

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

PGCPB No. 12-100

File No. 4-11032

RESOLUTION

WHEREAS, Estate of Ellese M. Springs is the owner of a 2.68-acre parcel of land known as Tax Map 63 in Grid E-3 and is also known as Parcels 171, 181, and 16, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned Commercial Miscellaneous (C-M) Zone; and

WHEREAS, on May 23, 2012, The Velmeir Companies 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 4-11032 for CVS Mitchellville 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 October 18, 2012, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on October 18, 2012, 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 4-11032, CVS Mitchellville, including a Variation from Section 24-121(a)(3) for 1 parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Revise General Note 6 to reflect 14,600 square of feet of gross floor area (GFA) for the CVS Pharmacy.
 - b. Revise General Note 24 to add in the approval date for the stormwater management concept plan.
 - c. Add a note that states the following:

“A variation request to Section 24-121(a)(3) has been granted for the shared direct vehicular access to US 301 with the adjacent property to the north, Parcel C.”

- d. Revise General Note 14 to correctly reflect that Mitchellville Road is a designated Historic Road.
 - e. Add a note that states the following:

“The appropriateness of an inter-parcel connection from Parcel C to Mitchellville Road will be determined at the time of special exception or detailed site plan.”
2. Prior to approval of final plats, the applicant and the applicant’s heirs, successors, and/or assignees shall obtain approval of a detailed site plan from the Planning Board or its designee in accordance with Part 3, Division 9 of the Zoning Ordinance. For uses that require a special exception, a detailed site plan shall not be required if the entire parcel is part of special exception.
3. At the time of detailed site plan or special exception approval, the following additional specific site issues shall be evaluated:
- a. The impacts of the orientation, height, materials, design, landscaping and lighting of the proposed development on the environmental setting of Carroll Methodist Chapel and Cemetery.
 - b. Locate and show on Applicant’s Property a grant of easement from Parcel C to Mitchellville Road, if such connection is required by special exception or detailed site plan approval.
 - c. Locate and show a shared right-in/right-out vehicular access with the adjacent property to the north (Parcel C) to Robert Crain Highway (US 301).
 - d. Provide and show a bike parking facility close to the main entrance.
 - e. Efforts shall be made to reduce the limits of disturbance (LOD) to preserve specimen trees 6, 7, and 8 to the fullest extent practicable.
 - f. Five native major shade trees shall be shown on the Landscape Plan to be planted within the primary management area (PMA), in addition to what is shown on Exhibit “F” of the Statement of Justification for Impacts to Regulated Environmental Features.
5. Development of this site shall be in conformance with Stormwater Management Concept Plan 25976-2011-00 and any subsequent revisions.
6. Total development within the subject property shall be limited to a mix of commercial/retail development or equivalent development which generates no more than 21(12 in; 9 out) AM peak hour trips and 83(42 in; 41 out) PM peak hour trips in consideration of the approved trip rates and the approved methodologies for computing pass-by rates. Any development generating a traffic

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.

7. Prior to the Planning Board approval of the final plat, the applicant, or the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Locate and show on Applicant's Property a grant of easement from Parcel C to Mitchellville Road, if such connection is required by special exception or detailed site plan approval.
 - b. Submit an executed copy of an easement prepared by Applicant, its heirs, successors and/or assigns, providing for a shared right-in/right-out vehicular access with the adjacent property to the north (Parcel C) to Robert Crain Highway (US 301).
8. Prior to recordation of the Plat within the County Land Records for Prince George's County, the applicant or the applicant's heirs, successors, and/or assignees shall provide the following:
 - A. Add to Plat the liber/folio information, for the grant of easement on Applicant's Property, from Parcel C to Mitchellville Road, if such connection is required by special exception or detailed site plan approval.
 - B. Add to Plat the liber/folio information, for the easement on the Property, of a shared right-in/right-out vehicular access with the adjacent property to the north (Parcel C) to Robert Crain Highway (US 301).
9. At the time of final plat, the applicant shall GRANT a ten-foot-wide public utility easement along the public rights of-way of Mitchellville Road and Robert Crain Highway (US 301) as delineated on the approved preliminary plan of subdivision.
10. Residential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
11. Prior to issuance of any demolition permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit the Maryland Inventory of Historic Properties form for all standing structures on the subject property to be reviewed and approved by Historic Preservation Section. The form shall include floor plans, representative interior and exterior photos of the dwellings, and exterior photographs of the outbuildings.
12. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements (PMA) described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

13. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
14. Prior to the issuance of grading permits, the applicant shall demonstrate that any abandoned well associated with the existing structure has been backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller.
15. Prior to the issuance of grading permits, the applicant shall demonstrate that any abandoned septic tank and pump chamber associated with the existing structure has been pumped out by a licensed scavenger and either removed or backfilled in place.
16. Roadway improvements on Mitchellville Road shall be carried out in accordance with Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation (DPW&T).
17. The final plat shall include the following notes:
 - a. Mitchellville Road is a designated Historic Road.
 - b. Development of this site shall be subject to the use of full-optic cut off -site light fixtures.
 - c. Direct access to Robert Crain Highway (US 301) is allowed as a shared right-in/right-out vehicular access with the adjacent property to the north (Parcel C) and all other frontage is denied.

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 the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is located on Tax Map 63 in Grid E-3 and is known as Parcels 171, 181, and 16. The property consists of 2.68 acres within the Commercial Miscellaneous (C-M) Zone. Parcel 171 is a deed parcel which has never been the subject of a preliminary plan of subdivision and is currently improved with a single-family dwelling which is being proposed to be removed. Parcel 181 is a deed parcel and is currently improved with two sheds which are proposed to be removed. Parcel 16 is a deed parcel and is currently improved with a single-family dwelling which is proposed to be removed. The current configuration of Parcels 181 and 16 are the result of the subdivision of Parcels B and C to the north, and Outlot A to the southwest pursuant to

Preliminary Plan of Subdivision 4-05148 (PGCPB Resolution No. 07-66(A)). The applicant is proposing to consolidate three parcels into Parcel 1 for the development a 14,600-square-foot variety retail store (CVS Pharmacy).

