprised of either townhomes or multifamily development.”

The existing C-S-C Zone and the R-T Zone on the subject property are inconsistent with the vision for the site as established by the 2008 Approved Capitol Heights Transit District Development Plan (TDDP) and Transit District Overlay Zone (TDOZ) Sectional Map Amendment. An appropriate mixed-use zoning tool is required to deliver the TOD elements envisioned for this location. The rezoning of the property will allow for greater density as envisioned within the two character areas.

**(2) To promote the use of transit facilities;**

The applicant provided the following discussion in the statement of justification:

“The proposed residential community is located within 400 feet of the Capitol Heights Metro Station. The Applicant believes that the development of a residential community at this site, within such a short distance of this Metro station, will promote use of the transit system by its future residents.”

The subject application will promote the use of transit facilities through its density and adjacency to the transit station, and will reduce single-occupancy vehicle trips.

**(3) To increase the return on investment in a transit system and improve local tax revenues;**

The applicant provided the following discussion in the statement of justification:

“The location of a residential community within close proximity to the Capitol Heights Metro Station will promote the use of this transit facility by the future residents of this community, increase ridership and in turn increase revenue for the transit system. The proposed residential community will also add tax revenues to the local municipality and to Prince George’s County.”

The rezoning of the subject property from the current underlying C-S-C and R-T Zones to a mixed-use zone, which allows an increase in density is warranted and will increase ridership, which in turn will increase the return on investment in the transit system and will improve the local tax revenues.

**(4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;**

The applicant provided the following discussion in the statement of justification:

“The Applicant will be coordinating the development of the property with State and local agencies.”

The proposed plan may support local growth by spurring redevelopment of the properties surrounding the Metro station. The design of the subject site should provide a layout that fosters redevelopment in the area. Density closer to the metro station, as depicted in the Metro Station Core character area of the TDDP is appropriate.

- (5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;**

The applicant provided the following discussion in the statement of justification:

“The TDOZ allows for flexibility in the development process through the use of amendments to the TDDP. In this case, the rezoning of the property as part of the Conceptual Site Plan process will allow development of the Subject Property in a manner that is more conducive to a changing market and to the proposed development of other Character Areas in the transit district.”

The ability of the Transit District Overlay Zone (TDOZ) to adjust the underlying zone of a property provides more flexibility than a zoning map amendment, in that the review period is substantially reduced. The M-X-T Zone is more flexible than the underlying C-S-C and R-T zones in that there are not required quantitative measurements, such as minimum green area or open space, maximum lot coverage, maximum density, etc. The TDDP sets forth its own set of requirements through mandatory development standards, however, the plan is silent in regard to some of these same development factors, allowing the detailed site plan (DSP) to set the standard that creates maximum flexibility.

- (6) To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;**

The applicant provided the following discussion in the statement of justification:

“Additional residential development within close proximity to the Capitol Heights Metro Station will encourage metro ridership and in turn decrease the use of the surrounding road network. In addition, the proposed community will be within close proximity to the retail commercial uses located in the transit district as well as across Southern Avenue in Washington DC. The Applicant will provide connections to the existing pedestrian network and therefore create an environment that encourages pedestrian traffic through the transit district.”

Increasing the intensity of the development of the subject parcels located within walking distance of the metro station, particularly in the Metro Station Core character area, will result in more metro ridership.

- (7) To provide mechanisms to assist in financing public and private costs associated with development;**

The applicant provided the following discussion in the statement of justification:

“The Applicant will be responsible for the construction of its road frontage improvements in conformance with Subtitle 23 of the Prince George’s County Code as well as the requirements set forth in the TDDP. In addition, the Applicant is proposing to construct stormwater management facilities on site that will be a benefit to the entire transit district. Many of the older properties in the transit district are exempt from current stormwater management regulations.”

The applicant’s contribution to public facility improvements on the property benefits the neighborhood.

**(8) To provide for convenient and efficient pedestrian and vehicular access to Metro stations;**

The applicant provided the following discussion in the statement of justification:

“The property is located within 400 feet of the Capitol Heights Metro Station entrance. The Applicant will provide connections to the pedestrian system within the TDOZ and therefore convenient access to the metro station.”

Sidewalks will accommodate the pedestrian, and the DSP will provide for convenient and efficient pedestrian and vehicular access to the Metro.

**(9) To attract an appropriate mix of land uses;**

The applicant provided the following discussion in the statement of justification:

“The Applicant believes that the mix of retail commercial and residential uses proposed for The Ascent can be supported by the community.”

The TDDP contemplated a mix of residential and retail uses for the subject site and the application fulfills this land use vision.

**(10) To encourage uses which complement and enhance the character of the area;**



The applicant provided the following discussion in the statement of justification:

“A Detailed Site Plan will be submitted which will demonstrate that the residential community will, through the use of architecture, set a new standard for redevelopment in The Capitol Heights community. This is the first property in the Transit District to move forward with redevelopment under the TDDP. This community will be very urban in nature since it is located within 400 feet of the Capitol Heights Metro entrance. The retail component of the community will front on Davey Street. Parking associated with the retail component will be located in a garage (behind the retail component) that can be accessed from Akin Avenue. Any retail component of this community will have to be located on Davey Street where it will be visible to the area residents using metro.”

The site plan proposes residential and retail uses that are along the surrounding streets. The mix of uses will enhance the area and activate the streetscapes of these adjacent thoroughfares.

