



PGCPB No. 12-113

File No. 4-12001

RESOLUTION

WHEREAS, Dixie Dale LLC is the owner of a 4.13-acre parcel of land known as Tax Map 52 in Grid C-3 and is also known as Parcel A, Parcel 35, Lot 1, Lots 4 thru 7, Lots 17, 13, 14, and part of Hayes Street, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned Commercial Miscellaneous (C-M); and

WHEREAS, on September 12, 2012, The Velmeir Companies filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel and 2 outparcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-12001 for CVS Lanham 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 December 20, 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 December 20, 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 4-12001, CVS Lanham, including a Variation from Section 24-121(a)(3) for 1 parcel and 2 outparcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Add a note for the total acreage of the gross and net tract area for the site.
 - b. Add a note of the acreage of each proposed parcel, outparcel and road dedication.
 - c. Add a note for the acreage and ownership information for each of the existing parcels and lots.
 - d. Show the ten-foot public utility easement (PUE) along all public rights-of-way.
 - e. Show the dedication to public use of right-of-way of 35 feet from centerline the Brightseat Road along the frontage of Outparcel A and Outparcel B.

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- f. Add a note that states the following:

“A variation request to Section 24-121(a)(3) has been granted for direct vehicular access to MD 704 with a condition upon a denial of access along the site’s frontage of the Martin Luther King Jr. Highway (MD 704) except where access is permitted by SHA. An access easement area shall be established to allow Outparcel B access to MD 704 through Parcel 1. The liber/folio of the easement shall be reflected on the final plat for Parcel 1.”
 - g. Delineate area of access easement on proposed Parcel 1 to Outparcel B.
 - h. Show an eight-foot-wide sidepath along Parcel 1’s entire frontage of Martin Luther King Jr. Highway (MD 704).
 - i. Show a sidewalk connection with appropriate curb cuts and crosswalk markings from the proposed sidepath at the intersection of Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road to the proposed CVS building.
 - j. Show marked crosswalks along the site’s ingress/egress points along both Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 30554-2010-00 and any subsequent revisions.
3. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-008-12). The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-008-12 or most recent revision), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of County Council Bill CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George’s County Planning Department.”
4. Total development within proposed Parcel 1 shall be limited to uses that would generate no more than 19 AM and 75 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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5. Prior to the Planning Board approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Along Parcel 1, dedicate to public use right-of-way of 96.5 feet from baseline along Martin Luther King Jr. Highway (MD 704), as shown on the approved preliminary plan of subdivision.
 - b. Along Parcel 1, dedicate to public use right-of-way of 40 feet from centerline along Ardwick-Ardmore Road, as shown on the approved preliminary plan of subdivision.
 - c. Dedicate to public use right-of-way of 35 feet from centerline along the Brightseat Road frontage of Outparcel A and Outparcel B as shown on the approved preliminary plan of subdivision.
 - d. The final plat shall reflect that direct vehicular access to Martin Luther King Jr. Highway (MD 704) from Outparcel B is denied.
 - e. Delineate the area of access easement which will extend to the common property line with Outparcel B to allow Outparcel B access to Martin Luther King Jr. Highway (MD 704) through Parcel 1 and provide the Liber Folio of the document.
 - f. Add a note that states the following:

"A variation request to Section 24-121(a)(3) has been granted for direct vehicular access to MD 704 from Parcel 1. An access easement is established to allow Outparcel B access to MD 704 through Parcel 1."
6. Prior to the issuance of any building permit, the applicant shall submit an acceptable traffic signal warrant study to the County Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Brightseat Road and Ardwick-Ardmore Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If signalization or other traffic control improvements are deemed warranted at that time, DPW&T shall determine the scope of the improvement, to be funded by the Applicant prior to the release of any building permit.
7. The applicant and/or the applicant's heirs, successors, or assignees shall obtain any necessary easement and clear the wooded area to the south and east of the proposed entrance on Ardwick-Ardmore Road for the purpose of improving the sight distance in accordance with a 40 miles per hour design speed. The Department of Public Works and Transportation (DPW&T) shall determine the extent of clearing needed to meet sight distance requirements prior to street construction permits.