The site has frontage on Robert Crain Highway (US 301) to the east and Mitchellville Road to the south, a designated historic road. This preliminary plan is proposing one access onto Mitchellville Road, a master plan collector roadway, and one shared right-in/right-out access onto US 301, a master plan arterial roadway, with the adjacent Parcel C to the north. Parcel C is subject to approved Preliminary Plan of Subdivision 4-05148. On January 26, 2012, the Prince George's County Planning Board approved a reconsideration of Preliminary Plan of Subdivision 4-05148 for Parcel C to allow direct access to US 301 at the southern property line and a requirement to review through the detailed site plan for Parcel C inter-parcel cross access connections. The resolution of approval, PGCPB Resolution No. 07-66(A), contains the following conditions of relevance to this preliminary plan:

- 24. Prior to the approval of the DSP for Parcel C the location of the vehicular cross access easement to US 301, abutting the south property line, shall be determined and reflected on a new final plat for Parcel C, with the intent that a shared access shall be provided with parcels to the south. The plat shall contain language to identify the easement area as follows: "area for shared vehicular cross access."**
- 25. At the time of Detailed Site Plan submittal, the applicant shall provide a site plan note indicating that a shared cross vehicular access easement on Parcel C is required to provide access to US 301 for the abutting property to the south, which will also be recommended as part of any development approvals on the properties to the south.**

The subject site is immediately south of Parcel C and is referred in the above conditions as the abutting property to the south. It was envisioned that one point of access to US 301 be created and shared by both Parcel C and the subject site and that there will be an inter-parcel cross access connection between the two parcels. The landscape plan exhibit that the applicant provided with this application does show shared access on to US 301 and an inter-parcel cross access connection extending along the entire western portion of this site from Parcel C through to Mitchellville Road. However, further details of the shared access and inter-parcel cross access connection should be reviewed at the time of special exception or detailed site plan for proposed Parcel 1, which is consistent with the Planning Board's decision for Parcel C to the north.

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

	EXISTING	APPROVED
Zone	C-M	C-M
Use(s)	Residential	Retail (14,600 square feet)
Acreage	2.68	2.68
Lots	0	0
Outlots	0	0
Parcels	3	1
Dwelling Units	2 (to be razed)	0
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	Yes

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

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on June 8, 2012. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations was accepted on June 12, 2012, as discussed further in the Transportation Section of this report, and was heard on June 22, 2012 at SDRC as required by Section 24-113(b) of the Subdivision Regulations.

4. **Community Planning**—The 2002 *Prince George's County Approved General Plan* (General Plan) designates the subject site within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of the current Prince George's County General Plan Growth Policy Update. There are no General Plan issues raised by this preliminary plan.

The February 2006 *Approved Master Plan Bowie for Bowie and Vicinity and Sectional Map Amendment* (SMA) rezoned this property from the Rural Residential (R-R) Zone to the Commercial Miscellaneous (C-M) Zone. The preliminary plan is in conformance with the commercial development land use recommendation of the master plan by proposing a variety retail store.

The master plan states on page 11, that "Properties located on the east side of US 301, north of its intersection with Mitchellville Road should be developed with commercial, retail, and service uses. The western portion of this property should be developed with single-family detached homes with a landscaped and or natural buffer strip between the residential and commercial uses."

The master plan also recommends the following guidelines for the subject property. A minimum 75-foot-wide landscaped or natural buffer strip should be provided between the service-commercial development to the east and the residential development to the west. All lighting for the service-commercial uses including parking areas should be directed away from the adjacent residential development. All ingress/egress from US 301 should be minimized and a shared entrance from the existing commercial development to the north should be utilized. The proposed variety store is permitted in the C-M Zone subject to special exception approval. The master plan recommendations should address at the time of special exception when detailed site information for access and landscaping is available. However if the variety store is not developed and a special exception is not approved, then a detailed site plan should be required to ensure that the recommendations of the master plan are addressed.

5. **Urban Design**—The 2010 *Prince George's County Landscape Manual* and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property.

2010 Prince George's County Landscape Manual

The C-M-zoned parcel, with the proposed variety retail store, is subject to the following requirements of *2010 Prince's George's County Landscape Manual*: Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3 Parking Lot Requirements; Section 4.4 Screening Requirements; Section 4.6(c)(2), Buffering Development from Special Roadways, along Mitchellville Road Section 4.7, Buffering Incompatible Uses, and Section 4.9 Sustainable Landscape Requirements. Compliance with these requirements will be reviewed at the time of detailed site plan or special exception review.

Zoning Ordinance

The proposed development is subject to the requirements of the C-M Zone including Section 27-461, Use Table. The proposed department or variety store (all others), in accordance with Section 27-348.02, is permitted in the C-M Zone subject to special exception approval. Section 27-348.02 contains a number of design standards, which should be reviewed at time of special exception. However, if the variety store is not developed and a special exception is not filed, then a detailed site plan should be required due to the highly visible location of this site. The following requirements of Section 27-348.02 are relevant at this time:

- (1) **The site shall have frontage on and direct vehicular access to an existing arterial roadway, with no access to primary or secondary streets.**

The special exception approval will require that the site have frontage on and direct vehicular access to an existing arterial roadway. In addition, the previous Planning Board action also mandates a shared access by both Parcel C and the subject site to US 301. The proposed variation from Section 24-121(a)(3) for access to roadway of arterial or higher classification for the proposed Lot 1 is supportable. The shared access along the western property line, parallel to US 301 would provide access to Mitchellville Road, a master

plan collector roadway, if deemed appropriate at time of special exception or detailed site plan.

- (2) **The applicant shall demonstrate that local streets surrounding the site are adequate to accommodate the anticipated increase in traffic.**

In addition to the frontage on US 301, the subject site is also bounded on the south by the ROW of Mitchellville Road. Traffic impacts of the proposal have been reviewed by the Transportation Planning Section.

