

R E S O L U T I O N

WHEREAS, DD Land Holding, LLC is the owner of a 7.65-acre parcel of land known as Parcel 109, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on March 13, 2018, DD Land Holding, LLC filed an application for approval of a Preliminary Plan of Subdivision for one lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16037 for Fairview Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 26, 2018, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application and DISAPPROVAL of a Variance to Section 25-122(b)(1)(G), with conditions; and

WHEREAS, on July 26, 2018, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-075-04-02, and DISAPPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-16037, including a Variation from Section 24-121(a)(3), for one lot with the following conditions:

1. Prior to signature approval of this preliminary plan of subdivision, the following revisions shall be made:
 - a. Revise General Note 13 to "minimum lot size: none."
 - b. Revise General Note 18 to replace "34492-2004" with "34492-2004-01."
 - c. Relocate "Deed Information" so that it is legible.
 - d. Note the Prince George's County Planning Board's approval of a Variation from Section 24-121(a)(3) of the subdivision Regulations for one direct access onto MD 704 (Martin Luther King Jr Highway), and reflect the denial of access along all remaining frontage of MD 704 and the entirety of frontage along I-95/495 (Capital Beltway).

- e. Revise Lot 1 to be designated as Parcel 1.
2. Prior to signature approval of this preliminary plan of subdivision, the following revisions shall be made to the Type 1 tree conservation plan (TCP1):
- a. Revise the TCP1 and worksheet to address how the entire woodland conservation requirement will be met.
 - b. All proposed reforestation on-site shall be redesigned to be in conformance with the design requirements of Subtitle 25, Division 2, of the Prince George's County Code. No reforestation credits shall be shown within bioretention areas or easements. Revise the worksheet as necessary.
 - c. Revise General Note 7 to replace "Developing Tier" with "Environmental Strategy Area 2."
 - d. Revise General Note 11 to replace "34492-2004" with "34492-2004-01."
 - e. Revise the woodland conservation worksheet by changing the revision number from "3" to "2."
 - f. Revise the TCP1 revision box by adding the associated Development Review Division (DRD) case numbers for the '-00' and '-01' approvals.
 - g. Add the required DRD QR Code approval block to the plan.
 - h. After the revisions are made, have the revised TCP1 signed and dated by the qualified professional who prepared it.
3. In conformance with the 1990 *Approved Master Plan Amendment and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73*, the applicant and the applicant heirs, successors, and/or assignees shall provide the following:
- a. Construct the master plan trail (shared-use path) along the site's entire frontage of MD 704 (Martin Luther King Jr Highway), unless modified by the State Highway Administration;
 - b. Construct a standard sidewalk along Whitfield Chapel Road, unless modified by the Prince George's County Department of Public Works and Transportation;
 - c. Construct a standard sidewalk along Fairview Avenue, unless modified by the Prince George's County Department of Public Works and Transportation;
 - d. Construct sidewalks along all internal roads.

4. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-075-04-02. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-075-04-02), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

5. Prior to approval of the detailed site plan, the specimen tree variance request shall be revised to include a condition analysis of all trees proposed to be removed in accordance with methods presented in The Guide to Plant Appraisal prepared by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture. The condition analysis shall be used to review the variance request.
6. Substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.
7. Total development shall be limited to uses which generate no more than 103 AM peak-hour trips, and 159 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities and a new preliminary plan of subdivision.
8. Prior to issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation Consolidated Transportation Program or the Prince George’s County Capital Improvement Program; (b) have been permitted for construction through the operating agency’s permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Along Whitfield Chapel Road, between MD 450 (Annapolis Road) and the entrance of the Del Vista Apartments, construct minor geometric and re-striping changes to create an additional northbound lane. It would be re-striped as a left-turn lane, thus providing two northbound left-turn lanes and a right-turn lane.

- b. Along Whitfield Chapel Road from Fairview Avenue/Volta Street to MD 704 (Martin Luther King Jr Highway), construct minor geometric and re-striping changes to allow a reversible center turn lane. This lane would allow access to and from the site, as well as providing a left through and exclusive right-turn lane at the southbound approach to the MD 704/Whitfield Chapel Road intersection.
9. Prior to approval of the final plat, the final plat shall reflect:
 - a. Dedication of right-of-way along Whitfield Chapel Road at 40 feet from centerline.
 - b. A 10-foot-wide public utility easement along the public rights-of-way, as delineated on the approved preliminary plan of subdivision.
 - c. Note the Prince George's County Planning Board's approval of a Variation from Section 24-121(a)(3) of the Subdivision Regulations for one direct access onto MD 704 (Martin Luther King Jr Highway), and reflect the denial of access along all remaining frontage of MD 704 and the entirety of frontage along I-95/495 (Capital Beltway).
10. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 34492-2004-01 and any subsequent revisions.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located at the northwest quadrant of the intersection at Whitfield Chapel Road and MD 704 (Martin Luther King Jr Highway). The property consists of 7.65 acres and is within the Commercial Shopping Center (C-S-C) Zone. This preliminary plan of subdivision (PPS) includes Parcel 109, as described in a deed recorded among the Prince George's County Land Records in Liber 21975 at folio 331. Parcel 109 is an acreage parcel never having been the subject of a final plat of subdivision. The site is undeveloped, and the applicant is proposing to construct 37,900 square feet of retail development, which is permitted in the C-S-C Zone.

