



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 11-67

File No. 4-10013

R E S O L U T I O N

WHEREAS, Interstate Farmington, LLC is the owner of a 2.64-acre parcel of land known as Tax Map 152 in Grid A-1 and is also known as Parcel-6, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned Commercial Miscellaneous (C-M); and

WHEREAS, on April 26, 2011, Interstate Farmington, LLC filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-10013 for Farmington Carwash 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 June 30, 2011, 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 June 30, 2011, 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 (TCP1-005-11), and further APPROVED Preliminary Plan of Subdivision 4-10013, Farmington Carwash, including a Variation from Section 24-121(A)(3) and a Variance from Section 25-122(B)(1)(G) for 1 parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Label the proposed parcel as Parcel 1.
 - b. Provide the total acreage of the primary management area (PMA).
 - c. Revise General Note 22 to 11,200 square feet with 5,200 square feet of retail and 6,000 square feet for the car wash building, as reflected in the traffic study.
 - d. Revise the general notes to indicate that the property is within the Accokeek Development Review District.

2. Prior to the issuance of permits, a detailed site plan shall be approved by the Planning Board in accordance with Part 3, Division 9, Subdivision 3, of the Prince George's County Code.
3. Prior to signature approval of the preliminary plan, the following corrections shall be made to the Type 1 Tree Conservation Plan, TCP1-005-11:
 - a. Revise the plan and the worksheet to reflect the clearing of the woodlands within the proposed right-of-way of Farmington Road East.
 - b. The current electronic version of the woodland conservation worksheet should be used for accurate calculations and the correct fee-in-lieu amount.
 - c. Revise the Woodland Conservation Summary Table to show the corrected areas for woodland cleared, woodland preserved, woodland retained no credit, and woodland retained-assumed cleared, based on the additional clearing for the proposed dedication of Farmington Road East. Use the standard symbols on the plan to distinguish these areas.
 - d. Show the standard symbol for the woodland preservation area proposed. Label the area "Woodland Preservation Area" and show the acreage to the nearest 100th of an acre.
 - e. Revise the specimen tree list to state that Specimen Trees 2 and 3 are to be saved.
 - f. Remove the soils boundary symbol from the legend.
 - g. Add the soils table from the approved natural resources inventory to the plan. Correct the spelling of the soils shown in the table to read Grosstown not Grossman.
 - h. Remove the symbol for steep slopes from the plan and legend.
 - i. Remove the word "Scenic" from the Farmington Road East label.
 - j. Remove the details for the tree protective fencing and notes.
 - k. Remove the detail and notes for tree pruning.
 - l. Revise the note shown under the woodland conservation worksheet to state the correct amount of clearing inclusive of the area of right-of-way dedication.
 - m. Add the following note under the worksheet:

"The tree canopy coverage requirement on this site will be met with on-site woodland preservation. A tree canopy coverage schedule will be placed on the Site/ Landscape plan demonstrating compliance to Subtitle 25, Division 3, Tree Canopy Coverage Ordinance."

- n. Type the Type 1 tree conservation plan number (TCPI-005-11) in the M-NCPPC approval block.
 - o. Have the revised plans signed and dated by the qualified professional who prepared them.
4. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCPI-005-11). The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCPI-005-11 or most recent revision), 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. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area (PMA) except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:
- “Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
6. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. Prior to approval of the final plat, the following notes shall be provided:
- a. Development of this subdivision shall be in accordance with approved Stormwater Management Concept Plan 20898-2010-00 and any subsequent revisions.
 - b. A variation approved pursuant to Section 24-121(a)(3), which limited one direct vehicular access from Parcel 1 onto Farmington Road East.
 - c. Direct vehicular access to Indian Head Highway (MD 210) is denied.

8. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. A financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the installation of one bicycle warning sign assembly (W11-1 sign over a "Share the Road" plaque W16-1) on Farmington Road East to warn motorists of the presence of bicyclists. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit, unless modified by DPW&T.
 - b. If road frontage improvements are required by DPW&T along the subject property frontage of Farmington Road East, the applicant shall construct a shoulder for bicyclists along the entire subject property frontage in conjunction with the bicycle warning signage, unless modified by DPW&T.
9. At the time of final plat approval, the applicant shall dedicate right-of-way 60 feet from the existing centerline along Farmington Road East as shown on the approved preliminary plan of subdivision.
10. At the time of final plat approval, the applicant shall grant a ten-foot-wide public utility easement (PUE) along the public rights-of-way as delineated on the approved preliminary plan of subdivision.
11. Any residential development of the subject property shall require approval of a new preliminary plan of subdivision prior to the approval of any building permits.
12. Prior to the issuance of any building permits within the subject property, the following road improvements in the area of Indian Head Highway (MD 210) and Farmington Road East shall
 - (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. On the westbound Farmington Road East approach to MD 210, widen the westbound Farmington Road approach from the existing one left/through lane and one free-flow right turn lane to one left lane, one through lane, and one free-flow right turn lane.
 - b. At the site entrance along Farmington Road East, provide a left-turn bay along eastbound Farmington Road to ensure that turning vehicles do not cause a backup along Farmington Road East, if required by DPW&T.
13. At the time of building permit, the applicant shall submit an acceptable traffic signal warrant study to DPW&T for signalization at the intersection of Farmington Road East and Livingston Road/Berry Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agency. If a signal or other traffic control improvements are deemed warranted at that time, the applicant

shall provide appropriate bonding for said improvements with DPW&T prior to the release of any building permits.

