

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed 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 November 10, 2016 regarding Detailed Site Plan DSP-16006 for LIDL, Suitland, Expedited Transit-Oriented Development, the Planning Board finds:

1. **Request:** The detailed site plan is for the development of a site to construct a 31,400-square-foot food and beverage store.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T/D-D-O	M-X-T/D-D-O
Use(s)	Vacant	Food and Beverage Store
Acreage	4.28	4.28
Parcels	1	1
Gross Floor Area (GFA) (sq. ft.)	-	31,400

OTHER DEVELOPMENT DATA

Parking Requirements per the Sector Plan

Uses	Maximum Surface Spaces Allowed*
Retail (31,400 sq. ft. @ 2.75 spaces per 1,000 sq. ft.)	87
Total	87

Parking Spaces Provided

Standard @ 10 feet x 19 feet	132
Standard Handicapped	4
Van-Accessible Handicapped	2
Total	138*

Loading Spaces Required (Section 27-582)**	2
Retail and service (1 space /2,000 sq. ft. to 10,000 sq. ft. of GFA)	1
+ (1 space / 10,000 sq. ft. to 100,000 sq. ft. of GFA)	1
Provided	2

Notes: *Per the D-D-O Zone standards, there is no minimum off-street parking requirement, only a maximum allowed surface parking ratio, which the proposed development exceeds. This is discussed further in Finding 7 below.

**The applicable D-D-O Zone does not have a standard for required loading spaces; therefore, the requirements of the Zoning Ordinance apply. In accordance with the requirements of Sections 27-574 and 27-583 of the Zoning Ordinance, loading facilities in the M-X-T Zone do not have specific number requirements, but rather are decided by the Planning Board at the time of DSP review and approval. The applicant has decided to provide the loading spaces for the retail store use as required by Section 27-582, and the Planning Board approved it.

3. **Location:** The site is located on the east side of Branch Avenue (MD 5) and in the southeast quadrant of the intersection of Curtis Drive and Branch Avenue. The property is located in Planning Area 76A and Council District 7.
4. **Surrounding Uses:** The vacant, wooded site is completely surrounded by public rights-of-way. To the west is Branch Avenue, with commercial uses in the C-S-C (Commercial Shopping Center) Zone beyond; to the south is Aberdeen Street, with single-family detached houses in the R-55 (One-Family Detached Residential) Zone beyond; to the east is Scottish Avenue with single-family detached houses in the R-55 Zone and a multifamily residential complex in the R-18 (Multifamily Medium Density Residential) Zone beyond; and to the north, by Curtis Drive with a commercially-developed property in the M-X-T Zone. All of the adjacent properties are in the Development District Overlay (D-D-O) Zone found in the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (Southern Green Line Station Area Sector Plan and SMA).
5. **Previous Approvals:** The 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (Southern Green Line Station Area Sector Plan and SMA) retained the property's M-X-T zoning and superimposed a D-D-O Zone over the subject property. A Final Plat of Subdivision, 5-16011, was approved by the Planning Board on July 7, 2016 (PGCPB Resolution No. 16-85), but has not yet been recorded in the land records. The subject property has a Stormwater Management Concept Plan 47864-2015-00, which was approved on May 18, 2016 and is valid until May 18, 2019.
6. **Design Features:** The applicant is proposing a one-story, 31,400-square-foot grocery store oriented toward Branch Avenue. Access to the site is via a right-in, right-out driveway from Branch Avenue, and a two-way driveway from Scottish Avenue. The building is located in the southeast corner of the site, with the main entrance facing to the northwest, and parking is

provided along the entire frontage of Branch Avenue, to the west and north of the building. Loading spaces and a trash enclosure are provided in the southwest corner of the building. Due to the large change in grade from the southeast corner of the property to the northwest, retaining walls are shown along multiple frontages. A zero- to nine-foot-high retaining wall is shown between the parking lot and Scottish Avenue in the northeast of the property and a large zero- to 23-foot-high retaining wall wraps the entire southern end of the property, along the Scottish Avenue, Aberdeen Street and Branch Avenue frontages. Micro-bioretenion facilities and bioswales are shown between the retaining walls and the Branch Avenue and Curtis Drive frontages of the property.

At the Planning Board hearing, the applicant presented an exhibit (Applicant's Exhibit #1) showing a revised site plan with the proposed driveway onto Scottish Avenue being moved north, towards Curtis Drive. The intent was to address citizens' concerns regarding traffic by moving the vehicular access point further away from existing homes on the other side of the street. This change will reduce the amount of proposed parking spaces. The Planning Board found to allow this change to be made on the site plan prior to certification. The applicant also stated, for the record, that they are working with the citizens regarding truck access and traffic calming near the property, hoping to resolve existing traffic issues.

Architecture—The building design is primarily distinguished by the sloping asymmetric roofline that frames the front glazed façade, which faces north into the parking lot area. The roofline slopes from west (at almost 30 feet in height) to east (at approximately 17 feet in height) and is constructed of thermoplastic. The front (north) façade consists of a full glazed window treatment with brick and a cast stone sill wrapping around the building on one side. All other sides of the building are clad with a combination of brick and stucco in a complementary color scheme. On the west elevation, facing Branch Avenue, a band of clerestory windows are set apart from the curving roof structure. Brick panels are provided at both ends that anchor the structure to the ground. Other LIDL stores recently approved in the County included brick panels in the center section of this façade as well. Therefore, a condition has been included in this approval requiring this change. On the east elevation a narrow row of windows are provided along the upper expanse over a stucco finish. A brick panel anchors the building at one end. The southern elevation, which is oriented toward the proposed retaining wall, consists of a brick watertable with a contrasting cast stone sill that transitions to the stucco panels above.