The property is surrounded by dedicated public streets: Whitfield Chapel Road to the east, an existing 60-foot-wide collector facility; MD 704 to the south, a 120-foot-wide master-planned arterial facility; Fairview Avenue to the north, a 50-foot-wide primary residential street; and I-95/495 (Capital Beltway) to the west, a master-planned freeway facility. Whitfield Chapel Road has an ultimate master-planned right-of-way width of 80 feet and additional roadway dedication is provided with this application. Access to this property is via MD 704 and Whitfield Chapel Road.

At the time of submittal of the PPS, the applicant requested a variation from Section 24-121(a)(3) of the Subdivision Regulations, which requires that sites adjacent to a planned arterial roadway not access those roads directly and be designed to front on an interior road. The approval of a variation for direct access onto MD 704, an arterial roadway, is included in this PPS, as discussed further.

The applicant also filed a variance to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for the removal of 16 specimen trees. The disapproval of the variance request, is included in this PPS, as discussed further.

3. **Setting**—The property is located on Tax Map 52 in Grid C-3 in Planning Area 73, and is zoned C-S-C. The subject property is bounded to the north by Fairview Avenue, with property beyond developed with single-family detached homes in the Rural Residential (R-R) Zone. Whitfield Chapel Road bounds the site to the east, with property beyond developed with single-family detached homes in the R-R Zone. Martin Luther King Jr Highway bounds the site to the south, with vacant property beyond zoned One-Family Detached Residential (R-80). The Capital Beltway bounds a portion of the site to the west and the remainder of the western property line of the subject site is adjacent to vacant property zoned R-80.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

| | EXISTING | APPROVED |
|------------------|----------|------------------------|
| Zone | C-S-C | C-S-C |
| Use(s) | Vacant | Commercial |
| Acreage | 7.65 | 7.65 |
| Gross Floor Area | 0 | 37,900 sq. ft. |
| Parcels | 1 | 1 |
| Lots | 0 | 0 |
| Outlots | 0 | 0 |
| Variance | No | Yes 25-122(b)(1)(G) |
| Variation | No | Yes 24-121(a)(3) |

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on April 6, 2018. The requested variation from Section 24-121(a)(3) was accepted on March 13, 2018, and heard before the SDRC on April 6, 2018, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The property is the subject of three previous PPS. Preliminary Plan of Subdivision 4-04135 was approved by the Planning Board (PGCPB Resolution No. 05-16) in 2005 for 12 lots and 1 parcel for residential development in the R-80 Zone. Subsequently, the

applicant filed a Detailed Site Plan (DSP-05108), which fell dormant and consequently did not receive approval. Preliminary Plan 4-04135 expired in 2007.

In 2008, the applicant again filed a PPS (4-08041) for 12 lots and 1 parcel. In that case, additional information was not received as requested by staff before the Planning Board hearing date and the application was withdrawn by the applicant. In 2009, the applicant filed PPS 4-09018 for 12 lots and 2 parcels for residential development in the R-80 Zone, which was approved on December 3, 2009. As further discussed below, the subject site was rezoned to C-S-C in 2015, and the subject application has been filed for commercial development of the site. If approved, this PPS (4-16037) will supersede PPS 4-09018.

An application to rezone the property from the R-80 Zone to the C-S-C Zone, Zoning Map Amendment A-10024, was approved on May 12, 2015. On January 5, 2018, the Prince George's County District Council amended Condition 2(b) of A-10024 and adopted A-10024-C, which included six conditions, of which the following are applicable to the review of this PPS:

- b. Access to and from the subject property to Whitfield Chapel Road shall be evaluated at the time of any preliminary plan of subdivision and, if necessary, at the time of detailed site plan approval. At the time of preliminary plan of subdivision and, if necessary, at the time of detailed site plan approval, options for the site entrance configuration to the subject property from Whitfield Chapel Road shall be approved by the appropriate review agencies. At the time of preliminary plan of subdivision, Applicant shall submit evidence to demonstrate that the proposed site ingress and egress from Whitfield Chapel Road will provide safe and visible access in accordance with applicable State and County Standards.**

Conformance with Condition 2(b) has been evaluated with this PPS and is further discussed in the Transportation finding of this report.

- d. Applicant, its successors and assigns, shall consider the impact of the proposed development project on surrounding properties with existing residential uses, including potential negative impacts on surrounding residential uses near the property. The Applicant shall meet with members of the surrounding community, homeowners associations (local community representatives) and persons of record prior to the submission of any Preliminary Plan of Subdivision and Detailed Site Plan to specifically discuss compatible proposed land uses as well as suitable ingress and egress issues for the development. The Applicant is encouraged to enter into private land use covenants with the local community representatives to consider appropriate permitted land uses for the subject property and to focus on "low intensity, locally-oriented businesses" as specified within the 1990 Master Plan recommendations.**

The applicant provides that:

“Condition d. was satisfied in early 2017, prior to the submission of the application for Preliminary Plan of Subdivision 4-16037. Members of the surrounding community, homeowners associations (local community representatives) and persons of record all were notified in writing and the site was posted to advertise the public hearings before the Zoning Hearing Examiner and the District Council to consider the amendment of Condition b. regarding ingress-egress issues.