- (5) **All buildings, structures, off-street parking compounds, and loading areas shall be located at least:**
- (A) **One hundred (100) feet from any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan; and**
- (B) **Fifty (50) feet from all other adjoining property lines and street lines.**

After review of the submitted information, it appears that the proposed site layout would not meet the requirements of the above provision. Parking and drive aisles are indicated within the required setbacks from adjoining property lines. Compliance with the requirements of this provision will be further reviewed at time of special exception.

- (6) **All perimeter areas of the site shall be buffered or screened, as required by the Landscape Manual; however, the Council may require additional buffering and screening if deemed necessary to protect surrounding properties.**

The site is adjacent to Carroll Methodist Chapel and Cemetery Historic Site #74B-006. Screening above the requirements of the 2010 *Prince George's County Landscape Manual* may be warranted to maintain appropriate buffers between the subject site and the historic site. The proposed bufferyards and plant materials will be reviewed at time of special exception. Mitchellville Road is a designated Historic Road. Appropriate setbacks and screening will be determined at the time of special exception, consistent with the 2010 *Prince George's County Landscape Manual*.

- (8) **The application shall include a comprehensive sign package and a comprehensive exterior lighting plan.**

Lighting and signage should be designed with sensitivity to the adjacent historic site and residential areas. The application should provide the required signage and lighting plan for review at time of special exception. Lighting shall use full-optic cut off for site light fixtures.

- (9) **The applicant shall use exterior architectural features to enhance the site's architectural compatibility with surrounding commercial and residential areas.**

The proposed exterior architectural features should be designed compatibly with the surrounding commercial and residential areas, as well as the adjacent historic site and historic road. Since no architecture is required at time of preliminary plan of subdivision, review of the proposed architecture will occur at time of special exception.

The proposed development also is subject to all other applicable zoning regulations at time of special exception or detailed site plan review.

6. **Environmental**—This preliminary plan is not subject to the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of woodland and has no previous tree conservation plans.

Master Plan Conformance

The master plan for this area is the February 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment* (SMA). The Environmental Infrastructure Section of the approved master plan contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the master plan area.

This site is not within the designated network of the Countywide Green Infrastructure Plan.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

An approved Stormwater Management Concept plan and approval letter (No. 25976-2011-00) was submitted with the subject application. The plan shows the use of bioretention, infiltration, and permeable pavement.

Policy 3: Protect and enhance tree cover within the master plan area.

Because the site contains less than 10,000 square feet of existing woodland, the site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance; however, the site is subject to tree canopy cover requirements.

There are nine specimen trees located on-site. Because this site is exempt from the requirements of the Woodland and Wildlife Habitation Conservation Ordinance, there is no code requirement to protect the specimen trees; however, specimen trees 6, 7, and 8 are located in close proximity to the proposed limits of disturbance (LOD). Efforts should be made to reduce the limits of disturbance to preserve these trees to the fullest extent practicable.

Conformance with the Green Infrastructure Plan

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

Environmental Review

An approved Natural Resources Inventory NRI-042-11, was submitted with the review package which was approved on July 6, 2011. The NRI shows streams, wetlands, and floodplain are found to occur on this property. No Forest Stand Delineation (FSD) was required because the site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance. Nine specimen trees were identified on-site.

The site is located within the Middle Patuxent drainage basin. An area of steep slopes is located on the southern portion of the site, associated with the stream system located partially on-site and partially on the adjacent Outlot A to the southeast. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include the Adelpia complex, the Annapolis complex, and the Widewater and Issue complex. According to available information, Marlboro clay and Christiana complex are not found to occur on this property. According to the Sensitive Species Project Review Area (SSPRA) map prepared by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species found to occur on or in the vicinity of this property. The site has frontage on Robert Crain Highway (US 301), a master planned freeway that is a traffic noise generator; however, due to the proposed commercial use, traffic generated noise is not regulated in relation to the subject application. Mitchellville Road is a designated Historic Road. The site is located in the Developing Tier of the 2002 *Prince George's County Approved General Plan*. According to the June 2005 *Approved Countywide Green Infrastructure Plan*, the site is not within the designated network of the plan.

Mitchellville Road along the properties frontage is a designated Historic Road, which was designated in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and has the functional classification of a collector. Any improvements within the right-of-way of an historic road are subject to approval by the Department of Public Works and Transportation (DPW&T) under the Design Guidelines and Standards for Scenic and Historic Roads. Roadway design

criteria will be determined for the roadway by the DPW&T with consideration for any scenic or historic features which may be identified.

At time of building permit, the frontage of this subdivision will be required to comply with requirements of the 2010 *Prince George's County Landscape Manual*, Section 4.6 for buffering development from special roadways. In the Developing Tier, a minimum twenty-foot-wide buffer is required to be planted with a minimum of eighty plant units per one hundred linear feet of frontage, excluding driveway openings, and plant materials are required to be located outside of the public utility easement (PUE).

Primary Management Area (PMA)

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include a stream and associated 75-foot-wide buffer, a wetland and associated 25-foot-wide buffer, the 100-year floodplain, and steep slopes. The stream is limited to an open-channel section which extends between two road culverts. The side slopes of the stream are manmade and were established when the roads were constructed. The PMA totals 0.66 acres and is approximately 25 percent of the total site area. Section 24-130(b)(5) of the Subdivision Regulations states:

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

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

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

A letter of justification for the proposed impacts was stamped as received by the Environmental Planning Section (EPS) on September 12, 2012. The associated exhibits show impacts to the PMA in order to install two stormwater management outfalls, site entrance and drive aisle, parking spaces, stormwater management, and grading and stabilization of steep slopes. These impacts total 25,700 square feet (0.59 acres) and are considered necessary to the orderly development of the subject property. Additional exhibits were provided to show previous site layouts and to demonstrate that the current design proposes the least impacts to regulated environmental features. The request also includes a proposed mitigation planting plan proffered by the applicant to off-set the extensive amount of proposed impacts. The following is an analysis of the proposed impacts based on the Type 1 tree conservation plan (TCP1) and the conceptual layout. The approval of the preliminary plan of subdivision (PPS) is not the final approval of building, parking, and landscaping.