Signage—The applicant submitted a sign plan that includes freestanding and building-mounted project identification signage. The applicant is proposing two internally-lit, building-mounted, signs consisting of yellow, blue and red colors with the brand logo, each with approximately 67.3 square feet sign face area, on the north and west elevations. The applicant is also proposing one monument sign at the northern end of the site along the Branch Avenue frontage. The 19-foot-high gray sign is made of aluminum panels with a sloping roof feature and features an internally-lit, approximately 67.3-square-foot logo panel, with a color combination of yellow, blue, and red. The applicable D-D-O has no standards regarding signage, therefore the applicable regulations in the Zoning Ordinance apply. In the M-X-T Zone, the design standards for all building-mounted and freestanding signs shall be determined by the Planning Board at the time of

DSP review. The Planning Board found that the proposed signage is appropriate in size, type, and design, given the proposed location and the use.

Lighting—The applicant is specifying standard downward-facing light for the two single and six double light poles to be provided in the parking lot. The 12- wall-mounted lights are also of a very utilitarian design. The Photometric Plan provided with this application shows no light spillage onto the nearby residential properties.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2014 Approved Southern Green Line Station Area Sectional Map Amendment and the standards of the Development District Overlay (D-D-O) Zone:** The 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (Southern Green Line Station Area Sector Plan and SMA) defines long-range land use and development policies, detailed zoning changes, and establishes design standards and a Development District Overlay (D-D-O) Zone for the area. The sector plan recommends flexible future land use on the property and development as a neighborhood commercial center. The proposed food and beverage store use is permitted in the M-X-T Zone within one-half mile of a metro station as listed in the D-D-O Zone Use Table. The sector plan's associated D-D-O Zone has an impact on the development application for this property, as the property is within one-half mile of the Metro station and will need to adhere to the Naylor Road Urban Design Standards. As mentioned in the D-D-O Zone, for development standards not covered in the standards, the Zoning Ordinance and the 2010 *Prince George's County Landscape Manual* apply.

The development district standards under the Naylor Road Station area have multiple sections; some of which do not apply to the subject development. The sections titled "Street Design Standards" and "Block Standards" do not apply as the proposed development is not creating any new public, private streets or blocks. The "Good Hope Avenue Shopfront Area Standards" section does not apply as the subject property does not have any frontage on Good Hope Avenue. The remaining sections apply and are discussed as follows:

Building Location: Build-To-Zone (BTZ) and Build-To-Line (BTL)

This standard states that all buildings "should" be located to meet a build-to-line (BTL) established by a minimum and maximum distance from the street curb. It then says for the Naylor Road Station Subarea the build-to-zone shall be a minimum of 15 feet to a maximum of 30 feet from the curb. Therefore, this requirement is discretionary and not mandatory. The proposed commercial building is setback more than 130 feet from the Branch Avenue right-of-way, in addition to a distance from the street curb to the right-of-way line. This is due to the need to have convenient parking and to accommodate the large grade changes on-site. The sector plan envisioned flexibility for this site, which is far away from the metro station area, to support development interest in the area. Therefore, the proposed building setback is acceptable.

Building Height Standards

The standards in this section indicate that there are no maximum building heights in this area and only set a minimum building height within the 'Naylor Triangle,' between Suitland Parkway and the Metro station, Oxon Run Drive, Naylor Road, and Branch Avenue (MD 5), which does not include the subject property. Therefore, the subject DSP meets the applicable standards in this section.

Parking Standards

This section has multiple standards which apply to the subject application. The standards regarding shared parking facilities, off-site surface, and structured parking do not apply as they are not proposed in this application. The submitted DSP requests two amendments to these standards for surface parking between the building façade and the curb and providing more than the maximum surface parking ratio allowed. The maximum surface parking ratio allowed for this stand-alone commercial development is 2.75 per 1,000 gross square feet, which would result in approximately 86 parking spaces. The submitted DSP proposes 138 surface parking spaces, which is approximately 4.4 per 1,000 gross square feet.

The applicant argues that the majority of the proposed parking spaces will not be located between the building façade and curb, but that some needs to be in order to be convenient to the main building entrance. Additionally, the applicant argues that a grocery store at this location is dependent primarily on vehicular access, as well as pedestrians, and therefore requires the additional parking.

The Planning Board found that, with the grade change and intervening distance, wall, and landscaping, there will be limited visibility of the surface parking from the roadways. Given the far distance from the metro station, almost one-half of a mile, and the adjacent residential community, it is supportable to provide more on-site parking than the maximum allowed to ensure there is no spillover parking within the community and to provide the majority of the parking along the Branch Avenue frontage, away from the existing neighborhoods. Therefore, the Planning Board approved the requested amendments.

8. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-X-T Zone, the requirements for Expedited Transit-Oriented Development (ETOD) Projects, and the requirements of the D-D-O Zone, and the site design guidelines of the Zoning Ordinance:
 - a. The proposed food and beverage store use is a permitted use in accordance with Section 27-547, Uses permitted in the mixed-use zones, of the Zoning Ordinance.
 - b. In accordance with Section 27-107.01(a)(242.2)(B), the DSP is an eligible ETOD project as follows:

(242.2) Transit Oriented Development Project, Expedited: A development proposal, designated for expedited review in accordance with Section 27-290.01 of this Subtitle, where:

- (B) For a constructed Washington Metropolitan Area Transit Authority (“WMATA”) Metrorail station for which there is no approved TDOZ, the subject property has greater than fifty percent (50%) of its net lot area located within a one-half mile radius of the constructed WMATA Metrorail station as measured from the center of the transit station platform**

The subject site has greater than 50 percent of its net lot area located within a one-half mile radius of the Naylor Metro Station platform. Since this development project meets the location criterion, it is designated as an ETOD project.

