

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 25, 2018, regarding Comprehensive Design Plan CDP-1702 for WAWA Adelphi, the Planning Board finds:

1. **Request:** This comprehensive design plan (CDP) application proposes to develop a 4.14-acre vacant, wooded site with 5,619 square feet of commercial development, consisting of a food and beverage store and a gas station.

2. **Development Data:**

Zone	L-A-C
Gross tract area	4.14 acres
100-year floodplain	0.47 acre
Net tract area	3.67 acres
Base commercial intensity (0.16 FAR per acre)	25,578 sq. ft.
Maximum commercial intensity (0.31 FAR per acre)	49,558 sq. ft.*
Commercial development proposed	5,619 sq. ft. (0.035 FAR)

Note: *No density increment has been requested.

3. **Location:** The subject site is a triangular property bounded on three sides by the public rights-of-way of MD 212 (Riggs Road) to the south, Edwards Way to the west and Adelphi Road to the east. The site has a street address at 9100 Riggs Road, Hyattsville, Maryland and is also located in Planning Area 65, Councilmanic District 2.
4. **Surroundings and Uses:** To the south of the subject property, across MD 212, which is a two-lane collector roadway, is the Metzert Plaza Shopping Center in the Commercial Shopping Center (C-S-C) Zone; to the west, across Edwards Way, which is a two-lane unclassified roadway, is the Daniels Run Apartments and Coronado Condominiums in the Multifamily High Density Residential (R-10) and Multifamily Medium Density Residential (R-18) Zones; to the north and east, across Adelphi Road, which is a four-lane arterial roadway with a grass median, is the George Washington Memorial Cemetery, a church and vacant, residentially-zoned land in the Rural Residential (R-R) Zone.

5. **Previous Approvals:** The subject property has a long approval history dating back to the 1990 *Approved Master Plan for the Langley Park-College Park- Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65,66, and 67*, when the property was retained in the R-R Zone. On July 30, 2004, the Prince George's County Council, sitting as the District Council, adopted Zoning Ordinance No. 10-2004, approving Zoning Map Amendment A-9954-C, and rezoning the subject property to the L-A-C Zone, subject to ten conditions.

In 2006, subsequent to the approval of the rezoning application, the applicant filed applications for Preliminary Plan of Subdivision (PPS) 4-06029 and Comprehensive Design Plan CDP-0502. The applicant withdrew PPS 4-06029 on May 20, 2008. On January 29, 2009, the applicant withdrew CDP-0502 after the technical staff recommended disapproval of CSP-0502.

In 2011, the applicant filed another Comprehensive Design Plan, CDP-1001 and another Specific Design Plan SDP-1001 for the subject property. These applications proposed to construct a commercial center containing 22,288 square feet of retail development, including a CVS Drug Store. The CDP and SDP were both approved by the Prince George's County Planning Board on June 16, 2011, as reflected in PGCPB Resolution No. 11-62 and PGCPB Resolution No. 11-78, respectively. Both the CDP and SDP were reviewed by the District Council, who remanded the cases back to the Planning Board on November 14, 2011. Both the CDP and the SDP were reheard and approved by the Planning Board on February 9, 2012. The CDP approval was memorialized in PGCPB Resolution No. 11-62(A), while the SDP was memorialized in PGCPB Resolution No. 11-78(A). Both the CDP and SDP were once again called up by the District Council. On June 18, 2012, the District Council denied both the CDP and the SDP.

In 2013, after the denial of the CDP and SDP by the District Council, the applicant appealed said denials. The Circuit Court for Prince George's County reversed the decision of the District Council on March 14, 2013. The District Council appealed this decision to the Court of Special Appeals, who also reversed the District Council in a decision filed on May 28, 2014 (*County Council of Prince George's County v. Zimmer Dev. Co.*, 217 Md. App. 310, 92 A.3d 601, (2014)). Once again, the District Council appealed, and the Court of Appeals affirmed the decision of the Court of Special Appeals and reversed the decision of the District Council in a decision issued on August 20, 2015 (*County Council of Prince George's County v. Zimmer Dev. Co.*, 44 Md. 490, 120 A.3d 677 (2015)).