Impact #1 is for the installation of two stormwater management outfalls to safely convey runoff to the stream. The impact is 3,448 square feet (0.06 acres).

Impact #2 is for pavement and the grading associated with the installation of the site entrance from Mitchellville Road. Vehicular access to Mitchellville Road is recommended as a part of a circulation concept, which serves the subject site and three parcels to the north. The current design for access to US 301 is a proposed shared access with the adjacent property to the north. The access onto Mitchellville Road has been located on the western-most portion of the site, above the regulated stream, in a location with minimal impacts to the PMA while still providing necessary site access. This impact is 2,476 square feet (0.06 acres).

Impact #3 is for a drive aisle, portions of five parking spaces and a sidewalk connection to Robert Crain Highway. The proposed conceptual layout is showing fewer parking spaces than what is required and Exhibits A, B, and C, demonstrate that proposed parking within the PMA that has been significantly reduced during the site design process. Both parking and the drive aisles are necessary for site circulation and access to the drive through window. The size of the building was also reduced from the original site layout. The building has been located as far from the PMA as possible. The current location of the building requires variances from the minimum buffers to the abutting commercial properties to the north and northwest which would be determined at the time of special exception (SE). The sidewalk is necessary to provide pedestrian access to Robert Crain Highway. All of these efforts have been driven by the requirement to avoid and minimize impacts to the regulated environmental features. These impacts are 4,387 square feet (0.10 acre).

Impact #4 is for the installation of underground stormwater management and associated grading. The underground pipe system is required to meet the county's compensatory storage requirement for the proposed floodplain impacts. A significant portion of the site is topographically low and is required to be raised so that the building meets the floodplain elevation requirements. Fill is

needed to cover the proposed stormwater management filter and underground pipe system. Therefore, grading in the PMA is needed to establish the balance between open channel conveyance and compensatory storage. These impacts are 2,259 square feet (0.05 acre).

Impact #5 is for grading and stabilization within the buffer. The manmade slopes on the northern side of the stream are proposed to be re-graded to meet part of the stormwater management requirements to provide floodplain storage, to help balance the cut and fill for the overall site, as well as to provide a less steep slope than what currently exists for site stabilization purposes. These impacts are 16,529 square feet (0.38 acres).

Proposed Mitigation

The application shows the disturbance of 0.59 acres of the existing 0.66 acres of on-site PMA. Because of the extensive nature of the proposed impacts, the applicant has proposed the planting of native trees, shrubs, and grasses, in addition to standard slope stabilization seeding, as shown on Exhibit F of the Statement of Justification. The seed mix is appropriately shown as a "Maryland lower midland riparian conservation seed mix." The area is shown to be planted with an appropriate mix and number of native grasses and shrubs. The slope is proposed to be planted with nine minor shade trees; however, because several specimen trees, and other large trees, are proposed to be removed from the PMA for grading, additional large shade trees should be replanted in the area. An additional five shade trees be planted along the slope within the PMA in order to provide mitigation for the removal of the existing mature trees.

The request for installation of two stormwater management outfalls, site entrance and drive aisles, parking spaces, stormwater management, and grading and stabilization of steep slopes as reflected in the applicant's request are supportable. These impacts cannot be avoided because they are required by other provisions of the county and state codes and mitigation is being provided in the form of planting native grasses, shrubs, and trees.

Primary Management Area Conclusions

The proposed site design and the statement of justification show the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance (LOD) shown on the approved stormwater concept plan. The proposed five impacts for the installation of two stormwater management outfalls, site entrance and drive aisles, parking spaces, stormwater management, and grading and stabilization of steep slopes, totaling 25,700 square feet (0.59 acres) are approved.

7. **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, 25976-2011-00, was approved on September 14, 2012, and is valid until September 14, 2015. The plan shows the use of bioretention, infiltration, and permeable pavement. Development must be in accordance with the approved plan or any subsequent revisions.

The approved stormwater management concept plan (SWM) is required to be designed in conformance with any approved watershed management plan. Pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management Plan, Section 172 Watershed Management Planning of the Prince George's County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan has been addressed with the approval of the SWM concept plan by DPW&T.

8. **Parks and Recreation**—In accordance with Section 24-134(3)(a) of the Subdivision Regulations, mandatory dedication of parkland requirement is not applicable because the site consists of nonresidential development.
9. **Trails**—This preliminary plan has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the November 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application does not conflict with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), regarding the approved trails, bikeways, and pedestrian improvements. The MPOT recommends that new development contain “roadway improvements that accommodate all users” and that sidewalks be constructed along roads in the Developed and Developing Tiers of the County (page 8). The subject proposal indicates that sidewalks will be provided to the main building via existing sidewalks on Mitchellville Road and proposed sidewalks along Robert Crain Highway (US 301). Mitchellville Road contains a sidepath along the subject property frontage. This sidepath has already been constructed and is part of a larger approved bicycle, trail and pathway network in the area. The applicant should provide bicycle parking on-site because the subject site is located adjacent to a master-planned sidepath. Bicycle parking on the subject site would help implement the master planned bicycle trail and pathway network. Three u-shaped bicycle parking spaces should be in the vicinity of the main entrance to the building on a concrete pad. Bicycle parking area signs should be erected at the parking locations, and will be reviewed further at the time of approval of a special exception (SE) or detailed site plan (DSP).

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

10. **Transportation**—The application is a preliminary plan of subdivision for a commercial development consisting of a 14,600-square-foot pharmacy (CVS) with a drive-through window. This development will be generating 21 (12 in; 9 out) AM peak hour trips and 83 (42 in; 41 out) PM peak hour in consideration of the approved trip rates and the approved methodologies for computing pass-by rates. These rates were determined by using the *Trip Generation, 8th Edition*

(Institute of Transportation Engineers). The traffic generated by the proposed preliminary plan would impact the following intersections:

- US 301 @ Mitchellville Road (west node)
- US 301 @ Mitchellville Road (east node)
- US 301 @ Pointer Ridge Drive (west node)
- US 301 @ Pointer Ridge Drive (east node)
- Mitchellville Road @ Pittsfield Lane
- US 301 @ Mount Oak Road
- Mitchellville Road @ Site Driveway
- US 301 @ Site Driveway

None of the intersections are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation (MDOT) Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP).