Section 27-290.01 sets out the requirements for reviewing ETOD projects, including submittal requirements, use restrictions, review procedures, the roles of the Planning Board and the District Council, and the time limit for both Planning Board and District Council actions. Specifically, Section 27-290.01(b) provides the requirements for the uses and design of ETOD projects as follows:

- (b) As a condition of site plan approval, an Expedited Transit-Oriented Development Site Plan shall:**
- (1) Use the best urban design practices and standards, including:**
- (A) Encouraging a mix of moderate and high density development within walking distance of a transit station to increase transit ridership, with generally the most intense density and highest building heights in closest proximity to the transit station and gradual transition to the adjacent areas;**
- (B) Reducing auto dependency and roadway congestion by:**
- (i) Locating multiple destinations and trip purposes within walking distance of one another;**
- (ii) Creating a high quality, active streetscape to encourage walking and transit use;**
- (iii) Minimizing on-site and surface parking; and**

- (iv) **Providing facilities to encourage alternative transportation options to single-occupancy vehicles, like walking, bicycling, or public transportation use;**
- (C) **Minimizing building setbacks from the street;**
- (D) **Utilizing pedestrian scale blocks and street grids;**
- (E) **Creating pedestrian-friendly public spaces; and**
- (F) **Considering the design standards of Section 27A-209.**

The DSP proposes a commercial use within walking distance of a transit station, at a moderate density as it is further away from the Naylor Road Metro station. The DSP maximizes connectivity between the project site and the station by providing sidewalks along all of the site's frontages. Bicycle parking is also provided in front of the store to encourage alternative transportation.

The building setback has been minimized as much as possible given the grade change and street design. No blocks or street grids are being created with the proposed DSP.

The DSP is also consistent with the applicable design principals of Section 27A-209 regarding multimodal transportation options; regulated environmental features, and location of garbage, loading and mechanical spaces away from the street space.

- (2) **Provide a mix of uses, unless a mix of uses exists or is approved for development in the adjacent areas,**

The mix of uses includes the proposed commercial retail use, as well as the existing residential, commercial and institutional uses in the adjacent area.

- (3) **Not include the following uses, as defined in Section 27A-106 or, if not defined in Section 27A-106, as otherwise defined in this Subtitle (or otherwise, the normal dictionary meaning):**

- (A) **Adult entertainment;**
- (B) **Check cashing business;**
- (C) **Liquor store;**
- (D) **Pawnshop or Pawn Dealer;**

- (E) Cemetery;**
- (F) Vehicle and vehicular equipment sales and services (also includes gas station, car wash, towing services, RV mobile home sales, and boat sales);**
- (G) Wholesale trade, warehouse and distribution, or storage (including self-service storage, mini-storage, and any storage or salvage yards);**
- (H) Industrial;**
- (I) Amusement park;**
- (J) Strip commercial development (in this Section, “Strip commercial development” means commercial development characterized by a low density, linear development pattern usually one lot in depth, organized around a common surface parking lot between the building entrance and the street and lacking a defined pedestrian system);**
- (K) Sale, rental, or repair of industrial or heavy equipment;**
- (L) Any automobile drive-through or drive-up service;**
- (M) Secondhand business (in this Section, a “Secondhand business” is an establishment whose regular business includes the sale or rental of tangible personal property (excluding motor vehicles) previously used, rented, owned or leased);**
- (N) Nail salon and similar uses designated as North American Industry Classification System (NAICS) No. 812113, except as an ancillary use;**
- (O) Beauty supply and accessories store (in this Section, a “Beauty supply and accessories store” is a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail.), except as an ancillary use; or**

- (P) Banquet halls, unless accessory to a restaurant, tavern, hotel, or convention center.**

None of the prohibited uses above is included in this DSP.

- (4) Comply with the use restrictions of Section 27A-802(c), and**

Section 27A-802(c) provides restrictions on public utility uses or structures within the Urban Center District and also requires the overall design of those uses and structures to be harmonious with development in general. The site of this DSP is surrounded by existing roadways including Branch Avenue to the west, Scottish Avenue to the east, Aberdeen Street to the South and Curtis Drive to the north. Most of the public utilities serving this site are already installed within the existing roadways and this project only needs to connect to the existing utilities.

- (5) Be compatible with any site design practices or standards delineated in any Master Plan, Sector Plan or Overlay Zone applicable to the area of development. To the extent there is a conflict between the site design practices or standards of subsection (b)(1), above, and those of a Master Plan, Sector Plan or Overlay Zone applicable to the area that is proposed for development under this Section, the site design practices and standards of the Master Plan, Sector Plan or Overlay Zone shall apply.**

The site is within the Naylor Road Station Area of the Southern Green Line Sector Plan. The D-D-O Zone standards approved with the sector plan are in general conformance with those site design best practices or standards of the above subsection (b)(1), including reducing auto-dependency and creating a pedestrian-friendly environment, etc.. The DSP conforms to all of the applicable D-D-O Zone standards, except for two standards, for which the applicant has requested amendments. The Planning Board approved the two amendments because the alternative standards benefit the development and the development district, and will not substantially impair implementation of the sector plan.

- (6) Nothing in this Section shall be interpreted to preclude projects that include the uses described in subsection (b)(3), above, from proceeding without the use of expedited review prescribed in this Section.**

This requirement is not applicable to this DSP.

In conclusion, this DSP is in general conformance with the applicable design guidelines for ETOD projects.

- c. In accordance with Section 27-546 of the Zoning Ordinance, the Planning Board must make the following findings, in addition to the requirements of Section 27-285(b) for approval of a DSP, as follows:

Section 27-546. Site Plans.

- (d) **In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:**

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

The proposed development is in conformance with the purposes of the M-X-T Zone as stated in Section 27-542.

Section 27-542. Purposes.

- (a) **The purposes of the M-X-T Zone are:**

- (1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers 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 project promotes the orderly development of land by designing an organized site for the subject food and beverage store and its ancillary parking in the vicinity of a major transit stop. The project will contribute to the enhancement of the economic status of the County by developing an additional tax-paying, retail establishment and by providing employment opportunities for its citizens.

- (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 2014 Southern Green Line Station Area Sector Plan and SMA identifies the subject property as an area for a grocery store (pg. 133). The sector plan recommends a “flexible approach” to allow for commercial development. The entirety of the subject property is within the “TOD-F,” flexible, designation. The proposed development conforms to these referenced strategies.

- (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 proposed development plan takes full advantage of the development potential inherent in the M-X-T Zone by placing a proposed food and beverage store in close proximity to existing residential uses and major transit lines, including the Naylor Road Metro Station, the Suitland Parkway and Branch Avenue.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**

The subject project proposes a desirable grocery store use in close proximity to existing residential uses and a major metro station to facilitate walking, biking and transit use.

