

R E S O L U T I O N

WHEREAS, Samuel T. Wood is the owner of a 2.33-acre parcel of land known as Parcel 31, Tax Map 132, Grid B-2, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on June 17, 2003, CVS Corporation filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03052 for Lands of Samuel T. Wood 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 September 4, 2003, for its review and action in accordance with Article 28, Section 7-116, 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 with conditions; and

WHEREAS, on September 4, 2003, 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 the Type I Tree Conservation Plan (TCPI/127/90), and further APPROVED Preliminary Plan of Subdivision 4-03052, Lands of Samuel T. Wood for Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The Type I Tree Conservation Plan shall be revised to:
 - (1) Replace TCP Note 1 with:

“This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for 4-03052. The TCPI will be modified by a Type II Tree Conservation Plan in conjunction with the approval of a Detailed Site Plan, a Specific Design Plan, and/or a grading permit application.”
 - (2) Replace TCP Note 2 with:

“Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised Type I Tree Conservation Plan by the Prince George’s County Planning Board.”

- (3) Show the existing topography for the area of the TCP.
 - (4) Show a proposed limit of disturbance for all planned development.
 - (5) Revise the woodland conservation areas as needed.
 - (6) Revise the worksheet as needed.
 - (7) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- b. A note regarding cemeteries and historic sites shall be added to the preliminary plan.
- c. The ten-foot-wide public utility easement shall be shown on the plan either graphically or in a note.
2. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/127/90), or as modified by the Type II 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 Conservation/Tree Preservation Policy.”
3. A Type II Tree Conservation Plan shall be approved prior to the issuance of any permits.
4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Livingston Road, designated a Class III bikeway. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
5. The following note shall be placed on the final plat:

“An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.”
6. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, Concept 23084-2001-01, or any revisions thereto.

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, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the east side of Indian Head Highway at its intersection with Livingston Road in Chapel Hill.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	Former Restaurant	Drug Store
Acreage	2.33	2.33
Parcels	1	1

4. **Environmental**—There are no streams, wetlands, or 100-year floodplain on the property. The site eventually drains into Broad Creek in the Potomac River watershed. Current air photos indicate that the site is developed with a large structure and is partially forested. The Subregion VII Master Plan does not show any Natural Reserve on the property. No scenic or historic roads are affected by this proposal. Indian Head Highway is the nearest source of traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The *Prince George’s County Soils Survey* indicates that the principal soils on the site are in the Elkton, Mattapex and Othello series. Marlboro Clay does not occur in this area.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland.

A simplified Forest Stand Delineation (FSD) showing four sample areas, one forest stand, and no specimen trees has been reviewed and was found to meet the requirements of the Woodland Conservation Ordinance.

A Type I Tree Conservation Plan, TCPI/127/90, was submitted with this application. The plan encompasses 14.62 acres in order to include the land that is the subject of 4-03052 and the adjacent parcel.

The plan proposes clearing 7.09 acres of the existing 10.67 acres of woodland. The proposed clearing has been designed to allow development of the subject property, the adjacent parcel, and the construction of the future Swan Creek Road. The woodland conservation requirement for this proposal has been correctly calculated as 3.96 acres. The plan proposes to meet the requirement

by providing 3.10 acres of on-site preservation, 0.29 acres of on-site reforestation, and 0.57 acres of off-site conservation. The woodland conservation areas proposed on the site will serve to buffer the C-S-C-zoned land from adjacent residentially zoned properties and provide internal green space for future development.

The plan requires some technical revisions. Notes 1 and 2 in the TCP General Notes require some rewording. The limit of disturbance is not shown and there appears to be some conflict between the proposed grading and proposed woodland preservation areas. Existing topography is not shown.

Noise

Indian Head Highway is the nearest source of traffic-generated noise. However, because of the zoning of the property and the proposed use, the noise level creates no significant impact.

Soils

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Elkton, Mattapex and Othello series. These soils are subject to impeded drainage and seasonally high water tables. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

Water and Sewer Categories

The property is in water category W-4 and sewer category S-4; it will be served by public systems. A change to W-3 and S-3 will be required prior to final plat approval.