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

- a. **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;
- b. **Unsignalized intersections:** *The Highway Capacity Manual* contains procedures for unsignalized intersections which is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delays in any movement exceeding 50.0 seconds is deemed 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 proposal is of sufficient size that it will generate 50 or more vehicle trips, and so a full traffic study was required and submitted by the applicant. The application is supported by a traffic study dated June 4, 2012, provided by the applicant and referred to the Maryland State Highway Administration (SHA), the County Department of Public Works and Transportation (DPW&T), and the City of Bowie. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Guidelines."

Analysis of Traffic Impact

The following critical intersections, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
US 301 @ Mitchellville Road (west node)	C/1151	E/1496
US 301 @ Mitchellville Road (east node)	C/1266	D/1360
US 301 @ Pointer Ridge Drive (west node)	C/1181	D/1396
US 301 @ Pointer Ridge Drive (east node)	B/1108	D/1416
Mitchellville Road @ Pittsfield Lane *	11.4 seconds	24.5 seconds
US 301 @ Mount Oak Road *	25.7 seconds	39.1 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service (LOS) and the intersection delay measured in seconds/vehicle. The level-of-service which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a critical lane volume (CLV) of 1,450 or less is deemed acceptable as per the "Guidelines."		

The traffic study identified two background developments whose impact would affect some or all of the study intersections. Based on six years of (2004–2010) average daily traffic (ADT) data along US 301, no discernible growth has been detected, consequently; no adjustment for growth was made to the traffic data. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
US 301 @ Mitchellville Road (west node)	B/1125	D/1428
US 301 @ Mitchellville Road (east node)	D/1320	D/1398
US 301 @ Pointer Ridge Drive (west node)	C/1200	D/1419
US 301 @ Pointer Ridge Drive (east node)	B/1130	D/1438
Mitchellville Road @ Pittsfield Lane *	11.7 seconds	27.4 seconds
US 301 @ Mount Oak Road *	29.2 seconds	44.9 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service (LOS) and the intersection delay measured in seconds/vehicle. The level-of-service which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a critical lane volume (CLV) of 1,450 or less is deemed acceptable as per the "Guidelines."		

It is worth noting that the analyses for the intersections of Mitchellville Road and Robert Crain Highway (US 301) (both east and west nodes), under background condition, were based on improvements that were included in the conditions of approval for the approved Temple of Praise International Church development (4-09036, PGCPB Resolution No. 10-06). Specifically, those improvements are as follows:

Southbound US 301 at Mitchellville Road (west node)

- Construct a free-flow right-turn lane at the eastbound approach
- Provide a shared through/left lane and an exclusive through lane on the westbound approach.
- Modify eastbound/westbound Queen Anne Bridge Road and Mitchellville Road signal approaches as deemed necessary by SHA.

Northbound US 301 at Queen Anne Bridge Road (east node)

- Provide a shared through/left lane and an exclusive left lane on the eastbound approach
- Modify eastbound/westbound Queen Anne Bridge Road and Mitchellville Road signal approaches as deemed necessary by SHA.

Since those improvements were the basis of the applicant's finding of adequacy, and said improvements have been built, therefore they are not necessary as a condition of approval for this application.

Using the *Trip Generation, 8th Edition* (Institute of Transportation Engineers), the study has indicated that the proposed pharmacy with a drive-through window (Code 881) and after factoring pass-by trip reduction, will be adding 21(12 in; 9 out) AM peak hour trips and 83 (42 in; 41 out) PM peak hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
US 301 @ Mitchellville Road (west node)	B/1132	D/1442
US 301 @ Mitchellville Road (east node)	D/1326	D/1422
US 301 @ Pointer Ridge Drive (west node)	C/1202	D/1428
US 301 @ Pointer Ridge Drive (east node)	B/1134	D/1447
Mitchellville Road @ Pittsfield Lane *	11.7 seconds	28.9 seconds
US 301 @ Mount Oak Road *	29.6 seconds	49.3 seconds
Mitchellville Road @ site driveway *	9.7 seconds	11.6 seconds
US 301 @ site driveway *	22.0 seconds	34.2 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service (LOS) and the intersection delay measured in seconds/vehicle. The level-of-service which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a critical lane volume (CLV) of 1450 or less is deemed acceptable as per the "Guidelines."		

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

The Transportation Planning Section is in agreement with the findings and conclusions of the traffic study. In addition to the Transportation Planning Section, the traffic study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). The City of Bowie was also solicited for comments on the traffic study.

In a July 6, 2012 memorandum to the Transportation Planning Section (Foster to Burton), Mr. Foster (SHA) provided comments (*in italics*) on the following issues:

- *Access to the 14,600 square foot Pharmacy with Drive-Thru is proposed from one (1) right-in/right-out site access driveway on US 301 and one (1) full movement site access driveway on Mitchellville Road. In order to be consistent with SHA's Access Control Study on US 301, all existing properties with frontage along both US 301 and a public*

road shall have the access on US 301 removed. Therefore, SHA will not permit the proposed site access driveway on US 301 and all access should be limited to Mitchellville Road.

In a follow-up letter dated August 30, 2012 to the applicant, SHA has subsequently withdrawn its opposition to an access point on Robert Crain Highway (US 301.)

- *The traffic report determined that the US 301 at Mt. Oak Road unsignalized right-in/right-out intersection would operate at an unacceptable level of service with the proposed development. However, the report did not identify any proposed roadway improvements to mitigate those impacts.*

A level-of-service (LOS) which corresponds to a maximum delay of 50 seconds is considered acceptable for an unsignalized intersection (Robert Crain Highway (US 301) at Mt. Oak Road) pursuant to the "Guidelines." The Planning Board standard is delay-based, and the standard is met by this application.