- (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 proposed project will add a commercial use to the existing residential and commercial uses in the area that will combine to create a vibrant 24-hour environment as the patrons will be those who live in, work in and visit the area.

- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;**

The proposal is solely for a commercial land use. However, the larger Naylor Road station neighborhood is proposed to offer office and residential land uses, as well as the existing residential and commercial uses, enabling the subject development to be one of several diverse land uses that will blend together harmoniously in conformance with this requirement.

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

The subject DSP will provide a commercial development component of a larger neighborhood that will create dynamic, functional relationships with the other existing and proposed uses in the larger Naylor Road Station area.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**

Even though this project is not seeking any green building certification at this time, according to the applicant, many green building techniques will be utilized to conserve energy and to reduce water usage, material consumption, and stormwater runoff. The DSP is also providing for public infrastructure improvements, such as sidewalks, along the adjacent roadways.

- (9) To permit a flexible response to the market and promote economic vitality and investment; and**

The M-X-T Zone is one of the mixed-use zones that was created to allow developers maximum flexibility to respond to the changing market. This DSP includes a new food and beverage store that will complement the existing residential and commercial uses to make the area more liveable.

- (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 store building is an architectural prototype for the applicant's series of stores planned for Prince George's County and includes a fully-glazed large front façade framed by a gently curving, asymmetric roofline, which is a signature design element of the store and allows, together with clerestory windows, use of interior natural light. The building is anchored to the ground by solid brick panels, a quality architectural material. Traditional stucco, and exterior insulation finishing system (EIFS), are also employed in the façades to complement the brick and glass. The architecture of the front façade creates visual interest and a pleasing architectural design.

- (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 was originally rezoned from the C-O and R-55 Zones to the M-X-T Zone by the 2008 *Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment*, which defined long-range land use and development policies, detailed zoning changes, and established design standards for the area. The current Southern Green Line Sector Plan established a Development District Overlay Zone with development standards. As discussed in Finding 7 above, the proposed development is consistent with the design standards that are intended to implement the development concept of the sector plan.

- (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 subject site is surrounded by developed public roadways, limiting the ability for physical integration. However, multiple sidewalk connections to the adjacent roads have been provided to integrate the use with the community. The new food and beverage store use will also serve to catalyze community improvement and rejuvenation as it will be a desirable amenity to the nearby residential communities and will be easily accessible by walking, the existing bus routes and the metro station.

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

The majority of existing and proposed development along Branch Avenue in this area is low- to medium-density commercial, with residential uses behind, to the east and west. Therefore, the proposed commercial retail use will be compatible with the development in the vicinity.

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

The proposed development does not offer a mix of uses and consists of only one building. It will be an independent, self-supportive commercial use capable of sustaining a quality environment.

- (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 DSP contains one phase only. Therefore, this requirement is not applicable.

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

The proposed pedestrian system for the project consists of sidewalks along the property's frontages of Branch Avenue, Aberdeen Street, and Scottish Avenue, as well as a portion of the opposite side of Scottish Avenue. There is already existing sidewalk along the property's frontage on Curtis Drive. This system will be convenient to site users and encourage pedestrian activity to and from the site.

- (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**

Areas to be used for pedestrian activities for this DSP would include primarily the walkways around the building and the accesses to the parking lot and the sidewalks on the adjacent roadways. The DSP is specifying brick pavers for the area, which is in conformance with this requirement. Landscaping, lighting and brick pavers surrounding the main entrance have been provided to enhance the urban design of the pedestrian activity areas.

- (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, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, 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.**

The subject application is a DSP and no CSP is required per the ETOD process. This requirement is not applicable.

- (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 provided by the applicant.**

The property is the subject of a Final Plat of Subdivision, 5-16011 (PGCPB Resolution No. 16-85), approved on July 7, 2016. That approval included a finding of transportation adequacy and the establishment of a trip cap, which the proposed development does not exceed.

- (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. (CB-1-1989; CB-26-1991; CB-13-2002; CB-78-2006)**

The subject site contains a total of 4.28 acres. Therefore, this requirement does not apply.

- d. The DSP application is also in conformance with additional regulations of the M-X-T Zone.

Section 27-544. Regulations.

- (a) **Except as provided in Subsection (b), additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The plan has been reviewed in accordance with the above sections of the Zoning Ordinance. The development is subject to the Naylor Road Urban Design Standards Subarea D-D-O Zone standards. However, if there is no D-D-O standard, the underlying zone requirements and the other applicable regulations in the Zoning Ordinance including, but not limited to, signage and the 2010 *Prince George's County Landscape Manual* (Landscape Manual), apply to this DSP.

Section 27-548. M-X-T Zone.

- (a) **Maximum floor area ratio (FAR):**
- (1) **Without the use of the optional method of development -- 0.40 FAR; and**
 - (2) **With the use of the optional method of development -- 8.00 FAR.**

The sector plan does not specify density for the Naylor Road Station area. The submitted DSP for development of 31,400 gross square feet on 4.28 acres results in an FAR of approximately 0.17.

- (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 proposed use is located in one building on one lot. The DSP satisfies this requirement.

- (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.**

The DSP shows a proposed layout for one building and associated surface parking. Once the DSP is approved, it will be the guide for development of the subject site.

- (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 landscaping, screening, and buffering issues have been reviewed along with this DSP. Finding 10 below provides a detailed discussion on the plan's conformance with the Landscape Manual.

- (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 calculation of gross floor area does not include area in the building or the structure devoted to vehicular parking and parking access areas. Since this site is qualified as an ETOD project, no conceptual site plan is required if a DSP is available for review and approval. The FAR is applied to the entire 4.28-acre development site in accordance with this requirement.

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

This project does not propose any private structures in the air space above, or in the ground below the surrounding public rights-of-way.

- (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 approved final plat of subdivision for the one parcel authorized one access point onto Branch Avenue. Additionally, the DSP shows an access point onto Scottish Avenue.

The remaining Sections 27-548(h) through (j) are not applicable to this DSP because no residential use is included.