“These public meetings which were both well attended by members of the surrounding community, homeowners associations (local community representatives) and persons of record, were on the record and provided all interested parties the opportunity to not only hear the testimony of the Applicant’s civil engineering consultant and its traffic engineer under oath, but the additional opportunity to cross-examine these witnesses regarding suitable ingress-egress from Whitfield Chapel Road and Martin Luther King, Jr. Boulevard, as well as to provide their own testimony on the subject into the record. At these meetings sight distance information, traffic volumes, specific locations of site entrances and improvements to the surrounding road network and the signalized intersection of Whitfield Chapel Road and Martin Luther King Jr. Boulevard were all discuss in great detail. Following the ZHE hearing, the Applicant and its consultants spent additional time meeting with those in attendance off the record to further discuss the ingress-egress issues and answer follow-up questions.

“Prior to submission of a Detailed Site Plan additional meetings will be held with members of the surrounding community, homeowners associations (local community representatives) and persons of record to specifically discuss compatible proposed land uses.”

The conditions of A-10024-C not included above pertain to the architecture and commercial uses, which will be considered at the time of detailed site plan (DSP), as required.

6. **Community Planning**—The *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) designates the subject property in the Established Communities Growth Policy area. The vision for the Established Communities area is a context-sensitive infill and low- to medium-density development. This application is consistent with the vision.

The 1990 *Approved Master Plan Amendment and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* (Largo-Lottsford Master Plan and SMA) recommended suburban residential land use on the subject property. However, A-10024 rezoned the subject property from the R-80 Zone to the C-S-C Zone. Therefore, pursuant to Section 24-121(a)(5), this application is not required to conform with the suburban residential (2.7–3.5 du/acre) land use

recommendation of the master plan, as events have occurred to render the plan recommendations no longer appropriate.

7. **Stormwater Management**—This project has a stormwater management (SWM) concept plan approval (34492-2004-01), which expires on May 8, 2021, and has been determined to meet water quality and quantity requirements, in accordance with an approved SWM concept plan approved by the Site/Road Plan Review Division of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). Development shall conform with the SWM concept plan approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs.
8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, this PPS is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
9. **Trails**—The PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Largo-Lottsford Master Plan to implement planned trails, bikeways, and pedestrian improvements.

The subject property consists of 7.65 acres at the northwest quadrant of the intersection of MD 704 and Whitfield Chapel Road. The subject application proposes to construct 37,900 square feet of retail space. The property is not located within a designated center or corridor; therefore, it is not subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2."

Master Plan of Transportation Compliance

Text from the MPOT on MD 704 recommendations is copied below:

A side path or wide sidewalk construction with designated bike lanes is recommended along MD 704 (District of Columbia to I 495). It may be appropriate to use excess capacity along MD 704 to accommodate improved bicycle and pedestrian facilities. MD 704 connects to the existing WB&A Trail outside I-495. Trail construction along MD 704 will provide an extension of the existing WB&A Trail to provide a continuous east/west trail connection through central Prince George's County.

The MPOT recommended bicycle lane will be constructed by the Maryland State Highway Administration (SHA) at the time of future resurfacing. The applicant shall construct the MPOT master-planned trail (shared-use path) along the site's entire frontage of MD 704, unless modified by SHA. This shared use path is part of the extension of the Washington, Baltimore, and Annapolis Trail that the Maryland-National Capital Park and Planning Commission (M-NCPPC) is currently studying.

The applicant shall construct adequate sidewalks along its frontage on both Whitfield Chapel Road and Fairview Avenue. A substandard sidewalk exists along Fairview Avenue, that shall be reconstructed to meet current Americans with Disabilities Act (ADA) standards, as required by DPIE. There is no sidewalk along the property's frontage of Whitfield Chapel Road. The applicant shall construct a sidewalk along the frontage of Whitfield Chapel Road, consistent with the sidewalk on the opposite side of Whitfield Chapel Road, that meets ADA standards, as required by DPIE.

The applicant shall also ensure that there are ADA-compliant sidewalks and pedestrian connections along the internal driveways within the subject property.

10. **Transportation**—The subject property is proposed to be accessed through a right-in/right-out access onto MD 704 and a full movement access onto Whitfield Chapel Road.

Trip Generation

Since the trip generation is projected to exceed 50 trips in either peak-hour, the applicant has provided the Planning Board with a traffic impact study (TIS) dated January 2018. The TIS was based on the construction of a 37,900-square-foot shopping center.

Based on a 37,900-square-foot retail shopping center, the trips were computed as 103 (64 in, 39 out) AM peak trips, and 159 (76 in, 83 out) PM peak trips. The study assumed the following trip distribution:

| Location | Traffic Distribution |
|---|-----------------------------|
| MD 450 West | 20% |
| MD 450 East | 10% |
| Whitfield Chapel Road north of Fairview Avenue/Volta Street | 10% |
| MD 704 West | 10% |
| MD 704 East | 25% |
| Whitfield Chapel Road south of MD 704 | 25% |

The table below summarizes trip generation in each peak hour that will be used for the analysis and for formulating the trip cap for the site:

| Trip Generation Summary, 4-16037, Fairview Center | | | | | | | | |
|--|---------------------|---------------|---------------------|------------|--------------|---------------------|------------|--------------|
| Land Use | Use Quantity | Metric | AM Peak Hour | | | PM Peak Hour | | |
| | | | In | Out | Total | In | Out | Total |
| Proposed Shopping Center | 37,900 | square feet | 106 | 65 | 171 | 127 | 138 | 265 |
| <i>Less Pass by Trips 40%</i> | | | -42 | -26 | -68 | -51 | -55 | -106 |
| Total New Trips Utilized in Analysis | | | 64 | 39 | 103 | 76 | 83 | 159 |
| Proposed Cap | | | | | 103 | | | 159 |

The rates used are consistent with the “Transportation Review Guidelines, Part 1” (Guidelines). The shopping center trip generation was used for the analysis and for formulating the trip cap for the site. The traffic generated by the PPS will impact the following intersections, interchanges, and links in the transportation system:

- MD 450 at Whitfield Chapel Road (signalized)
- Whitfield Chapel Road at Fairview Avenue/Volta Street (unsignalized)
- Whitfield Chapel Road at Site Access (unsignalized)
- MD 704 at Whitfield Chapel Road (signalized)
- MD 704 at Site Access (unsignalized)
- MD 704 at EB US 50 Ramps (signalized)

This PPS is supported by a TIS dated January 2018 using counts dated December 2017/ January 2018. The Planning Board found the traffic impact study to be consistent with the Guidelines.