- (11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and**

The applicant provided the following discussion in the statement of justification:

“The Detailed Site Plan will demonstrate that the proposed community will comply with and exceed the site design guidelines. The buildings will meet the build-to-line requirements for Southern Avenue, Davey Street and Akin Avenue. The retail component will face Davey Street and the development will have a strong urban presence at the Davey Street frontage. The residential component will be located to the south of the retail component and will be comprised of either multifamily or townhomes. In light of the change in grade from Davey Street traveling south, the residential component will have a significant visual presence in the transit district.”

The subject plan activates the streetscapes created by lining the streets with residential and retail uses. The urban design aspects of the plan and the relationship among uses will be further explored at the time of the DSP review.

- (12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.**

The applicant provided the following discussion in the statement of justification:

“This community will be designed in a manner that reflects the Applicant’s desire to provide the high quality architecture and landscaping that will set a standard for this Transit District. Although it is the Applicant’s desire to design buildings that will be distinctive and unique to Prince George’s County, the building has been designed in a manner that creates a transition between the high density mixed use development proposed in the TDDP and the existing single-family development located across Akin Avenue and to the south of the Subject Property.”

The TDDP provides for flexibility and the proposed M-X-T zoning also provides for flexibility in the design and layout of buildings that would result into a coordinated integrated, mixed-use project.

- b. The subject application is in conformance with the requirements of Section 27-547, which governs uses in all Mixed-Use Zones.
- (1) The proposed residential and commercial/retail uses are permitted in the M-X-T Zone.
  - (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone as follows:
    - (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**
      - (1) **Retail businesses;**
      - (2) **Office, research, or industrial uses;**
      - (3) **Dwellings, hotel, or motel.**

The submitted CSP proposes commercial/retail space and residential units and, therefore, meets the requirement for two uses.

- c. Section 27-548, M-X-T Zone regulations, establishes additional standards for the development in this zone. The CSP's conformance with the applicable provisions is discussed as follows:

**(a) Maximum floor area ratio (FAR):**

- (1) Without the use of the optional method of development—0.40 FAR**  
**(2) With the use of the optional method of development—8.0 FAR**

This development will use the optional method of development and specifically utilize the one bonus incentive in Section 27-545(b) as follows:

**(b) Bonus incentives.**

**(4) Residential use.**

- (A) Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.**

The CSP proposes a maximum floor area ratio (FAR) of 1.84 which exceeds 1.40. However, it should be noted that the mix of uses and square footage of the development will be further reviewed at the time of the DSP. Higher FAR should be provided in the Metro Station Core Area other than on the remaining portion of the property.

- (b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The illustrative plan shows that the retail uses included in this CSP will be located along Davey Street. It is appropriate that vertical mixed-use occur in this area of the site.

- (c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

This requirement is not applicable since this application is for a CSP. Subsequent DSP approvals will provide regulations for the development on this property.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The development is not subject to the requirements of the 2010 *Prince George's County Landscape Manual*, because the TDDP for Capital Heights states that the development district standards replace the regulations standards contained in the Landscape Manual and the Prince George's County Zoning Ordinance.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The FAR for the proposed development is calculated in accordance with the requirement. Further refinement of the proposed FAR is anticipated at the time of DSP application.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

There are no private structures within the air space above, or in the ground below public rights-of-way as part of this project. Therefore, this requirement is not applicable to the subject case.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The property is surrounding by public streets. Final lotting and street pattern will be decided by the Planning Board at the time of preliminary plan of subdivision.

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front façades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per**

**building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (1/2) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides**

**of all public and private streets and parking lots. At the time of Detailed Site Plan, the District Council may approve a request to substitute townhouses, proposed for development as condominiums, for multifamily dwellings that were required as a condition of approval in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, such townhouses are subject to all other requirements of the Zoning Ordinance.**

It appears that, if townhouses are ultimately proposed for the development of the property, they should meet the minimum lot size of 1,800 square feet. However, lot size issues will be further reviewed and decided by the Planning Board at the time of preliminary plan.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

This issue must be determined at the time of the DSP and would apply to the development if it is ultimately developed as residential multifamily buildings.

- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).**

This requirement does not apply to this CSP.

- d. In accordance with Section 27-546(d) of the Zoning Ordinance, in addition to the findings required to approve a CSP, the Planning Board shall make the following findings for projects in the M-XT Zone.

- (1) **The proposed development is in conformance with the purposes and other provisions of this Division:**

The purposes of the M-X-T Zone, as stated in Section 27-542(a), include the following:

**Section 27-542(a)**

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The subject project is nearby the Capitol Heights Metro transit station and development of the property will promote and enhance the economic status of the area and provide a desirable living opportunity and contribute to additional employment opportunities.

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The CSP rezoning compact of the property is intended to allow a mixed-use development of a medium- to high intensity development.

- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The project proposes 1.84 FAR on the site, a high FAR that may represent the highest and best use of the land; as it contributes to supporting the transportation planning and infrastructure at this location.

- (4) To promote the effective and optimum use of transit and other major transportation systems;**

The zone is appropriate in this area due to the proximity to the transit station.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

The CSP proposes commercial and residential uses that will complement each other to create a 24-hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work, or visit in the area.

**(6) To encourage diverse land uses which blend together harmoniously;**

The proposal includes both residential and commercial development that blend together harmoniously.

**(7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

To rezone the property to the M-X-T Zone, which will allow for the creation of a development with the characteristics listed above.