14. Total development of the overall site shall be limited to uses that would generate no more than 27 AM and 147 PM total peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	C-M	C-M
Use(s)	Vacant	Commercial Use—Car wash (11,200 square feet)
Acreage	2.64	2.64
Lots	0	0
Outlots	0	0
Parcels	1	1
Dwelling Units	0	0
Public Safety Mitigation Fee	No	No
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	Yes (Section 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 May 13, 2011. The requested variation to Section 24-121(a)(3) was accepted on April 26, 2011 as discussed further in the Variation section of this report, and was heard on May 13, 2011 at SDRC as required by Section 24-113(b).

3. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject site within the Developing Tier. 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 preliminary plan is consistent with the General Plan Development Pattern goals and policies for the Developing Tier by proposing a commercial use consistent with the C-M Zone.

The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained this property in the C-M Zone. The master plan recommends commercial land use for this property. The preliminary plan is in general conformance with the land use recommendation of the master plan by providing a commercial use for a car wash and retail, which is a permitted use in the C-M Zone, subject to a detailed site plan.

The subject property is within in the Accokeek community, which is rural in character. The site has frontage along Farmington Road East that is designated as a historic roadway and is part of the Potomac Heritage National Scenic Trail on-road bicycle trail. Maintaining a rural character in the Accokeek community is the key planning theme and objective of the land use recommendations for Accokeek in the approved Subregion 5 Master Plan. The master plan expresses concern about the appearance and compatibility of nonresidential uses with the rural character of this community. To ensure compatibility to the extent possible, a detailed site plan is recommended so attention can be given to the appearance of the proposed building, signage, lighting, and landscaping along Farmington Road East.

Accokeek Development Review District Commission

This preliminary plan is located in the Accokeek Development Review District, pursuant to Section 27-687 of the Zoning Ordinance. This preliminary plan has been referred to the Accokeek Development Review District Commission (ADRDC) for review and comments. This preliminary plan was reviewed during ADRDC meetings on May 18 and June 15, 2011. A letter from ADRDC was received by e-mail on June 17, 2011. In summary, the letter stated that the preliminary plan for Farmington Road Carwash is not citizen-supported because of the following:

- a. Maintaining a rural character in the Accokeek community is the key planning theme in the approved Subregion 5 Master Plan;
- b. The proposed project presents uncharted threats to a designated historic roadway and an arterial roadway;
- c. The project will redefine and redesign the gateway to Accokeek;
- d. In a meeting with the project's representatives on June 15, 2011, they stated that "a business needs analysis/plan has not been conducted." This does not sound like a prudent business decision and citizens are concerned that the project is a prescription for a future unoccupied commercial facility devaluing the community real estate and impacting the county's image and progress as it struggles to regain economic and real estate stability. Please note that there are more than ten car washes within eight miles of the proposed site and numerous convenient stores.

As stated previously, the 2009 Approved Subregion 5 Master Plan recommends commercial land use for this property. The General Plan designates the site in the Developing Tier. This preliminary plan is in conformance with the master plan commercial land use recommendation and the General Plan's vision for the Developing Tier. Pursuant to Section 27-461(b)(1)(B) a car wash is a

permitted use in the C-M Zone. A detailed site plan is recommended so attention can be given to the compatibility of nonresidential uses with the character of the community.

4. **Urban Design**—The preliminary plan proposes an 11,200-square-foot development consisting of one retail building and one car wash building on a 2.64-acre, triangular-shaped parcel.

Zoning Ordinance

Section 27-461(b)(1)(B) of the Zoning Ordinance indicates that a car wash is a permitted use in the C-M Zone, subject to detailed site plan approval in accordance with Part 3, Division 9. Conformance with site design criteria will be judged at the time of detailed site plan review.

Retail uses are generally permitted in the C-M Zone. The submitted site plan does not indicate the specific type of proposed retail use, which is proposed in addition to the car wash use.

2010 Prince George's County Landscape Manual

The property is subject to the requirements of the 2010 *Prince's George's County Landscape Manual*. Specifically, the site is subject to Section 4.2, Landscaped Strips along Streets Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscape Requirements. If the parking lot is greater than 7,000 square feet, then the site will also be subject to Section 4.3, Parking Lot Requirements including Section 4.3(c)(1), Perimeter Landscaped Strip Requirements, and Section 4.3(c)(2), Interior Planting Requirements. It also should be noted on the site plan that Farmington Road East is categorized as a historic road and it is located within the Developing Tier; therefore, a 20-foot-wide landscape buffer to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings, will be required in accordance with Section 4.6, Buffering Development from Special Roadways. While the preliminary plan should be designed to adequately account for the required buffers, compliance with these regulations will be evaluated as part of the detailed site plan review.

