



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 11-65(C)

File No. 4-10018

C O R R E C T E D R E S O L U T I O N

WHEREAS, Landover DK LLC is the owner of a 1.02-acre parcel of land known as Tax Map 51 in Grid B-4, is also known as Lots 2-4, 27-30, and the west part of Lot 1, said property being in the 2nd Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on April 7, 2011, Landover DK 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 4-10018 for Landover Park 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 16, 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 16, 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 4-10018, Landover Park, including a Variation from Section 24-121(a)(3) for 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. Change the proposed parcel designation to reflect "Parcel 1."
2. Prior to the issuance of any permits, the applicant shall obtain approval of a detailed site plan by the Planning Board. The detailed site plan shall be subject to the mandatory review by the District Council.
3. At time of detailed site plan, the applicant shall:
 - a. Provide sidewalks and streetscapes as recommended in the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity* (Planning

Area 69) for commercial corridors and shall coordinate with the residential streetscape of Old Landover Road.

- b. Provide a new bus stop at the location of the existing bus stop by following the County's standards and the urban design guidelines in the 1994 Master Plan and Sectional Map Amendment.
 - c. Provide an additional right-turn lane on Kilmer Road onto Landover Road if the Transportation Planning Section and the Department of Public Works and Transportation (DPW&T) concur.
 - d. Provide details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures will not affect the well being of the neighboring and adjacent residences.
4. The final plat shall contain the following notes:
- a. Development of this site shall be in conformance with Stormwater Management Concept Plan 16314-2001-00 and any subsequent revisions.
5. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
- a. A high visibility crosswalk with attractive, contrasting surface materials, appropriate curb cuts, and Americans with Disabilities Act (ADA) ramps at the site's ingress/egress point along Kilmer Street, to be reviewed at the time of detailed site plan review and designed in accordance with DPW&T standards.
 - b. A high visibility crosswalk with attractive, contrasting surface materials, appropriate curb cuts, and ADA ramps at the site's ingress/egress point along MD 202 to be reviewed at the time of detailed site plan review and designed in accordance with State Highway Administration (SHA) standards.
 - c. Because Kilmer Street is a County right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
 - d. All proposed bicycle racks shall be located in a well lit and visible location close to the building entrance and situated on a concrete pad. The final location will be approved by the Urban Design Section and Trails Coordinator prior to a recommendation for approval of the detailed site plan.

- e. Construct a new bus stop on Old Landover Road at the location of the existing bus stop. The redeveloped bus stop shall be built to current County standards and shall follow the urban design guidelines that are contained in the 1994 approved master plan and sectional map amendment for Bladensburg-New Carrollton and Vicinity. The Department of Public Works and Transportation shall approve the location and design of the reconstructed bus stop. The final location of the bus stop will be approved by the Urban Design Section and Trails Coordinator prior to a recommendation for approval of the detailed site plan and shall be coordinated with Washington Metropolitan Area Transit Authority (WMATA).
 - f. Provide for the installation of a street light on Old Landover Road at the location of the existing bus stop in conformance with the urban design guidelines that are contained in the 1994 master plan and sectional map amendment for Bladensburg-New Carrollton and Vicinity, unless modified by The Department of Public Works and Transportation in its review and approval of the location and design of the reconstructed street light. The final location of the street light will be approved by the Urban Design Section and Trails Coordinator prior to a recommendation for approval of the detailed site plan.
- *[7]6. Total development within proposed Parcel 1 shall be limited to uses which generate no more than 40 AM peak hour trips and 154 PM 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.
- *[8]7. Access to the site shall be limited to a full-movement access on Kilmer Street and a single right-in/right-out access on MD 202.
- *[9]8. Prior to the issuance of any building permits within the subject property, the following road improvements at the MD 202/ Kilmer Street intersection 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. Restriping the southbound approach of Kilmer Street at MD 202 to provide on left-turn lane, on shared left/ through lane, and one right-turn lane or as desired by State Highway Administration (SHA) to minimize queuing.
 - b. Split-phasing the traffic signal at Kilmer Street and MD 202 on the north and south approaches, modifying signage, pavement markings, and traffic signal heads, providing left turn lanes on Kilmer Street at the proposed site entrance. The applicant shall be responsible for the costs of these improvements.