**(8) To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;**

Green building techniques such as those employed in Leadership in Energy and Environmental Design (LEED) standards should be utilized at the time of DSP to the extent practical to promote optimum land use and great savings in energy.

**(9) To permit a flexible response to the market; and**

The M-X-T Zone is one of the mixed-use zones that were created to allow developers maximum flexibility to respond to the changing market.

**(10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

The architecture for the project will be reviewed at the time of DSP for the project. High standards should be utilized to evaluate the architectural design at the time of DSP, in furtherance of this stated purpose of the M-X-T Zone.

**Section 27-546(d)**

- (2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**



The subject property is proposed to be rezoned, so the above finding does not apply.

- (3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The property has frontage on Southern Avenue, Davey Street, and Akins Avenue. This development is expected to inject new economic vitality into the immediate area.

- (4) The proposed development is compatible with existing and proposed development in the vicinity;**

The development is compatible with the vision proposed in the Sector Plan, for redevelopment around the transit station. The proposed development will greatly improve the aesthetics of the surrounding neighborhoods.

- (5) The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The mix of uses in this CSP includes commercial/retail, and residential development. The design scheme provided for review reflected on the illustrative plan should a cohesive development centering on a main street. The development is capable of sustaining an independent environment of high quality and stability. The arrangement and design of specific buildings will be reviewed at time of DSP.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The project is to be completed in two stages. Phase I is designed for commercial/retail uses. Phase II is designed for a residential development. The two phases will allow an effective integration due to the complementary nature of the two proposed uses.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

See the Trails discussion below relating to improvements for pedestrian activity. A comprehensive review of the pedestrian system will be carried out at the time of review of a preliminary plan and DSP.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

This requirement will be met when a DSP is approved for the subject project.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

Since greater than 50 trips would be generated during either peak hour, consequently, a traffic impact study (TIS) was requested. To that end, the applicant has provided a TIS dated July 9, 2016. Using data from this recent traffic analyses the following results were determined:

<b>EXISTING CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	<b>(LOS/CLV)/Delay</b>	<b>(LOS/CLV)/Delay</b>
MD 214 and Southern Avenue (DC)	D/1414	C/1219
Southern Avenue and Davey Street (DC) *	37.0 seconds	22.7 seconds
Southern Avenue and Central Avenue (DC)	D/1392	B/1059
Central Avenue and Akin Avenue *	17.0 seconds	18.4 seconds
Davey Street and Akin Avenue *	14.2 seconds	11.8 seconds
Davey Street and Capitol Heights Boulevard *	20.3 seconds	21.3 seconds
Davey Street and MD 214 *	<b>211.0 seconds</b>	13.4 seconds
Central Avenue and Chamber Avenue	A/694	A/880
Southern Avenue and Clinton Avenue (DC – Proposed)	N/A	N/A
Akin Avenue and Clinton Avenue - Proposed	N/A	N/A
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable.		

In evaluating the effect of background traffic, the TIS included approximately 21 developments whose impact could impact some or all of the critical intersections. Additionally, a growth of 0.5 percent for six years were applied to the through traffic volumes. Combining the effect of background developments plus regional growth, a second analysis was done. The table below shows the results:

<b>BACKGROUND CONDITIONS</b>		
Intersection	AM	PM
	(LOS/CLV)/Delay	(LOS/CLV)/Delay
MD 214 and Southern Avenue (DC)	D/1551	C/1412
Southern Avenue and Davey Street (DC) *	44.3 seconds	24.3 seconds
Southern Avenue and Central Avenue (DC)	E/1546	C/1204
Central Avenue and Akin Avenue *	18.4 seconds	24.5 seconds
Davey Street and Akin Avenue *	14.5 seconds	12.0 seconds
Davey Street and Capitol Heights Boulevard *	21.4 seconds	22.8 seconds
Davey Street and MD 214 *	<b>636.0 seconds</b>	<b>465.0 seconds</b>
Central Avenue and Chamber Avenue	A/829	B/1018
Southern Avenue and Clinton Avenue (DC – Proposed)	N/A	N/A
Akin Avenue and Clinton Avenue - Proposed	N/A	N/A
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable.		

Regarding the total traffic scenario, the TIS applied trip generation rates for retail (ITE-820) based on the *Institute of Transportation Engineer's (ITE) Trip Generation Manual, 9th edition*. Based on a 60 percent pass-by reduction, the net new trips were computed as 17 (10 in, 7 out) AM peak trips, and 56 (27 in, 29 out) PM peak trips. Regarding the multifamily component, the TIS used County rates, resulting in a trip generation of 199 (40 in, 159 out) AM peak trips, and 229 (149 in, 80 out) PM peak trips. The total combined trips were computed as 216 (50 in, 165 out) AM peak trips, and 285 (176 in, 109 out) PM peak trips. A third analysis (total traffic) revealed the following results:

<b>TOTAL CONDITIONS</b>		
Intersection	AM (LOS/CLV)/Delay	PM (LOS/CLV)/Delay
MD 214 and Southern Avenue (DC)	E/1580	E/1452
Southern Avenue and Davey Street (DC) *	44.3 seconds	29.1 seconds
Southern Avenue and Central Avenue (DC)	E/1597	C/1265
Central Avenue and Akin Avenue *	18.4 seconds	29.3 seconds
Davey Street and Akin Avenue *	14.5 seconds	13.6 seconds
Davey Street and Capitol Heights Boulevard *	21.4 seconds	24.9 seconds
Davey Street and MD 214 *	<b>636.0 seconds</b>	<b>492.0 seconds</b>
Central Avenue and Chamber Avenue	A/837	B/1054
Southern Avenue and Clinton Avenue (DC – Proposed)	17.7 seconds	20.1 seconds
Akin Avenue and Clinton Avenue - Proposed	9.3 seconds	9.5 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable.		