5. **Community Planning**—The property is in Planning Area 80/Friendly-Chapel Hill. The 2002 General Plan places this property in a Corridor Node in the Developing Tier (MD 210 and Livingston Road). The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The vision for Corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

The 1981 Subregion VII Master Plan recommends commercial land use for the property. The 1984 Subregion VII SMA classified this property in the C-S-C Zone. There are no master plan land use issues regarding this preliminary subdivision application for redevelopment of this site. This application is not inconsistent with the 2002 General Plan Development Pattern policies for a Corridor Node in the Developing Tier. This preliminary subdivision application conforms to the recommendations of the master plan for commercial land use in this part of the Chapel Hill community.

Indian Head Highway is identified as an expressway (E-8) on the 1981 master plan map.

Subsequent highway planning in the 1993 Subregion V Master Plan classified Indian Head Highway as a freeway (F-11). A grade separated interchange is indicated on the master plan map affecting this property. The MD 210 multimodal highway study being conducted by the Maryland State Highway Administration is evaluating design alternatives for an interchange improvement at this location prior to funding and construction.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the preliminary plan is exempt from the requirements of mandatory park dedication because it is a commercial use in a commercial zone.
7. **Trails**—The Adopted and Approved Subregion VII Master Plan designates Livingston Road as a Class III bikeway and recommends appropriate signage. In cases along county rights-of-way, the Planning Board has typically required the applicant to provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. Staff recommends the payment be required in this case.
8. **Transportation**—The application is a preliminary plan of subdivision for a commercial development, consisting of a 10,880-square-foot building for retail purposes. Specifically, the building will be operated commercially as a CVS Pharmacy. Typically, if trip generation rates for a proposed land use are not listed in the Planning Department's *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, then the trip rates listed in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 6th Edition*, would be used. The ITE manual lists the trip rates for pharmacies with a drive-thru window as 2.66 trip/1,000 square feet of gross floor area (GFA) during the AM peak hour. For the PM peak hour, the rate is listed as 10.40 trip/1,000 square feet of GFA. With the application of those rates, the proposed facility would generate $(2.66 \times 10.88) = 29$ AM and $(10.40 \times 10.88) = 113$ PM peak-hour trips on weekdays. Some trips to and from retail facilities would normally be already on the road (to/from other destinations) and, therefore, would not be considered as new trips. The manual provides a wide variation in pass-by rates based on the type and location of retail facilities. Given the proximity of this proposed facility to MD 210, which is a major transportation corridor, a pass-by rate of 70 percent is a reasonable rate. In applying a pass-by rate of 70 percent, the actual number of **new** trips being generated by the proposed site would be 29×30 percent, or 9 AM trips, and 113×30 percent, or 34 PM trips.

The proposed pharmacy will replace a recently razed building that functioned as a restaurant. The restaurant had a gross floor area of approximately 5,000 square feet. Based on its functionality as a high-turnover, sit-down restaurant, the ITE manual lists trip rates for this use as

9.27 trips per 1,000 square feet (GFA) for the AM peak period, and 10.86 trips per 1,000 square feet (GFA).

With the application of these rates, the number of trips that are being generated by the existing site is $(9.27 \times 5) = 46$ during the AM peak. Similarly, for the PM peak, the corresponding trip generation would be $(10.86 \times 5) = 54$ trips. While the concept of pass-by trip reduction is applicable to many highway-oriented facilities such as gas stations and fast food restaurants, its

applicability is less of a factor with regards to sit-down-type restaurants. These types of restaurants typically have a lower turn-over rate than fast food restaurants and are less conducive to pass-by patronage. To that end, staff recommends a pass-by rate of 25 percent for the existing restaurant. Applying a 25 percent pass-by rate, the actual number of trips being generated by the existing restaurant would be $(46 \times 0.75)=35$ in the AM peak period, and $(54 \times 0.75)=41$ in the PM peak hour.

In comparing the existing use with the proposed use, one can, therefore, conclude that the proposed facility will generate 43 combined peak-hour trips, while the existing restaurant currently generates 76 combined peak-hour trips. All of the traffic from the existing and proposed facility will impact the intersection of Indian Head Highway (MD 210) and Swan Creek-Livingston Road. Existing traffic counts indicate a LOS/CLV of D/1,440 during the AM peak hour and E/1,592 during the PM peak hour.

