



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 11-32

File No. 4-10017

RESOLUTION

WHEREAS, Croom Road LLC is the owner of a 2.75-acre parcel of land known as Tax Map 109 in Grid F-3, is also known as Parcel 15, Parcel 1, and Lot 2, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C) Zone and Rural Residential (R-R); and

WHEREAS, on January 10, 2011, Maryland CVS Pharmacy LLC filed an application for approval of a Preliminary Plan of Subdivision for 1 lot and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-10017 for CVS—Croom Road 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 April 14, 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 April 14, 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 Preliminary Plan of Subdivision 4-10017, CVS—Croom for 1 lot and 1 parcel with the following conditions:

1. Prior to signature approval of the subject preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Add the total gross and net acreage for the site to General Note 3.
 - b. Revise part of General Note 21 to state approved Zoning Map Amendment A-9974 with no conditions.
2. Prior to the issuance of building permits on proposed Parcel 1 (C-S-C Zone), a Detailed Site Plan, shall be approved by the Prince George's County Planning Board.
3. At time of detailed site plan, the plan shall demonstrate conformance with Subtitle 25, Division 3: Tree Canopy Coverage Ordinance by providing a tree canopy coverage (TCC) schedule on the site plan.

4. The final plat shall contain the following notes:
 - a. Development of this site shall be in conformance with Stormwater Management Concept Plan 29827-2010-00 and any subsequent revisions.
 - b. Croom Road adjacent to the subject property is a scenic and historic road and a State Scenic Byway.
 - c. The existing house on proposed Lot 2 is currently served by an individual sewage disposal system and not public sewer. In accordance with the restrictions of the sewer Category 3 designation for the property, the existing septic system cannot be upgraded or replaced. In the event of a future septic system failure, it will be the property owner's responsibility to incur the cost of serving the property with public sewer service if available.
 - d. Denial of direct access to Robert S. Crain Highway (US 301) from Parcel 1.
5. At the time of Detailed Site Plan, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on the landscape plan:

"All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."
6. The 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment* and the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* recommend that Croom Road (MD 382) be designated as a Class III bikeway with appropriate signage, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. One "Share the Road with a Bike" sign in accordance with SHA requirements prior to the issuance of the first building permit. The applicant will purchase the sign from the state and install it in accordance with the state's manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities. If SHA declines this signage, this condition shall be void.
 - b. Required road frontage improvements along MD 382 shall incorporate bicycle compatible improvements in conformance with the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities and SHA's Bicycle and Pedestrian Design Guidelines, or as modified by SHA. Due to the scenic byway designation of MD 382, maintaining the existing roadway section is recommended.
 - c. Bicycle parking accommodating a minimum of eight bicycles. The type and location of the bicycle rack(s) shall be shown on the detailed site plan.

7. An automatic fire suppressing system shall be provided in all new buildings proposed on Parcel 1 (C-S-C Zone) unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
8. Total development within proposed Parcel 1 shall be limited to uses which generate no more than 19 AM (11 in, 8 out) peak hour trips and 75 PM (38 in, 37 out) peak hour trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. 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.
9. At the intersection of US 301 and Old Crain Highway, the applicant shall perform a signal warrant study and install signal if deemed to be warranted and approved by SHA. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with SHA prior to the release of any building permits within the subject property, and complete installation at a time directed by SHA.
10. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement (PUE) along the public right-of-way as delineated on the approved preliminary plan of subdivision.
11. Any residential development on the proposed Parcel 1 shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
12. Total development within proposed Lot 2 shall be limited to uses which generate no more than 1 AM and 1 PM weekday peak hour 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.
13. At the time of final plat approval, the applicant shall dedicate right-of-way along the frontage of Croom Road (MD 382) as shown on the approved preliminary plan of subdivision.

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-S-C (1.83 acres) R-R (40,075 sq. ft.)	C-S-C (1.83 acres) R-R (40,075 sq. ft.)
Use(s)	Commercial—Miniature Golf Course (to be razed) Single-family dwelling	Commercial—CVS Pharmacy (13,225 sq. ft.) Single-family dwelling
Acreage	2.75	2.75
Lots	1	1
Outlots	0	0
Parcels	2	1
Dwelling Units	1 (to remain)	1 (to remain)
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on February 4, 2011.

3. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject property 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. This preliminary plan is consistent with the General Plan Development Pattern policies for the Developing Tier by maintaining a pattern of low-density housing and commercial use by retaining the existing single-family dwelling and the development of a CVS Pharmacy.

