

R E S O L U T I O N

WHEREAS, JSF Management, LLC is the owner of a 1.09-acre parcel of land known as Lot 7, said property being in the 2nd Election District of Prince George's County, Maryland, and being zoned Mixed Use-Infill (M-U-I) and is within a Development District Overlay (D-D-O) Zone); and

WHEREAS, on June 16, 2020, JSF Management, LLC filed an application for approval of a Final Plat of Subdivision for 1 Parcel; and

WHEREAS, the application for approval of the aforesaid Final Plat of Subdivision, also known as Final Plat 5-19004 for Grayling (Lot 7, WWW 38-16), 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 July 9, 2020, 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; and

WHEREAS, July 9, 2020, the Prince George's County Planning Board approved 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 Final Plat of Subdivision 5-19004, (Grayling, Parcel A) including a Variation from Section 24-121(a)(3), for 1 parcel with the following conditions:

1. Total development within the subject property shall be limited to uses that would generate no more than 15 AM and 24 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
2. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
3. Prior to the approval of any building permit for development within the subdivision, the applicant, their heirs, successors, and/or assigns shall show that all required off-site adequate pedestrian and bikeway facilities listed below 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 agency.

- a. A “shelter-ready” bus stop location for the bus stop at 68th Avenue and MD 450 (Annapolis Road), in accordance with the Department of Permitting, Enforcement and Inspections (DPIE) and Department of Public Works and Transportation (DPW&T) Standards, and
- b. A bus-shelter at the bus stop at 68th Avenue and MD 450 (Annapolis Road) in accordance with DPW&T practices.

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 currently known as Lot 7, recorded in 1960 in Plat Book WWW 38-16 and is located on the south side of MD 450 (Annapolis Road), at the intersection with 68th Avenue. The property is zoned Mixed Use-Infill (M-U-I) and is within a Development District Overlay (D-D-O) Zone, subject to the 2010 *Approved Central Annapolis Road Sector Plan and Sectional Map Amendment* (Central Annapolis Road Sector Plan and SMA). The site is currently improved with a 2,350 square foot day care, which is to be razed and the site is to be redeveloped with approximately 131,400 square feet of industrial development and 1,006 square feet of general office space. The site is approximately 1.09 acres and the subject application is a final plat for resubdivision of the property, as required by Section 24-111(c) of the Prince George’s County Subdivision Regulations, in this case for the development of more than 5,000 square feet of gross floor area.

Section 24-111(c) requires a final plat of subdivision approved prior to October 27, 1970 to be resubdivided, prior to issuance of a building permit, unless meeting one of the exemption criteria outlined in Section 24-111(c)(1)–(4). The subject lot does not meet any of the exemptions and, therefore, is required to be resubdivided. Further, Section 24-111(c) provides that a final plat submitted for resubdivision, without modifications, shall be approved by the Prince George’s County Planning Board if it is found that adequate public facilities exist or are programmed for the area within which the subdivision is located, as defined in Divisions 3 and 4 of Subtitle 24.

This final plat application was submitted in accordance with the requirements of Section 24-111(c) with a concept plan, which proposes to construct a consolidated storage facility of 131,400 square feet with 1,006 square feet of general office space. The submitted concept plan is for the sole purpose of determining adequacy and is not an approved plan. The site has frontage on MD 450, a master plan arterial roadway. Section 24-121(a)(3) of the Subdivision Regulations requires that sites adjacent to an arterial roadway not access those roads directly and, instead, be designed to front on an interior or service road. This application includes a variation for direct access onto MD 450, as discussed further. Adequate public facilities were found to exist based on the findings and conditions set forth below.

3. **Setting**—The property is located on Tax Map 51, Grid C-2, in Planning Area 69. The site is bounded to the north by a car wash and to the south by a commercial shopping center, both in the M-U-I and D-D-O Zones. MD 450 abuts the subject property to the west and multifamily development in the Multifamily Medium Density Residential (R-18) Zone abuts the site to the east.
4. **Development Data Summary**— The following information relates to the subject final plat of subdivision application.

| | EXISTING | APPROVED |
|-----------|-----------------|---------------------|
| Zone(s) | M-U-I/D-D-O | M-U-I/D-D-O |
| Use(s) | Commercial | Industrial |
| Acreage | 1.09 | 1.09 |
| Lots | 1 | 0 |
| Parcels | 0 | 1 |
| Variance | No | No |
| Variation | No | Yes 24-121(a)(3) |

The variation from Section 24-121(a)(3) of the Subdivision Regulations was received on November 8, 2019 and heard on December 2, 2019 at the Subdivision and Development Review Committee meeting, as required by Section 24-113(b) of the Subdivision Regulations, as a companion request to the final plat of subdivision.

2. **Trails**—The subject site had a previously approved detailed site plan (DSP) for the existing day care center and is currently the subject of DSP-19001, approved by the Planning Board on January 23, 2020 (PGCPB Resolution No. 20-11) and pending District Council review, for the proposed industrial development. The site is covered by the 2010 *Approved Central Annapolis Road Sector Plan* (area master plan) and is located on Annapolis Road (MD 450) at its intersection with 68th Avenue.