5. **Environmental**—A signed Natural Resources Inventory (NRI-090-07), a Type 1 Tree Conservation Plan (TCP1-005-11), and other supplemental materials have been received and reviewed. The project is subject to the environmental regulations which became effective on September 1, 2010. The site is subject to the current provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site is greater than 40,000 square feet, contains more than 10,000 acres of woodland, and does not have a previously approved tree conservation plan.

The site is totally wooded. According to the *Prince George's County Soils Survey*, the principal soils on this site are in the Grosstown soil series. These soils are typically well drained and pose no real problems for development. Marlboro Clay is not found to occur on the site. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by Prince George's County during the permit review process. There is a stream located on the site that is an unnamed tributary to Piscataway Creek that eventually drains to the Potomac River basin. There are no wetlands or 100-year floodplain on the property. Indian Head Highway (MD 210), which borders the site to the

northwest, is a master-planned freeway and an existing source of traffic-generated noise. Farmington Road East was designated as a historic road and is a master-planned arterial roadway according to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). Transportation-generated noise impacts are not evaluated for commercial uses. The site is located in the Developing Tier as reflected in the General Plan. The *Approved Countywide Green Infrastructure Plan* identifies a portion of the site within the designated network as a network gap. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property.

Master Plan Conformance

The current master plan for this area is the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*. The sectional map amendment (SMA) retained the subject property in the C-M Zone. The following policies and strategies have been determined to be applicable to the subject application:

- **Protect primary corridors (Mattawoman Creek, Piscataway Creek and Tinkers Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors to restore and enhance environmental features, habitat and important connections.**
- **Protect the portions of the green infrastructure network that are outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.**
- **Continue to implement the county's Woodland Conservation and Tree Preservation Ordinance, which places a priority on the preservation of woodlands in conjunction with floodplains, wetlands, stream corridors, and steep slopes and emphasizes the preservation of large, contiguous woodland tracts.**
- **Preserve habitat areas to the fullest extent possible during the land development process.**

The subject property is within the watershed of a designated primary corridor (Piscataway Creek); however, there is only a limited area within the boundaries of the subject application within the countywide designated green infrastructure network. The primary management area (PMA) is wooded and is proposed to remain with only a minor encroachment. The property is isolated from the main components of the countywide green infrastructure network by a major roadway (MD 210). This results in limited opportunities to preserve a large block of woodlands; however, the highest priority woodlands are proposed to be preserved within the PMA. The development proposal is in conformance with the Subregion 5 Master Plan by preserving the significant environmental features that exist on-site to the fullest extent possible.

Green Infrastructure Plan Conformance

The green infrastructure network, identified in the *Approved Countywide Green Infrastructure Plan*, is a comprehensive framework for conserving significant environmental ecosystems in Prince George's County. The network is divided into three categories: Regulated Areas, Evaluation Areas, and Network Gaps of countywide significance. The western half of the site is designated as a network gap. There are no sensitive environmental features or sensitive habitat areas in this location.

While the property does not contain regulated features of countywide significance identified within the designated network of the Countywide Green Infrastructure Plan, it does contain a regulated stream within a PMA that is proposed to be preserved with only a minor encroachment.

Environmental Review

An approved Natural Resources Inventory, NRI-011-10, was submitted with the application. The plan shows that a stream is located on the eastern end of the site. There are no wetlands or 100-year floodplain on the property. The forest stand delineation notes one forest stand totaling 2.64 acres with five specimen trees. The information on the NRI is correctly shown on the preliminary plan and the Type 1 tree conservation plan (TCP1).

The property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site is greater than 40,000 square feet in area, contains more than 10,000 square feet of woodland, and does not have a previously approved tree conservation plan. A Type 1 Tree Conservation Plan (TCP1-005-11) was submitted with the review package.

The subject site has a woodland conservation requirement, which is proposed to be satisfied with on-site woodland preservation and payment of a fee-in-lieu. A total of 0.85 acre of woodland conservation is currently indicated in the TCP worksheet. However, the woodland conservation worksheet shown on the TCP1 does not reflect the accurate area of woodland cleared. Farmington Road East is a master-planned arterial roadway. The area of proposed dedication along the frontage of Farmington Road East must be included in the calculation for "woodland cleared" for future construction of the roadway. When the correct calculation for woodland cleared is used in the worksheet, the total woodland conservation required will increase and the area available for woodland preservation will decrease. Overall, the site will meet the woodland conservation requirement through a combination of on-site woodland preservation and fee-in-lieu, which will be determined once the woodland conservation worksheet is revised on the TCP1 prior to signature approval.