The 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment* retained this property in the C-S-C (Commercial Shopping Center) and R-R (Rural Residential) Zones. This preliminary plan conforms to the Approved Subregion 6 Master Plan by proposing commercial and residential land use for the subject property which is consistent with the zoning.

This development proposal is located in the Developing Tier adjacent to the Rural Tier, and the Star-Spangled Banner driving trail along Croom Road. The sites location is at an entry point to several environmental, historic, and agricultural features located along Croom Road (C-615), currently a two-lane rural road. The sites location as it relates to the Rural Tier should be carefully considered. The architectural characteristics could detract from the Rural Tier character given the high visibility at this intersection; this development has the potential to set the standard for future development within this neighborhood and along the Developing and Rural Tier boundary. The

Planning Board is requiring a detailed site plan, at this highly visible location, on the Star Spangled trail, adjacent to the Rural Tier. Attention should be given to design features, materials, colors, signage and appropriate plant materials. The detailed site plan should include, but not be limited to, architecture, signage, landscaping, and lighting to be approved by the Prince George's County Planning Board prior to building permits.

4. **Urban Design**—The site is currently developed with a miniature golf course and batting cage, which was the subject of previously approved Special Exception SE-4067 and which is currently not in use. The site was rezoned to the C-S-C Zone through Zoning Map Amendment A-9974, which was approved by the District Council on October 15, 2007 with no conditions. The preliminary plan proposes to build a 13,225-square-foot CVS Pharmacy on proposed Parcel 1 and to retain an existing single-family dwelling on proposed Lot 2, which is zoned R-R.

2010 Prince George's County Landscape Manual

The C-S-C-zoned parcel (Parcel 1) with the proposed CVS Pharmacy will be subject to the following requirements of the *Prince's George's County Landscape Manual*: Section 4.2, Requirements for Landscaped Strips along Streets; Section 4.3., Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Compliance with these requirements will be evaluated at the time of detailed site plan approval. The pharmacy adjacent to a single-family residence would require a Type "C" bufferyard per Section 4.7, which includes a 40-foot building setback and a 30-foot landscape yard. The applicant has the ability to meet this requirement with the proposed lotting pattern by locating the buffer on Parcel 1 (C-S-C).

Design Issues

A drug store, as a permitted use in the C-S-C Zone, does not require a detailed site plan. However, the subject site is located at an entrance to the Rural Tier and lies at a state scenic byway, the Star-Spangled Banner Byway along Croom Road. Given these two important location considerations, it is warranted that special attention should be paid to the design and layout of the commercial use on proposed Parcel 1. Therefore, a detailed site plan shall be required for Parcel 1 only, prior to building permits.

5. **Environmental**—A signed Natural Resources Inventory, NRI/025/10, for the subject property has been received and reviewed. A standard letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance was issued because the site contains less than 10,000 square feet of woodlands.

According to the signed NRI submitted, no streams, wetlands, or associated 100-year floodplain are found to occur on site. According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Collington and Urban land soil series, which pose no particular problems related to land development. The site is not located in a sensitive species protection review area based on a review of the Sensitive Species Project Review Area (SSPRA) GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources;

however, state-listed endangered species are found downstream of this property. Croom Road (MD 382), which forms the northeast boundary of this property, is a state-designated scenic byway, part of the Star-Spangled Banner Scenic Byway, which is proposed for a national designation. Although located adjacent to a master-planned freeway, the proposed commercial use is generally not regulated for noise impacts. The proposed use is not expected to be a noise generator. The property is located in the Charles Branch watershed of the Patuxent River basin, the Subregion 6 master planning area, and the Developing Tier of the General Plan. The subject property contains evaluation areas and network gap areas within the designated network of the *Approved Countywide Green Infrastructure Plan*.

Master Plan Conformance

The 2009 Subregion 6 Master Plan and Sectional Map Amendment contains the following policies, guidance, and strategies with regard to the a long-term view of sustainability for this portion of the county in the Environment Section:

Subregion 6 contains environmental assets of county, state, and even national importance . . . protecting and enhancing the ecological integrity of the subregion depends upon smart transportation and land use development choices both in and around the study area, as well as individual decisions on energy and water consumption, waste disposal, etc.