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

*[40]9. At the time of final plat, the applicant shall dedicate a 10-foot public utility easement (PUE) along all public rights-of-way as delineated on the approved preliminary plan of subdivision.

*[44]10. 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.

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	C-S-C
Use(s)	Single-family dwelling	Commercial—Walgreens Pharmacy (14,896 sq. ft.)
Acreage	1.02	1.02
Lots	8	0
Outlots	0	0
Parcels	0	1
Dwelling Units	1 (to be removed)	0
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	Yes (Sec. 24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on April 29, 2011.

3. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject property within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This preliminary plan is consistent with the General Plan Development Pattern policies for the Developed Tier by maintaining a pattern of low-density housing and commercial use by the development of a Walgreens Pharmacy.

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

The 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* retained this property in the C-S-C (Commercial Shopping Center) and the R-55 Zones. Subsequently the portion of the property zoned R-55 was rezoned to C-S-C by Zoning Map Amendment A-10015-C. The master plan recommends retail commercial land use for the majority of the site and medium suburban-density residential land use for a small portion of the site. This preliminary plan is inconsistent with the approved master plan by proposing commercial uses for the small portion of the property that was intended for residential use. However, the preliminary plan is consistent with the 2002 General Plan and the Zoning Map Amendment (A-9795-C) recognized by the approved master plan and the Zoning Map Amendment (A-10015-C) that followed the master plan.

Properties to the north and west of the site are in the R-55 Zone and developed with single-family residential dwellings. Due to the close proximity of the subject property to residential properties, it is important that appropriate screening be maintained for all loading and trash storage areas. Attention should be given to design features, materials, colors, signage and appropriate plant materials.

4. **Urban Design**—The subject preliminary plan of subdivision proposes to consolidate Lots 2, 3, and 4 and part of Lots 1, 27, 28, 29 and 30, Block 8, into one parcel, know as Parcel A, measuring 1.0165 acres for a 14,896-square-foot development in the Commercial Shopping Center (C-S-C) Zone. Based on the review of the preliminary plan of subdivision, the following comments are relevant to the approval of this case.

Conformance with Zoning Map Amendment Application A-9795-C

On May 21, 1990, a portion of the subject property (of .8444 acre) was rezoned from the One-Family Detached Residential Zone (R-55) and the Commercial Office (C-O) Zone to the C-S-C Zone by Zoning Map Amendment Application A-9795, subject to two conditions. Each condition is listed below in **bold face type**, followed by the Urban Design Section's comment:

1. **That all site plans shall be approved by the Planning Board and by the District Council prior to the issuance of any building permits.**

This condition will be carried forward as a condition of approval for this preliminary plan of subdivision.

2. **That prior to the issuance of any use and occupancy permits for the subject property, the following road improvements shall be both dedicated and constructed by the applicant in accordance with the Department of Public Works and Transportation Standards:**

- a. **An additional right-turn lane on Kilmer Street from Old Landover Road onto Landover Road (MD Route 202).**

The subject preliminary plan of subdivision should be referred to the transportation planning section for comment regarding this requirement of Zoning Map Amendment A-9795-C. This condition should be carried forward as a condition of approval for this preliminary plan of subdivision.

Conformance to Zoning Map Amendment A-10015-C

On August 31, 2009, another portion of the subject property (of 0.17 acre) was rezoned from the Rural Residential Zone (R-R) to the C-S-C Zone by Zoning Map Amendment A-10015, subject to four conditions. Each condition is included in **bold face type** below, followed by the Urban Design Section's comment:

1. **An approved Detailed Site Plan shall be obtained prior to the issuance of any permits.**

This condition will be carried forward as a condition of approval for this preliminary plan of subdivision and a Detailed Site Plan (DSP-10030) was accepted for processing on February 7, 2011.

2. **The Detailed Site Plan shall contain the type of sidewalks and streetscapes recommended in the 1994 Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity, specifically the guidelines for commercial corridors. The commercial streetscape should coordinate with the residential streetscape on Old Landover Road.**

A condition of this approval should require that sidewalks and streetscape included in the required detailed site plans for the projects on the subject rezoned land should follow recommendations for same in the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* for commercial corridors and should coordinate with the residential streetscape on Old Landover Road.