A new PPS 4-17036 that reflects what has been proposed in this CDP, was approved by the Planning Board subsequent to the CDP on October 25, 2018.

6. **Design Features:** The subject CDP proposes to develop the 4.14-acre site with a gas station and a food and beverage store of 5,619 square feet. Two accesses to the site have been provided. One full access is aligned up with the existing entrance to the Metzert Plaza Shopping Center off of MD 212, and the other right-in and right-out only access is provided off of Adelphi Road.

A food and beverage store building and a gas station canopy are located in the middle of the site close to the Riggs Road frontage and are surrounded by surface parking and driveways on four sides. The proposed gas station with a rectangular canopy are oriented parallel with Adelphi Road and the proposed food and beverage store is to the west of the canopy. The loading area for the building is provided along its northern wall, adjacent to the building. The dumpster area is provided in the corner of the parking lot closest to Edwards Way. Landscaping and screening of these facilities will be reviewed at the time of SDP.

Two monument signs showing WAWA identification and gasoline prices are provided at each of the entrances to the site from Riggs Road and Adelphi Road. A conceptual signage plan has been provided with this CDP with sign face area and height information. Details of the signage will be further reviewed at the time of SDP. The sign face area of each monument sign should not be more than 50 square feet and the maximum height should be no more than eight feet.

The overall development envelope is acceptable. Since only one use, one building, one gas station canopy and two monument signs are proposed on this site, the CDP does not provide additional specific design standards for the proposed development. The future specific design plan should show development within the envelope as approved in this CDP and with a gross floor area of no more than 5,700 square feet. A condition has been included in this resolution to require the applicant to provide proposed dimensions of the setbacks of the building, gas station canopy and monument signs as the site design guide for the specific design plan.

In addition, building height is limited to one story. The building on this site should be designed to have a tower element to mark each entrance and be finished with high quality masonry materials, such as brick or stone. Due to its prominent location, all elevations should be highly articulated with various architectural features. Lastly, a pocket park has been identified at the corner of Adelphi Road and Riggs Road. Details will be provided at the time of SDP review.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9954-C (Zoning Ordinance No. 10-2004):** The District Council approved Basic Plan A-9954 with ten conditions. Those conditions that are relevant to the review of this CDP are discussed as follows:

- (3) **Prior to the approval of the Specific Design Plan for the subject property, the Applicant shall submit an acceptable signal warrant study to the County Department of Public Works and Transportation (DPW&T) for the intersection of Adelphi Road and Edwards Way. The Applicant shall use a new 12-hour count and shall analyze signal warrants under total future traffic as well as existing traffic.**

While this condition is specifically applicable at the time of SDP, the SDP and PPS are being reviewed concurrently with this application and can be addressed during the processing of all of these plans. Since the original approval of this condition, the "Guidelines for the Analysis of

Traffic Impact of Development Proposals” have been revised to establish a three-tier analysis to determine the adequacy of unsignalized intersections. The applicant has prepared a Traffic Impact Analysis utilizing the current methodology, which demonstrates that the intersection operates adequately. No additional signal warrant study is required at this time.

- (5) Total commercial development of the subject 4.14-acre site shall be limited to a maximum of 40,000 square feet.**

The proposed commercial development is 5,619 square feet, which is less than the established cap.

- (6) During the Comprehensive Design Plan and subdivision review, the Applicant shall address the addition of public streets to accomplish access from Adelphi Road or obtain a variance from Section 24-121 of the Subdivision Regulations.**

The proposed development is a single use, which does not require the addition of a public street to provide adequate access to the site. A right-in/right-out only access is proposed off Adelphi Road, and a variation is requested as part of the PPS 4-17036. The second entrance is a full movement access to Riggs Road.

- (7) Development of the subject property shall have a woodland conservation threshold of 20 percent. If off-site mitigation is proposed, the first priority for mitigation sites shall be within the Anacostia Watershed.**

A Type 1 tree conservation plan (TCP1) has been submitted with the application, which uses a threshold calculation of 20 percent as required by the condition. According to the worksheet on the TCP1, the requirement will be met with off-site woodland conservation to mitigate for the loss of on-site woodlands.