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8. Prior to approval of building permits, 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 one "Share the Road with a Bike" signage along Ardwick-Ardmore Road. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
9. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following, unless modified by the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA):
 - a. Provide an eight-foot-wide sidepath along Parcel 1's entire frontage of Martin Luther King Jr. Highway (MD 704).
 - b. Provide a sidewalk connection with appropriate curb cuts and crosswalk markings from the proposed sidepath at the intersection of Martin Luther King Jr. Highway (MD 704) and Ardwick Ardmore Road to the proposed CVS building.
 - c. Provide marked crosswalks along the site's ingress/egress points along both Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road.
10. At the time of final plat, the applicant shall grant a ten-foot-wide public utility easement (PUE) along the public rights-of-way of Martin Luther King Jr. Highway (MD 704), Ardwick-Ardmore-Road, and Brightseat Road as delineated on the approved preliminary plan of subdivision.
11. Residential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
12. Building permit plans shall be consistent with the approved Special Exception SE-4695 site plan, landscape plan, sign plan, lighting plan, type II tree conservation plan (TCPII), and architecture elevations, and include the tree canopy calculations. Substantive subsequent changes to the building permit plans would require a detailed site plan to be approved by the Planning Board or the Planning Board's designee.

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 52 in Grid C-3 and is known as Parcel A, Parcel 35, Lot 1, Lots 4 thru 7, Lots 17, 13, 14, and part of Hayes Street. The property consists of 4.13 acres within the Commercial Miscellaneous (C-M) Zone. Hayes Street was created by a plat

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of subdivision prior to 1908 and it was not constructed, therefore, the right-of-way is considered as abandoned and a vacation of the right-of-way is not required. Parcel A was recorded in Plat Book WWW 75-77 on November 25, 1970. Parcel 35 is a deed parcel which has never been the subject of a preliminary plan of subdivision. Lot 1, Lots 4 thru 7, Lot 13 and Lot 14 were recorded in Plat Book BDS 1-40 on November 26, 1907. The current configuration of Lot 1 is the result of resubdivision of Lot 2 and 15 that created Lot 17. Lot 17 was recorded in Plat Book VJ 184-32 on August 27, 1998 in accordance to Section 24-107(a)(7)(B), Section 24-107(d), and Section 24-108(a) of the Subdivision Regulations, therefore, a preliminary of subdivision was not required. Note 3 on the plat provide a development restriction for Lot 17 as follows:

3. **Lots 16 and 17, Block 9 created hereby, are restricted to 5,000 square feet maximum gross floor area of development each. Development in excess of 5,000 square feet of gross floor area for either lot will require submission and approval of a new preliminary plan of subdivision.**

The applicant has submitted a new preliminary plan of subdivision on the subject site which includes Lot 17. The applicant is proposing to consolidate eight lots and two parcels into one parcel and two outparcels. The proposed Parcel 1 is 2.15 acres for the development a 13,225-square-foot variety retail store (CVS Pharmacy). Proposed Outparcel A is 0.913 acres and proposed Outparcel B is 1.005 acres and no development is proposed for the outparcels. Any development on Outparcel A and B will require submission and approval of a new preliminary plan of subdivision.

A Department or Variety Store and Food or Beverage Store was permitted by special exception in the C-M Zone in accordance with Section 27-348.02 of the Zoning Ordinance. The site is subjected to Special Exception SE-4695 which was approved by the Zoning Hearing Examiner on June 25, 2012. However, the County Council of Prince George's County adopted County Council Bill CB-64-2012 for Department or Variety Stores which became effective on November 7, 2012. County Council Bill CB-64-2012 created a new subsection 27-461(1)(E)(iii), stating that Department or Variety Stores not exceeding 85,000 square feet of gross floor area (GFA) is permitted by right within the C-M Zone and that a special exception is not required. As such, the Zoning Ordinance no longer requires a special exception for the variety store use in C-M Zone on the subject property; therefore the SE approval is no longer valid for subject site.