3. **A new bus stop located on Old Landover Road shall be constructed at the location of the existing bus stop. The redeveloped bus stop shall be built to the current County standards and shall follow the urban design guideline in the 1994 Master Plan and Sectional Map Amendment. The Department of Public Works and Transportation shall approve the location and design of the reconstructed bus stop.**

The plan should be referred to the Transportation Planning Section and the Department of Public Works and Transportation (DPW&T). A condition of this approval should require that the design of the redeveloped bus stop should be reflected on the required detailed site plan and follow current County standards and the urban design guidelines found in the 1994 approved master plan and sectional map amendment for Bladensburg-New Carrollton and its location and design be approved by the Department of Public Works and Transportation.

4. **An approved plan of subdivision shall be approved.**

The subject preliminary plan of subdivision was approved, this condition has been fulfilled.

Conformance with the *Prince George's County Landscape Manual*

The property is subject to the following requirements of the *Prince's George's County Landscape Manual*: Section 4.2 Commercial and Industrial Landscaped Strip Requirements; Section 4.3 Parking Requirements (a) Landscaped Strip Requirements, (b) Perimeter Landscape Requirements, and (c) Interior Planting; Section 4.4 Screening Requirements and 4.9 Sustainable Landscaping Requirements. Compliance with these requirements will be judged at time of detailed site plan approval.

Conformance with the Requirements of the Zoning Ordinance

Any proposed development on the subject property must propose a use contained in Section 27-461, Uses Permitted in Commercial Zones and be designed in accordance with the requirements of Section 27-462, Regulations in Commercial Zones.

5. **Environmental**—The preliminary plan is approved to construct a retail store on a 1.02-acre tract of land in the C-S-C Zone. A Detailed Site Plan (DSP-10030) was being reviewed at the time of approval of the preliminary plan.

A Standard Letter of Exemption was issued from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because there are less than 10,000 square feet of existing woodland and the property does not have a previously approved tree conservation plan. A Natural Resource Inventory Equivalency Letter (NRI-EL-002-11) was also issued in lieu of an NRI because sufficient information was provided using other methods.

The site is subject to the environmental regulations, which became effective on September 1, 2010. The project is not grandfathered from the Subtitle 27 provisions because it has no previously approved land development applications.

Site Description

The subject property is relatively flat and drains into unnamed tributaries of Lower Beaverdam Creek watershed in the Anacostia River Basin. The predominant soil types on the site are Christiana-Downer Urban Land Complex and Russett-Christiana Urban Land Complex. Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened or endangered species found to occur in the vicinity of this site. There are no floodplains, streams, Waters of the U.S., or wetlands associated with the site. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. The site is adjacent to a major noise generator (MD 202). Landover Road is a state-owned and maintained arterial highway that generates sufficient noise to result in levels above 65 dBA Ldn, the residential noise standard; however, no residential or residential-type uses are proposed. This property is in the Developed Tier as delineated on the 2002 *Prince George's County Approved General Plan*.

Master Plan Conformance

The Bladensburg-New Carrollton and vicinity approved master plan and sectional map amendment, adopted in 1994, contains no specific environmentally-related guidelines pertaining to the subject site. The master plan predates current ordinances and regulations that will be reviewed with this application. The environmental requirements for woodland conservation and stormwater management noise are addressed in the Environmental Review Section below.

Conformance with the Green Infrastructure Plan

Neither the subject property nor any adjacent properties are within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*.

Environmental Review

The site has a signed Natural Resource Inventory (NRI) Equivalency Letter (NRI-EL-002-2011). During the review of the information submitted, it was determined that an NRI-EL is an appropriate method to meet the NRI submittal requirement because:

- a. The site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance.
- b. A review of the detailed site plan and the PGAtlas.com environmental layers and 2009 color aerial photos indicate that there are not regulated environmental features on the site.

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are less than 10,000 square feet of existing woodland. A Standard Letter of Exemption was issued for the site on February 4, 2011. A Type I tree conservation plan is not required.

Subtitle 25, Division 3, the Tree Canopy Coverage (TCC) Ordinance, requires a minimum percentage of tree canopy coverage on properties that require a grading permit. Properties zoned C-S-C are required to provide a minimum of 10 percent of the gross tract area in tree canopy.