- (8) During the Comprehensive Design Plan and the Specific Design Plan review, the Applicant shall address the following issues:**

- A. Architectural design shall be distinctive in order to create an image of quality and permanence.**

No architecture is being approved with the CDP. This issue will be addressed with the SDP when the specific building design information is available.

- B. A build-to line shall be considered in order to create an inviting streetscape.**

The nature of the proposed use does not create the opportunity for a build-to-line to be utilized. However, the smaller building footprint and reduced parking area, compared to previous applications for this site, allow for ample green area to be provided. An inviting streetscape will be created by construction of a brick wall, decorative fence and masonry piers as was approved in the prior SDP, which is no longer valid. These enhancements

along with generous landscaping, sidewalks along all road frontages, and a focal, pocket park at the intersection of Riggs Road and Adelphi Road, will create a pedestrian-friendly environment around the property frontages. The proposed pocket park will include benches, a pergola and a “Welcome to Adelphi” gateway sign. All of these improvements will create a pedestrian-friendly and inviting streetscape.

C. The streetscape shall create a pedestrian-friendly environment with consideration of the following elements:

- (1) Street furniture including pedestrian lighting**
- (2) Trash receptacles**
- (3) Bike racks**
- (4) Pedestrian crosswalks should be a contrasting paving material**
- (5) Need for bus stop**

The site is surrounded on three sides by the public rights-of-way and a pedestrian-friendly sidewalk network along all frontages will be provided as required at the time of SDP. Pedestrian crosswalks will be provided across the two entrances, utilizing contrasting paving materials, and a bus pull-off area will be provided along Riggs Road to facilitate the use of public transportation.

D. Massive surface parking facilities adjacent to either Riggs Road or Adelphi Road shall be prohibited.

No massive surface parking facilities are provided anywhere on-site. The parking is distributed along the front, side and rear of the proposed building to ensure that the roadways will not view massing parking surfaces. The smaller scale of the use proposed in this CDP compared with prior development schemes on this property also requires fewer parking spaces that addresses this condition.

E. An architectural focal point and/or sculpture located within a green area shall be provided at the intersection of Adelphi and Riggs Road.

The CDP proposes a focal point, a corner pocket park, which consists of a gateway sign of “Welcome to Adelphi,” a pergola with benches and attractive landscaping. This feature enhances the streetscape, identifies Adelphi as a place and contributes to the pedestrian-friendly experience which will be created at this location. Additional review of this feature will be carried out at time of SDP.

F. No loading and/or dumpster areas shall be visible from adjacent roadways.

The loading area for the building is provided along its northern wall, adjacent to the building. The dumpster area is provided in the corner of the parking lot closest to Edwards Way. Screening of these facilities from the roadways will be reviewed at the time of SDP.

G. The design plans shall address the entire property, so that the final development of the individual lots creates a visually cohesive development, compatible in regard to architectural treatment and site layout.

The CDP addresses the entire property. In this application, only one lot and one building is proposed. The proposed food and beverage store will be reviewed at the time of SDP, to ensure that the development presents a visually cohesive look.

8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for conformance with the requirements of the L-A-C Zone.

- a. In accordance with Section 27-515(b) of the Zoning Ordinance, the proposed gas station and food and beverage store are permitted uses in the L-A-C Zone.
- b. In accordance with Section 27-521(a) of the Zoning Ordinance, prior to approving a CDP, the Planning Board must make the following required findings:

- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, 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;**

As discussed in Finding 7 above, the subject site was rezoned to the L-A-C Zone by a Zoning Map Amendment (ZMA) A-9954-C and the CDP is in conformance with the applicable conditions.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

The proposed CDP is designed in accordance with the applicable conditions that were attached to ZMA A-9954-C and will result in a development with a better environment than could be achieved under other regulation, as approved with the conditions included in this resolution. Specifically, the inclusion of site amenities

such as bus drop-off lanes, and the construction of a pocket park all contribute to creating a better environment than would have been achieved under a standard Euclidean zone where the proposed use may be permitted.