In a DPW&T memorandum to the Transportation Planning Section dated June 25, 2012 (*Issayans to Burton*), the following represent their concerns:

- *The access on Mitchellville Road should be located as far from the signalized intersection at US 301 as possible in order to lessen the impact to the operational performance.*

The Transportation Planning Section concurs. The ultimate location of the site access will be determined by a permit to be issued by DPW&T, as reviewed with the SE or DSP.

- *There is currently an acceleration lane on westbound Mitchellville Road, leaving the US 301 intersection. This acceleration lane should be extended to the proposed entrance of the CVS and restriped to accommodate right turn vehicles into the site.*

The Transportation Planning Section concurs. However, access to Mitchellville Road will be granted based on an access permit to be issued by DPW&T; consequently, this decision falls within the purview of that agency, as reviewed with the SE or DSP.

- *The report cites the geometric improvements that the Temple of Praise International Church has proposed to make at the US 301/Mitchellville Road intersection. These proposed improvements cannot be factored in to the capacity analysis of this study, as there is no guarantee that the development will precede the CVS development. Therefore, the capacity analysis should be redone without these improvements included.*

The background improvements have been built, therefore improvements required have been satisfied.

Master Plan and Right-of-Way Dedication

The property is located in an area where the development policies are governed by the February 2006 *Approved Master Plan Bowie for Bowie and Vicinity and Sectional Map Amendment* (SMA) as well as the November 2009 *Approved Countywide Master Plan of Transportation* (MPOT). One of the recommendations from the master plans was the upgrade of Robert Crain Highway (US 301) to a freeway (F-10), as well as Mitchellville Road being upgraded to a collector (C-304). With Robert Crain Highway (US 301) being proposed as a freeway, both master plans recognized the need for the provision of a local service road. To that end, the plans recommend the southbound lanes of US 301 (on which the property fronts) to be converted to an arterial (A-61), while the northbound lanes would be expanded to support the freeway (F-10). Based on the site plan proposed, the site is showing adequate rights-of-way dedication for both master plan roads.

This preliminary plan is proposing one access onto Mitchellville Road, a master plan collector roadway and one shared right-in/right-out access onto US 301, a master plan arterial roadway, with the adjacent Parcel C to the north. Parcel C is subject to approved Preliminary Plan of Subdivision 4-05148 (PGCPB Resolution No. 07-66(A)). On January 26, 2012, the Prince George's County Planning Board approved a reconsideration of Preliminary Plan of Subdivision 4-05148 for Parcel C to allow direct access to US 301 at the south property line and provide inter-parcel cross access connections with the subject property extending to Mitchellville Road if determined appropriate at the time of detailed site plan for Parcel C. The resolution of approval, PGCPB Resolution No. 07-66(A), contains the following conditions of relevance to this preliminary plan:

24. **Prior to the approval of the DSP for Parcel C the location of the vehicular cross access easement to US 301, abutting the south property line, shall be determined and reflected on a new final plat for Parcel C, with the intent that a shared access shall be provided with parcels to the south. The plat shall contain language to identify the easement area as follows: "area for shared vehicular cross access."**
25. **At the time of Detailed Site Plan submittal, the applicant shall provide a site plan note indicating that a shared cross vehicular access easement on Parcel C is required to provide access to US 301 for the abutting property to the south, which will also be recommended as part of any development approvals on the properties to the south.**

The subject site is immediately adjacent to Parcel C and is referred in the above conditions as abutting property to the south. The landscape plan exhibit that applicant provided does show a shared access point on to US 301 and an inter-parcel cross access connection to in northwest portion of the proposed parcel. However, further detail of the shared access and cross access connection will be reviewed at time of special exception or detailed site plan and be reflected on the final plat for the proposed Parcel 1.

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

The preliminary plan is proposing one access onto Mitchellville Road and a shared access onto US 301. It is noted that southbound lanes of US 301 that fronts subject property is an master plan arterial roadway and pursuant to Section 24-121 of the Subdivision Regulations, for lots that front on arterial roadways, these lots shall be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This requires an applicant to develop alternatives to direct access onto an arterial roadway. 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.**

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. The Planning Board approves the variation to allow access to a proposed arterial in this case and makes the following findings:

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:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121(a)(3) could result in practical difficulties to the applicant that could result in the applicant not being able to appropriately develop this property.

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

The Planning Board concurs with the applicant's explanation that the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property. The applicant proposes to share access to Robert Crain Highway (US 301) through a shared access

easement with Parcel C, "Mills Subdivision" to the north. A shared access permit has already been granted for Parcel C and the proposed CVS by SHA. Furthermore, the location of the access point for Parcel C has already been approved by the Prince George's County Planning Board in connection with preliminary subdivision plan review for that site (4-05148, PGCPB Resolution No. 07-66(A)). The Planning Board has therefore already found the location of the proposed access to be safe taking into account other existing access points along Robert Crain Highway (US 301).

The applicant's transportation consultant, Grove Slade has determined that, because the intersection of Robert Crain Highway (US 301) and Mitchellville Road is approximately 400 feet from the shared access driveway and the existing signal is intended to remain as currently configured, there will be sufficient opportunities for vehicles to enter southbound through lanes while traffic is stopped and/or slowed (i.e., not traveling at highway speeds). More than adequate sight distance exists for exiting maneuvers onto Robert Crain Highway. Vehicles entering this driveway would not queue to a point where Robert Crain Highway would be obstructed, as there will be approximately 100 feet (i.e., 5 car lengths) worth of queuing for persons visiting the store. Furthermore, as described by Grove Slade's Traffic Report, the transportation facilities within the vicinity of the property are adequately met and the local streets surrounding the property are adequate to accommodate the projected traffic generation.

The subject property is located in a commercial corridor fronting US 301 which include an insurance office, a veterinary clinic, a church, and car dealerships. As previously stated, a future car wash is also proposed for the adjacent Parcel C to the north.