The overall development has a gross tract area of 1.02 acres and as such, tree canopy coverage of 0.16 acres, or 4,428 square feet, is required.

A landscape plan was submitted with the associated case for this site, Detailed Site Plan (DSP-10018) and shows the requirements of Subtitle 25, Division 3 being met. No additional information is required with regard to the preliminary plan review.

According to the *Prince George's County Soil Survey*, the principal soils on this site Christiana-Downer Urban Land Complex and Russett-Christian Land Complex.

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, 16314-2001-00, was approved on March 1, 2011 and is valid until May 4, 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.

Copies of an approved stormwater management concept letter and plan were included in the submittal. According to the approval letter, a hydrodynamic water separator will be used to treat runoff by separating sediment and oil from the polluted runoff before it is discharged into the stream system. The separator is shown on the concept plan. Development of the site will also require the payment of \$17,456 into an account for the Beaverdam Creek Stream Restoration Project.

The DSP will also be reviewed for conformance with the concept approval.

7. **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 proposed Parcel 1 is in a Commercial Zone proposing nonresidential development.
8. **Trails**—The proposed 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 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* (area master plan) and is subject to the *Approved Countywide Master Plan of Transportation* (MPOT).

Zoning Map Amendment Compliance

The proposal does not conflict with the conditions of the Zoning Map Amendment (A-10015-C). The zoning map amendment was approved with conditions related to bikeways and sidewalks. Condition 2 requires sidewalk and streetscape improvements to be provided at the time of detailed site plan review. The subject preliminary plan shows sufficient land and dedication for these improvements. The specific details of these improvements will be reviewed for conformance with the zoning map amendment requirements at the time of the detailed site plan.

The applicant's proposed access easements appear to be sufficient to provide land to provide sidewalks and do not conflict with Section 24-123 of the Subdivision Regulations. Section 24-123 requires that land for bike trails and pedestrian circulation systems shall be shown on the preliminary plan and, where dedicated or reserved, shown on the final plat when the trails are indicated on a master plan, the Countywide Trails Plan, or where the property abuts an existing or dedicated trail, unless the Planning Board finds that previously proposed trails are no longer warranted.

Area Master Plan and MPOT Recommendations

Landover Road (MD 202) is designated as a master plan bicycle/trail corridor in both the area master plan and the MPOT. The MPOT recommends continuous sidewalks and on-road bicycle facilities along Annapolis Road (MD 450). In the vicinity of the subject site, the Maryland State

Highway Administration (SHA) has completed a streetscape improvement project that includes continuous decorative sidewalks, contrasting and high visibility crosswalks, and wide outside curb lanes. Due to right-of-way constraints, designated bike lanes are not feasible within the current curb-to-curb configuration of the road.

The Trails, Bikeways, and Pedestrian Mobility chapter of the MPOT includes a policy to "Incorporate appropriate pedestrian-oriented and TOD features in all new development within designated centers and corridors." The Complete Streets Section of the MPOT includes policies regarding sidewalk construction and the accommodation of pedestrians:

POLICY 1:

Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers;

POLICY 2:

All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The MPOT also specifically recommends intersection improvements at the MD 202 and Kilmer Street intersection (page 37). Pedestrian safety improvements are needed at this intersection to safely accommodate pedestrians crossing from the existing apartments to the shopping center

Cheverly Non-Motorized Transportation Study/MD 202 at Kilmer Street Intersection Study

The Transportation Planning Section has reviewed the preliminary plan application for conformance with the MD 202 at Kilmer Street Intersection Study, which was completed as part of the 2009 Cheverly Non-Motorized Transportation Study. This study summarizes conditions at and near the intersection:

MD 202 at Kilmer Road was identified by the Town of Cheverly as a candidate for a safety improvement study. The intersection is located near numerous multi-family housing units, retail and commercial establishments. This particular land use form leads to significant pedestrian demand which poses additional operational and safety issues at the subject intersection. MD 202 is a six lane, urban arterial with a posted speed limit of 35 mph in the study area. Kilmer Street is a local street that serves residential neighborhoods to the south of MD 202 as well as Spellman Elementary School. Notable characteristics of the study intersection include:

- The intersection is located immediately adjacent to the US 50 off ramp. The westbound US 50 off ramp carries traffic at high speeds and limited visibility when approaching the study intersection.