(3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;

The CDP has incorporated many design elements, facilities and amenities that satisfy the needs of the residents, employees and guests of the project. The parking will be spread throughout the site to avoid a large expanse of surface parking along any of the street frontages. The CDP proposes a focal point with a monument sign welcoming motorists to Adelphi at the corner of Riggs Road and Adelphi Road. The site will include the construction of a sidewalk along all property frontages, which will improve pedestrian circulation throughout the neighborhood. Finally, the site will retain existing bus stops and provide a bus pull off lane within the right-of-way (if permitted by the State Highway Administration (SHA)), which will improve the safety of bus riders near the site.

(4) The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;

The subject site is surrounded by a mix of commercial and residential zones, which include retail/commercial uses to the south, a multifamily use to the west and a single-family residential use to the east. Across Adelphi Road, an arterial roadway with a median, the R-R-zoned land is developed with a church and a cemetery. A right-in/right-out only access is proposed off Adelphi Road. Across Edwards Way is the developed multifamily residential developments. No access to the site will be provided along Edwards Way. Primary access to the site will be from Riggs Road. Across Riggs Road is an existing commercial shopping center. The development of the property will improve pedestrian circulation in the neighborhood by including road improvements along all frontages and required landscaping to ensure that the proposed use will be compatible with surrounding development.

(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

- (A) Amounts of building coverage and open space;**
- (B) Building setbacks from streets and abutting land uses; and**
- (C) Circulation access points;**

The proposed development includes only a single use. The small size of the property, environmental constraints and new stormwater management requirements limit the amount of development that the site can accommodate. The resulting plan increases the amount of open space, reduces the building coverage and maintains essentially the same circulation access points as the prior CDP application for the property. There are no issues with compatibility within the boundaries of the site. Further analysis and review of these elements will be carried out at the time of PPS and SDP review.

- (6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**

Since the proposed development consists of a single use in a single building, no phasing of the development will be required, and the use can exist as a unit capable of sustaining an environment of continuing quality and stability.

- (7) The staging of development will not be an unreasonable burden on available public facilities;**

Only a single stage of development will be required, and the adequacy of public facilities will be readdressed through a new PPS filed concurrently with this CDP.

- (8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**

- (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
- (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
- (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The proposed CDP does not propose an adaptive re-use of an historic site.

- (9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with**

the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);

Section 27-274 of the Zoning Ordinance sets forth the Site Design Guidelines applicable to conceptual site plans and detailed site plans. The CDP incorporates applicable site design guidelines such as loading and circulation, green area, site and streetscape amenities, grading and public spaces in the layout of the site, as discussed in the applicant's Statement of Justification. The information regarding other specific guidelines such as architecture, lighting is not available due to this stage of the review. Conformance with site design guidelines will be further reviewed at time of SDP.

(10) The Plan is in conformance with an approved Tree Conservation Plan;

The Planning Board reviewed the CDP's conformance with the Type 1 Tree Conservation Plan TCP1-006-2018 and concluded that the proposed development is in conformance with the TCP1.

(11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

As stated previously, the Planning Board reviewed the proposed Type 1 Tree Conservation Plan TCP1-006-2018, included with this CDP and concluded that all regulated environmental features on the subject site have been preserved and/or restored to the fullest extent possible, based on the need to address invasive species removal and re-establish the natural stream channel, and approved this CDP with conditions that have been included in this resolution.

(12) Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and

The subject property was rezoned to the L-A-C Zone through ZMA A-9954-C. Therefore, this requirement is not applicable to this CDP as it was not placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), which is only relative to sectional map amendments.

(13) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.

This requirement does not apply to this CDP because the subject site is not a regional urban community.

- c. **Density Analysis**—No density increment has been requested with this CDP. The proposed commercial development is within the base density for this zone.

9. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-006-2018) was submitted with the CDP application.

- a. The application has an approved Natural Resource Inventory NRI-063-05-02. The TCP1 and the CDP show all the required information correctly in conformance with the NRI.
- b. The TCP1 describes the site as having 2.82 acres of existing woodland in the net tract area and 0.46 acres in the floodplain. The woodland conservation threshold is 0.73 acres (20 percent). The woodland conservation worksheet shows the removal of 2.75 acres of woodland on the net tract area, and 0.38 acres in the floodplain, resulting in a woodland conservation requirement of 2.30 acres. This requirement is proposed to be met entirely off-site.