Sector Plan Review

The subject site fronts on MD 450 (Annapolis Road), which is a master plan arterial roadway. The area sector plan describes the roadway as a “mixed-use arterial” (page 141). The D-D-O Zone of the area sector plan includes specific streetscape recommendations that impact the subject site frontage at mid-term, long-term, and final improvements.

The existing right-of-way along the subject property’s frontage is 110 to 120 feet in width. The applicable cross section in the sector plan indicates that the entire publicly owned portion within the ultimate mixed-use arterial recommendation can be accommodated within the existing right-of-way. The area master plan also recommends pedestrian improvements that are outside of the public right-of-way. The proposed development, as depicted in DSP-19001, includes sidewalk facilities and does not preclude the ultimate implementation of the mixed-use arterial, as recommended in the area master plan.

No additional right-of-way is required to conform to the area master plan requirements.

Adequate Public Pedestrian and Bikeway Facilities

The subject site is within the Annapolis Road corridor and the final plat application is subject to the requirements of Section 24-124.01, Adequate Public Pedestrian and Bikeway Facilities in County Centers and Corridors, of the Subdivision Regulations. A scoping meeting between the applicant and staff was held on November 12, 2019. The cost cap for the subject site is \$46,526.55.

The applicant proffered to provide a bus shelter at the intersection of MD 450 and 68th Avenue.

There are existing sidewalks along MD 450 and the intersection closest to the subject site is signalized and includes marked crosswalks on three-legs. The bus stop at this intersection has adequate right-of-way for a bus shelter, but does not have a shelter in place. Bus shelters are an important component of convenient transit that not only make transit use more comfortable, but also safer for transit users who can wait for buses in a lighted area that is also relatively protected from the elements.

The proffered off-site improvement will improve transit use to and from the subject site. A shelter at this location will be used by residents and visitors in the surrounding area and can be used by future employees or visitors to the subject site. Pursuant to Section 24-124.01, there is a demonstrated nexus between the proffered improvements for the proposed development and nearby destinations.

This bus stop site shall be made shelter ready, per DPW&T specifications and a shelter shall be provided at this location at time of the initial building permit. DPW&T Office of Transit has indicated that the applicant can coordinate with the County's contractor to provide the bus shelter. These improvements reflect the minimum facilities necessary for adequacy in the surrounding area and are within the cost cap, pursuant to Section 24-124.01.

3. **Transportation**—The subject property is located within Transportation Service Area 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:

Links and Signalized Intersections: Level of Service E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

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.

For two-way stop-controlled intersections a three-part process is employed:
(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.

For all-way stop-controlled intersections a two-part process is employed: (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.

Analysis of Traffic Impacts

This application is a plat of resubdivision for a plan that proposes industrial uses. The trip generation is estimated using trip rates and requirements in the “Transportation Review Guidelines, Part 1” (Guidelines). The table below summarizes trip generation in each peak-hour that was used in reviewing traffic for the site:

| Trip Generation Summary: 5-19004: JSF Annapolis Road | | | | | | | | |
|---|---------------------|---------------|---------------------|------------|------------|---------------------|------------|------------|
| Land Use | Use Quantity | Metric | AM Peak Hour | | | PM Peak Hour | | |
| | | | In | Out | Tot | In | Out | Tot |
| Consolidated Storage | 131,400 | Square feet | 8 | 5 | 13 | 10 | 12 | 22 |
| General Office | 1,006 | Square feet | 2 | 0 | 2 | 0 | 2 | 2 |
| Total Proposed Trips for 5-19004 | | | 10 | 5 | 15 | 10 | 14 | 24 |

An October 2019 traffic impact memorandum containing current counts was submitted and accepted as part of this plat of resubdivision. The following tables represent results of the analyses of a critical intersection under existing, background, and total traffic conditions:

| EXISTING TRAFFIC CONDITIONS | | | | |
|------------------------------------|---|-----|--|---|
| Intersection | Critical Lane Volume (AM & PM) | | Level of Service (LOS, AM & PM) | |
| | | | | |
| MD 450 and 68th Avenue (North) | 695 | 574 | A | A |

The critical intersection identified above is not 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 a listing of three approved developments in the area. A 1.0 percent annual growth rate for a period of two years has been assumed for MD 450. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

| BACKGROUND TRAFFIC CONDITIONS | | | | |
|--------------------------------------|---|-----|--|---|
| Intersection | Critical Lane Volume (AM & PM) | | Level of Service (LOS, AM & PM) | |
| | MD 450 and 68th Avenue (North) | 724 | 645 | A |

The following critical intersection identified above, when analyzed with the programmed improvements and total future traffic, as developed using Guidelines, including the site trip generation as described above and removing the trips associated with the current use that are entering and leaving the site, operates as follows:

| TOTAL TRAFFIC CONDITIONS | | | | |
|---------------------------------|---|-----|--|---|
| Intersection | Critical Lane Volume (AM & PM) | | Level of Service (LOS, AM & PM) | |
| | MD 450 and 68th Avenue (North) | 721 | 633 | A |

The table above notes no inadequacy in either peak hour. A trip cap, consistent with the trip generation assumed for the site, of 15 AM and 24 PM peak-hour vehicle trips, shall apply to the site.