- Textured crosswalks are present at all of the approaches; these crosswalks were part of the MD 202 streetscaping project.
- New sidewalks are located on MD 202; these sidewalks were also installed as part of the streetscape project and include an approximately 6-foot setback from the travel lane, providing for increased pedestrian safety.
- The pavement and signs are in good condition.
- The adjacent land uses are primarily multi-family residential, retail, and commercial.
- Bus stops are located on the east and west side of Kilmer Street.
- The traffic signal at the intersection is currently being upgraded with new signal and pedestrian heads, poles, and controller (intersection study, pages 6 – 7).

The summarized observations of the study included:

- Mid-block pedestrian crossings east of Kilmer Street are unsafe due to the high speeds on MD 202 and the off ramp from John Hanson Highway (US 50).
- Mid-block pedestrian crossings occur south of MD 202 on Kilmer Street despite the presence of crosswalks nearby.
- The existing protected/permitted left-turn phasing on MD 202 requires turning vehicles to travel across three lanes of traffic traveling at speeds over 40 mph (intersection study, pages 7 – 8).

Most of the study recommendations involve improvements within the public road right-of-way of MD 202 and are beyond the scope of the subject application. These recommended improvements include pedestrian barriers along MD 202 to prevent mid-block crossings, rumble strips and speed advisory on westbound US 50 off-ramp, and modifications to the traffic signal. The study also recommends that pedestrians be oriented towards the controlled intersection and the designated crosswalk at MD 202 and Kilmer Street. This should help to discourage pedestrians from making unsafe mid-block crossings.

The applicant submitted a detailed site plan for the subject property (DSP-10030), and this plan appears to achieve the recommendations of the study by (1) orienting pedestrians exiting the store towards Kilmer Street via the striped crosswalk and (2) the provision of a pedestrian walkway from the parking lot to the sidewalk along Kilmer Street near the MD 202 intersection. The

provision of high visibility and contrasting crosswalk at the site's ingress/egress points along MD 202 and Kilmer Street is recommended.

The submitted site plan reflects the existing sidewalks along MD 202 and Kilmer Street and also incorporates sufficient rights-of-way for a proposed sidewalk along Old Landover Road. Bicycle parking can be provided and it is recommended that it be located near the corner of the property closest to the MD 202 and Kilmer Street intersection close to the building entrance at a visible location.

9. **Transportation**—The findings and recommendations contained herein are based on the review of a traffic impact study submitted on April 8, 2011. This traffic impact study was found acceptable and was referred to DPW&T and SHA for their review and comments.

The Transportation Planning Section has reviewed the subdivision application referenced above. The overall property consists of approximately 1.02 acres of land in the C-S-C Zone. The property is located on the west side of Kilmer Street, between Old Landover Road and Landover Road (MD 202). The application proposes a retail building of 14,896 square feet. In addition, the applicant is requesting a variation from Section 24-121(a) (3) of the Subdivision Regulations to allow access to MD 202, an arterial highway.

Background

A Zoning Map Amendment, A-10015, was previously approved to rezone a portion (0.17 acre) of this property from R-55 (one-family detached residential) zoned land to the C-S-C zone. The District Council approved this rezoning in 2009 with four conditions. The conditions included obtaining an approved detailed site plan prior to the issuance of any permits, obtaining an approved subdivision plan, and providing sidewalks, streetscapes, and a reconstructed bus stop. A Detailed Site Plan (DSP-10030) has been reviewed and is pending.

Analysis of Traffic Impacts

The application is a preliminary plan of subdivision for 14,896 square feet of retail space. The applicant is proposing a retail building with drive-through service for a pharmacy. The findings and recommendations outlined below are based upon a review of materials and analyses conducted by the Transportation Planning Section.

Growth Policy – Service Level Standards

The subject property is located within the Developed Tier, as defined in the 2002 *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to following standards:

- **Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a) (6) of the Subdivision Regulations, is permitted at signalized intersections subject to meeting the geographical criteria in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

- Unsignalized intersections:** The *Highway Capacity Manual* (Transportation Research Board) 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.

A traffic impact study was submitted for the signalized intersection of MD 202/Kilmer Street and the unsignalized intersections at Kilmer Street/Site Access and MD 202/Proposed Site Access. The traffic counts in the study were taken in March 2011.