The term green infrastructure is used to encompass the interconnected system of public and private lands containing significant areas of woodlands, wetlands, wildlife habitat, and other sensitive areas that provide valuable ecological functions to current and future generations. Maintaining the longevity of the assets within this environmental infrastructure requires minimal intrusions from land development, light, and noise pollution, as well as an overall orientation to creating a sustainable subregion.

The following sustainability goals relate to restoring the integrity of environmental infrastructure in Subregion 6:

- **Protect and restore the quality of air, water, and land to preserve biodiversity and environmental health while providing a natural resource base for current and future generations.**
- **In order to mitigate land use-related impacts of climate change and development to ecological functions, implement a watershed-level approach to preserving and restoring the natural environment.**

The master plan further identified Charles Branch as a primary corridor, and provides the following strategy:

Policy 1, Strategy 2: Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements.

The development proposal is in conformance with the Subregion 6 Master Plan because there are no regulated or significant environmental features on this site.

Conformance with the Green Infrastructure Plan

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: countywide significant regulated areas, evaluation areas, and network gaps. The subject property contains areas designated as evaluation areas and network gaps.

Site specific field work revealed that the property does not contain any regulated environmental features. The evaluation and network gap areas are limited and not significant on the property.

The development proposal is in conformance with the Countywide Green Infrastructure Plan because, after evaluation, no significant environmental features were determined to exist on-site.

Environmental Review

An approved Natural Resources Inventory, NRI/025/10, was submitted with the application. This site contains no regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The required finding of "fullest extent possible" is therefore not required for the subject application.

According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Collington and Urban land soil series, which pose no particular problems related to land development. 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.

The property is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site contains less than 10,000 square feet of woodland. A single specimen tree is located on the site, but is not subject to a variance for removal because the site is exempt from the WCO. A standard letter of exemption has been issued for the subject property and was submitted with the application.

Policy 5 in the Environmental Infrastructure chapter of the General Plan calls for the reduction of overall sky glow, minimization of the spill-over of light from one property to the next, and a reduction of glare from light fixtures. This is of particular concern on a commercial site such as the

subject application because of the adjacent residential uses in the Rural Tier, which may be directly impacted. The site has frontage onto a scenic, historic road that may also be impacted by spill-over of light from the commercial use. The proposed lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized, and so that sky glow does not increase as a result of this development.

Designated Scenic and Historic Roadway

Croom Road (MD 382) is a state road and a state-designated scenic byway, also referred to as special roadways as recently defined in the Master Plan of Transportation. Evaluation of the right-of-way and viewshed of a special roadway (scenic or historic road, parkway, or scenic byway) generally requires the submittal of an inventory of significant visual features. Guidance for preparing a visual inventory is provided in *National Register Bulletin 18: How to Evaluate and Nominate Designed Historic Landscapes* and *National Register Bulletin 30: How to Identify, Evaluate and Register Rural Historic Landscapes* and from the Environmental Planning Section of the Maryland-National Capital Park and Planning Commission (M-NCPPC). Inventory information may be included on the forest stand delineation or tree conservation plan for the site if appropriate, or in a separate document, and may include text, photographs, or other items which provide information necessary to evaluate visual quality.

A viewshed analysis prepared by Bohler Engineering has been submitted for the subject property, which provides information needed to evaluate whether any significant historic features remain on the site. No significant features have been identified as remaining on-site. No further information will be required with regard to the inventory or analysis of existing visually-significant features on this site.

Since Croom Road is a state road, improvements within the right-of-way of the scenic byway are not subject to the "Design Guidelines and Standards for Scenic and Historic Roads" adopted by the Prince George's County Department of Public Works and Transportation (DPW&T), but are subject to road improvements as determined by the Maryland State Highway Administration (SHA). SHA has adopted a policy of implementing context sensitive solutions for transportation development which applies to all of SHA's projects, with specific application along scenic byways. Context sensitive solutions result from a collaborative, interdisciplinary approach to developing and implementing transportation projects involving all stakeholders to ensure that transportation projects are in harmony with communities and preserve and enhance environmental, scenic, aesthetic, and historic resources while enhancing safety and mobility. The design and implementation of any road improvements to US 301 or Croom Road required for this project should be coordinated by the SHA and should seek to implement context sensitive solutions as required by SHA policy.

