



## Hyattsville City Council Agenda Item Report

Meeting Date: September 16, 2019

Submitted by: Jim Chandler

Submitting Department: Community & Economic Development

Item Type: Planning & Development

Agenda Section:

### SUBJECT

DSP-19039 - NSR Property, 3599 East-West Highway (25 minutes)

### HCC-65-FY20

#### Recommendation:

I move the City Council authorize the Mayor to provide correspondence to the Maryland-National Capital Park & Planning Commission in support of Detailed Site Plan 19039, subject to the following conditions:

1. The layout of the site shall be reconfigured where the convenience store building resides along the north end of the site, adjacent to East-West Highway and Belcrest Road, and the proposed canopy and gas pumps reside along the south side of the site. To improve pedestrian safety and egress, the canopy above the gas pumps shall be extended to the convenience store. In addition, the south side of the site shall be dedicated green space.
2. The proposed stand-alone ATM shall be removed. Any proposed ATM shall either be affixed to the building exterior or reside within the building interior. The space shall be redesigned as a pedestrian plaza.
3. A mural or other equivalent artistic element shall be integrated into the proposed convenience store building. In addition to a mural element, the applicant shall incorporate into the site design a commissioned sculptural element to be located adjacent to the building in the area that was proposed for the stand-alone ATM.
4. All pedestrian and service entrances shall have overhead awnings.
5. The second story and subsequent office space shall be eliminated from the site plan. The single-story convenience store height shall be consistent with the height of the canopy.
6. All sidewalks and frontage depths shall be designed and constructed to the development standards of the 2016 Prince George's Plaza Transit District Development Plan.

#### Sponsor(s):

At the Request of the City Administrator

#### Co-Sponsor(s):

N/A

#### ATTACHMENTS

[DSP-19039 - 3599 East West Hwy - City Council Memo - FINAL.docx](#)

[Statement of Justification for NSR 9.11.2019.pdf](#)

[Detailed Site Plan DSP-19039.pdf](#)

[Site Comparison - Proposed Layout vs. Recommended Layout.pdf](#)

[Relevant TDDP Pages - NSR Properties.pdf](#)

[Planning Committee Minutes 07.16.19 DRAFT.pdf](#)

[Planning Committee Minutes 04.17.2018.pdf](#)

**Summary Background:**

The subject property is located at 3599 East West Highway, at the southwestern intersection of East West Highway (MD 410) and Belcrest Road. The site currently operates as a Sunoco gas station.

The applicant is proposing the addition of four (4) service bays (eight gas pumps) and a stand-alone ATM, as well as the construction of a new convenience store/management office at 3599 East West Highway. The property is located within the "Downtown Core" character area of the Prince George's Plaza Transit District Overlay Zone and is zoned M-U-I (Mixed-Use-Infill).

The applicant is requesting five (5) modifications to the 2016 Prince George's Plaza Transit District Development Plan (TDDP) standards. The existing use is permitted to continue by-right; however, the applicant is required to file for Detailed Site Plan (DSP) review as the proposed improvements require a variance to the development standards. In addition, the proposed improvements to the site may constitute a 'new' use and/or be interpreted as non-conforming use and all major improvements to non-conforming properties must be approved via a DSP.

The applicant presented their Detailed Site Plan to the Planning Committee on Tuesday, July 16, 2019. The Planning Committee's recommendations are incorporated into this memorandum and the draft minutes of the meeting are included as an attachment. Staff is recommending support of DSP-19039 subject major site revisions and associated conditions, most notably the reconfiguration of the site to provide the building frontage along East-West Highway.

City staff has consulted with M-NCPPC staff regarding the proposed modifications. M-NCPPC staff opinion is that implementing the site plan, as proposed, will require thirty-two (32) modifications to the Prince George's Plaza Transit District Development Plan. This is a significant increase from the number of modifications being requested by the applicant. City Staff solely analyzed the modifications as requested and presented by the applicant, however an outline of the additional amendments identified by M-NCPPC can be found attached to this memo. Highlighted items in the document indicate amendments that will no longer require variance requests if City staff recommendations outlined in this memo are implemented.

The M-NCPPC Planning Board Hearing for this application is scheduled for November 7, 2019.

**Next Steps:**

No additional action is required by the City Council.

**Fiscal Impact:**

N/A

**City Administrator Comments:**

Several concerns and comments have been raised. The staff has provided viable recommendations. We will provide necessary input to the Planning Board based on Council feedback.

**Community Engagement:**

The applicant met with the Planning Committee on July 16, 2019 to present and discuss the development application. Since the Planning Committee has already reviewed a version of this site plan, they recommended that the relevant comments from the April 17, 2018 meeting be put into record, as they are pertinent to the discussion of the updated DSP submitted by the applicant. At the April 17, 2018 Planning Committee meeting, recommendations unanimously approved by the Planning Committee included:

The applicant should consider the inclusion of "some form of artistic or attractive feature" along the south facing rear wall of the convenience store building;

The applicant should consider reducing the number of curb cuts and enhancing pedestrian access and safety on the site. In the revised DSP, the applicant addressed the number of curb cuts by reducing the number from a total of four (4) curb cuts to (2) curb cuts, with one (1) curb cut along East-West Highway and one (1) curb cut along Belcrest Road. However, the applicant did not address the Planning Committee's recommendation to include some form of artistic or attractive feature to the proposed building.

The Planning Committee reiterated this recommendation during the July 16, 2019 meeting. During the Planning Committee's July 16, 2019 meeting, the majority of the Planning Committee's discussion focused on the applicant's requested variances. The Planning Committee supports the applicant's first three (3) amendments without any major contention, which include an 8-foot sidewalk and 6.3-foot tree and furnishing zone along East-West Highway, canopy set back of 25.6' from East-West Highway, and a 43' build-to line on Belcrest Road. In addition, the Planning Committee supports the canopy branding presented in the DSP, with one (1) member opposed stating the highway-styled branding is not in the spirit of the TDDP. The fourth variance request concerns the permitted use of the property.

The Planning Committee discussed whether this issue was within their scope, as it will ultimately be a legal determination. A vote specific to supporting the fourth variance and the applicant's interpretation of the zoning ordinance failed due to most Planning Committee members abstaining from the vote. Abstentions were based on the belief that this variance will need to be legally determined and this decision is outside the purview of the Planning Committee. However, the Planning Committee did vote to support the current use of the site as a gas station with the renovations and reconstruction proposed by the applicant; this vote was premised on the value members believe this use brings to the community, and not on any legal basis.

**Strategic Goals:**

Goal 2 – Ensure the Long-Term Economic Viability of the City

**Legal Review Required?**

N/A