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 and Kilmer Street	1,379	1,310		D
Kilmer Street and Site Access	N/A	N/A		--
MD 202 and Proposed Site Access	N/A	N/A		--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , 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.				

Under existing conditions the intersection of MD 202 and Kilmer Street is operating at or better than the threshold of LOS E (CLV 1,600). The applicant's traffic consultant did identify southbound queuing on Kilmer Street backing up to Old Landover Road during the PM peak hour. The recommended improvements for the queuing are the widening of the southbound Kilmer Road approach to one separate left turn lane, one shared left/through lane, and one right turn lane. These improvements could be adjusted to two left-turn lanes and one shared right/through lane. It is also recommended by the applicant's consultant that Kilmer Street should have a split phase signal operation. These improvements are under the purview and permitting by the State Highway Administration (SHA) and the Town of Cheverly.

For background traffic conditions the applicant used a growth rate of 0.5 percent over existing traffic volumes. The growth rate was projected for two years, the expected build-out date for the site. The Cheverly Terrace apartments were cited in the traffic study as background development. This is an existing development and should not have been included as background traffic. Although the Cheverly Terrace apartments were considered as background traffic staff has determined that another nearby development, Hunter's Ridge with 323 residential units, which was not included in the traffic study compensate for the additional background trips. Background conditions are shown in the chart below.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 and Kilmer Street	1,400	1,330	D	D
Kilmer Street and Site Access	N/A	N/A	--	--
MD 202 and Proposed Site Access	N/A	N/A	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , 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.				

Under background conditions the intersection of MD 202 and Kilmer Street still operates better than the threshold of LOS E (CLV 1,600). Southbound traffic on Kilmer Street continues to exceed the available storage of Kilmer Street as it does under existing conditions.

The applicant's traffic consultant added the new trips expected to be generated by the proposed retail space to background traffic to obtain future traffic conditions. A pass-by trip rate of 50 percent was used. This accounts for trips already using MD 202 and other trips accessing the adjacent the retail center. In the AM peak hour 40 total trips (23 in/17 out) and in the PM peak hour 154 total trips (77 in/77 out). Total net new trips will be 20 AM peak hour trips and 77 PM peak hour trips. Under future or total traffic conditions the intersection of MD 202 and Kilmer Street continues to operate better than the threshold of LOS E (CLV 1,600) and additional queuing occurs along Kilmer Street.

FUTURE TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 and Kilmer Street	1,422	1,361	D	D
Kilmer Street and Site Access	12.2*	13.3*	--	--
MD 202 and Proposed Site Access	15.5*	10.8*	--	--
*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 <i>Guidelines</i> , 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.				

As shown above there is little delay at the proposed site access points. However, the queuing study by the applicant's traffic consultant identified the need for intersection and signal improvements on the southbound and northbound approaches of Kilmer Street at MD 202. Staff concurs with these improvements but they must be approved by the Town of Cheverly and SHA.

- Restripe the southbound approach on Kilmer Street at MD 202 to make double left turn lanes.

- Split-phase the traffic signal at Kilmer Street and MD 202 on the north/south approaches, modify signing and pavement markings.

Due to the intersections being so closely spaced, the queuing study is essential to ensuring that the critical intersection operates acceptably with the added traffic from the site. These improvements will reduce the queue length on the southbound approach of Kilmer Street to MD 202 and improve traffic adequacy along Kilmer Street.

The third improvement is to provide northbound and southbound left turn bays for the full-access intersection on Kilmer Street. This improvement would need approval from the Town of Cheverly and SHA since it may affect traffic operations on MD 202.

It is noted that the intersection of MD 202 and Kilmer Street operates below the Developed Tier critical lane volume threshold 1,600 and level of service E. The applicant's traffic consultant has recommended operational and traffic signal improvements on Kilmer Street and MD 202. DPW&T and SHA agree that these improvements are needed to improve traffic conditions and reduce queuing along Kilmer Street. These improvements are under the ultimate purview of SHA and the Town of Cheverly.

Site Access and Circulation

Two entrances are proposed for the site. A full movement entrance is shown on Kilmer Street and a right-in/right-out access point is proposed on MD 202. The access point on MD 202 requires a variance from Section 24-121(a) (3) of the Subdivision Regulations. Section 24-121(a) (3) of the Subdivision Regulations states that "When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road." The variation request was submitted. Site access at this location would have to be approved by SHA.