The results of the traffic analyses show that under total traffic, all of the critical were deemed to be operating adequately. The intersection of Davey Street and MD 214 is projected to operate with a delay well in excess of 50 seconds. However, pursuant to the “Guidelines,” an intersection can be evaluated using the critical lane volume (CLV) procedure even if the intersection is un-signalized. Under that scenario, the intersection was reevaluated and the results are found to be less than 1,150. Pursuant to the “Guidelines,” that level of service is deemed acceptable (see table above). Adequate public facilities to support this development will be further evaluated at the time of preliminary plan.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be approved by the applicant.**

This requirement is to be evaluated at the time of approval of a DSP for this project.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The subject property not being developed as a mixed-use planned community. Therefore, this requirement is not relevant to the subject project.

- e. The CSP has been reviewed for conformance with the applicable site design guidelines contained in Section 27-274. As the project moves through the DSP process, and is refined as to the development details, further review for conformance with the site design guidelines will continue.

9. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-008-2016) was submitted with the CSP application.

The plan proposes to remove 3.94 acres of the 4.21 acres of existing woodlands and meet the woodland conservation requirement of 2.29 acres with off-site woodland conservation credits. The 0.27 acre of remaining woodland shown as “woodland retained but not credited” does not contain any of the 15 specimen trees on-site and was given a medium priority for retention and restoration by the qualified professional conducting the forest stand delineation. Once the site is developed, the stand will be an isolated woodland area, within an otherwise urban fabric.

The worksheet submitted with the TCP1 is based on the current zoning designations, the C-S-C and R-T Zones. The CSP application includes a statement of justification for a rezoning request to change the designation to the M-X-T Zone. Based on the current proposal, the rezoning of the site to the M-X-T Zone would result in a reduction in the required woodland conservation, from 2.29 acres to 2.11 acres. The proposed request will not significantly impact the woodland conservation requirement.

10. **Other site plan related regulations:** Two additional regulations are applicable to the site plan review that usually requires detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:

- a. **Prince George’s County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area of TCC. This CSP project has 5.05 acres in the M-X-T Zone that results in a required TCC of 0.505 acres for the site. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP for the project when detailed information is available.

**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 Technical Manual.”

The site contains 15 specimen trees with the ratings of good (Specimen Trees 5, 9, and 10), fair (Specimen Trees 6, 11, and 15) and poor (Specimen Trees 1, 2, 3, 4, 7, 8, 12, 13, and 14). The current design proposes to remove all 15 trees for the development of the buildings and associated infrastructure.

A Subtitle 25 Variance Application or statement of justification was not included in the submittal packet. A full review will be conducted for the specimen tree removal once an application and statement of justification have been submitted.

Prior to approval of the preliminary plan, a Subtitle 25 variance application should be submitted for the removal of the 15 specimen trees. The application should include a condition analysis of each tree to be removed and a statement of justification and should address the required findings of Section 25-119(d).

- b. **Prince George’s County Landscape Manual**—The TDDP includes development district standards that override the requirements of the Zoning Ordinance. On page 64 of the sector plan, it states:

**Unless stated otherwise, these design standards and guidelines replace the standards and regulations contained in the Landscape Manual and the Zoning Ordinance of Prince George’s County.**

Therefore, at the time of the DSP, the requirements for landscaping will be dictated by the TDDP.

- 11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The Planning Board adopts the following:

- a. **Community Planning**—The Planning Board found the following:

**General Plan:** This application is consistent with the Plan Prince George’s 2035 Approved General Plan policy for Local Centers. Plan Prince George’s 2035 designates this area in Capitol Heights as a Local Center, characterized as a focal point for development and civic activity based on access to transit with medium- to medium-high residential development along with limited commercial uses. Local Centers are envisioned as supporting walkability, especially in their cores and where transit service is available.

**Master Plan:** The 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment* was approved in July 2008. This application conforms with the mixed-use core and the residential medium land use recommendations of the 2008 Approved Capitol Heights Transit District Development Plan. Capitol Heights Metro station is adjacent to the subject site.

The Capitol Heights TDDP envisions compatible, moderate- to higher-density development located within an easy walk of the Metro station, generally with a mix of residential, employment and shopping opportunities. The built environment will favor pedestrians and bicyclists, promote the use of public transit, and accommodate the automobile. A successful Transit Oriented Development (TOD) is characterized by three key elements:

**Density:** Intensity of development sufficient to provide a mass of transit riders.

**Diversity-Mix of Land Uses:** A mix of complementary uses whose interactions help to promote transit ridership by locating intermediate work trip destinations near public transit stations.

**Design:** Development that creates attractive, pedestrian-friendly environments and encourages residents, workers and visitors to arrive by modes of transportation other than the automobile; i.e., public transit, walking and bicycle.