Existing Traffic

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the “Guidelines.”

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally required that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges, and links identified below, when analyzed with existing traffic using counts taken in January 2018 and existing lane configurations, operate as follows:

| EXISTING TRAFFIC CONDITIONS | | | | |
|--|--|--------------|------------------------------------|-----|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
| MD 450 at Whitfield Chapel Road | 951 | 1335 | A | D |
| Whitfield Chapel Road at Fairview Avenue/Volta St* | 15.1 seconds | 25.4 seconds | | |
| Whitfield Chapel Road at Site Access* | N/A | N/A | N/A | N/A |
| MD 704 at Whitfield Chapel Road | 1116 | 1023 | B | B |
| MD 704 at Site Access* | N/A | N/A | N/A | N/A |
| MD 704 at EB US 50 Ramps | 729 | 851 | A | A |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy. | | | | |

Background Traffic

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program (CIP). Background traffic has been developed for the study area using the five approved, but unbuilt, developments in the area. A 2.3 percent annual growth rate for a period of six years has been assumed.

Five background developments were identified whose impact could affect some or all of the critical intersections. These intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

| BACKGROUND TRAFFIC CONDITIONS | | | | |
|--|--|--------------|------------------------------------|-----|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
| MD 450 at Whitfield Chapel Road | 1097 | 1539 | B | E |
| Whitfield Chapel Road at Fairview Avenue/Volta St* | 17.2 seconds | 33.1 seconds | | |
| Whitfield Chapel Road at Site Access* | N/A | N/A | N/A | N/A |
| MD 704 at Whitfield Chapel Road | 1305 | 1228 | D | C |
| MD 704 at Site Access* | N/A | N/A | N/A | N/A |
| MD 704 at EB US 50 Ramps | 863 | 1039 | A | B |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy. | | | | |

Total Traffic

The following critical intersections, interchanges, and links identified below, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described, operate as follows:

| TOTAL TRAFFIC CONDITIONS | | | | |
|--|--|--------------|------------------------------------|---|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
| MD 450 at Whitfield Chapel Road | 1117 | 1572 | B | E |
| Whitfield Chapel Road at Fairview Avenue/Volta St* | 18.9 seconds | 36.6 seconds | | |
| Whitfield Chapel Road at Site Access* | 17.7 seconds | 35.9 seconds | | |
| MD 704 at Whitfield Chapel Road | 1335 | 1276 | D | C |
| MD 704 at Site Access* | 18.5 seconds | 15.1 seconds | | |
| MD 704 at EB US 50 Ramps | 872 | 1054 | A | B |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy. | | | | |

Based on the results of the traffic analysis, it was determined that five of the six intersections will operate at acceptable levels of service (LOS) under future traffic conditions except MD 450 (Annapolis Road) at Whitfield Chapel Road. The signalized intersection of MD 450 at Whitfield Chapel Road is proposed to operate at a LOS E (CLV of 1,572) during the PM peak period. As such, the applicant proposes minor geometric and striping changes that would allow for an additional northbound lane along Whitfield Chapel Road. This additional lane would be marked as a left-turn lane, ultimately providing two northbound left-turn lanes, plus an exclusive right-turn lane. With this improvement in place, the intersection operations would improve to a CLV of 1,426 and LOS D.

A trip cap, consistent with the trip generation assumed for the site (103 AM and 159 PM peak-hour vehicle trips), is required.

Agency Comments

The TIS provided by the applicant was referred to both SHA and the Prince George's County Department of Public Works and Transportation (DPW&T) for review and comment. Comments from SHA and DPW&T have been received and both agencies have expressed some concerns with aspects of the TIS. The applicant was made aware of them and responded. These concerns will be handled by the agencies during the permit phase of the project. Correspondence between SHA, DPW&T, and the applicant is provided in the case file.

Master Plan, Right-of-Way (ROW) Dedication

The site is adjacent to MD 704, a master plan arterial facility, and to I-95/495, a master plan freeway facility. Adequate right-of-way, consistent with master plan recommendations, exists

along both facilities. Therefore, no further dedication is required of this plan along I-95/495 and MD 704.

Whitfield Chapel Road is shown on the MPOT as an 80-foot collector along the frontage of this site. Dedication of 40 feet from centerline is correctly shown on the plan.