In terms of the variation request, the applicant notes the queuing during the PM peak hour along Kilmer Street at MD 202 that periodically extends to Old Landover Road. The proposed entrance on MD 202 would allow vehicles to enter and exit the site without using Kilmer Street or adding to the traffic queues during the PM peak hour. In addition the drive-through service around the proposed building channels vehicles back to MD 202 allowing them to avoid Kilmer Street. Topographical conditions (steep grade differential) along the north side of the property limits the feasibility of a second entrance on Old Landover Road. The preferred location of an entrance on Kilmer Street is opposite the existing Kilmer Road entrance to the Landover Park Shopping Center located on the east side of Kilmer Street. This restricted the possibility of two entrances on Kilmer Street.

Two access points will provide better on-site circulation and reduce traffic conflicts on-site and along Kilmer Street. A second access point on MD 202 will provide relief by not adding to the existing traffic queues on Kilmer Street during the PM peak hour. It will take pressure off of the Kilmer Street entrance. Therefore, it is determined that the request for a variation to Section 24-121(a)(3) is justified and is granted.

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

The subject site is not currently served by access driveways to Landover Road (MD 202). Landover Road is an existing arterial facility and pursuant to the Subdivision Regulations, lots that front on arterial roadways shall be developed to provide direct vehicular access to either a service road or an interior driveway. Section 24-121(a)(3) of the Subdivision Regulation states:

- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

The site is a roughly rectangular through-lot, located between Landover Road on the south and Old Landover Road on the north. The length of the property between the two roads is approximately 241 feet. The site also has frontage on Kilmer Street to the east. The width of the property from Kilmer Street to the western property line is approximately 190 feet. Proposed access into the site is from Landover Road and Kilmer Street. No access is proposed from Old Landover Road. The proposed CVS store, with a footprint of approximately 14,896 square feet, will occupy the center of the site. Parking bays will be located on the south and east sides of the building, with service driveways circling behind the north and west sides. Topographically, the site rises 12 feet from the southeast corner to the northwest corner. Most of this elevation change will be accommodated by retaining walls to be located 5 feet off the western property line and 10 feet off the northern property line. These walls will vary in height to a maximum of 11 feet, which will help to screen the building and service areas from the residential property to the west and Old Landover Road to the north.

Since Landover Road is an existing arterial facility, a request was submitted for a variation from Section 24-121(a)(3) to construct one point of access on Landover Road (MD 202). Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests and reads as follows:

- (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 214-121(a)(3) of the Subdivision Regulations could result in inadequate access and circulation for the commercial development proposed.

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

The applicant submits, and staff concurs that the use of the signalized intersection at Kilmer Road and MD 202 by southbound motorists queuing up at the intersection to make left turn movements, result in periodic traffic backups at this intersection that can run the full width of the subject property's frontage on Kilmer Road. Failure to approve the requested variation and construction of a second driveway entrance for the property off of Landover Road may actually cause degradation to the public safety, health, and welfare by denying second point of safe access for both customers and emergency response personnel wishing to enter or leave the site.

(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 applicant submits that contributing to the property's unique conditions is the County site design standard that dictates the alignment of the proposed Kilmer Road entrance be placed opposite the existing Kilmer Road entrance to the Landover Park Shopping Center located on the east side of Kilmer Road. Kilmer Road is comprised of a relatively short one block section of roadway that is pinched between its intersections with Old Landover Road to the north and the signalized intersection of MD 202 to the south and measures approximately 240 feet in length, this situation contributes significantly to the unique conditions of the property. In the applicant's response to variation standard number (1) above, it is noted the use of Kilmer Road and the Landover Road intersection by motorists traveling south and queuing to turn left onto MD 202 result in periodic traffic backups at the Kilmer Road intersection that can extend the full width of the subject site. If the requested variation is not approved, the resulting traffic conditions may actually cause a potential degradation to the public safety, health, and welfare by denying a second point of safe access to the site by both customers and emergency response personnel.

Approval of the requested variation to allow the construction of the proposed Landover Road (MD 202) site access will provide an alternate point of ingress and egress for patrons, emergency responders, and other users attempting to enter or leave the property during the aforementioned peak traffic conditions.