The subject property must demonstrate compliance with the tree canopy coverage (TCC) requirements of Division 3, Subtitle 25. The requirement in the C-M Zone is ten percent of the gross tract area. The subject property is 2.64 acres, resulting in a tree canopy requirement of 0.26 acre. A conceptual landscape plan is not required for review with a preliminary plan application and has not been submitted. During the review of the Type 2 tree conservation plan (TCP2) and detailed site plan, compliance with Subtitle 25, Division 3: Tree Canopy Coverage Ordinance will be evaluated.

Designated Scenic or Historic Roadway

Farmington Road East is designated as a historic road in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and has the functional classification of an arterial. Any improvements within the right-of-way of a historic road are subject to approval by the Department of Public Works and Transportation (DPW&T) under the Design Guidelines and Standards for Scenic and Historic Roads.

The Landscape Manual addresses the requirements with regard to buffering of scenic and historic roads. These provisions will be evaluated at the time of detailed site plan review. Per the approved Landscape Manual, a designated historic road in the Developing Tier requires that a minimum 20-foot-wide buffer be provided along the frontage of the historic road. The 20-foot-wide scenic buffer is required to be provided adjacent to the right-of-way.

An inventory of significant visual features for the right-of way and site may be required for the evaluation of the historic road viewshed. A viewshed inventory report for Farmington Road East, as it pertains to the proposed Farmington Carwash, was submitted on April 27, 2011. The inventory states that the current viewshed landscape of the site is slightly upland with mid-succession woodlands and that the development will include landscaping along the frontage of Farmington Road East to maintain a visually appealing corridor. The viewshed looking east towards the proposed driveway into the car wash will largely be maintained because the majority of existing woodland within the stream buffer will not be disturbed.

When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved.

A detailed site plan is recommended for the site to ensure that the design of the scenic buffer and any entrance features proposed along Farmington Road are in keeping with the desired visual characteristics of the historic road; integrated into an overall streetscape treatment along Farmington Road East with regard to signage, materials, and plant species choices; and coordinated with the entrance feature and landscape treatment proposed for the development.

Mount Vernon Viewshed Area of Primary Concern

The subject property is located in the Mount Vernon Viewshed Area of Primary Concern, which has been delineated as an evaluation tool for the protection of the Mount Vernon viewshed. Properties located with the area of primary concern are generally referred to the National Park Service, National Capital Region, for analysis of the location and elevation of the subject property, the elevation of structures proposed on the site, and vegetative screening located between the subject property and Mount Vernon as the viewpoint.

The elevation of the subject property ranges from 66 feet adjacent to Indian Head Highway (MD 210) to the northwest to a falling elevation into the Piscataway Creek stream valley at the northeast corner of the site. The elevation of the site is consistent with the elevation of Indian Head Highway in this area. On the west side of Indian Head Highway, there is a 300 foot-wide buffer of existing woodlands sloping down towards the Piscataway Creek stream valley. Assuming that the height of the existing vegetation is a minimum of 35 feet in elevation, if the construction proposed on the site does not exceed 35 feet in height, then there should be no impact to the viewshed. However, in the C-M Zone, the only limit on the height of buildings is the ability to provide additional setbacks when the building exceeds 30 feet in height. For example, a building of 50 feet in height has a total building setback from the street of 26.6 feet (10 feet plus one-third of the total building height if over 30 feet in height). A referral to the National Park Service for an evaluation of potential impacts to the Mount Vernon viewshed should be reviewed at the time of detailed site plan when building and structures are proposed. The review and approval of a preliminary plan does not include improvements on the property; therefore, the appropriate time for the viewshed impact analysis is at the time of DSP.

6. **Primary Management Area (PMA)**—This site contains regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features include a stream valley with its associated 75-foot-wide stream buffer. Section 24-130(b)(5) of the Subdivision Regulations states:

- (5) **Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. Any lot or parcel proposed for development shall provide a minimum of one acre of contiguous land area exclusive of any land within regulated environmental features in a configuration that will support the reasonable development of the property. This limitation does not apply to open space and recreational parcels. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

Impacts to the regulated environmental features should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by the County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewer lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts

for development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

If impacts to regulated environmental features are proposed, a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. A statement of justification for the proposed impacts was submitted on May 26, 2011.

The preliminary plan proposes impacts to the primary management area (PMA) in order to install two stormwater management/bioretention areas, stormwater outfalls, and road improvements to Farmington Road East. The two stormwater management/bioretention areas and the associated outfalls are proposed on the perimeter of the PMA. There is also a proposed impact to the PMA for the drive aisle that leads to the car wash.

All of the proposed impacts have been minimized by the use of a retaining wall to reduce grading into the PMA. The stormwater management features have been designed to meet current Maryland Department of the Environment (MDE) environmental site design standards and criteria to the maximum extent practicable; however, there is insufficient design information available at this time to fully evaluate the need for the impact of the drive aisle for the car wash.