- e. Per Section 27-283(a) of the Zoning Ordinance, a DSP should be designed in accordance with the design guidelines in Section 27-274. The site is generally in conformance with the relevant design guidelines, but due to unique circumstances regarding the subject property, it is impossible to design the subject property in a manner that adheres to all of the guidelines. Generally, the following design guidelines have been met to the fullest extent practical, such as:
- The parking lot has been designed to provide safe and efficient vehicular and pedestrian circulation within the site;
 - Parking spaces have been designed to be located near the use they serve;
 - The loading space has been located to avoid conflicts with vehicles or pedestrians;
 - The site complies with the Landscape Manual; and
 - Building architecture and materials are high quality and visually interesting.
- f. Section 27-548.25(b) of the Zoning Ordinance requires that the Planning Board find that the site plan meets the applicable development district standards in order to approve a DSP. As discussed in Finding 7 above, this DSP meets all applicable D-D-O Zone standards, except for two standards, for which the applicant has requested amendments. The Planning Board found that the requested amendments to the development standards benefit the development project and development district and, furthermore, that they would not substantially impair implementation of the Southern Green Line Station Area Sector Plan and SMA.
9. **Final Plat of Subdivision 5-16011:** Final Plat of Subdivision 5-16011 for Fleischman’s Village, Parcel 1, Block E, covering the subject site, was approved by the Planning Board on July 7, 2016 (PGCPB Resolution No. 16-85), subject to five conditions. The following conditions relating to the review of this application are discussed below:
1. **Total development within the subject property shall be limited to uses that generate no more than 107 AM and 190 PM peak-hour vehicle trips. Any new development generating an impact (net new trips) greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The Planning Board found that the development proposed with the DSP represents the same development project as the one that was proposed at the time of Final Plat, when transportation adequacy was evaluated. Therefore, the trip cap has not been exceeded.

2. **The final plat shall note that direct access to Branch Avenue (MD 5) is authorized pursuant to an approved Variation to Section 24-121(a)(3) of the Subdivision Regulations and is limited to one access point for vehicular ingress and egress onto Branch Avenue. Denied access shall be reflected on the final plat for all other frontage along Branch Avenue.**

The DSP complies with this condition by showing only one right-in/right-out access onto Branch Avenue.

3. **In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Central Branch Avenue Revitalization Sector Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
 - a. **Construct a standard sidewalk along the subject site's entire frontage of Scottish Avenue, unless modified by the Prince George's County Department of Public Works and Transportation.**
 - b. **Construct a standard sidewalk along the subject site's entire frontage of Aberdeen Street, unless modified by Prince George's County Department of Public Works and Transportation.**
 - c. **Provide a bicycle rack(s) accommodating a minimum of five bicycles at a location convenient to the building entrance.**

The DSP complies with this condition by showing a sidewalk along Scottish Avenue and Aberdeen Street and providing 12 bicycle parking spaces in a location convenient to the building entrance.

4. **In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 2013 *Approved Central Branch Avenue Revitalization Sector Plan*, and the required findings of Section 24.124.01 of the Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
 - a. **Construct a six-foot-wide sidewalk along the east side of Branch Avenue (MD 5) as shown in the proposed sidewalk detail. Prior to issuance of any building permits within the subject property, in accordance with Section 24-124.01 of the Subdivision Regulations, this sidewalk improvement shall; (a) have full financial assurances; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the operating agency.**

The DSP complies with this condition by showing a sidewalk along Branch Avenue. This condition will be further enforced at the time of issuance of a building permit.

5. **At the time of detailed site plan (DSP), provide an exhibit that illustrates the location and limits of all off-site improvements proffered in the Bicycle and Pedestrian Impact Statement (BPIS) for the review and approval of the operating agencies. This exhibit shall show the location of all off-site sidewalk construction, Americans with Disabilities Act (ADA) ramps, pedestrian signals, crosswalk improvements, bus shelter installations, pavement markings and signage. If it is determined at the time of DSP that alternative off-site improvements are appropriate, the applicant shall demonstrate that the substitute improvements shall comply with the facility types contained in Section 24.124.01(d) of the Subdivision Regulations, be within one-half mile walking or bike distance of the subject site, within the public right-of-way, and within the limits of the cost cap contained in Section 24.124.01(c). The Planning Board shall find that the substitute off-site improvements are consistent with the BPIS adequacy finding made at the time of preliminary plan of subdivision.**

The off-site improvement required at the time of final plat involved an off-site sidewalk along Branch Avenue. However, it has since been determined that this segment of Branch Avenue (the east side, north of Curtis Drive) is within the scope of a Maryland State Highway Administration (SHA) streetscape project (Project Number PG782_51). It should be noted that the applicant is providing standard sidewalks along both sides of Scottish Avenue, including the north side of the road, which is considered "off-site" from the subject application. The Planning Board found that this is an acceptable alternative off-site improvement that meets the required findings included in Section 24-124.01 of the Subdivision Regulations for bicycle pedestrian impact statement (BPIS) adequacy. The submitted detailed site plan reflects the proposed sidewalk along the north side of Scottish Avenue, which is approximately 400 linear feet and will serve to accommodate pedestrians walking to the subject site and to the metro station. Because the DSP includes the off-site sidewalk construction, it will serve as the exhibit required by the final plat.

The Planning Board found that the off-site improvement for sidewalk construction along the north side of Scottish Avenue meets the required adequacy findings of Section 24-124.01, and serves as a suitable substitute for the improvement proffered at the time of final plat. The sidewalks proposed by the applicant along Scottish Avenue will greatly improve the environment for pedestrians walking to the subject site and to the Naylor Road Metro Station to the north.

10. **The 2010 Prince George's County Landscape Manual:** Section 27-548 of the Zoning Ordinance states that landscaping, screening, and buffering within the M-X-T Zone should be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Since the applicable D-D-O standards do not include any landscape-related standards, the relevant requirements in the Landscape Manual apply. The detailed site plan is subject to Section 4.2, Requirements for Landscaped Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping of the Landscape Manual. Section 4.7, Buffering Incompatible Uses does not apply to the subject property because there are no adjoining properties.