The entire length of Croom Road, from US 301 to Brandywine, is a portion of a designated Maryland scenic byway commemorating the events of the War of 1812. Governor Martin O'Malley issued an executive order on September 8, 2007 to create the Maryland War of 1812 Bicentennial Commission, which is developing a multi-year cultural tourism and educational

initiative to commemorate Maryland's unique contributions to the defense and heritage of the nation including the pivotal clash that ensured American victory, an iconic flag, and our national anthem, The Star-Spangled Banner. As part of the Commission's activities, funds were obtained to prepare a corridor management plan and seek national scenic byway designation of the Star-Spangled Banner Byway in Maryland from Solomon's Island in Calvert County to Baltimore's Fort McHenry, including Croom Road.

Croom Road is also an integral part of the Star-Spangled Banner National Historic Trail (STSP), as designated by an Act of Congress. The Star-Spangled Banner National Historic Trail consists of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812. The STSP is currently in the planning phase. A management plan for the trail will define the specific route and is being done concurrently with the Maryland Star-Spangled Banner Byway Management Plan.

Along Croom Road, the national historic trail is associated with the troop movements up the Patuxent River. The sites along Croom Road and Croom Road itself will play an important role in the development of the national historic trail. With the extensive land preservation and public parks along the Patuxent River, Croom Road and its branches and sidetracks (as revised to be more consistent with the national historic trail and noted above) will provide an excellent opportunity to interpret the Chesapeake Campaign and its role in shaping the outcomes associated with the War of 1812. The national historic trail designation confirms the national significance of the associated War of 1812 resources found along Croom Road and places the byway within a national context as an important landscape for interpreting those resources to the public.

The national designation of the Star-Spangled Banner National Historic Trail, including the length of Croom Road, and planned nomination of the state scenic byway as an "All-American Road" (national scenic byway designation), gives further weight to special consideration of the frontage treatment and landscape requirements for the subject property that would be provided by a detailed site plan to coordinate SHA requirements for the road frontage, access points, and context sensitive design solutions; DPW&T requirements, as listed in the stormwater management concept approval letter, include a six-foot-wide sidewalk, street lighting, and street trees; and the Landscape Manual requires certain treatments for special roadways.

Local corridor management planning activities for Croom Road were initiated in 2005 and resulted in an inventory of the intrinsic qualities of the byway report, completed in 2007, which identified the national significance of the byway as follows:

STATEMENT OF SIGNIFICANCE

Natural, recreational, historic and scenic intrinsic qualities, in particular, along Croom Road or the Lower Patuxent Scenic Byway (LPSB) are unique and significant based on the National Scenic Byways Program criteria. The LPSB provides opportunities to tell the story of tobacco farming in Maryland and nationally while providing access to outdoor recreational pursuits, such as cycling, boating and wildlife watching along the Patuxent River, a Maryland Wild and Scenic River. It also offers an opportunity to step back in time in an urbanizing area along one of few remaining rural roads in the county.

The intersection of Croom Road and US 301 provides a unique opportunity to provide a gateway entrance onto the scenic byway route and into the Rural Tier and is supported by the existing low-density development pattern present just east of the intersection. Along the north side of Croom Road, the Rural Tier begins approximately 780 feet east of the US 301 intersection, but a rural visual character is provided by a significantly wooded roadside starting 275 feet east of the intersection. On the south side of Croom Road, a wooded roadside character begins 675 feet east of the US 301 intersection; 1,200 linear feet of the roadway is currently wooded.

The subject property is adjacent to a designated scenic byway. Scenic easements are no longer recommended for scenic and historic roads with the adoption of the 2010 Landscape Manual, which now addresses special roadways. The Croom Road frontage of this subdivision will be required to comply with the requirements of the Landscape Manual, Section 4.6, for buffering development from special roadways. In the Developing Tier, a minimum 20-foot-wide buffer located outside of the public utility easement (PUE) is required, combined with landscaping with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. The buffering and planting requirements of Section 4.6.c.(2)iii may be reduced through an application for alternative compliance, if the alternative landscape design will conserve and enhance the special roadway with regard to the natural, scenic, and/or cultural features of the surrounding area.

A detailed site plan should be for the site to coordinate the appearance of the development with the unique opportunity to provide a landscaped gateway to the Rural Tier and the scenic byway.

6. **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, 29827-2010-00, was approved on December 30, 2010 and is valid until December 30, 2013. The approved concept plan has 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.
7. **Parks and Recreation**—In accordance with Section 24-134(a)(3) of the Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because

proposed Parcel 1 consists of nonresidential development and proposed Lot 2 has an existing dwelling.