3. **Setting**—The property is located at the southeast corner of Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road. It is bounded to the southwest by Ardwick-Ardmore Road, with a gas station in the C-M Zone and a church in the C-O Zone. To the northwest of the site is MD 704, with a gas station in the I-1 Zone and to the northeast is vacant land. To the east of the site is a contractor's office, shop and outdoor storage in the C-M Zone and vacant land to the southeast.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

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	EXISTING	APPROVED
Zone	C-M	C-M
Use(s)	Office (3,334 square feet)	Retail/Variety Store (13,225 square feet)
Acreage	4.13	4.13
Lots	8	0
Outparcels	0	2
Parcels	2	1
Dwelling Units	0	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 September 28, 2012. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations was accepted on September 12, 2012, as discussed further in the Transportation Section and was heard on September 28, 2012 at SDRC as required by Section 24-113(b) of the Subdivision Regulations.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* (General Plan) designates the subject site 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. 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 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* replaced the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity* (Planning Area 72) but retained the C-M Zone for the subject property. The preliminary plan is in conformance with the commercial development land use recommendation of the master plan by proposing a variety retail store.

6. **Zoning**—Department or Variety Store and Food or Beverage Store was permitted by special exception in the C-M Zone in accordance with Section 27-348.02 of the Zoning Ordinance. Additionally, all special exceptions must meet the requirements of Section 27-317 of the Zoning Ordinance. The applicant filed Special Exception SE-4695 for the site and it was approved by the Zoning Hearing Examiner on June 25, 2012 for permission to use site for a Department or Variety Store combined with a Food and Beverage Store.

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The approved Special Exception SE-4695 requested an access drive along MD 704 with the full understanding by the applicant that a variation would be required at the time of subdivision for access to an arterial. The applicant has submitted a variation request and is discussed further in Transportation Section. The small discrepancy in acreage between the approved special exception site plan and the preliminary appear to be caused by the area of roadway dedication, which was anticipated at the time of special exception approval.

The approval of Special Exception SE-4695 included the approval of Variance VSE-4695 for a 50-foot building setback requirement, a Type II Tree Conservation Plan TCP11-15-11, and a Variance to Section 25-122(b)(1)(G) for the removal of six specimen trees, subject to the following conditions:

1. **Prior to the issuance of any building permits the Site Plan shall be relabeled as the "Special Exception Site Plan"; and be submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record.**
2. **At the time of building permit review, the Applicant shall submit an acceptable traffic signal warrant study to SHA for signalization at the intersection of MD 704 and Reed Street/Dellwood Avenue. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agency. If a signal or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the signal with the appropriate agency prior to the release of any building permits.**
3. **At the time of building permit review, the Applicant shall submit an acceptable traffic signal warrant study to DPW&T for signalization at the intersection of Ardwick-Ardmore Road and Brightseat Road. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agency. If a signal or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the signal with the appropriate agency prior to the issuance of any building permits.**

The Prince George's County Council adopted County Council Bill CB-64-2012 for Department or Variety Stores which became effective on November 7, 2012 after the approval of Special Exception SE-4695. County Council Bill CB-64-2012 created a new subsection 27-461(1)(E)(iii), stating that Department or Variety Stores "not exceeding 85,000 square feet of gross floor area (GFA), without regard to percentage of gross floor area for food and beverage component" is permitted by right in the C-M Zone and that a special exception is not required. As such, the Zoning Ordinance no longer requires a special exception for the variety store use in C-M Zone on the subject property; therefore the SE approval is no longer valid for the subject site.