Impacts related to stormwater management are considered necessary for the orderly development of the subject property. The impacts cannot be avoided because they are required by other provisions of the County Code. The development is providing full environmental site design standards with 100 percent water quality and quantity, and the impacts have been designed to minimize, to the fullest extent possible, impacts to the PMA.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review. The impacts proposed in concept are for the installation of two stormwater management/bioretention areas, their associated stormwater outfalls, and road improvements to Farmington Road East because these site features cannot be avoided. The impact proposed for the drive aisle should be evaluated at the time of TCPII or detailed site plan review when more design information is available. The impacts are a total disturbance of the PMA of 7,867 square feet.

The proposed site design and statement of justification show that the proposed impacts demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. All of the impacts proposed in the statement of justification are approved.

7. **Variance to Section 25-122(b)(1)(G)**—A total of five specimen trees were identified, located, and evaluated on the overall site. Information on these trees is provided in a table on the TCPI. Specimen trees are defined as trees having a diameter at breast height (DBH) of 30 inches or more; trees having 75 percent or more of the DBH of the current champion of that species; or a particularly impressive or unusual example of a species due to its size, shape, age, or any other

trait that epitomizes the character of the species. None of the trees on the site are considered "champion trees" because they are not the largest of their species in the country, state, or county.

A variance request to Section 25-122(b)(1)(G) of the Woodland and Wildlife Habitat Conservation Ordinance was received on April 27, 2011 for the removal of three specimen trees located on the subject property. Specimen Trees 1, 4, and 5 were included in the evaluation below.

The trees have been evaluated as to whether they were located in a high priority area for preservation and whether their condition warranted a redesign of the site to ensure their preservation. The table below summarizes the recommendations.

In summary, the removal of the **three specimen trees** is supported as discussed below.

Tree for which Variance is Requested	Comment	Recommendation
ST-#1	Within the proposed driveway into car wash	Support variance for removal
ST-#4	Within the limits of grading of parking area	Support variance for removal
ST-#5	Within the limits of grading of parking area	Support variance for removal

Section 25-119(d) contains six required findings [text in bold below] to be made before a variance from the Woodland and Wildlife Habitat Conservation Ordinance can be granted. An evaluation of this variance request with respect to the required findings is provided below.

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

The property is an irregular shape and relatively small. Farmington Road East is a designated historic road and master-planned arterial roadway. Right-of-way dedication and frontage improvements in accordance with DPW&T standards are required. The configuration limits the developable area of the property.

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

If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

If other constrained properties encountered trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

The property is relatively small and is a peculiar triangle shape. The site contains a stream valley and its associated 75-foot-wide stream buffer. The PMA compounded with the shape makes the development of the site difficult. The site has been designed to minimize impacts to the PMA and to preserve the two healthier specimen trees. The three specimen trees proposed to be removed are in fair to poor condition.

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

The request to remove the trees does not arise from any condition on a neighboring property.

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

Granting the variance to remove the specimen trees will not directly affect water quality because the reduction in tree cover caused by specimen tree removal is minimal. Specific requirements regarding stormwater management for the site will be further reviewed by the DPW&T.

Based on the preceding analysis, the required findings of Section 25-119(d) have been adequately addressed and **the removal of Specimen Trees 1, 4, and 5 is approved.**

8. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 20898-2010-00, was approved on November 4, 2010 and is valid until November 4, 2013. The concept plan shows two bioretention areas and the proposed use of a grass, water-quality swale. The approved concept plan contains conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with that approved plan or any subsequent revisions.
9. **Parks and Recreation**—In accordance with Section 24-134(3)(a) of the Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
10. **Trails**—This preliminary plan has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the *Approved Countywide Master Plan of Transportation* (MPOT), and the *Approved Subregion 5 Master Plan and Sectional Map Amendment* (area master plan) for pedestrian and bicyclist improvements. The site is adjacent to Farmington Road East (A-54) and Indian Head Highway (MD 210) (F-11).

The MPOT recommends Farmington Road East (A-54) for 120 feet of right-of-way. The area master plan recommends Farmington Road East for both a sidepath and a shared-use road

(page 259). The road is currently open section and does not have a shoulder for bicycle use. Farmington Road East is designated as a section of the Potomac National Heritage Scenic Trail, and provides access to the Piscataway Park. The construction of the area master plan recommended sidepath is not recommended at this time because there are no completed feasibility studies for a sidepath on Farmington Road East. Sidewalks or sidepaths could be constructed in the future by others. The shared roadway bicycle facility can be implemented by the applicant at this time because the road is currently open section and there is no shoulder for bicycle use. It is recommended that the applicant provide for one bicycle warning sign assembly (W11-1 sign over a "Share the Road" plaque W16-1) on Farmington Road East in accordance with state requirements to warn motorists of the presence of bicyclists. It is also recommended that, if road frontage improvements are required, the applicant construct a shoulder for bicyclists along the entire subject property frontage.