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. 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. While the critical intersection currently fails and will continue to fail with the inclusion of background developments, there are planned improvements that are bonded by the operating agencies that will provide additional capacity at said intersection. Based on condition 9 as outlined in PGCPB 96-301 (Villages of Piscataway-Glassford Villages), the following improvements will be provided at the Indian Head Highway (MD 210) and Swan Creek-Livingston Road intersection:

MD 210 and Livingston/Swan Creek Road

- Provide a 200-foot westbound channelized right-turn lane along Livingston Road.
- Provide a fourth northbound, shared through/right-turn lane along MD 210 beginning 500 feet south of Livingston Road and extending approximately 2,800 feet north of Livingston Road.
- Provide a fourth southbound through lane along MD 210 beginning 500 feet north of Swan Creek Road and extending approximately 2,800 feet south of Swan Creek Road.
- Provide exclusive through and a shared through/left-turn lane on the westbound approach of Livingston Road.

With all of these improvements in place, and the inclusion of background developments, which necessitated said improvements; the intersection of Indian Head Highway (MD210) and Swan Creek-Livingston Road would operate with a LOS/CLV of B/1,110 during the AM peak hour, and C/1,270 during the PM peak hour. Staff has received assurances from the Maryland State Highway Administration (SHA) that they have:

- a. Full financial assurances,

- b. Permits for construction, and
- c. An agreed-upon timetable for construction with the SHA and DPW&T.

In 1997, the SHA initiated a project planning multimodal study for the MD 210 corridor between MD 228 and the Capital Beltway (I-495/I-95). In the course of this study, several alignment alternatives were proposed and analyzed by staff, with input from and interaction with the public. Information provided to staff from the SHA has indicated that in June 2003 the SHA's administrator has chosen Alternative 5A Modified as the recommended alternative for the study. The alignment depicted in Alternative 5A Modified would partially impact the proposed stormwater pond to the north end of the site, as well as 13 parking spaces on the eastern side of the subject site. Since the final Environmental Impact Statement (EIS) for this planning study has not been completed, and the subsequent Record of Decision (ROD) by the Federal Highway Administration (FHWA) has not been made, staff will not request dedication or reservation for the potentially affected portions of the subject property.

Based on these findings, adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

Access

The plan shows one point of access over the adjoining property to the south. This access leads to Livingston Road. Two other points of access are shown, both on a service road parallel to Indian Head Highway. This access easement is not necessary to serve the site, but is proposed as alternate access should the SHA deem one of the main access points unsafe. As secondary access, the use of this easement is acceptable and requires no further approval of finding.

- 9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002). The proposed subdivision is exempt from APF test for schools because it is commercial use only.
- 10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
 - a. The existing fire engine service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 1.89 minutes, which is within the 3.25-minute travel time guideline.
 - b. The existing ambulance service at Allentown Road Fire Station, Company 47, has a service travel time of 1.89 minutes, which is within the 4.25-minute travel time guideline.

- c. The existing paramedic service at Allentown Road Fire Station, Company 47, has a service travel time of 1.89 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at Oxon Hill Fire Station, Company 21, located at 7600 Livingston Road has a service travel time of 6.82 minutes, which is beyond the 4.25-minute travel time guideline.

To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

These findings are in conformance with the 1990 *Adopted and Approved Public Safety Master Plan* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. In accordance with Section 24-122.1(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Lands of Samuel T. Woods development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of 6/30/02, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.

12. **Health Department**—The Health Department's only comment on the application was that the applicant needed a raze permit prior to demolition of the former restaurant building and that hazardous materials in the building must be removed and properly stored or discarded. The building has been razed since the Health Department's referral was submitted. The Health Department had no further comment.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 23084-2001-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through June 30, 2004. Development must be in accordance with this approved plan, or any revisions thereto.

14. **Cemeteries**^{3/4} Staff of the Historic Preservation Section has determined that there are no known burials or historic sites on or adjoining the subject property. However, the plan must be revised to include the required notes.

15. **Public Utility Easement**—The plan does not include the required ten-foot-wide public utility easement (PUE) adjacent and contiguous to all public streets. Prior to signature approval, the plan must be revised to either graphically show this easement or provide a note referencing the easement. The PUE will be included on the final plat.

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 adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Lowe, seconded by Commissioner Harley, with Commissioners Lowe, Harley, Eley and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, September 4, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of September 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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