- a. **Section 4.2, Requirements for Landscape Strips along Streets**—Applies to all public and private road frontages of properties with nonresidential uses, which includes the entirety of the property lines, as it is surrounded by public rights-of-way. The landscape plan has provided the required landscape strips and the required schedules on the plans for plantings along Branch Avenue, Curtis Drive, Scottish Avenue and Aberdeen Street. However, there appear to be multiple errors in the schedules, for instance, the schedule indicates the required plants are provided along the Curtis Drive frontage, but the plan does not show any plants in this area. Additionally, the frontage lengths listed for Scottish Avenue and Aberdeen Street appear to be too long, however, bearings and distances are not shown to confirm the actual length. Also, ornamental/evergreen trees are substituted for shade trees along these frontages, which is not allowed unless there are overhead utilities. Therefore, a condition has been included in this approval requiring these corrections.
- b. **Section 4.3, Parking Lot Requirements**—Section 4.3(c)(2), Parking Lot Interior Planting Requirements, requires that a certain percentage of the parking area, in accordance with the size of the parking lot, be interior planting areas with one shade tree for each 300 square feet of planting area. The submitted DSP provides the appropriate schedules showing all requirements are met. However, the plan does not reflect the 38 shade trees being claimed as provided within the interior planting areas. Therefore, the Planning Board found that the applicant must revise the plan to show full conformance.
- c. **Section 4.4, Screening Requirements**—The site is subject to Section 4.4, which requires screening of loading spaces, trash facilities, and mechanical equipment from all adjacent public roads and existing residential uses. The proposed loading spaces are located in the southwest corner of the building, which will screen them from Scottish Avenue to the east and Curtis Drive to the north. On the Branch Avenue and Aberdeen Avenue property frontages, in the vicinity of the loading spaces, there is a large retaining wall which varies in height from approximately 11 feet to 22 feet. The roadways sit on the high side of the wall, and plantings are proposed at both the top and bottom of the wall. This is sufficient to meet the requirements of Section 4.4.

The dumpsters are also located in the southwest corner of the site and will be in a brick finished enclosure. However, the detail is unclear regarding the height of the enclosure, which needs to meet the requirements of this section. Additionally, the submitted DSP does not specify where the mechanical equipment will be located or how it will be screened. Therefore, conditions have been included in this approval requiring these corrections.
- d. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should be native species (or the cultivars of native species). The minimum percentage of plants of each plant type required to be native species and/or cultivars is specified below:

Shade trees	50 percent
Ornamental trees	50 percent
Evergreen trees	30 percent
Shrubs	30 percent

The landscape plan provides 100 percent native shade and ornamental trees and more than 30 percent native evergreen trees and shrubs, and, therefore, meets the above requirements. However, the native plants are not labeled in the plant list as required. Therefore, a condition has been included in this approval requiring this correction.

11. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George’s County Code that came into effect on September 1, 2010 because the application is for a new DSP. The project is also subject to the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) effective September 1, 2010 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 2 Tree Conservation Plan (TCP2-027-16) was submitted with the application.

- a. **Tree Conservation**—The 4.28-acre site contains 3.80 acres of existing woodland in the net tract. The site has a woodland conservation threshold (WCT) of 0.64 acre and a total woodland conservation requirement of 2.07 acres. The Woodland Conservation Worksheet on the TCP2 shows that all 3.80 acres of woodland is proposed to be removed with this application. Additionally, the plan shows curb, gutter and sidewalk improvements to be made on the east side of Scottish Avenue, in an area currently wooded. The worksheet, however, only represents the on-site clearing. The plan shows the reforestation requirement for the on-site clearing being met with 2.07 acres of credits of off-site mitigation on another property. At this time, no on-site woodland reforestation is proposed. Conditions have been included in this approval requiring the necessary technical revisions to the TCP2.
- b. **Specimen Trees**—Section 25-122(b)(1)(G) of the WCO 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 should 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.”

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

trees, ST-1 and ST-2. The plan shows these trees within the limits of disturbance and designated to be removed.

A Subtitle 25 variance application, a statement of justification in support of a variance, and a tree removal plan were received for review on October 10, 2016. Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the two specimen trees together; however, details specific to the individual trees have also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST #	SIZE (DBH)	SPECIES	CONDITION	DISPOSITION	REASON FOR REMOVAL
ST-1	34"	Elm Sp.	Poor	Remove	Central Area Location
ST-2	31"	American Elm	Poor	Remove	Central Area Location

The six required findings to be made before a variance can be granted are as follows:

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The site has considerable topography that will require extensive grading for development. The two specimen trees are centrally located on the property and are listed in poor condition. The proposed grocery store, parking layout, and storm water management facilities are consistent with the sector plan. The enforcement of Section 25-122 indicates specimen trees shall be preserved. Not granting a variance to Section 25-122 for the two specimen trees would create a hardship on the property owner by not allowing the site to be developed to its reasonable potential use.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

The enforcement of Section 25-122, which indicates specimen trees shall be preserved, will deprive the landowner of the right to develop this property to its highest and best use. The two specimen trees are located mainly in the central area of the site, constraining development of all required elements. This site is located in a developed portion of Prince George’s County that contains other high density commercial and residential uses. The developers of adjacent properties in the area have generally developed their residential properties to the highest density allowable. With infill development occurring in areas that have been wooded for a long time, specimen trees can be expected. There are no champion trees on-site. The location of these trees is random and not providing a variance would deprive the applicant of rights granted and enjoyed by others.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

The request for the removal of the two specimen trees is based on safety and functionality of the site. A significant grade drop occurs across the site, approximately 50 feet vertically, and the development envelope is restricted due to the unusual property shape. The specimen trees are located at random locations and in areas that would significantly restrict development of the site if not removed. Furthermore, the trees are listed in poor condition. This variance and development proposal does not confer the applicant any special privilege.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The location of the specimen trees is a natural occurrence. To date, the applicant has taken no action that has resulted in the current condition of the site.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The request does not arise from a condition related to land or building use on a neighboring property, as all of the specimen trees are located internal to the property.