The approval of Special Exception SE-4695 for this site (approved in June 25, 2012) included the approval of Variance VSE-4695 from a 50-foot setback requirement and a Variance to Section

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25-122(b)(1)(G) for the removal of six specimen trees. In this case, the Variance VSE-4695 from Section 27-348.02(a)(5)(B) of the Zoning Ordinance prescribes that all buildings, structures, off-street parking compounds, and loading areas shall be located at least 50 feet from all other adjoining property and street lines. This requirement is specifically set forth for department or variety stores permitted by Special Exception. As such the use no longer requires an SE, this setback requirement is no longer necessary. The Variance to Section 25-122(b)(1)(G) of the Subdivision Regulations for the removal of six specimen trees is not a requirement that is specifically set forth for department or variety stores permitted by Special Exception, therefore the Variance to Section 25-122(b)(1)(G) approved by Zoning Hearing Examiner for the subject site is still valid.

The Special Exception SE-4695 was evaluated and approved with a site plan, landscape plan, sign plan, lighting plan, type II tree conservation plan (TCP II) and architecture evaluations. The site is at a highly- visible location at a major intersection between Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road. The evaluation and coordination of the design features and the layout of the proposed development is warranted regarding the use of the site since the site is at highly-visible location. Therefore, the evaluation and approval of the site plan, landscape plan, sign plan, lighting plan, TCP II, and architecture evaluations from the Special Exception SE-4695 should be carried forward through a detailed site plan approved by the Planning Board's designee. Since the SE is no longer valid on subject site, the detailed site plan will ensure that site plan, landscape plan, sign plan, lighting plan, TCP II, and architecture evaluations that was approved by the Planning Board and Zoning Hearing Examiner will be implemented on the site. The purpose of the detailed site plan is only to certify the approved SE plans as a DSP and not for a re-evaluation of the design and layout of the proposed development.

Pursuant to Section 27-270 of the Zoning Ordinance, Order of Approvals the detailed site plan is normally required prior to the approval of the final plat of subdivision. However, in this case, approval of the DSP will have no bearing on the lotting pattern; therefore, a detailed site plan should occur prior to building permits and not prior to final plat.

7. **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 (LM)*: Section 4.2 Commercial and Industrial Landscaped Strip, Section 4.3 Parking Lot Requirements, Section 4.4 Screening Requirements, Section 4.7 Buffering Incompatible Uses and Section 4.9 Sustainable Landscaping Requirements.

The requirements of the 2010 *Prince's George's County Landscape Manual* were fully evaluated at time of the special exception approval. During review of the special exception, the Zoning

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Hearing Examiner found that the subject site meets the requirements of Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual* as follows:

"An opaque 6-foot-high fence will be erected along the eastern property line, in compliance with the Landscape Manual. There was some controversy as to whether the neighboring owner of Lot 3 operates some type of commercial business on site or uses the building as a residence. The use changes the type of buffer required by the Landscape Manual. Applicant maintained that the owners of Lot 3 are operating a construction storage yard of some nature, evidenced by pictures taken on the site, conversations with the occupant of the site, and yellow page advertisements for the site. (Exhibit 64(a)-(c)) In an abundance of caution Applicant has also obtained a "Landscape and Buffer Easement Agreement" whereby Panagiotis and Garfallia Glekas (owners of Lot 3) has agreed to grant a perpetual landscape easement for the portion of Lot 3. Accordingly, one could find that all provisions of the Landscape Manual have been addressed in Applicant's Landscape Plan."

That plan approval should be carried forward with the approval of the recommended DSP or building permit plans.

8. **Environmental**—This preliminary plan has been reviewed for conformance to the environmental regulations within Division 5 of the Subdivision Regulations, the Woodland and Wildlife Habitat Conservation Ordinance, and the appropriate area master plan. A signed Natural Resource Inventory (NRI-032-10) and Type 1 Tree Conservation Plan (TCP1-008-12) for the subject property has been received and reviewed. The project is subject to the environmental regulations that came into effect on September 1, 2010 because the application is for a new preliminary plan of subdivision.