Indian Head Highway (MD 210) is recommended for a sidepath from Berry Road (MD 228) to the Capital Beltway (I-95/495) in the area master plan (page 119). Indian Head Highway (F-11) is a variable right-of-way between Berry Road and the Capital Beltway. Indian Head Highway has a wide shoulder that is used by bicyclists at this time, and there is another master-planned trail approved for the west side of the road. Construction of the master plan recommended sidepath is not recommended at this time because there are no completed feasibility studies for a sidepath on Indian Head Highway at this time.

11. **Transportation**—The proposed application is to develop the property as a commercial development, with a car wash of 6,000 square feet and retail space of 5,200 square feet. The table below summarizes trip generation for each use, and highlights the critical numbers for trip generation in each peak hour that will be used for the analysis and for formulating a trip cap for the site:

4-10013, Farmington Carwash	Use Quantity	Use Type	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Car Wash	6,000	Sq. feet	0	0	0	42	43	85
Retail	5,200	Sq. feet	16	11	27	31	31	62
Total			16	11	27	73	74	147

The retail trip generation is estimated using trip rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The car wash trip generation is obtained using rates from the *Trip Generation Manual* (Institute of Transportation Engineers), as described below:

- The trip generation for the retail space indicates total trip generation. The traffic study incorporates a 60 percent pass-by rate to account for trips that are currently using the adjacent roadway. The net retail trips are 11 AM peak hour trips and 25 PM peak hour trips.

- The trip generation for the car wash indicates total trip generation. The traffic study incorporates a 40 percent diversion rate from Indian Head Highway (MD 210) to represent weekday peak hour trips that would divert from that highway. The net car wash trips are 0 AM peak hour trips and 51 PM peak hour trips.

The traffic generated by the proposed preliminary plan would impact the following critical intersections, interchanges, and links in the transportation system:

- Indian Head Highway (MD 210) and Farmington Road East (signalized)
- Farmington Road East and Fir Street/site access (unsignalized)
- Farmington Road East and Livingston Road/Berry Road (MD 228) (unsignalized/all-way stop)

The application is supported by a traffic study dated October 2010 provided by the applicant and referred to the Maryland State Highway Administration (SHA) and DPW&T. Comments from DPW&T and SHA have been received. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the guidelines.

The subject property is located within the Developing Tier as defined in the General Plan. 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 Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in early September 2010 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210 and Farmington Road East	1,546	1,397	E	D
Farmington Road East and Fir Street/site access	10.4*	10.2*	--	--
Farmington Road East and Livingston/Berry Roads	131.3*	42.7*	--	--
*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.				

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. Background traffic has been developed for the study area using the approved but unbuilt development in the immediate area and 2.0 percent annual growth rate in through traffic along the study area roadways over a three-year period. The three-year build out is considered to be acceptable for this proposal. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210 and Farmington Road East	1,562	1,491	E	E
Farmington Road East and Fir Street/site access	10.9*	10.7*	--	--
Farmington Road East and Livingston/Berry Roads	204.9*	88.5*	--	--
*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.				

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

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210 and Farmington Road East	1,564	1,513	E	E
Farmington Road East and Fir Street/site access	11.5*	12.7*	--	--
Farmington Road East and Livingston/Berry Roads	207.5*	99.8*	--	--
*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.				

It is found that only the site access operates acceptably under total traffic in either one or both peak hours. In response to the other inadequacies, the applicant proposes the following:

MD 210 and Farmington Road East

In response to the inadequacy at this intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the fourth criterion in the *Guidelines for Mitigation Action* (County Council Resolution CR-29-1994). The traffic study recommends the following improvements:

- a. On the westbound Farmington Road East approach, widen the approach to provide three lanes, with an exclusive left-turn lane, an exclusive through lane, and an exclusive right-turn lane.

DPW&T and SHA reviewed this proposal and neither agency opposed the mitigation recommendation. DPW&T did not oppose the mitigation, given that SHA has jurisdiction for permitting modifications at this location. SHA concurred with the recommendation. The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 210 and Farmington Road East				
Background Conditions	E/1562	E/1491		
Total Traffic Conditions	E/1564	E/1513	+2	+22
Total Traffic Conditions w/Mitigation	E/1558	E/1480	-6	-33

The options for improving this intersection to LOS D, the policy level of service at this location, are somewhat limited. Additional through lanes along MD 210 through the intersection could be

effective; given the size of the proposal versus the potential cost of such a widening, however, the applicant has opted for a smaller-scale improvement.

As the CLV at the critical intersection is between 1,450 and 1,813 during both peak hours, the proposed mitigation actions must mitigate at least 150 percent of the trips generated by the subject property, according to the guidelines. The above table indicates that the proposed mitigation action would mitigate at 300 percent of site-generated trips during the AM peak hour and 150 percent during the PM peak hour. **Therefore, the applicant's proposed mitigation at Indian Head Highway (MD 210) and Farmington Road East meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Regulations in considering traffic impacts.**

Farmington Road East and Livingston Road/Berry Road

At the Farmington Road East and Livingston Road/Berry Road intersection, the following are recommended:

- a. This intersection operates inadequately during both peak hours as an unsignalized intersection. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. With a signal in place, it is estimated that the intersection would operate at LOS B in the AM peak hour with a CLV of 1,128; in the PM peak hour, it would operate at LOS B with a CLV of 1,024.