Plan Comments

As a part of this PPS, the applicant proposes two access points; a full movement from Whitfield Chapel Road and a right-in/right-out from MD 704. Impacts of the full movement access are reported in the TIS. The District Council, Office of the Zoning Hearing Examiner, Zoning Map Amendment A-10024 Remand Decision dated August 28, 2013 indicated:

- (7) **The SHA had an additional opportunity to review the request. On August 22, 2013 it provided the following comment:**

Based on the meeting and discussions, the SHA determined that a right-in only entrance along MD 704 could be acceptable subject [to the] design details in the Pre-Permit Engineering Plan Review Phase. The entrance should be placed as far west of Whitfield Chapel Road as possible in order to reduce any potential weaving issues. Changes to lane configurations or phasing along the southbound approach of Whitfield Chapel Road may be necessary in order to accommodate the entrance. Alternatives for this approach should be evaluated in the full Traffic Impact Study (TIS) for the development when it is submitted. In addition, the SHA could allow a right-out driveway from the site, provided that a full acceleration lane is constructed. (Exhibit R-9(e))

In discussions with SHA, they are aware of the applicant's proposed right-in/right-out access on MD 704 and will consider it more fully during the access permit review.

Variation Request—Section 24-121(a)(3) states the following:

Section 24-121. Planning and design requirements.

- (a) **The Planning Board shall require that proposed subdivisions conform to the following:**
- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred**

(200) feet away from the intersection of any roadway of collector or higher classification.

The 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* identified MD 704 as a master plan arterial roadway and Whitfield Chapel Road as a collector roadway.

The subject PPS proposes two access points, a full movement from Whitfield Chapel Road and a right in/right out from MD 704. The MD 704 access point requires a variation pursuant to Section 24-121(a)(3) because this lot abuts an existing arterial roadway and it is not permitted to provide vehicular access to the roadways without approval from the Planning Board. The applicant has requested a variation from this requirement. Section 24-113 sets forth the following required findings for approval of a variation request (in **bold**), and the plain text provides findings on PPS conformance:

Section 24-113 Variations

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

Granting direct access to and from MD 704 will increase safe ingress and egress to the site and benefit the general public and the immediate residential neighbor's health and welfare by keeping a large number of pass-by trips of those patronizing (non-locals) the shopping center from entering the local road network. This separation of traffic will also accrue to the benefit of neighbors by allowing locals to utilize the secondary, less congested, access point to and from Whitfield Chapel Road.

Access to and from the site from MD 704, primarily for non-local traffic, is proposed as a single right-in/right-out state highway commercial entrance to serve the commercial development. The location of the access drive, approximately 280 feet west of the signalized interchange with Whitfield Chapel Road, was chosen to optimize sight distances and to provide a separate means of ingress/egress to the commercial development for non-local traffic. Other

properties in the immediate vicinity of the site will be unaffected by the granting of this variation.

SHA, as part of the zoning map amendment case in which the subject property was rezoned from R-80 to C-S-C (A-10024-C), by letter dated August 22, 2013, determined that the agency could allow a right-in and right-out driveway from MD 704, subject to further conditions and review. Mr. Schmid, the traffic engineering expert in that case, also presented unrefuted testimony that the intersection of Whitfield Chapel Road and MD 704 would operate at LOS A or B, if the subject site were developed with a neighborhood commercial center, and that the right-in/right-out from MD 704 would eliminate left turns into the site from Whitfield Chapel Road.

In the review for the current PPS, SHA has determined that a right-in only entrance along MD 704 could be acceptable, subject to the design details in the pre-permit engineering plan review phase. The entrance should be placed as far west of Whitfield Chapel Road as possible, in order to reduce any potential weaving issues. Changes to lane configurations or phasing along the southbound approach of Whitfield Chapel Road may be necessary, in order to accommodate the entrance. Due to the preceding reasons, the public safety, health, or welfare will not be detrimentally affected by the granting of this variation.

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

The subject property is the only property on the north side of MD 704, between the US 50 (John Hanson Highway) interchange and Ardwick Ardmere Road, a distance of over 1.1 miles, with the potential to directly access the arterial roadway. The 7.65-acre property is also the only commercially zoned property on the north side of MD 704, between the US 50 interchange and MD 202 (Landover Road). These features establish the unique conditions of the subject site, which are not generally applicable to other properties.

The only means of accessing the site from a public right-of-way, while at the same time minimizing the traffic impacts of the commercial development on the surrounding residential neighborhood, is to provide a right-in/right-out entrance directly onto MD 704, in conjunction with a full movement entrance from Whitfield Chapel Road. By providing the two points of ingress/egress, local and non-local traffic can be separated and the impact of the commercial center on the existing residential community can be minimized.

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

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation. SHA supports the driveway access to MD 704, and the commercial/retail shopping center use is permitted by-right in the C-S-C Zone and complies with all other applicable Zoning Ordinance and Subdivision Regulation requirements.

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

Along the subject property's frontage, MD 704 is a straight, flat, four-lane (two westbound lanes, a raised median, and two eastbound lanes), divided thoroughfare. Heading westbound, the elevation rises from 186 feet at its intersection with Whitfield Chapel to approximately 190 feet at the western property line. Whitfield Chapel is a collector road which rises in elevation from 186 feet at the intersection with MD 704, heading northbound, to 196 feet at its intersection with Fairview Avenue.

The subject property lies on the north side of the two eastbound lanes of MD 704. East of the intersection of MD 704 and Whitfield Chapel Road is a vacant, heavily wooded parcel, which blocks the view of the site from westbound traffic travelling on MD 704. The elevation of the subject property along the frontage with MD 704 is four to 14 feet above the road elevations and along the frontage with Whitfield Chapel, approximately four to six feet above the road elevations, which further restricts sight lines from both roads into the site.