The site falls under two character areas, Metro Station Core and Medium-Density Residential Edge. The Metro station core is envisioned to be the most active and intensively developed of the Capitol Heights TDOZ character areas. It will contain the most diverse development mix and tallest buildings (four to 14 stories) -mid- to high-rise residential units, office space, public parking, retail, and a new central square. The medium-density residential edge will be characterized primarily by mid-rise condominium buildings. Neighborhood-serving commercial uses will be in ground-floor space at scattered sites along Southern Avenue. Buildings will range from four to six stories in height and cover 60 - 80 percent of their lots. In addition to the character area definitions, development standards are established in the TDOZ to help realize the density and quality of development envisioned at this location. The existing C-S-C Zone and the R-T Zone on the subject property are inconsistent with the vision for the site. An appropriate mixed-use zoning tool is required to deliver the three TOD elements envisioned for this location; density, diversity and design.

- b. **Subdivision Review**—The Planning Board notes that the subject property is known as Lot 14–77, Block 4, being zoned C-S-C, and Lots 1–23 and 69–88, Block 12, being zoned R-T. The property is the subject of a plat recorded in land records in plat book A-74 and A-75. The subject CSP proposes to rezone the property to M-X-T and proposes the future development of 10,762 square feet of retail and 370 multifamily and/or single-family attached buildings.

The site has frontage on Southern Avenue, Davey Street and Akin Avenue, none of which are master planned roadways, and is adjacent from the Capitol Heights Metro Station. The coversheet of the CSP indicates the property is a total of 5.05 acres, likely to account for the land area of Cavalier Street (platted as Clinton Avenue and unimproved) which bisects the property and is proposed to be improved with the development of this project is 4.91 acres. It should be noted that any previously dedicated right-of-way area that has been deemed as an accepted offering by the operating agency should not be included in the site area, otherwise the right-of-way dedication offered by plat prior to 1908 and not accepted may be shown as abandoned and included in the site area.

The layout depicted on the site plan is conceptual. No specific lotting pattern is currently proposed and may be dependent on the type of development approved for the site. The range of development proposed with this CSP requires a resubdivision of land in accordance with Section 24-111(a) of the Subdivision Regulations. Conformance to Subtitle 24 for this resubdivision will be reviewed as a major preliminary plan approved by the Planning Board.

- c. **Transportation Planning**—The Planning Board observed that the subject property is bounded on the southeast by Akin Avenue, on the north by Davey Street, approximately 420 feet north of its intersection with Old Central Avenue and on the west by Southern Avenue, with approximately 1,125 feet of frontage. Based on information provided in the applicant’s statement of justification, the applicant is requesting that the subject property be rezoned from the C-S-C and R-T Zones to the M-X-T Zone in accordance with Section 27-548.09.01 of the Zoning Ordinance.

The traffic impact study was referred to other agencies and was reviewed by the Department of Public Works and Transportation (DPW&T) as well as the State Highway Administration (SHA). In a November 28, 2016 memorandum (Issayans to Masog), DPW&T noted the following:

“It is stated in the report that the garage access is anticipated to be via Akin Avenue. Akin Avenue, being a substandard road, must be widened and upgraded to accommodate the anticipated traffic generated by this development.”

In a letter dated December 1, 2016 (Young to Lenhart), SHA’s District Three office offered no comments.

#### **Master Plan, Right of Way Dedication**

The property is located in an area where the development policies are governed by the 2008 *Approved Capitol Heights Transit District Overlay Zoning Map Amendment*. None of the recommendations of the plan will require additional widening of any street on which the proposed development fronts.



### **Transportation Findings**

The application analyzed is a CSP for the construction of a mixed-use development. The development will consist of 11,520 square feet of retail and 382 multifamily units. This development will be adding a net total of 216 (50 in, 165 out) AM peak trips, and 285 (176 in, 109 out) PM peak trips. These rates were determined by using the *Institute of Transportation Engineer's (ITE) Trip Generation Manual, 9th edition*, as well as local County rates.

The traffic generated by the proposed CSP will impact the following intersections:

- MD 214 and Southern Avenue (DC)
- Southern Avenue and Davey Street (DC) \*
- Southern Avenue and Central Avenue (DC)
- Central Avenue and Akin Avenue \*
- Davey Street and Akin Avenue \*
- Davey Street and Capitol Heights Boulevard \*
- Davey Street and MD 214 \*
- Central Avenue and Chamber Avenue
- Southern Avenue and Clinton Avenue (DC – Proposed)
- Akin Avenue and Clinton Avenue – Proposed

\*It is worth noting that four of the afore-mentioned intersections are within the jurisdiction of the District of Columbia (DC). Because the Planning Board has no authority within that jurisdiction, all of the analyses and results pertaining to those intersections are being provided for informational purposes only. For the remaining intersections within the County, all are projected to operate within the transportation adequacy thresholds.

The findings below are based upon a review of the materials and analyses conducted by the Transportation Planning Section, consistent with the “Guidelines.”

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

- (1) **Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a CLV of 1,600 or better;
- (2) **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 *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.

### **Transportation Conclusions**

Based on the preceding findings, the Planning Board determines that, pursuant to Section 27-546 of the County Code, the plan conforms to the required findings for approval of the CSP from the standpoint of transportation if the application is approved with the following condition:

Total development within the subject property shall be limited to uses which generate no more than 216 AM peak trips, and 285 PM peak trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.