There is a small area, 0.15 acres in size, that is proposed to be left undisturbed as “woodland retained not part of requirements.” This area is not shown to be counted as cleared but is also not counted toward meeting the woodland conservation requirement. The site has a high amount of groundcover invasive species according to both the Stream Corridor Assessment report and the Forest Stand Delineation Report. The invasive species include English ivy, wisteria, mile-a-minute, periwinkle, Japanese honeysuckle, porcelain berry, and wine berry. This area should be included in the clearing area for the site and the woodland conservation calculations adjusted accordingly. If the area were to be left undisturbed, it would be a source for invasive species to spread into the rest of the site post-construction.

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

A Subtitle 25 Variance application and a statement of justification dated September 7, 2018, in support of a variance were submitted.

The site contains 27 specimen trees (ST); nine have ratings of good, 16 have ratings of fair, and two have ratings of poor. Details specific to the health of the trees are provided in the specimen tree table shown on the TCP1. All 27 trees are proposed for removal.

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 all 27 specimen trees together as follows:

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

The site has a triangular shape, bounded on the east side by Adelphi Road, an arterial roadway, on the west side by Edwards Way, and on the south side by Riggs Road. The site is within Environmental Strategy Area 1 (formerly the Developed Tier) and is surrounded by development on all sides, characteristics which render this project as infill development. Two of the trees are within the primary management area (PMA), and another is located on the edge of the PMA. The remaining two-thirds of the property, outside of the PMA, contains the remaining 24 specimen trees.

Impacts to the trees within and adjacent to the PMA are needed to allow for implementation of the proposed stream restoration. Grading of the site is needed in order to provide a relatively flat developable area with safe access points that tie into the existing elevations of the roadways. The right-in and right-out access point on Adelphi Road requires approximately 10 feet of fill while the submerged gravel wetland on the western portion of the site will require excavation.

The proposed project is providing road dedication to all three rights-of way adjacent to the site. The required road dedication, in addition to the requirements for parking and stormwater management, will result in significant constraints to the developable area and would create difficulty in developing the site in accordance with the L-A-C zoning requirements.

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

Based on the various site constraints, the granting of this variance will allow the project to be developed in a functional and efficient manner. If other constrained properties encounter protected trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

The removal of the specimen trees is primarily due to proximity to the proposed developable portion of the site and the improvements required to provide health, safety, and welfare, such as site access and circulation, stormwater management, and stream restoration.

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

There are no records of any development on this site. This site is currently undeveloped and has been primarily forested since 1938, according to aerial photos from PGAtlas.com. Therefore, the request is not based on conditions or circumstances, which are result of actions by the applicant.

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

This request is based on the nature of the existing site, distribution of the subject trees, and the existing infrastructure surrounding the site. This request is not based on a condition relating to land or a building use on a neighboring property.

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

Granting the variance to remove the specimen trees will not directly affect water quality because the applicant has proposed to provide stormwater measures, such as bioretention features and a submerged gravel wetland, as well as stream restoration. Native plants are proposed to be planted along the stream restoration in accordance with state and federal wetland permitting standards, and native planting within the stormwater features in accordance with stormwater standards.

In conclusion, the Planning Board found that the required findings of Section 25-119(d) have been adequately addressed for the removal of specimen trees (ST-1 through ST-27).

10. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned L-A-C are required to provide a minimum of 10 percent of the gross tract area in TCC. A TCC schedule will be required at time of SDP to demonstrate conformance with the requirements of this ordinance.
11. **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 incorporated herein by reference a memorandum dated May 30, 2018 (Stabler to Zhang), that indicated that a Phase I archeological survey was completed on the subject property in September 2006. This site did not contain intact cultural deposits or significant historical information and no further work was recommended.

The proposed project will have no impact on any Prince George's County historic sites or resources. No significant archeological resources will be impacted by the proposed development.

- b. **Community Planning**—The Planning Board incorporated herein by reference a memorandum dated September 7, 2018 (Irminger to Zhang), that noted that this application is located in the Established Communities of the General Plan. The 1989 *Approved Master Plan for Langley Park, College Park, Greenbelt and Vicinity* designates Metzerott Plaza, across Riggs Road from the subject property, as a Village Activity Center and designates the future land use for the subject property as Low Suburban. However, when the subject property was subsequently rezoned to the L-A-C Zone in A-9954, the Village Activity Center designation was deemed to apply to the subject property because Metzerott Plaza comprised less square footage than the definition of a Village Activity Center prescribes and that remaining square footage could be accommodated on the subject property. The 1990 *Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67* retained the subject property in the R-R Zone as a holding zone until it was rezoned to a comprehensive design zone.