(F) Granting of the variance will not adversely affect water quality.

Stormwater management will be provided on site with current methodology as directed by the 2000 Maryland Department of the Environment manual and updated with the current Stormwater Management ordinance. The site owner has obtained a Stormwater Management Concept Approval, 47864-2015-00, issued on May 18, 2016. The water quality stormwater management devices on this project will include underground storage, micro-bioretenion areas, and pervious pavement.

The Planning Board found that the required findings of Section 25-119(d)(1) have been adequately addressed by the applicant for the removal of Specimen Trees ST-1 and ST-2.

12. **Prince George's County Tree Canopy Coverage Ordinance (TCC):** A ten percent tree canopy coverage requirement applies to this M-X-T-zoned site in accordance with the Prince George's County Tree Canopy Coverage Ordinance (TCC). This amounts to approximately 18,644 square feet, or ten percent of the subject 4.28-acre site. The submitted plans provide the correct schedule showing the requirement being met by the proposed tree plantings on-site. However, the wrong credit is being claimed for the major shade trees. The requirement will still be met with the adjustment; therefore, a condition has been included in this approval requiring the correction.

13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—The Planning Board found that the proposed DSP would not affect any historic sites, resources or known archeological sites and a Phase I archeology survey was not recommended.
- b. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) makes no relevant recommendations influencing a development application on this property. The subject property is located in the Local Transit Centers area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved General Plan*. The vision for Local Transit Centers in Prince George's County is to have smaller scale, mixed-use centers that are well connected by transit. Many of these areas are integrated with an established grid and offer local-serving retail and limited office uses. The application is consistent with Plan Prince George's 2035.

The 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* recommends flexible future land use on the property and development as a neighborhood commercial center. The plan's associated Development District Overlay Zone impacts on the development application for this property, as the property is within one-half mile of the Metro station and will need to adhere to the Naylor Road Urban Design Standards Subarea. The application is consistent with the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment*.

- c. **Transportation Planning**—The Planning Board reviewed an analysis of the DSP's conformance with the transportation-related final plat conditions, which is incorporated into Finding 9 above. They also found that all other aspects of the site design, as they pertain to access and circulation, are found to be adequate and that adequate transportation facilities would exist to serve the proposed application.
- d. **Subdivision**—The Planning Board reviewed the DSP's conformance with Final Plat of Subdivision 5-16011, which is incorporated into Finding 9 above. The bearings, distances, and lot size have been provided on the DSP, however, they are stated with two sets of measurements, one being recorded and one being measured. All bearings and distances must be shown consistent with the record plat and must be accurately reflected on the site plan, or permits will be placed on hold until the plans are corrected. Therefore, a condition has been included in this approval requiring the correction.
- e. **Trails**—The Planning Board reviewed the submitted detailed site plan application for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (sector plan) in order to implement planned trails, bikeways, and pedestrian improvements.

Due to the site's location within the Branch Avenue corridor (per the Adequate Public Facility Review Map of the General Plan), the application was subject to the requirements of Section 24-124.01 and the associated "Transportation Review Guidelines – Part 2, 2013." At the time of final plat, staff worked with DPW&T, SHA, and the applicant to identify appropriate off-site improvements for the site given the limited existing facilities in the vicinity and the relatively low amount of the cost cap for the application per Section 24-124.01(c). The approved final record plat 5-16011 (PGCPB Resolution No. 16-85) included a number of conditions of approval for on-site improvements and off-site improvements related to the implementation of Section 24-124.01. These are discussed further in Finding 9 above.

One master plan trail issue impacts the subject property, with Branch Avenue designated as a master plan bike lane and wide sidewalk corridor. (MPOT, page 30)

Branch Avenue Bicycle and Pedestrian Improvements: The Branch Avenue Corridor Sector Plan highlights the importance of improving pedestrian safety along and across Branch Avenue inside the Capital Beltway. In conjunction with other streetscape improvements, a shared-use side path or standard/wide sidewalks should be provided in conjunction with designated bike lanes. Safety improvements for pedestrians should also be incorporated into future intersection improvements. There may also be opportunities to construct an urban linear park along some sections of the corridor, as discussed in the sector plan.

The MPOT also contains a section on Complete Streets which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made. It also includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

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

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

Conclusion

From the standpoint of non-motorized transportation, the Planning Board found that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a detailed site plan as described in Section 27-285, subject to certain conditions. Prior to certification of the detailed site plan, the following revisions shall be made:

- (1) Provide a bicycle rack(s) accommodating a minimum of 5 bicycle parking spaces at a location convenient to the building entrance. The location and type of the racks shall be included on the DSP prior to signature approval. Conformance with LEED or similar federal, state, and county bicycle parking criteria is strongly encouraged.

The DSP shows a total of 12 bicycle parking spaces in a location convenient to the building entrance.

- f. **Environmental Planning**—The Planning Board reviewed a discussion of the DSP’s conformance with the Woodland and Wildlife Habitat Conservation Ordinance as discussed in Finding 11 above, with the following additional comments:

The subject property fronts on the west side of Branch Avenue (MD 5) as well as Curtis Drive to the north, Scottish Avenue to the east and Aberdeen Street to the south, in Suitland. The site is located within the Oxon Run watershed of the Middle Potomac River Basin. According to the Sensitive Species Project Review Area (SSPRA) map prepared by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species found to occur on or in the vicinity of this property. There are no floodplains or wetlands associated with the site. According to available information, a drainage area is located to the north of the subject property, and ultimately leads to Oxon Run. This property is not located on any roadways identified as scenic or historic. The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by the *Plan Prince George’s 2035 Approved General Plan*. According to the adopted Countywide Green Infrastructure Plan, none of the three network features (Regulated Areas, Evaluation Areas and Network Gaps) is present on the site.

The application has an approved Natural Resource Inventory (NRI), NRI-165-2015, signed on September 22, 2015. The NRI verifies that woodlands occur on the subject property. The TCP2 and the detailed site plan show all the required information correctly in conformance with the NRI.