- d. **Trails**—The Planning Board reviewed the CSP application with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the applicable area master plan in order to implement planned trails, bikeways, and pedestrian improvements. The subject application is located at the southwest quadrant of the intersection of Southern Avenue and Davey Street. The site is covered by the MPOT and the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Sectional Map Amendment* (TDDP). Because the site is in the Capitol Heights Metro Center and the Central Avenue Corridor, it will be subject to the requirements of Section 24-124.01 and the “Transportation Review Guidelines, Part 2, 2013,” at the time of preliminary plan.

One master plan trail/bikeway issue impacts the application, with on-road bicycle facilities and standard or wide sidewalks recommended along Davey Street.

The TDDP included several standards related to sidewalk and bicycle facilities that are applicable for the subject site. These included standards related to sidewalk construction which are copied below:

### 4.3 Sidewalks

**Intent: To ensure a continuous network of sidewalks and crosswalks to provide safe and convenient access between uses and to public transit.**

#### Standards

- (1) **Sidewalks:** All sidewalks designated in the TDDP shall be constructed according to the streetscape requirements listed in this section and shall meet the sidewalk width(s) delineated in the TDDP streetscape sections. Sidewalks not designated in the TDDP shall be at least five feet wide and shall meet county specifications.
- (2) **Permitted Materials:** Brick, precast pavers, concrete, tinted and stamped asphalt, Belgium block, or granite pavers. Samples of proposed paving materials shall be submitted with the DSP for review and approval by M-NCPPC staff.
- (3) **Sidewalk Requirements:** Sidewalks are required for all street frontages along which occupied structures (commercial, residential or mixed-use) occur.

The TDDP does not appear to include specific standards regarding sidewalk widths. The street section shown on page 86 do not impact the subject site. However, wide sidewalks are appropriate along both Davey Street and Southern Avenue to accommodate pedestrians walking to Metro. These sidewalks should be a minimum of eight feet wide, but the details regarding the width and materials should be made at the time of preliminary plan and/or DSP when more information of site design will be provided.

### 4.4 Pedestrian and Bicycle Linkages

**Intent: To develop walkable neighborhoods with contiguous linkages that support pedestrian and bicycle use, residential sociability, and commercial activity.**

#### Standards

- (1) **American with Disabilities Act (ADA):** All sidewalks shall be constructed to meet ADA federal standards to comply with accessible design.
- (2) **Primacy of Sidewalks Over Vehicular Curb Cuts:** Vehicular entrances shall permit safe and clear pedestrian crossings. Sidewalk material(s) shall continue across driveway entrances at the same grade as the sidewalk on both sides of the curb cut.

## 9. Bikeways and Bicycle Parking

**Intent: To ensure the construction of bicycle parking facilities that provide convenient access to adjoining uses without compromising pedestrian/bicyclist safety and the quality of the streetscape environment.**

### Standards

- (3) ***Bicycle Space Required Number:*** The minimum number of required bicycle parking spaces shall be one bicycle space for every 20 off-street vehicular parking spaces. Single-family dwelling units shall be exempt from all bicycle parking requirements.
- (4) ***Bicycle Space Dimensions:*** Bicycle spaces shall be a minimum of six feet long and 2.5 feet wide, and shall provide an overhead minimum clearance of seven feet in covered spaces. A minimum five-foot-wide clear aisle shall be provided between each row of bicycle parking spaces.
- (5) ***Bicycle Parking Locations:*** Bicycle parking shall be located proportionally at each public entrance within a development.
  - (a) **Parking Structures:** Required bicycle parking within a structure shall be located in main entrances or near elevators.
  - (b) **On-Site:** Bicycle parking not located within a parking structure shall be located on-site within 50 feet of main building entrances. Bicycle parking shall not obstruct walkways.
  - (c) **Right-of-Way:** Bicycle parking may be located in the public right-of-way with the approval of SHA, DPW&T, and the Town of Capitol Heights.
  - (d) **Building:** Bicycle parking located within a building shall be easily accessible for bicyclists.
- (6) ***Bike Parking Security***
  - (a) **Bicycle racks:** Secure stationary racks shall be provided that are anchored/bolted to the ground for security of bicycle property.
  - (b) **Bicycle locker:** Lockable enclosures shall be provided for the storage of bicycles for security of bicycle property.

- (7) ***Bike Parking Access:*** Bicycle parking shall have direct access to the public right-of-way.

It should also be noted that the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* includes the following strategy regarding crosswalks along Davey Street:

**Davey Street:** Install new signals and crosswalks on Davey Street between Southern Avenue and East Capitol Street to improve pedestrian access to the Metro station.

The 2009 *Approved Countywide Master Plan of Transportation (MPOT)* reaffirms the need for sidewalks as frontage improvements are made by including several policies related to pedestrian access and the provision of sidewalks. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

**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.**

Standard or wide sidewalks are required along all road frontages and all internal roads. Due to the site's location directly across the street from Metro, wide sidewalks appear to be appropriate. At the time of preliminary plan, streetscapes meeting the standards of the TDDP should be included along Davey Street, Southern Avenue, Akin Avenue and the internal road proposed. Both bicycle racks and lockers may also appropriate. Both Southern Avenue and Davey Street are used as major pedestrian routes to Metro, with one of the main pedestrian walkways on the Metro property beginning at the Davey Street and Southern Avenue intersection opposite the subject site.