The comparatively shorter and steeper frontage along Whitfield Chapel Road (329 feet), as opposed to 443 feet along MD 704, and the lack of visibility of the shopping center from the westbound approach along MD 704 would exacerbate the mixing of local and non-local traffic, creating a hardship for the community and the businesses in the development.

Non-local traffic would be unfamiliar with the local road network and, due to the elevation change and the resulting lack of visibility from the adjoining roadways, would likely drive pass the site, without identifying the movements necessary to access the development.

As MD 704 is a divided highway, if one were to miss the sole access point at Whitfield Chapel Road, it would require continuing west to Ardwick Ardmore Road before being able to make a U-turn (an approximate one-mile detour). Even for those familiar with the local roads, accessing the shopping center would require exiting onto Whitfield Chapel Road north and waiting to cross southbound traffic before entering or exiting the shopping center. It is impossible for the owner to provide safe adequate access from any other public right-of-way if this variation to access MD 704 were to be denied.

Without this access point, all traffic would have to exit onto Whitfield Chapel Road, a two-lane collector road, which could become overwhelmed. It is impossible for the property owner to provide adequate access from any other public right-of-way if this variation were to be denied.

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

The subject property is zoned C-S-C; therefore, this provision does not apply.

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to Plan 2035, the area master plan, and their amendments.

The Planning Board approves the variation to Section 24-121(a)(3) to allow one access to an arterial road, MD 704. Access shall be denied along the site's frontage of MD 704, except where access is permitted by SHA.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed commercial development, as required, in accordance with Section 24-124, as approved with conditions.

11. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (Council Resolutions CR-23-2001 and CR-38-2002), and it was determined that the subdivision is exempt from a review for schools because it is a nonresidential use.
12. **Fire and Rescue**—This PPS was reviewed for adequacy of fire and rescue services, in accordance with Section 24-122.01(d) of the Subdivision Regulations.

The Prince George's County Fire/EMS Department indicates that a five-minute total response time is recognized as the national standard for fire/EMS response times. This arises from the 2016 Edition of the National Fire Protection Association (NFPA) 1710 Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. This standard is being applied to the review of nonresidential subdivision applications.

The Deputy Fire Chief, Dennis C. Wood, Emergency Services Command of the Fire/EMS Department, stated in writing that, as of March 13, 2018, the subject project was determined to have a travel time under four minutes; therefore, an associated total response time under five minutes from the closest station (St. Josephs Fire/EMS, Station 806), which is located at 2901 St. Josephs Drive. Applying the national standard, the subject property passes the adequacy test.

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed near the site.

13. **Police Facilities**—The following evaluation is provided for impact on police services, in accordance with Section 24-122.01(c) of the Subdivision Regulations.

The subject property is within the service area of Police District II, Bowie. There is 267,660 square feet of space in all the facilities used by the Prince George's County Police Department, and the July 1, 2016 (U.S. Census Bureau) County population estimate is 908,049. Using the national standard of 141 square feet per 1,000 residents, it calculates to 128,034 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

14. **Water and Sewer**—Section 24-122.01(b)(1) states that the location of the property within the appropriate service area of the 10-year water and sewerage plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval.

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System. The property is within Tier 1 under the Sustainable Growth Act and will, therefore, be served by public systems.

15. **Use Conversion**—The total development included in this PPS is 37,900 square feet of retail space in the C-S-C Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.
16. **Public Utility Easement (PUE)**—Section 24-122(a) of the Subdivision Regulations requires that, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County

Land Records in Liber 3703 at folio 748.”

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The site has frontage along MD 704, I-95/495, Fairview Avenue, and Whitfield Chapel Road. The PPS correctly delineates a 10-foot-wide PUE along the public rights-of-way.

17. **Historic**—The proposed project will have no impact on any designated Prince George’s County historic sites, resources or districts. A search of current and historic photographs and topographic and historic maps indicate that the property is adjacent to the documented Jefferson Street District (PG: 73-030), and several small structures existed on the subject property in the 1960s. A Phase I archeological survey was completed on the subject property in December 2005. The final report, *A Phase I Archaeological Investigation of the Scruggs Property, Prince George’s County, Maryland, Preliminary Plan 4-04135*, was received and approved on January 6, 2006.

No archeological sites were identified on the property and no further work was recommended. The Planning Board accepts the report’s findings that no further archeological work is necessary on the property.

18. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

| Development Review Case # | Associated Tree Conservation Plan # | Authority | Status | Action Date | Resolution Number |
|---------------------------|-------------------------------------|----------------|-----------|-------------|-------------------|
| 4-04135 | TCPI-075-04 | Planning Board | Approved | 03/01/07 | 05-16 |
| DSP-05108 | TCP2-065-07 | Staff | Dormant | 03/11/14 | NA |
| 4-08041 | NA | Planning Board | Withdrawn | 04/23/09 | NA |
| 4-09018 | TCPI-075-04-01 | Planning Board | Approved | 12/03/09 | 09-156 |
| NRI-038-08 | NA | Staff | Approved | 9/24/08 | NA |
| NRI-038-08-01 | NA | Staff | Approved | 10/5/17 | NA |

Grandfathering

The project is subject to the environmental regulations of Subtitles 25 (WCO) and 27 (Zoning Ordinance) that became effective on September 1, 2010 because this is a new PPS.