The traffic study was referred to and reviewed by DPW&T and SHA. SHA raised no issues. DPW&T raised a minor issue about the distribution of trips from one of the background developments. In researching the matter, it was determined that the assignment of the site toward MD 210 was a little low. However, it was determined that a change in traffic assignment from the background development would not have an impact upon the transportation recommendations. Also, DPW&T recommends that a left-turn bay be provided at the site entrance along Farmington Road East to ensure that turning vehicles do not cause a backup extending to the signal at MD 210. Given that Farmington Road East is currently very narrow at this location, and that a single left-turning vehicle could very quickly cause a major backup, this recommendation is a reasonable response regarding the finding in Section 24-125 of the Subdivision Regulations, and should be carried forward.

Reservation

With regard to the master plan for the site, the site is adjacent to Indian Head Highway (MD 210) and Farmington Road East. Indian Head Highway (MD 210) is a master plan freeway facility. Adequate right-of-way has either been dedicated or deeded in the past and, based on the information at hand, no further right-of-way is required along MD 210.

Farmington Road East is a planned arterial facility (A-54) linking MD 210 with Clinton, and following existing Woodyard Road (MD 223) along most of its length. The plan provides for

dedication of 60 feet from centerline. The master plan, as developed, requires approximately 85 to 90 feet of right-of-way on the north side of the existing centerline.

Given the constraints on the site and the need posed by the master plan, it was determined that the plan should be referred for reservation in accordance with Section 24-139(b) of the Subdivision Regulations. The referrals were done on May 25, 2011, and the referral responses were received. SHA determined that a widening of the adjacent section of Farmington Road East was not part of SHA's highway needs inventory and, for that reason, SHA could not justify the ultimate purchase of additional right-of-way at this location to support future SHA improvements. DPW&T stated that the proposed dedication by the applicant was acceptable, with no reservation of additional right-of-way being needed. In this circumstance, neither agency's response regarding reservation was affirmative. Therefore, it is not recommended that the Planning Board place portions of the master-planned right-of-way into reservation.

Given the findings above, the dedication of 60 feet from centerline along Farmington Road East is deemed acceptable as a means of fulfilling the right-of-way requirements set out by the master plan along Farmington Road East.

Variation to Section 24-121(a)(3)

The site has frontage on Indian Head Highway (MD 210) and Farmington Road East. The site currently is undeveloped and has no access. Indian Head Highway (MD 210) is a state-maintained roadway and is designated as a freeway. Access to MD 210 from the site should be denied and reflected on the record plat. Farmington Road East is classified as an arterial roadway and, pursuant to Section 24-121(a)(3) of the Subdivision Regulations, for lots that front on arterial roadways, these lots shall be developed to provide direct vehicular access to either a service road or an interior driveway. This requirement requires an applicant to develop alternatives to direct access onto an arterial or higher classification roadway. The applicant has submitted a variation request for one driveway access onto the north side of Farmington Road East, which will be the sole point of access for the subject property.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests as follows in **bold**:

- (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 further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

As discussed below, the approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the

requirements of Section 24-121(a)(3) could result in inadequate access to develop the subject property.

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

The proposed entrance improvements have been reviewed by DPW&T and, although the plans will be subject to further review by DPW&T, to date, no negative comments have been provided with regard to the proposed access to and from this location. The access point has been designed to provide safe ingress and egress to the proposed development, so as to not jeopardize the flow of traffic along A-54. Construction of the entrance will be in accordance with all requisite agency approvals, as to design standards. The access is positioned approximately 580 feet east of the signalized intersection at Indian Head Highway (MD 210). The proposed access point from Farmington Road East provides the only viable access to a public right-of-way, as the access to MD 210 is recommended to be denied by this preliminary plan. Therefore, it is determined that this finding has been met for the variation request.

- (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 and conditions on which the variation is based are unique since the property is encumbered to the east by environmental features, to the north and west by MD 210, and to the south by Farmington Road East. The existing environmental features result in a narrowing of the property. Access to MD 210 has been or will be denied by SHA. Consequently, in order to provide any access to the property, a driveway access directly to Farmington Road East is the only viable option. Therefore, the conditions on which the variation is based are unique to the subject property.

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

The proposed driveway will be designed in direct coordination with DPW&T in order to meet all requisite requirements and design standards. Given this evidence, granting of this variation would not constitute a violation of any other applicable law, ordinance, or regulation for a modification.