**Trail Major Issues:**

- (1) Because the site is in the Capitol Heights Metro Center and the Central Avenue Corridor, it will be subject to the requirements of Section 24-124.01 and the "Transportation Review Guidelines, Part 2, 2013" at the time of preliminary plan. The cost cap for the off-site improvements will be based on Section 24-124.01(c), which is copied below:

**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.**

- (2) Sidewalks are appropriate along all road frontages consistent with the standards of the TDDP. Wide sidewalks are appropriate along Davey Street and Southern Avenue in order to accommodate pedestrians walking from the site to Metro. Recommendations regarding sidewalk widths and treatments will be made at the time of preliminary plan and DSP.
- (3) Bicycle parking (racks and lockers) should be provided on-site, consistent with the TDDP. The number and location of these facilities will be determined at the time of preliminary plan and/or DSP.
- (4) Southern Avenue is entirely under the ownership of the District of Columbia, coordination with the District Department of Transportation (DDOT) is necessary for frontage improvements along that road. Improvements made along that road will be coordinated at the time of preliminary plan. For the purposes of the BPIS and preliminary plan review, it may be appropriate to show the frontage improvements along Southern Avenue as approved by the District Department of Transportation (DDOT), with confirmation that the improvements within the right-of-way have been agreed to by the operating agency. M-NCPPC, Transportation Planning Section, has already discussed the case with DDOT and will be coordinating the improvements along Southern Avenue at the time of preliminary plan.

The sidewalk network and compliance with the development standards and guidelines of the TDDP will be evaluated at the time of preliminary plan and DSP. All frontages improvements and internal roads should comply with the standards included in the DDOZ. The BPIS should be submitted at the time of preliminary plan, consistent with Section 24-124.01.

- e. **Environmental Planning**—The Planning Board reviewed the above referenced CSP and TCP1 stamped as received on October 21, 2016.

The applicant is requesting approval of a CSP and TCP1, rezoning, and future construction of a mixed-use development consisting of residential and retail/commercial space.

#### **Grandfathering**

The project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new CSP and there are no previous TCP approvals.

#### **Site Description**

The 5.05-acre site is located on the District of Columbia boundary fronting on the south side of Davey Boulevard, across from the Capitol Heights Metro Station, and between

Southern Avenue (located in the District of Columbia) and Akin Avenue. Currently two single-family dwellings occupy the property. A review of the available information indicates that there are no streams located on the site. The site drains to an unnamed tributary of Watts Branch, which ultimately flows through the District of Columbia to the Anacostia River. The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey is the Christiana-Downer complex. According to available information, Marlboro Clay does not occur on or in the vicinity of this site. The Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources, Natural Heritage Program, shows no rare, threatened, or endangered species found to occur on, or near this property. No forest interior dwelling species (FIDS) habitat or FIDS buffer are mapped on-site. The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. The 2005 *Approved Countywide Green Infrastructure Plan* shows that none of the three network features (regulated, evaluation or network gap areas) are present on the property.

#### **Natural Resources Inventory Plan/Existing Features**

The application has an approved Natural Resources Inventory (NRI), NRI-047-2016, signed on March 15, 2016. The NRI verifies that woodlands and 15 specimen trees are present on the subject property. The TCP1 and the CSP show all the required information correctly in conformance with the NRI. No revisions are required for conformance with the NRI.

#### **Noise**

Davey Street, and Akin Avenue, within Prince George's County are classified as local roads. Southern Avenue, located within District of Columbia is classified by the District Department of Transportation (DDOT) as a minor arterial road. The posted speed on Southern Avenue is 25 miles per hour. According to the Environmental Planning Section's noise model and using the Average Daily Traffic (ADT) from DDOT, the 65dBA Ldn noise contour will not impact this site. A noise study will therefore, not be required at this time.

#### **Soils**

The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Christiana-Downer complex (15-25 percent slopes) and the Urban-Land Christiana complex (0-15 percent slopes). Based on available information, Marlboro clay is not mapped on, or in the vicinity of this property. With Christiana complexes mapped on-site, the County may require a soils report in conformance with Prince George's County Council Bill CB-094-2004 during the building permit review process. This information is provided for the applicant's benefit.

### **Stormwater Management**

An approved stormwater management concept plan and approval letter was submitted with the subject application. Stormwater Management Concept Plan 29895-2016-00 was approved on September 22, 2016 with conditions of approval requiring micro-bioretenion, planter boxes, green roof and underground storage facilities. The concept approval expires September 22, 2019. The approval shows that based on this proposal, the applicant will be required to pay a stormwater management fee of \$5,493.00 towards providing on-site attenuation/quality control measures. This fee-in-lieu is subject to change during the technical review.

The worksheet submitted with the TCP1 is based on the current zoning designations, C-S-C and R-T. The CSP application includes a statement of justification for a rezoning request to change the designation to M-X-T. Based on the current proposal, the rezoning of the site to M-X-T would result in a reduction in the required woodland conservation, from 2.29 acres to 2.11 acres. The proposed request will not significantly impact the woodland conservation requirement.

The Planning Board found that certain conditions of approval were necessary as part of the review of the subject application, specifically Conditions 2 and 3.

- f. **Prince George's County Health Department**—The Environmental Engineering Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the CSP and the Planning Board reviewed their conclusions as noted below:

- (1) As a water conservation measure, the developer should consider design for and implementation of water reuse practices for the proposed buildings and landscaping on the site.

The above comment is noted and has been transmitted to the applicant.

- (2) Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.

The pedestrian system will be fully evaluated during the preliminary plan and DSP process.