Site Description

This 7.65-acre site is located at the northwest quadrant of the intersection of MD 704 and Whitfield Chapel Road in the C-S-C Zone. This site is undeveloped, with 6.22 acres of woodlands on-site. An open maintained grassed area associated with an existing 25-foot-wide water line easement exists along the southern property boundary. A review of available information identified that regulated environmental features, such as 100-year floodplain, streams, wetlands, associated buffers, and primary management area (PMA), do not exist on-site; however, areas of steep slopes exist on-site. This site is located in the lower Beaverdam Creek portion of the Western Branch watershed, which is part of the Patuxent River watershed.

According to available information, no Marlboro clay exists on-site; however, Christiana complexes are mapped on the property. Soils within the Downer, Urban Land, and Russet soil series exist on-site. In a letter dated June 22, 2017, the Maryland Department of Natural Resources, Natural Heritage Program, has determined that there are no state records for rare, threatened, or endangered species within the boundary of the project site. According to PGAtlas, forest interior dwelling species habitat does not exist on-site. This site is not within an aviation policy area associated with an airport and does not share frontage with a special roadway designated as a historic or scenic road. The site is located within Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by the Plan 2035.

Countywide Green Infrastructure Plan

The 2017 Countywide Green Infrastructure Plan was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the Green Infrastructure Plan, the site is not within the green infrastructure network, as no regulated or evaluation areas exist on-site. Therefore, the proposed development is in conformance with the Green Infrastructure Plan.

Area Master Plan Conformance

The master plan for this area is the Largo-Lottsford Master Plan and SMA. The site was rezoned from R-80 to C-S-C with the Fairview Commercial Zoning Map Amendment (A-10024-C). In the approved master plan and SMA, the environmental envelope section contains objectives, strategies, and guidelines. The following guidelines have been determined to be applicable to the current project. The text in **bold** is text from the master plan and the plain text provides findings on plan conformance.

Guideline 7: Development proposals shall provide effective means for the preservation and protection of Natural Reserve Areas. Development plans for lands containing open space and conservation areas shall specify how and by whom these areas will be maintained.

Guideline 8: Limited development should be permitted in areas where features of the Conditional Reserve Area are located to the extent that significant physiographic constraints and natural processes of the land are not irreparably disturbed.

Natural reserve areas have physical features, which exhibit severe constraints to development. The only natural reserve areas located on-site are the area of 25 percent and greater slopes located on top of soils containing Christiana complexes, as identified on the natural resources inventory (NRI), located along the southeastern edge of the site. This area is discussed in further detail in the Soils section below. All proposed reforestation on-site is required to have a five-year maintenance bonding agreement with the County, to be issued at the time of the first grading permit.

Guideline 9: In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air

pollution, and other characteristics of excessive vehicular traffic shall be protected by suitable construction techniques and by the enforcement of legally mandated standards.

Guideline 10: Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.

Perceptual liability areas are defined as the negative features which detract from an area, which include highway noise intrusion, air pollution, and negative visual impacts. Although this project is not associated with any uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution, and other characteristics of excessive vehicular traffic; the site is adjacent to residences that are sensitive to noise and air pollution. Best management practices to reduce construction noise, vibration, and air pollution onto surrounding residential properties during construction and during the operation of this site is encouraged. The site will be subject to enforcement under state and federal regulations related to noise, vibration, and air pollution.

Guideline 12: Stormwater plans and facilities to manage runoff quantity and quality shall be coordinated with future development in the Planning Area.

Guideline 13: Stormwater and sediment controls shall be reviewed as an extension and integral part of stormwater management, and their planning and implementation shall be coordinated with future development in the Planning Area.

Guideline 17: Water storage facilities and reservoirs should be provided to meet the needs of the County. The use of underground facilities should be evaluated during the location and design process for future facilities. Above-ground facilities shall be designed and landscaped to enhance, rather than conflict with, the surrounding environment.

Guideline 23: Plans for stormwater impoundments should undergo aesthetic as well as an engineering evaluation. Site plans should be prepared which show landscaping and considers views from adjacent roads and development.

This project has a SWM concept plan approval (34492-2004-01), which has been determined to meet water quality and quantity requirements, in accordance with an approved SWM concept plan approved by the Site/Road Plan Review Division of DPIE.

The Site/Road Plan Review Division will continue to review the project for conformance with the current provisions of the Prince George's County Code, which addresses the state regulations at the time of final design, prior to permit.

Guideline 14: New development shall only be approved in areas where acceptable sewage treatment facilities are assured by the date of occupancy.

Guideline 15: Priorities in planning and constructing sewerage systems should be scheduled so that the sewage flow never exceeds the ability of the treatment facilities to produce effluent that meets the State and U.S. Environmental Protection Agency standards.

Guideline 16: New, innovative technologies such as composting toilets should be encouraged in order to reduce the demand on the sewage treatment system.

This site will be required to connect to the public water and sewer network that is under the regulatory jurisdiction of the Washington Suburban Sanitary Commission (WSSC). WSSC has reviewed this application for conformance and provided no comment in relation to the design standards. In addition, all water and sewer connections will also be required to meet state and federal standards. The use of innovative technologies, such as composting toilets, is encouraged.

Guideline 18: A forest stand delineation shall be submitted as part of any basic plans, concept plans, or preliminary plans of subdivision.

A forest stand delineation previously approved as part of the Natural Resources Inventory (NRI-038-08-01) was submitted with this PPS.

Guideline 19: Tree save areas shall be established to act as noise or visual buffers along major transportation corridors and between conflicting land use zones. Tree save areas (and the canopy dripline) shall be adequately protected during the grading and construction phase of the plan. This includes fencing, flagging or bonding. If necessary.