The Planning Board concluded that there is no master plan conformance issue with this CDP.

- c. **Trails**—The Planning Board incorporated herein by reference a memorandum dated August 20, 2018 (Lewis-DeGrace to Zhang), which analyzed the CDP's conformance with the previously approved Zoning Map Amendment application and governing 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and approved this CDP with one condition that has been included in this resolution.
- d. **Transportation Planning**—The Planning Board incorporated herein by reference a memorandum dated September 13, 2018 (Thompson to Zhang), which reviewed the CDP's conformance with the applicable conditions attached to the ZMA A-9945-C, the proposed traffic impact study, site access, and master plan roads, and concluded that adequate access roads will exist as required by Section 27-195 of the Zoning Ordinance.

A trip cap consistent with the trip generation assumed for the site, 198 AM and 145 PM peak-hour vehicle trips, has been reviewed with the PPS. At the Planning Board hearing, it was clarified that the analyzed existing traffic counts were done in May of 2017, not September. The Planning Board approved this CDP with one transportation-related condition that has been included in this resolution.

- e. **Subdivision Review**—The Planning Board incorporated herein by reference a memorandum dated June 18, 2018 (Turnquest to Zhang), which stated that a new PPS is required prior to SDP because the proposed development would generate more trips than what was approved with the previous preliminary plan. Preliminary Plan of Subdivision 4-17036 was approved by the Planning Board on October 25, 2018.

- f. **Special Projects**— The Planning Board incorporated herein by reference a memorandum dated May 30, 2018 (Mangalvedhe to Zhang), which concluded that the police and fire response time standards are met, and the proposed development is in Water Category 3 and Sewer Category 3, Community System.
- g. **Prince George’s County Police Department**—The Police Department did not offer comments on the subject application.
- h. **Environmental Planning**—The Planning Board incorporated herein by reference a memorandum dated September 21, 2018 (Reiser to Zhang), which provided the following summarized comments:

There is a primary management area (PMA), comprised of Regulated Environmental Features, which include a stream and its associated buffer, and 100-year floodplain. Under Section 27-521(a)(11) of the Zoning Ordinance, the plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible. A statement of justification dated September 7, 2018 was submitted requesting 0.89 acres of PMA impacts.

The site is 4.14 acres in size and the on-site PMA totals 0.91 acres. The PMA includes 168 linear feet of regulated stream, its 60-foot stream buffer, and 0.48 acres of 100-year floodplain. There are no regulated wetlands on the site and there is 154 linear feet of non-regulated brick and concrete channel. There are existing structures located within the PMA including stone stairs, retaining wall, gravel path and a foot bridge over the stream. Water enters the site from a stormdrain pipe under Adelphi Road and exits the site into a stormdrain pipe under Edwards Way. The stream valley contains invasive species and deposits of trash washing onto the site from the existing stormdrain system. The site is also unique because it is triangular in shape and is surrounded by three existing roadways; Edwards Way, Riggs Road, and Adelphi Road.

The proposed PMA impacts are a result of many factors including design restrictions based on the shape and location within surrounding roadways, topography, and location of the PMA within the site, as well as site access and circulation, stormwater management, and stream restoration.

For traffic and circulation safety, the site needs two access locations. Access to the site from Edwards Way is not possible due to a 14-foot difference in grade, access from Riggs Road provides a two-way entrance/exit, and access from Adelphi Road has been placed a safe distance from the intersection of Adelphi Road and Riggs Road, with a right-in and right-out only design. Placement of the access point along Adelphi Road cannot be accomplished any further to the northwest for two reasons: one, due to traffic concerns with proximity to the intersection of Adelphi Road and Edwards Way; and two, because moving the entrance to the northwest would require even more stream impacts

than currently requested that would be for the sole purpose of access/infrastructure and would further limit the area available for stream restoration.