8. **Trails**—The preliminary plan was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The site is within the area covered by the 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment* and is subject to the MPOT. The property is southeast across US 301 from the Osborne Shopping Center. Croom Road serves as one of the main access points into the Rural Tier and is currently included as part of the Star-Spangled Banner Scenic Byway as designated by the State of Maryland, as discussed.

Master Plan Compliance and Prior Approvals

Both the MPOT and the area master plan designate MD 382 as a master plan bikeway. The MPOT includes the following description of the MD 382 (Croom Road) bikeway:

Croom Road (MD 382) is a heavily used corridor for long distance cyclists. Road improvements should include bicycle accommodations. A study of the corridor has recently been initiated that will explore the needs of both motor vehicles and bicyclists, as well as the preservation of the scenic qualities of the roadway (MPOT, p. 33).

It should also be noted that the MD 382 bikeway is an integral segment of both the Patuxent River Rural Legacy Area Bicycle Route and the state-designated Star-Spangled Banner Scenic Byway. Both of these routes promote the scenic, natural, and historic attributes of the corridor. For the proposed preliminary plan, bicycle compatible road frontage improvements and bikeway signage are recommended to safely accommodate bicycle movement along this master plan bikeway. Frontage improvements along MD 382 should include either a paved shoulder or wide outside curb lanes with appropriate pavement markings to accommodate bikes at the site's ingress/egress point. Frontage improvements (including striping) will be determined by SHA. Comments from the Maryland Scenic Byways Program were received as part of a March 23, 2011 e-mail from Dennis Haskins. These comments included the following regarding the frontage of the subject site:

“Relative to scenic byway roadway improvements, we generally recommend maintaining the existing roadway section, which is usually a narrow, open section roadway. Therefore, we suggest minimizing the width and length of acceleration and deceleration lanes, as well as the use of curbing, as much as possible.”

The intersection of US 301 and MD 382 is also a gateway onto the Star-Spangled Banner Scenic Byway and the Rural Tier from US 301 and points to the west. West of US 301 is within the Developing Tier and is largely suburban in nature. However, east of US 301 is mostly within the Rural Tier. Croom Road (MD 382) serves as one of the major access points into the Rural Tier and

has been recognized by the State of Maryland for its scenic and recreational value by its designation as a scenic byway. The incorporation of MD 382 into the Star-Spangled Banner Scenic Byway further highlights the importance of the corridor.

Scenic byway signage provided by SHA currently exists along the MD 382 corridor, including the immediate vicinity of the subject site. No additional byway signage is recommended at this time. However, as MD 382 is also heavily used as a bicycle route, "Share the Road with a Bike" signage is recommended, per the concurrence of SHA. As the proposed CVS will be one of the few locations along MD 382 to purchase water, snacks, or other items, the provision of a small number of bicycle parking spaces is also recommended. A detailed site plan is required to evaluate the overall design and appearance of the site, as well as possible gateway signage.

9. **Transportation**—The findings contained herein are based on the review of a traffic impact study submitted on January 10, 2011 and was later updated and received on March 14, 2011. This updated traffic impact study was found acceptable and was referred to DPW&T and SHA for their review and comments.

The site of this application is located in the southeast quadrant of the intersection of Crain Highway (US 301) and Croom Road (MD 382). The site is 1.83 acres in the C-S-C Zone and 40,075 square feet in R-R Zone. The application shows right-of-way dedication along a portion of the property's frontage on MD 382, which is consistent with planned upgrades to this facility and SHA deemed the dedication as acceptable. Parcel 1 is proposed with direct access onto MD 382. Proposed Lot 2 has direct access onto MD 382 and proposes to retain that access with this application. This application is not proposing any direct access from the site onto US 301. The subject property is located within the Developing Tier as defined in the *Prince George's County Approved 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;

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 (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The findings outlined below are based upon a review of all materials received and analyses conducted by the Commission consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

Analysis of Traffic Impact

The subject application proposes the development of a 13,225-square-foot CVS Pharmacy for proposed Parcel 1 and retaining the existing single-family dwelling on proposed Lot 2. The proposed CVS Pharmacy will generate 19 AM (11 in, 8 out) peak hour trips and 75 PM (38 in, 37 out) peak hour trips at the time of full build-out. These trip rates reflect new trips based on a 45 percent pass-by reduction rate. For the existing single-family dwelling, it is determined that it would generate 1 AM and 1 PM weekday peak-hour vehicle trips. Due to the limited trip generation of proposed Lot 2, the Planning Board could deem the proposed Lot 2 impact to be de minimus, in accordance with the Guidelines for the Analysis of the Traffic Impact of Development Proposals," and is recommended.