Master Plan Site Review

The site is adjacent to MD 450, a master plan arterial roadway. It is recommended in the Central Annapolis Road Sector Plan and SMA to be a mixed-use arterial (page 141). It is described as a multiway boulevard (page 49), and page 46 cites the need for “establishing a public use easement for streetscape improvements outside of the public right-of-way maintained by the State Highway Administration (SHA).” In terms of establishing dedication, the intent is clearly to ensure that sufficient right-of-way is available for the needed public right-of-way, with needed service roadways to be located within the public use easement, pursuant to DSP review, as required by the sector plan standards. The existing right-of-way along the subject property’s frontage is 110 to 120 feet in width. The applicable cross section in the sector plan indicates that the entire publicly owned portion within the ultimate multiway recommendation can be accommodated within the existing right-of-way. Therefore, it is determined that the MD 450 right-of-way is acceptable as shown, and that the plat of resubdivision does not conflict with the sector plan requirements.

Access to the site is provided from MD 450 by means of a private driveway into the site. A variation request for access from MD 450 by means of a single driveway has been supplied and reviewed. Section 24-121(a)(3) requires that lots proposed on land adjacent to an existing or proposed planned roadway of arterial or higher classification be designed to front on either an interior street or service roadway. The parcel has been deemed to not meet this requirement. This application includes a variation pursuant to Section 24-113. There are four criteria that must be met for this variation to be approved. The criteria, with discussion, are noted below:

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

MD 450 is an arterial roadway. It is built to arterial standards and divided by a median. The vehicular access will occur at a full access point on the south leg of a four-way signalized intersection. Two access points that serve the site are being consolidated into a single access point. The two access points have existed since the 1960s. The applicant stated that the use would generate fewer trips than the preceding use, and that is true. It is generally considered that one access point is a better and safer situation than the two that exist, and the placement of the access point as the fourth leg of a signalized intersection is acceptable. Consequently, reducing two driveway points to a single driveway and reducing the number of trips being generated from the property will actually improve traffic operations. Therefore, granting the variation will not be detrimental to public safety, health, or welfare. Granting the variation will also not be injurious to any other properties in the area.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The applicant contended that denying the access to MD 450 “would effectively prevent development of the property” given that MD 450 presents the only public street access for the site. There is no other apparent means for the site to obtain public street access, as all adjacent properties are developed. The existing day care facility, which generates more traffic than the consolidated storage facility, will be razed and its two existing points of access via existing driveways onto MD 450 will be reduced to a single point of access. This presents a situation which is unique to the property.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The variation pursuant to Section 24-113 is unique to the Subdivision Regulations and under the sole authority of the Planning Board. This variation request was reviewed by the Prince George’s County Planning Department Transportation Planning Section and was referred to the Maryland State Highway Administration (SHA) and the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE). No objection to this request was received from the referred agencies. Access to MD 450 is regulated by SHA, and the access will be reviewed in detail under the access permit process for SHA. Therefore, the variation will not violate any other applicable law, ordinance, or regulation.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

The property has no other frontage on a public road other than MD 450. Therefore, failing to grant this variation would result in creating a situation where the property could

not be redeveloped. This would result in a peculiar and particular hardship to both the owner and the contract purchaser. In essence, the property would be substantially diminished in value and in utility.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is in the M-U-I Zone, and therefore this criterion is not applicable.

The site is unique to the surrounding properties and the variation is supported by the required findings herein. The approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which, in part, is to ensure that public utilities are available to serve the site. By having the single access serve the site, the planning and design requirements codified in Section 24-121 would be served by the configuration.

Based on the preceding findings, adequate transportation facilities will exist to serve the resubdivision, as required, in accordance with Section 24-124.

4. **Public Facilities**—In accordance with Division 3 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated December 9, 2019 (Thompson to Conner), incorporated by reference herein. The development is exempt from a review of school facilities because it is a nonresidential use.
5. **Referral and Comments from other Entities**—The requested variation was referred to DPIE and SHA. None of the referred agencies objected to the approval of this application.
6. **Planning Board Hearing**—At the Planning Board hearing on July 9, 2020, the applicant's attorney, Edward Gibbs, entered two items into the record. Applicant's Exhibit 1 is a letter, dated July 8, 2020, outlining additional information relevant to the site's transportation analysis, and Applicant's Exhibit 2 contained proposed condition revisions. It is noted that during the hearing, Mr. Gibbs expressed concern that a permit will not be required for the bus shelter if DPIE's contractor builds the shelter, and did not want to be in a situation where a permit is requested but not issued as a function of DPIE's processes. It is acknowledged that the DPIE process for financial surety and construction of BPIS facilities required by this application satisfies the requirements of Section 24-124.01. He also clarified that the bus shelter location will be on the southbound side of MD 450 and not the northbound side, and will ultimately remain in the vicinity of 68th Avenue and MD 450.

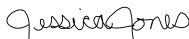
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 9, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of July, 2020.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY, David S. Warner /s/, M-NCPPC Legal Department, July 31, 2020