- (3) The public health value of access to active recreational facilities has been well documented. Future plans should include details regarding the location of active recreational facilities within one-quarter mile of the proposed office buildings and/or residences or designate commercial space for recreational activities.



Mandatory dedication and/or private recreational facilities will be determined at the time of preliminary plan.

- (4) Living in proximity to green space is associated with reduced self-reported health symptoms, better self-rated health, and higher scores on general health questionnaires. The site proposes the implementation of “green roofs;” this will be an added health benefit to the surrounding community.

Planning Board concurs with the above comment and it has been transmitted to the applicant.

- (5) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the role of public health in improving quality of life. The developer should consider setting aside space for a community garden.

The above comment is noted and has been transmitted to the applicant.

- (6) Research shows that access to public transportation can have major health benefits. It can be good for connectedness and walkability. The site location is within a one-quarter mile radius from the Capitol Heights Metro Station.

The above comment is noted and has been transmitted to the applicant.

- (7) There are no existing carry-out/convenience store food facilities and grocery store/markets within a one-half mile radius of this site. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. Future plans should include designated commercial space for retail facilities offering healthy food choices to occupants/residents of the area.

Zoning cannot mandate the type of tenant and this comment has been transmitted to the applicant.

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

The above comment is noted and has been transmitted to the applicant.

- (9) During the construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Future plans should indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

The above comment is noted and has been transmitted to the applicant.

- g. **Historic Preservation**—The Planning Board found that there are two structures on the subject property. According to tax records, 36 Akin Avenue was built in 1949 and 56 Akin Avenue was constructed in 1957. The remainder of the subject property is vacant and contains steep slopes. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Phase I archeology survey is not recommended on the subject property. This proposal will not impact any historic sites, historic resources or known archeological sites.

- h. **Washington Metropolitan Area Transit Authority (WMATA)**—In a letter dated November 21, 2016, Steven A. Teitelbaum, Senior Real Estate Advisor, WMATA provided the following comments relating to the proposed CSP:

“WMATA was the seller of part of the land that is included in the proposed project. As part of that sale, the buyer committed to develop a portion of the property – the portion we sold and some additional land- for approximately 100,000 square feet of multifamily, office and/or hotel use and approximately 14,500 square feet of retail use, and to more generally comply with transit-oriented principles. A covenant to that effect was recorded in the County land records. A copy of that covenant is attached for our reference; see Section 2.1 on page 5.

“We are not able to confirm from the Conceptual Site Plan that the proposed project complies with that covenant. We have previously informed the applicant of this but have not had any response.

“Although the covenant is a matter between WMATA and the landowner, we would appreciate it if you would keep this covenant in mind as you review the project. Approving a project that (potentially) violates a use covenant seems wasteful. We would, of course, be happy to be shown that the proposed Conceptual Site Plan does not violate the covenant.”

The subject CSP has been submitted primarily to request the rezoning of the property in accordance with Section 27-548.09.01 of the Zoning Ordinance. This process allows an applicant to determine if the zoning of the property will be approved prior to the design and engineering of the project that will occur at the time of the DSP process. The covenant is not an issue before the Planning Board or the District Council. The only required findings is that the rezoning to the M-X-T Zone is in conformance with the TDDP,

specifically, the Metro Station Core and the medium residential character areas as described in the TDDP, which allows for the dense compact development that is anticipated and desired by the Planning Board. Additional review regarding the site development will be carried out at time of DSP.

- i. **Prince George’s County Department of Parks and Recreation (DPR)**—DPR did not respond to the referral request.
  - j. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not respond to the referral request. The applicant must meet DPIE’s requirements through their separate permitting process.
  - k. **Prince George’s County Police Department**—The Police Department did not respond to the referral request.
12. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
13. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:
- (4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).**

The Planning Board noted that there does not appear to be any regulated environmental features on the subject property. Additional review of the proposed impacts is required at the time of preliminary plan review.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and:

- A. The Planning Board recommends to the District Council the APPROVAL of the request to rezone the property from the Commercial Shopping Center (C-S-C) and Townhouse (R-T) Zones to the Mixed Use–Transporation Oriented (M-X-T) Zone.
- B. The Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1-008-2016), and further APPROVED Conceptual Site Plan CSP-16004 for the above-described land, subject to the following conditions:

1. Total development within the subject property shall be limited to uses which generate no more than 216 AM peak hour trips and 285 PM peak hour trips. Any development generating an impact greater than that identified herein-above shall require a new determination of the adequacy of transportation facilities.
2. Prior to certificate approval, the following information and revisions shall be provided:
  - a. Revise the coversheet and the existing conditions plan to be consistent in the reflection of the acreage of the subject property as shown on the record plat.
  - b. The Type 1 tree conservation plan shall be revised as follows:
    - (1) Add "TCP1-008-2016" to the title and to the approval block.
    - (2) Show the 0.27 acre of "woodland retained but not credited" as removed.
    - (3) Revise TCP Note 7 to remove "developed tier" and replace with "Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan.*"
    - (4) Have the revised plan signed and dated by the qualified professional preparing the plan.
3. Prior to approval of the preliminary plan of subdivision, a Subtitle 25 variance application shall be submitted for the removal of the 15 specimen trees. The application shall include a condition analysis of each tree to be removed and a statement of justification to address the required findings of Section 25-119(d).

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

\* \* \* \* \*

PGCPB No. 17-04  
File No. CSP-16004  
Page 37

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, Doerner, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 5, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of January 2017.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:SHL:rpg