The traffic generated by the proposed CVS Pharmacy development would impact the following intersections:

- US 301 and Old Crain Highway (unsignalized)
- US 301 and Croom Road (signalized)
- US 301 and South Osborne Road (signalized)
- US 301 and Heathermore Boulevard (signalized)
- Trumps Hill Road and Croom Road (signalized)
- Site Driveway and Croom Road (unsignalized)

The traffic impact study identified the following links and critical intersections as ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	(LOS/CLV) AM	(LOS/CLV) PM
US 301 & Old Crain Highway **	F/>999 secs.	F/468 secs.
US 301 & Croom Road	A/954	B/1096
US 301 & South Osborne Road	B/1080	C/1253
US 301 & Heathermore Boulevard	B/1001	B/1028
Trumps Hill Road & Croom Road **	B/11.8 secs.	B/11.6 secs.
** Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 45 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.		

The study cited thirteen approved background developments that, collectively, will impact the above critical intersections during the morning and evening peak hours. An analysis of the background developments was done based on a one-year (2012) build out. Those analyses yielded the following results:

BACKGROUND CONDITIONS		
Intersection	(LOS/CLV) AM	(LOS/CLV) PM
US 301 & Old Crain Highway **	F/>999 secs.	F/623.1 secs.
US 301 & Croom Road	B/1055	B/1220
US 301 & South Osborne Road	C/1177	D/1413
US 301 & Heathermore Boulevard	B/1118	C/1156
Trumps Hill Road & Croom Road **	B/12.8 secs.	B/12.7 secs.
** Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 45 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.		

The "Guidelines for the Analysis of the Traffic Impact of Development Proposals" does not provide trip generation rates for pharmacies, consequently, trip rates published in the Institute of Transportation Engineer (ITE) *Trip Generation Manual, 8th Edition*, were utilized in the traffic study. Based on rates from the ITE manual, the traffic study has indicated that the proposed development (a 13,225-square-foot pharmacy) will be adding 35 AM (20 in, 15 out) peak hour trips and 137 PM (69 in, 68 out) peak hour trips at the time of full build out. The ITE manual also factored the effect of pass-by traffic, which is by definition, traffic already on the study area network that will be diverted to the proposed development. The table below reflects the total trip generation with the net effect of the pass-by trip reduction.

Trip Generation (weekday)						
	AM Peak			PM peak		
	In	Out	Total	In	Out	Total
CVS Pharmacy (ITE code 881), 13,225 sq. ft.	20	15	35	69	68	137
Pass-by (45%)	-9	-7	-16	-31	-31	-62
Net Site Trips	11	8	19	38	37	75

Applying the net site trips to the background traffic revealed the following results:

TOTAL CONDITIONS		
Intersection	(LOS/CLV) AM	(LOS/CLV) PM
US 301 & Old Crain Highway **	F/>999 secs.	F/638.2secs.
US 301 & Croom Road	B/1067	B/1246
US 301 & South Osborne Road	C/1181	D/1427
US 301 & Heathermore Boulevard	B/1119	C/1168
Trumps Hill Road & Croom Road **	B/12.9 secs.	B/12.9 secs.
Site Driveway & Croom Road **	B/10.8 secs.	B/13.4 secs.
**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 45 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.		

Based on the results shown above, the traffic study concluded that "the proposed development should be approved as planned, without any objectionable impact on existing and future roadway/roadside users and the adjacent residential communities, from the perspective of traffic and parking."

Upon review of the applicant's traffic study (including revisions), staff concurs with the results of the analyses. In addition to planning staff, the study was reviewed by DPW&T and SHA. In a memorandum dated February 16, 2011 from DPW&T (Issayans to Burton), Mr. Issayans essentially concurs with the study's conclusion.

Staff has received a letter from SHA dated February 28, 2011 (Foster to Burton). This letter was written before the revised study was submitted, and consequently, many of the comments made by SHA were addressed in the revised study.

The following represents the points raised by SHA followed by staff's response:

- Access to the 13,225-square-foot Pharmacy with Drive-Through is proposed from one existing full movement site access driveway on MD 382. SHA recommends that an eastbound deceleration and acceleration lane be provided along eastbound Croom Road if this project is approved.