The project proposes to construct a commercial use. No residential uses are proposed. Noise mitigation analysis and mitigation is not required at this time.

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 Beltsville-Urban land complex (5-15 percent slopes), Sassafras-Urban land complex (5-15 percent slopes), and Udorthents, Highway (0-65 percent slopes). Based on available information, Marlboro clay is not mapped on or in the vicinity of this property. A Stormwater Management Concept Approval Letter (47864-2015-00) and associated plan were submitted with the application for this site. The approval was issued on May 18, 2016, from the Prince George’s County Department of Permitting, Inspections

and Enforcement (DPIE). The approved plan proposes on-site water quality controls with micro-bioretenion and bio retention swales. A stormwater management fee is required in-lieu of fully providing on-site attenuation/quality control measures.

- g. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide any comments on the subject application.
- h. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated October 12, 2016, DPIE offered the following comments:
 - (1) The property is located on the southeast quadrant of the intersection of Curtis Drive and Branch Avenue (MD 5). MD 5 is a state-maintained roadway; therefore, coordination with the Maryland State Highway Administration (SHA) is required. Sidewalks and American with Disabilities Act (ADA) ramps are required along state roads with concrete curb and gutter, in accordance with current SHA standards and specifications.
 - (2) All fronting County-maintained roadways shall have five-foot-wide sidewalks and be improved in accordance with the County's Road Ordinance, the Department of Public Works and Transportation's (DPW&T) specifications and standards, and the American with Disabilities Act (ADA).
 - (3) The proposed site plan is consistent with the approved Site Development Concept Plan, 47864-2016, dated May 18, 2016 and valid until May 18, 2019.
 - (4) An appropriate DPIE permit is required for all additional access points from existing County roads, improvements of existing access points, utility taps, and on-site grading work associated with this site.
 - (5) DPIE has no objection to the proposed DSP-16006.
 - (6) This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
 - (a) Final site layout, exact impervious area locations are shown on plans;
 - (b) Exact acreage of impervious areas has not been provided;
 - (c) Proposed grading is shown on the plans;
 - (d) Stormwater volume computations have not been provided;

- (e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal;
- (f) A narrative in accordance with the Code has been provided.
- (g) Applicant shall provide items (a-g) at the time of filing final site permits.

DPIE's comments are required to be addressed prior to issuance of permits at the time of technical plan approvals.

- i. **Prince George's County Police Department**—The Police Department did not provide any comments on the subject application.
 - j. **Prince George's County Health Department**—The Health Department did not provide any comments on the subject application.
 - k. **Maryland State Highway Administration (SHA)**—In an e-mail dated September 28, 2016, SHA indicated that this project is currently under review for the proposed work within their right-of-way.
 - l. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail received on September 30, 2016, WSSC provided standard comments on this application regarding existing water and sewer systems in the area, along with requirements for service and connections, requirements for easements, spacing, work within easements, meters, etc. These issues must be addressed at time of permits for the site work.
 - m. **Verizon**—Verizon did not provide any comments on the subject application.
 - n. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide any comments on the subject application.
14. Based on the foregoing analysis and as required by Section 27-285(b)(1), the DSP, if revised in accordance with the proposed conditions below, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
15. Section 27-285(b)(4) of the Zoning Ordinance requires that a DSP demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. Because the development site does not contain any regulated environmental features, this required finding does not apply to the review of this DSP.

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

- A. The Planning Board APPROVED the alternative development district standards for:
1. **Naylor Road Station Area: Parking Standards #1**—To allow for surface parking between the building façade and the curb.
 2. **Naylor Road Station Area: Parking Standards #4**—To allow for a higher maximum surface parking ratio of 4.4 spaces per 1,000 square feet.
- B. The Planning Board APPROVED Detailed Site Plan DSP-16006 and Type 2 Tree Conservation Plan TCP2-027-16 for LIDL, Suitland, Expedited Transit-Oriented Development, including a Subtitle 25 variance to remove two specimen trees, subject to the following conditions:
1. Prior to certification of this detailed site plan (DSP), the applicant shall:
 - a. Revise the bearings and distances to be consistent with the record plat.
 - b. Revise the architecture to add red brick to the middle section on the front elevation (Branch Avenue side), similar to the other approved Lidl stores in the County.
 - c. Revise the schedules and landscape plan to show conformance with the requirements of Section 4.2 of the Landscape Manual.
 - d. Revise the landscape plan to show full conformance with the requirements of Section 4.3 of the Landscape Manual.
 - e. Specify the height of the dumpster enclosure and the screening of any proposed mechanical equipment in accordance with Section 4.4 of the Landscape Manual.
 - f. Revise the plant list to label all native plant species, and revise the Section 4.9 schedule, if necessary.
 - g. Revise the Tree Canopy Coverage schedule to match the plant list for plant types and sizes.
 - h. Revise the Type 2 tree conservation plan (TCP2) as follows:
 - (1) Include all off-site clearing on the worksheet.

- (2) Revise the Conservation Worksheet to show the correct acreage for the 2:1 replacement requirement for clearing below the woodland conservation threshold (WCT).
- (3) Correct the acreage currently shown as the 2:1 replacement, to be for “Woodland Clearing Below WCT.”
- (4) Revise the approval block to show TCP2-027-16.
- (5) Revise Standard Note 6 to state that the property is within “ESA 1 (formerly the Developed Tier).”
- (6) Provide a signed owners’ awareness certification on the plan.
- (7) Add the following note to the plan on the same sheet where the woodland conservation worksheet is provided:

“NOTE: A variance application to Section 25-122(b)(1)(G) was approved by the Planning Board in association with the approval of the detailed site plan to allow removal of specimen trees ST-1 and ST-2.”
- (8) Have the revised plan signed and dated by the qualified professional who prepared it.
 - i. Revise the site plan consistent with Applicant’s Exhibit #1 with associated parking lot changes in order to relocate the Scottish Avenue entrance approximately 65 feet towards Curtis Drive.

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. 16-124
File No. DSP-16006
Page 32

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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, November 10, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of November 2016.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:JK:rpg