Reforestation is proposed along the northern property line on-site to act as a visual buffer between the site and conflicting residential land uses located off-site. Details for fencing and flagging are required to be provided as part of a Type 2 tree conservation plan (TCP2) that will be reviewed at the time of DSP. As previously noted, the reforestation area will be subject to a five-year maintenance agreement at the time of the first building permit with DPIE.

Although an additional area of woodlands is being retained along the western property boundary that will serve as visual relief between the site and I-95/495, it is within an existing water line easement, and is counted as being cleared on the Type 1 tree conservation plan (TCP1) because it can be removed at any time for maintenance purposes.

Guideline 20: Buffer areas without naturally occurring woody vegetation shall be afforested or reforested with native woody vegetation where practicable.

No regulated environmental features or associated buffers are located on-site.

Guideline 21: Noise studies should be required for all proposed development close to major roads to address potential noise impacts and appropriate noise attenuation measures. Residential land uses should not be exposed to noise levels greater than 65 dBA without application of noise control measures.

The review for potential noise and vibration requirements will be analyzed at the time of DSP.

Guideline 22: Where existing and proposed roads traverse the Natural and Conditional Reserve Areas, care should be taken to assure minimum disruption to the environmental system.

No existing or proposed roads traverse any natural or conditional reserve areas associated with this site.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe the changes, the date made, and by whom.

Woodland Conservation

This site is subject to the provisions of the 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 (TCP1-075-04-02) was submitted with this PPS.

The site is zoned C-S-C and has a woodland conservation threshold of 15 percent, or 1.15 acres. According to the worksheet, the cumulative woodland conservation requirement, based on the total proposed clearing of 6.22 acres of woodlands for this project, is 3.56 acres. The TCP1 proposes to meet this requirement with 0.60 acre of on-site reforestation, 1.53 acres of on-site preservation, and 2.35 acres of off-site woodland conservation credits. The worksheet is currently short 0.61 acre of the woodland conservation requirement.

The layout of the proposed reforestation area requires revisions. Reforestation is not permitted within micro-bioretenention areas or within any associated future SWM easements. The proposed reforestation must be removed from these areas. According to the requirements of Section 25-122, reforestation must be five feet from travel aisles and parking areas in, and adjacent to, parking lots and all reforestation areas must be a minimum of 50 feet wide and 10,000 square feet in area to be credited. The plan currently shows reforestation up to the curb of the proposed parking lot and, once the required modifications are made, much of the reforestation area will be less than the 50-foot minimum required width. The reforestation area on the plan must be revised to be in conformance with the County Code, in order to receive credit. Several other technical revisions are required, as noted below.

Specimen Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall

either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

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 state requirement was incorporated into the adopted County Code effective on September 1, 2010.

A Subtitle 25 Variance Application and a statement of justification, in support of a variance for the removal of 16 specimen trees located on-site, was submitted with this application. The statement of justification submitted gives the rationale of each trees' removal; however, a condition analysis of each tree was not provided. A condition analysis is required before a full review of the variance request can be performed.

Due to the incomplete variance request, the Planning Board disapproves the variance at this time because a full review cannot be completed based on the information submitted. The proposed limit of disturbance on the TCP1 is considered conceptual, until a full review of the variance is completed.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include Christiana-Downer complex (10–15 percent slopes), Christiana-Downer-Urban Land complex (5–15 percent slopes), and Russet-Christiana complex (2–5 percent slopes).

According to available information, no Marlboro clay exist on-site; however, Christiana complexes are mapped on this property. Christiana complexes are considered unsafe soils that exhibit shrink/swell characteristics during rain events, which make it unstable for structures. According to Section 24-131, Unsafe Land, of the Subdivision Regulations, the Planning Board shall restrict or prohibit land found to be unsafe for development because of natural conditions such as unstable soils and high watertable. In a meeting between staff and DPIE on April 5, 2018, DPIE staff stated that no restrictions are required on the site at this time, as the proposed buildings and SWM facilities are being kept off areas of steep slopes. A more thorough review of the project will be conducted by DPIE at the time of permit. At that time, DPIE will evaluate the architecture to see if any additional measures are required to protect the foundation of the buildings, such as placement of additional footers.

The presence of Christiana soil complexes throughout the site requires a close evaluation of proposed retaining wall systems (factor of safety) and proposed infiltration facilities for the SWM concept plan.

No additional information regarding soils is required at this time.

19. **Urban Design**—This PPS proposes to construct a variety of commercial retail buildings with a

total gross floor area of 37,900 square feet. Multiple commercial uses are permitted within the table of uses for the C-S-C Zone. The proposed uses for the subject site, including architecture, shall be further evaluated at the time of DSP review.

Conformance with the 2010 Prince George's County Landscape Manual

Per Section 27-450 of the Zoning Ordinance, landscaping, screening, and buffering for the property is subject to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements Section; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping Requirements. Conformance with the requirements of the Landscape Manual shall be determined at the time of DSP review, when detailed information is submitted.

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 disturb more than 5,000 square feet. The C-S-C Zone requires a minimum of 10 percent of the gross tract area to be tree canopy, which can be fulfilled through existing woodland or proposed plantings. The property has a gross acreage of 7.65 acres and is required to provide 0.77 acre of TCC, or 33,324 square feet, at the time of DSP.

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

* * * * *

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 Doerner, seconded by Commissioner Geraldo, with Commissioners Doerner, Geraldo, Bailey, Hewlett, and Washington voting in favor of the motion at its regular meeting held on Thursday, July 26, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of September 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:AT:gh