This requirement does not affect the applicant's adequacy finding and can be implemented at the time of access permit.

- Existing traffic counts were referenced in the report but the documentation of the traffic counts (i.e. traffic summary sheets) was not provided with the report.

These comments were addressed in the revised study.

- The traffic report assumed a zero percent growth rate along MD 382 to the build-out year for the site. Based upon research conducted by the Travel Forecasting Division, a two percent annual growth rate should be used to the build-out year for the site along all study roadways.

The revised study addressed these concerns.

- The report provides level of service (LOS) tables, however no documentation of the analyses is provided with the report.

The revised study addressed these concerns to the satisfaction of staff.

- The report determined that the proposed development would negatively impact the US 301 at Old Crain Highway intersection. However, mitigation measures were not recommended in the report.

The use of mitigation in the context of SHA's letter is not in concert with the use of mitigation pursuant to County Council Resolution CR-29-1994. While US 301 is one of five corridors for which mitigation is allowed, unsignalized intersections along any corridor are not eligible for mitigation as outlined in CR-29-1994. The traffic study shows only a minimal impact on the intersection of US 301 and Old Crain Highway. However, because the intersection was shown to operate with a delay in excess of 50 seconds per car, pursuant to the guidelines, the applicant will be required to provide a traffic signal warrant study, and the possible installation of a signal, should a signal be deemed to be warranted and approved by SHA.

Reservation

In accordance with Division 7, Section 24-139 of the Subdivision Regulations, the Planning Board, when reviewing a preliminary plan of subdivision, shall refer to the General Plan, master plans, or amendments and parts thereof to determine the need for reserving for public use any of the land included in the preliminary plan. Reservations may be required for highway, transit, or street rights-of-way. If a reservation appears desirable, the Planning Board refers the plan to the public agency concerned with acquisition for its consideration and report; and to the County Executive, County Council, and any municipality within which the property is located, for their comments. The public agency's recommendation, if affirmative, includes a map showing the boundaries and area of the parcel to be reserved, and an estimate of the time required to complete the acquisition. Upon receipt of an affirmative report from a public agency, the Planning Board shall establish the reservation, with or without modifications, concurrently with the approval of the preliminary plan of subdivision.

Further, Section 24-140 states that no reservation shall continue for longer than three (3) years without the written approval of all persons holding or otherwise owning any legal or equitable interest in the property. The reservations will be exempt from all State, County, and local taxes during the reservation period. Prior to the expiration of a reservation period, with the written consent of all land owners, the Planning Board may renew the reservation for additional periods of time; provided that the time period of the renewal is mutually agreeable to the land owners and the Planning Board. At the end of the reservation period, if the reservation has not been renewed or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation will expire. If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the property owner(s).

The MPOT recommends the upgrading of US 301 within Prince George's County as a freeway (F-10). For much of its length, proposed F-10 will be built on a new alignment, roughly parallel to existing US 301, while existing US 301 will continue to function as a local access road. Based on the recommendations of the MPOT, as well as the 1999 US 301 Access Control Study by SHA, the subject property, proposed Parcel 1 and Lot 2 will be affected by the proposed alignment of the future freeway. Approximately two thirds of the site would be impacted by F-10, and consequently, a referral was made on February 11, 2011 concerning potential reservation in accordance with Section 24-139(b) of the Subdivision Regulations to the appropriate agencies.

In a letter dated March 14, 2011 from SHA (Foster to Foster), in which SHA acknowledged the need for the reservation, and has further acknowledged that they are moving forward with steps to assist in the acquisition of the property within the three years of reservation.

At the Planning Board Hearing on April 14, 2011, the Planning Board found that SHA did not provide sufficient evidence of intent to purchase the property within the reservation period under the particular circumstances of this case. The Planning Board approved the preliminary plan without the reservation.

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

10. **Schools**—The residential portion of this preliminary plan was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Council Resolution CR-23-2003, and staff concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster #4	Middle School Cluster #2	High School Cluster #2
Dwelling Units	1 DU	1 DU	1 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	.16	.13	.14
Actual Enrollment	4,001	5,564	12,737
Total Enrollment	4,001.16	5,564.13	12,737.14
State Rated Capacity	4,144	5,430	13,026
Percent Capacity	96.5%	102%	97.8%

Source: Prince George's County Planning Department, M-NCPPC, January 2010

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-95/495 (Capital Beltway) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for the surcharge to be adjusted for inflation and the current figures for FY 2011 are \$8,299 and \$14,227 to be paid at the time of issuance of each building permit. This fee would only be required for Lot 2 if the existing dwelling was razed and a new building permit was issued for Lot 2.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Nonresidential

The nonresidential portion of the preliminary plan is exempt from a review for schools because it is a nonresidential use.