- (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 strict letter of these regulations is carried out;**

This finding requires evidence that a particular hardship, as distinguished from a mere inconvenience, would result for the owner if the variation were not granted. The property is encumbered by regulated environmental features along its eastern edge and by MD 210 to the north and west. The regulated environmental features are required to be preserve to the fullest extent possible, which will result in a reduction to the building envelope of the site. Access to MD 210 is recommended to be denied by this preliminary plan. The proposed driveway to Farmington Road East will be the sole access to the subject property, and there are no other nearby opportunities to access other public streets. It is apparent that if the strict interpretation of the regulations were to be followed and access to Farmington Road East is denied, the owners of the property would incur harm and could lead to the elimination of any development on the site because property would be essentially land locked with no adequate access.

In summary, it is determined that the findings for approval of the access point can be made consistent with the applicant's justification. With the provision of an eastbound left-turn bay at the site access opposite existing Fir Street, it is determined that the driveway can be provided safely without detriment to traffic along Farmington Road East. The site is unique in that Farmington Road East is the only reasonable alternative for access, access is recommended to be denied and would not be desirable to MD 210, and there are no other available public streets. The site is not large enough to warrant its own public street. Therefore, approval is recommended for the variation from Section 24-124(a)(3) for access from the site onto Farmington Road East.

Based on the preceding findings, it is determined that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

12. **Schools**—The proposed preliminary plan has been 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 (County Council Resolutions CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
13. **Fire and Rescue**—The proposed preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
24	Accokeek	Engine	16111 Livingston Rd.	3.23	3.25	Within
24	Accokeek	Ladder Truck	16111 Livingston Rd.	3.23	4.25	Within
24	Accokeek	Ambulance	16111 Livingston Rd.	3.23	4.25	Within
47	Silesia	Paramedic	10900 Fort Washington Rd.	5.61	7.25	Within

Capital Improvement Program (CIP)

There are no Capital Improvement Program (CIP) projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

14. **Police Facilities**—The proposed development is within the service area of Police District IV, Oxon Hill. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the July 1, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using 141 square feet per 1,000 residents, it calculates to 117,672 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

15. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed this property in "dormant" water and sewer Category 3, Community System. An active Category 3, obtained through the administrative amendment procedure, must be approved before recordation of a final plat.

16. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and notes that the existing abandoned shallow well and three monitoring wells will need to be backfilled and sealed by a licensed well driller in accordance with Code of Maryland Regulations (COMAR) 26.04.04.
17. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should 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 preliminary plan of subdivision correctly delineates a ten-foot public utility easement (PUE) along the public rights-of-way as requested by the utility companies.

18. **Historic**—A Phase I archeological survey is not recommended on the above-referenced 2.65-acre property located at the intersection of Farmington Road East and Indian Head Highway (MD 210) in Accokeek, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A house was built on the property between 1938 and 1957. A portion of the site has been impacted by the construction of the house, the expansion of Farmington Road East, and the construction of Indian Head Highway. The subject property is in close proximity to Piscataway Creek and a number of previously identified archeological sites. However, previous construction on and near the subject property has likely disturbed any archeological resources.

However, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

19. **Residential Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new preliminary plan should be required. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision. A new preliminary plan should be required if residential development is to be considered.
20. **Detailed Site Plan**—A car wash is a permitted use in the C-M Zone subject to detailed site plan approval pursuant to Section 27-461(b), Table of Uses, Footnote 24, of the Zoning Ordinance. A detailed site plan is required for the car wash use and is not generally required for all uses in the C-M Zone. However, as discussed throughout this report, the subject site is located within the Accokeek community and the Mount Vernon Viewshed Area of Primary Concern, at a highly-visible intersection of Indian Head Highway (MD 210), and has frontage on a historic road, Farmington Road East. Maintaining a rural character in the Accokeek community is the key planning theme in the Approved Subregion 5 Master Plan. The Accokeek Development Review District Commission expressed concern about the appearance and compatibility of nonresidential uses with the rural character of this community. Properties located within the Mount Vernon Viewshed Area of Primary Concern should be analyzed on the elevation of the site and proposed structures by the National Park Service. The site's highly-visible location with frontage on a historic road warrants special attention and coordination to the design of the scenic buffer and any entrance features and lighting to ensure that the design is integrated into the streetscape along Farmington Road East and in keeping with the characteristics of the community. Therefore, a

- ✧ detailed site plan shall be required for, but not limited to, architecture, signage, landscaping, and lighting, to be approved by the Planning Board prior to building permits.

Pursuant to Section 27-270, Order of Approvals, of the Zoning Ordinance, a detailed site plan (DSP) is normally required prior to approval of the final plat of subdivision. However, in this case, approval of the DSP will have no bearing on the proposed parcel. Therefore, staff recommends that the DSP could occur prior to building permits and not prior to final plat as provided for in Section 27-270(a)(5), which allows for modification of the Orders of Approval if technical staff determines that the site plan approval will not affect final plat approval.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt opposing the motion at its regular meeting held on Thursday, June 30, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of July 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 7/6/11