For stormwater management, the current design proposes impacts to the stream at the access point onto Adelphi Road to accommodate the right-in and right-out access, but also to redirect the water entering the site via the storm drain under Adelphi Road toward the proposed stream restoration. Impacts in this area also include the installation of a bioretention facility to treat the on-site water before entering the restored stream. Another proposed stormwater facility on-site will be a submerged gravel wetland that will provide detention and will drain into the restored stream. Impacts are needed for grading to install the submerged gravel wetland system and to accommodate outfall conveyance to the stream.

Stream restoration in the form of regenerative step pool storm conveyance is proposed to be constructed within the existing stream channel. The design is suited for ephemeral to intermittent streams in urban areas and includes a more defined stream channel with a series of riffle steps and pools that dissipates flow energy and safely conveys flows, preventing channel erosion. The proposed design includes an improved habitat area using native planting, as well as adjacent bioretention areas that will allow natural infiltration for some of the runoff. Many designs were investigated during the review process for previously approved cases on this site (4-10019 and CDP-1001). The Planning Board outlined the history of this evaluation in PGCPB Resolution No. 11-63(C); however, it should be noted that during the previous cases there was an evolution of the stream valley design from a closed pipe design to an open channel stream restoration design.

As discussed in Finding 9 above, there is an area, 0.15 acres in size, that is proposed to be left undisturbed as “woodland retained not part of requirements.” A portion of this area is located within the PMA. Due to the high presence of invasive species, the Planning Board agreed that this area should be included in the clearing area for the site because if the area were to be left undisturbed, it would be a source for invasive species to spread into the rest of the site post-construction. The clearing of this area will add to the PMA impacts for the site. While the applicant requested impacts to the 0.89 acres of the 0.91 on-site PMA, the Planning Board decided that the remainder of the PMA be disturbed and replanted in order to address invasive species removal and restoration.

The Planning Board supports impacts to the entire PMA for the reasons outlined above, and further approved this CDP with four environmental-related conditions that have been included in this resolution.

- i. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**— DPIE did not offer comments on the subject application.
- j. **Prince George’s County Health Department**—The Health Department did not offer comments on the subject application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-006-2018 and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Comprehensive Design Plan CDP-1702 for the above described land, subject to the following conditions:

1. Prior to certification, the applicant shall revise the comprehensive design plan (CDP) or provide information, as follows:
 - a. Label the centerline of Adelphi Road, Edwards Way, and Riggs Road and provide dimensions from the subject property to the centerline.
 - b. Provide the proposed setbacks for the proposed building, gas station canopy and monument signs.
 - c. Submit an approved floodplain waiver.
 - d. Revise the Type 1 tree conservation plan (TCP1), as follows:
 - (1) Revise the plan to graphically show the 0.15 acres of "woodland retained not part of requirements" as cleared and update the woodland conservation worksheet accordingly.
 - (2) Revise the QR code approval block to type-in the project number as "CDP-1702".
 - (3) Revise the TCP1 notes as follows:
 - (a) Revise Note 1 to follow the standard language and to refer to the associated plan as CDP-1702.
 - (b) Revise Note 7 to refer to the Environmental Strategy Area as ESA-1.
 - (4) Have the revised plan signed and dated by the qualified professional preparing the plan.
2. At time of preliminary plan of subdivision, the applicant must provide dedication of 40 feet from the centerline of MD 212 (Riggs Road), 50 feet from the centerline of Adelphi Road, and 35 feet from the centerline of Edwards Way.
3. At time of specific design plan (SDP), the applicant shall:
 - a. Provide striped crosswalks at vehicular entrance and at appropriate intersections of Adelphi Road, Riggs Road and Edwards way, unless modified by the operating agencies.

- b. Provide bicycle parking near the entrance of the food and beverage store.
 - c. Provide sidewalks along the entire frontages of the property, unless modified by the operating agencies.
4. Prior to certification of the SDP, copies of the stormwater management concept plan and letter shall be submitted that depict the stream restoration design and clearly indicate that the stream restoration has been evaluated as part of the proposed stormwater management features on the site. All associated plans shall be revised to reflect the final stormwater concept design.
5. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

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.

* * * * *

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, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, October 25, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of November 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:HZ:gh