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

The Planning Board concurs with the applicant's request that the subject property is unique in that it is a corner property fronting on an arterial road to the east and a historic road to the south. The property also features an on-site stream for which buffers must be provided. These buffers are in addition to setbacks required from a single point of abuttal with residentially-zoned land to the west, as well as other requirements for on-site parking, loading facilities, and landscaping. As a result, the Property is not of sufficient size to accommodate major interior streets. A driveway is proposed, however, which would provide an alternative access in lieu of sole access to Robert Crain Highway. This driveway to Mitchellville Road may provide access to properties to the north as discussed further.

The subject property is also affected by unique conditions in that the master plan requires shared ingress and egress to Robert Crain Highway to be provided, and the County Code requires frontage on and direct vehicular access to an existing arterial roadway for special exception approval. An inter-parcel connection is also recommended pursuant to PGCPB Resolution No. 07-66(A); for the abutting property to the north setting up the expectation that if access to US 301

were to be approved by the Planning Board, it would be consistent with the access to the north, and shared abutting the north property line.

The variation is necessary to satisfy the above-stated requirements and recommendations of the County Code, master plan and resolution of approval of Preliminary Plan of Subdivision 4-05148. Proposed access to Robert Crain Highway (US 301) will be accomplished through a shared access easement with Parcel C (for which access to Robert Crain Highway has already been approved) and will not increase the overall number of access points to Robert Crain Highway already approved at this location.

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

The Planning Board concurs with the applicant explanation that it does not appear that the access would violate any law, ordinance, or regulation. In fact, a grant of the variation will result in the applicant complying with the requisite special exception requirement of having frontage and access on arterial roadway and approved Planning Board conditions (PGCPB Resolution No. 07-66(A)) for a shared access onto US 301. Further, approval by the Maryland State Highway Administration (SHA) for this site will be required through the review of an access permit to ensure other applicable laws and regulations are complied with.

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

The Planning Board concurs with the applicant explanation that the physical surroundings of the property result in the need for the subject variation. With the existence of the stream and required buffers, the setbacks resulting from the abutting residentially-zoned land to the west, and the need for on-site parking and loading facilities, and landscaping, the subject site is constrained.

Based on the preceding findings, the criteria for approval of a variation has been met for the subject parcel for the proposed share right-in/right-out access onto US 301 with adjacent Parcel C to north and therefore, the variation request from Section 24-124(a)(3) is approved.

Inter-parcel connection to Mitchellville Road.

The Planning Board, in the reconsideration for Parcel C (PGCPB Resolution No. 07-66(A)) to the north, determined that an inter-parcel driveway connection should be made along this commercial corridor on the west side of US 301 if determined feasible through further site plan review. This would allow an internal driveway connection from the Hyundai Dealership, the Bowie Nissan, the proposed Car Wash on Parcel C, and the proposed CVS to Mitchellville Road without having to access US 301. The access is not intended to be a major cut through, but to provide a driveway alternative. The Planning Board found in the reconsideration for Parcel C, in the granting of the

variation for direct access to US 301, that the feasibility of the shared access driveway to Mitchellville Road should be determined with the review of the DSP which was required as a condition of that approval. In part, the Planning Board made the following findings:

An inter-parcel connection is appropriate between Parcels B and C, and ultimately to Mitchellville Road to the south when they are developed, which will enhance vehicular circulation. The inter-parcel connection is intended to be a driveway and secondary for access and should be incorporated for development along this corridor. With the development of properties to the south (not the subject of this application) the inter-parcel connection could extend from Parcel B, through to the south to Mitchellville Road along the western property boundaries if it is determined appropriate thru the development review process for the impacted properties.

In addition to a possible inter-parcel connection, as a condition of the grant of the variation for direct access from Parcel C to US 301, an access easement to allow the property to the south (Parcel 181) access to US 301 is required. A possible future owner of the parcels to the south (Parcels 181, 171, and 16) has attended several meetings with the applicant. One possible use may in fact be a CVS which is categorized as a department or variety store. In the C-M Zone a special exception is required pursuant to Section 27-348.02 which in part requires that:

The site shall have frontage on and direct vehicular access to an existing arterial roadway, with no access to primary or secondary streets.

The code requires an additional direct access to US 301 if this use moves forward to the south. Therefore, a shared vehicular access easement is required abutting the south property line. This easement location will be located abutting a future shared vehicular access easement on the abutting property to the south along its north property line, which would be required at the time of preliminary plan of subdivision for those properties. These two vehicular cross access easements would be abutting and designed to serve as one point of access to US 301 for both properties. If the development of Parcel C precedes the development of the properties to the south, the interim improvements necessary to provide access to US 301 for Parcel C should be coordinated with SHA thru the site plan process with the ultimate improvement being one access for the abutting properties.

The detailed site plan for Parcel C should delineate the extent of the easement to be provided abutting the south property line with Parcel 181 as discussed above, which will be reflected on the final plat for Parcel C. The easement will provide a consolidation of access for Parcel C and future development to the south on Parcel 181 (not a part of this application). This provision for the ability to have a common access with the development to the south will require a future determination by the Planning Board when a preliminary plan is filed for those properties, and a request

for direct access to US 301 will be evaluated. Providing the ability for a cross access easement will alleviate the need for additional individual access to US 301 in this vicinity.

Section 24-105 of the Subdivision Regulations sets forth the authority granted to the Planning Board in the approval of a preliminary plan to “ approve, approve with modifications or conditions, or disapprove plat[n]s for the subdivision of land.” The conditions to require an inter-parcel connection and granting an access easement for a future consolidation of access to US 301 as a condition of the grant of the applicant’s request for a variation is a reasonable exercise of the powers of the Planning Board.

At the Planning Board hearing on January 26, 2012 the applicant indicated that the inter-parcel connection being required with this preliminary plan may not be feasible or practicable. The Planning Board agreed to defer the discussion and determination of the appropriateness of the connections from Parcel B, and ultimately to Mitchellville Road, to detailed site plan. The applicant intends to address this at the time of detailed site plan for Parcel C where the detailed construction drawing can be reviewed and the applicant can address the practicality of these possible future connections.