Another situation that is unique to the property is the existing topographic conditions that exhibit a rise in the site's elevation of 12 feet from the southeast corner to the northwest corner. The site design and access issues relating to the existing topography are discussed in greater detail in the applicant's response to standard number (4) below.

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

In all other regards, if approved, the improvements that result from the requested variation will be constructed to meet or exceed all applicable laws and safety regulations of the Federal, State, and County Governments via the permit review process.

- (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;**

Conditions relating to the subject property's topographical conditions result in a definite hardship that is unique to the property in comparison to its surrounding environs. As is graphically illustrated on the proposed DSP-10030 site plan (BDAI Drawing #6.003-Z), the existing site is subject to a range in topography that result in a rise in the site of 12 feet from the southeast corner to the northwest corner of the property. In order to accommodate the site's lower grade or elevation in relation to Old Landover Road to the north and the adjacent improved properties located immediately to its west, it necessitates the construction of concrete retaining walls that will range in height from approximately two feet at the northeast corner of the property to ten feet at its northwest corner along Old Landover Road side, and approximately three feet near the southwest corner to eleven feet near the middle along its west side. These extremes in existing topographic conditions that necessitate the construction of a concrete retaining wall parallel to Old Landover Road actually preclude the ability to establish a driveway entrance along this side of the property. This condition results in a hardship to the property by limiting the areas of potential vehicular access for the site to the aforementioned Kilmer Road frontage along the east side of the site, and Landover Road (MD 202) located immediately to the south. The unique conditions and limiting factors and hardships relating to the use of the Kilmer Road frontage for access have been described in detail in the applicant's response to standards (1) and (2) above.

Overall traffic circulation on the site and the location of the drive-through service appear reasonable. Driveways on the site are adequate. As mentioned above the drive-through service will channel any vehicles using it directly to the MD 202 exit.

Master Plan Roadways

Landover Road is listed in the *Approved Countywide Master Plan of Transportation* (MPOT) as an arterial roadway with a 120-foot right-of-way. It is already constructed to six lanes as recommended in the master plan. No further dedication is required on MD 202. Old Landover Road and Kilmer Street should both have 70-foot rights-of-way. Section 27-462 of the Zoning Ordinance contains language requiring right-of-way width of at least 70 feet for commercial developments in the C-S-C Zone. The applicant will be required to provide 35 feet of rights-of-way along Kilmer Street and Old Landover Road. While the right-of-way shown along Kilmer Street appears to be correct, the dedication on Old Landover Road is not clear and needs to be resolved prior to approval of the detailed site plan.

10. **Schools**—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.

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
33	Kentland	Engine	7701 Landover Rd.	1.92	3.25	Within
33	Kentland	Ladder Truck	7701 Landover Rd.	1.92	4.25	Within
33	Kentland	Ambulance	7701 Landover Rd.	1.92	4.25	Within
30	Landover Hills	Paramedic	6801 Webster Street	1.88	7.25	Within

Capital Improvement Program (CIP)

The Capital Improvement Program (CIP) for Fiscal Years 2011–2016 provides funding for renovating existing Kentland Fire/EMS at 7701 Landover Road.

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 II, Bowie Station, 601 SW Crain Highway, Upper Marlboro, Maryland 20774.

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* reflects this property in water and sewer Category 3, Community System; the site will therefore be served by public systems.

14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when public 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 varying 12 to 15-foot PUE along the public right-of-way as requested by the utility companies.

15. **Historic**—A Phase I archeological survey is not recommended on the above-referenced 1.02-acre property located at 6517, 6519 and 6455 Old Landover Road in Landover, 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. Much of the property was previously graded. The house at 6455 Old Landover Road was built in 1953 and is similar to other houses in the neighborhood.

However, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) 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.

16. **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. However, Condition 1 of Zoning Map Amendment A-10015 requires that:

1. **An approved Detailed Site Plan shall be obtained prior to the issuance of any permits.**

17. **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.

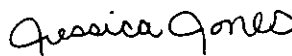
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Cavitt, seconded by Commissioner Vaughns, with Commissioners Cavitt, Vaughns, Squire, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, June 16, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of July 2011 *and corrected on August 22, 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JT:arj

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPP Legal Department

Date 8/29/11