11. **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)(C) and (E) of the Subdivision Regulations.

Residential

The residential portion of this preliminary plan is within the seven-minute response time for the first due fire station using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
45	Brandywine	14201 Brandywine Road

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

Nonresidential

The nonresidential portion of the 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
45	Upper Marlboro	Engine	7710 Croom Road	1.0	3.25	Within
20	Upper Marlboro	Ladder Truck	14815 Pratt Street	6.10	4.25	Beyond
20	Upper Marlboro	Paramedic	14815 Pratt Street	6.10	4.25	Beyond
45	Upper Marlboro	Ambulance	7710 Croom Road	1.0	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.

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

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

12. **Police Facilities**—The subject property is located in Police District V, Clinton.

Residential

The Subdivision Regulations requires a specific police response time adequacy test for residential preliminary plans of subdivision. However, the adequacy test for police facilities is not required for the existing single-family dwelling unit on proposed Lot 2 because the existing dwelling unit does not generate additional population beyond that which currently exists on the site, and the dwelling is to remain.

Nonresidential

The police facilities test is performed on a countywide basis for nonresidential development. 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.

13. **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 water and sewer Category 3, Community System, and will therefore be served by public systems.

A water line in Croom Road abuts the property. A sewer line in Croom Road is in close proximity. Sewer line extensions may be required to provide service to the proposed subdivision, and must be approved by the Washington Suburban Sanitary Commission (WSSC).

The existing house on proposed Lot 2 is currently served by public water and an individual sewage disposal system and is not connected to the public sewer system. In accordance with the restrictions of the sewer Category 3 designation for the property, the existing septic system cannot be upgraded or replaced, and connection to public sewer must be completed should the existing system fail. In the event of a future septic system failure, it will be the property owner's responsibility to incur the cost of serving the property with public sewer service.

14. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision. A raze permit must be obtained through the Department of Environmental Resources (DER) prior to the removal of any existing building on proposed Parcel 1. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed.

The abandoned shallow well on proposed Lot 1 must be backfilled and sealed, in accordance with Code of Maryland Regulations (COMAR) 26.04.04, by a licensed well driller or witnessed by a representative from the Health Department.

15. **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 PUE along the public right-of-way as requested by the utility companies.

16. **Historic**—A Phase I archeological survey is not recommended on the above-referenced 1.83-acre property located at the southeast corner of US 301 and Croom Road in Upper Marlboro, 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 majority of the property has been disturbed by modern construction.

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.

17. **Detailed Site Plan**—A drug store, as a permitted use in the in the C-S-C Zone, does not require a detailed site plan. The subject site is located at the entrance to the Rural Tier and has frontage on state scenic byway, the Star-Spangled Banner Byway along Croom Road. The site location is at a unique entry point to several environmental, historic, and agricultural features located along Croom Road, currently a two-lane rural road. Given the high visibility at this intersection, this development has the potential to set the standard for future development within this neighborhood and along the Developing and Rural Tier boundary. The site's highly-visible location and unique surroundings warrant that special attention is given to the coordination of design features and the layout of proposed development. 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 of the Zoning Ordinance, Order of Approvals, the detailed site plan (DSP) is normally required prior to the approval of the final plat of subdivision. However, in this case, approval of the DSP will have no bearing on the lotting pattern, which is consistent with the zoning line (C-S-C and R-R). Therefore the DSP should occur prior to building permits and not prior to final plat.

18. **Residential Conversion**—Proposed Parcel 1 is zoned C-S-C. While the subject application is not proposing any residential development in Parcel 1, if legislation would permit such a land use, a new preliminary plan should be approved. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivision, a new preliminary plan should be required if residential development is to be considered.

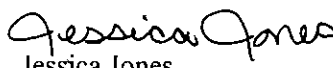
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt opposing the motion at its regular meeting held on Thursday, April 14, 2011, in Upper Marlboro, Maryland.

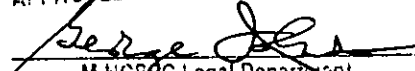
Adopted by the Prince George's County Planning Board this 2nd day of June 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPDC Legal Department

Date 5/26/11