The Planning Board found that the feasibility of the inter-parcel connection with to the north Parcel C, located to the north, Mitchellville Road be considered at the time of SE or DSP.

11. **Schools**—The proposed preliminary plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (County Council Resolutions CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
12. **Fire and Rescue**—The proposed preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations and found to be within the recommended response times:

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
43	Bowie	Engine	16408 Pointer Ridge Drive	0.92	3.25	Within
43	Bowie	Ladder Truck	16408 Pointer Ridge Drive	0.92	4.25	Within
43	Bowie	Ambulance	16408 Pointer Ridge Drive	0.92	4.25	Within
43	Bowie	Paramedic	16408 Pointer Ridge Drive	0.92	7.25	Within

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

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

13. **Police Facilities**—The proposed development is within the service area of Police District II, Bowie. 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, 2011 (U.S. Census Bureau) county population estimate is 871,233. Using the 141 square feet per 1,000 residents, it calculates to 122,843 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.
14. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in dormant water and sewer Category 4, inside the Sewer Envelope and within the Developing Tier. The property must be approved for water and sewer Category 3 through the administrative amendment procedure before approval of a final plat.

15. **Health Department**—The Prince George’s County Health Department has evaluated the proposed preliminary plan of subdivision and offer the following comments:
 - a. The partially collapsed abandoned septic tank located behind the dwelling at 1910 NW Crain Highway must be pumped out by a licensed scavenger as necessary to remove any remaining septage, and either removed or back filled in place; in order to eliminate the inherent safety hazard.

- b. According to the property owner, there is an abandoned small-diameter buried well located near the northeast corner of the dwelling at 1910 NW Crain Highway. This well must be backfilled and sealed by a licensed well driller in accordance with COMAR 26.04.04, and the required Water Well Abandonment-Sealing Report Form submitted prior to approval of any grading activities on the property.
- c. The existing septic tank serving the dwelling at 1807 Mitchellville Road must be pumped out by a licensed scavenger and either removed or backfilled in place prior to approval of any grading activities on the property.

16. **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-wide public utility easement (PUE) along the public rights-of-way as requested by the utility companies and will be required on the final plat.

17. **Historic**—Phase I archeological survey is not recommended on the above-referenced 2.68-acre property located at the southeast intersection of Robert Crain Highway (US 301) and Mitchellville Road in Bowie, 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.

The subject property contains two dwellings and several outbuildings which are to be razed. The house on Parcel 16 at 1807 Mitchellville Road was constructed about 1940. The house on Parcel 171 at 1910 Crain Highway was built about 1955. Since both of these dwellings are over 50 years old, they should be documented on a Maryland Inventory of Historic Properties (MIHP) form prior to their demolition. The documentation should include floor plans and representative interior and exterior photographs.

The subject property is adjacent to Carroll Methodist Chapel and Cemetery (#74B-006), a Prince George's County Historic Site. Built circa 1900, Carroll Chapel is a front-gabled frame structure of meetinghouse style; entrance is through a small vestibule in the gable front. This chapel replaces, and may even incorporate, part of the chapel that served the local black Methodist population from as early as 1877, as recorded in the Methodist Circuit records of Pastor O. Carroll. Carroll Chapel is an example of the county's modest African American country churches from the turn of the twentieth century.

Since the subject site is adjacent to the historic site, Carroll Methodist Chapel and Cemetery, the preliminary plan was referred to the Historic Preservation Commission (HPC). The Historic Preservation Commission reviewed Preliminary Plan of Subdivision 4-11032 at its July 17, 2012 meeting. In its discussion, HPC was concerned that the development of the subject property will be visible from the historic site. HPC found that there should be an evaluation of the impacts of the orientation, height, materials, design, landscaping and lighting of the proposed development on the environmental setting of Carroll Methodist Chapel and Cemetery. This review should be accomplished at the time of special exception. However, if the variety store, CVS, is not developed and a special exception application is not filed, then a detailed site plan should be required to ensure the adequate evaluation for the impact of any development on-site to the adjacent historic site, Carroll Methodist Chapel and Cemetery.

18. **Residential Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new preliminary plan is recommended. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision. A new preliminary plan is required if residential development is to be proposed.
19. **City of Bowie**—This Preliminary Plan of Subdivision, 4-11032, was referred to the City of Bowie for review and comments. The City of Bowie reviewed this preliminary plan at its public hearing on July 9, 2012. Based on a letter dated July 18, 2012 (Robinson to Hewlett), the Council of the City of Bowie voted unanimously to recommend approval of Preliminary Plan of Subdivision 4-11032 with no conditions.
20. **Detailed Site Plan (DSP)**—A variety retail store is a permitted use in the C-M Zone subject to a special exception approval and a detailed site plan is not required. However, as discussed throughout this report, the subject site is located adjacent to Carroll Methodist Chapel and Cemetery historic site (#74B-006) to the west and Parcel C to north. The Historic Preservation Commission (HPC) is concerned with the visible impact of any development of the subject property will have on the historic site since the site is within very close proximity. The subdivision of adjacent Parcel C was approved by the Planning Board with two conditions pertaining to a subject site regarding shared access to US 301 and inter-parcel cross access connection. The Planning Board conditioned a detailed site plan for development of Parcel C to ensure further evaluation and coordination for the shared access and inter-parcel cross access connection as discussed in the Transportation Findings. This subdivision application does not approve the use, the location of buildings or other improvements on the site, therefore, a site plan review is recommended in order to ensure adequate screening for the historic site and coordination for the access. A detailed site plan should be required, if a special exception is not necessary for the development to be approved by the Planning Board or its designee pursuant to Section 27-270 of the Zoning Ordinance. The DSP or SE, as appropriate, should include the review of the shared access onto US 301, inter-parcel cross access connection, and visible impacts to the adjacent historic site.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, October 18, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of November 2012.

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 10/26/2012