The Environmental Planning Section previously reviewed Special Exception plan SE-4695 for 3.31 acres and Type 2 Tree Conservation Plan TCP2-015-11 for 4.13 acres, including the subject site. The conditions of approval for Special Exception SE-4695 are found in PGCPB Resolution No. 11-10 dated December 8, 2012. The special exception review process included the variance request to Section 25-122(b)(1)(G) to remove six on-site specimen trees. This variance was reviewed and approved as part of the special exception process. The Notice of Final Decision of the District Council for the special exception case was approved on June 25, 2012. The current application is for the subdivision of a 4.13 acre site in the C-M Zone to combine eight lots and two parcels into one parcel and two outparcel for a CVS drug store operation.

Conformance to the Master Plan

The master plan for this area is the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (SMA). In the approved master plan and sectional map amendment, the Environmental Infrastructure section 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.

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Policy 1: Protect, preserve and enhance the green infrastructure network in Subregion 4.

The approved Natural Resource Inventory NRI -032-10 does not show any regulated environmental feature within or adjacent to the subject property. No Green Infrastructure Network areas were represented on PGAtlas.com for the subject property.

Policy 2: Minimize the impacts of development on the green infrastructure network and SCA's.

The subject property is not located within the 2005 *Approved Countywide Green Infrastructure Plan* and will not directly impact SCA's (Special Conservation) area with Subregion 4.

Policy 3: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.

The approved stormwater concept should be implemented to address water quality issues on-site. According to the submitted TCP1 and stormwater management concept plan, water quality will be addressed by four bio-retention ponds within the project area. No impacts are proposed to regulate environmental features for the proposed development on or off-site.

Policy 4: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.

The subject property does not have regulated environmental features on-site or adjacent to the property.

Policy 5: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.

The project proposes four bio-retention ponds, non-rooftop disconnects and permeable pavers to handle stormwater management. This stormwater concept has been approved by Prince George's County Department of Public Works and Transportation (DPW&T).

Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.

The subject property does not have regulated environmental features on-site or adjacent to the property.

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Policy 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.

Air Quality is a regional issue that is currently being addressed by the Council of Governments.

Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.

The project proposes to construct a CVS store with surface parking. This use may generate noise from added vehicular traffic. The site is bounded on the north by Martin Luther King Jr. Highway (MD 704), the east by various automotive uses, the south and west by Ardwick-Ardmore Road. The project area is located in a densely developed commercial and industrial zoned area with some residential lots south of the site. Martin Luther King Jr. Highway (MD 704) is identified as an arterial road that has enough traffic to produce noise levels above 65 dBA Ldn. Because no residential uses are proposed, noise mitigation is not required.

Policy 9: Implement environmental sensitive building techniques that reduce overall energy consumption.

Policy 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.

Policy 11: Increase the county's capacity to support sustainable development.

The current plan, as shown on the TCP1, proposes one building, surface parking, and some on-site woodland conservation. The surrounding area is heavily developed with commercial and residential uses. The land within the subject application is one of the last remaining undeveloped areas within a quarter mile and was previously known as the "Beltway Track." Existing infrastructure surrounds the subject property.

The development applications for the subject property should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged implemented to the greatest extent possible.

Policy 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.

The subject property is not located in the Chesapeake Bay Critical Area (CBCA).

Policy 13: Preserve, restore, and enhance the exiting tree canopy.

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Policy 14: Improve the county's capacity to support increases in the tree canopy.

Subtitle 25 Division 3 requires the site to provide a ten percent tree canopy coverage. Tree Canopy Coverage should be addressed at the time of detailed site plan if required or building permits. Woodland Conservation is discussed in the Environmental Review Section.

The overall project area currently consists of woodlands including ten specimen trees. The plan proposes to develop a portion of this area and remove six specimen trees which were analyzed at the time of SE approval. No woodland replacement is proposed at this time; however some existing woodlands will be retained on the overall site. Woodland Conservation is discussed in the Environmental Review Section.

Conformance with the Green Infrastructure Plan

The site's entire 4.13 acres is located in an area with no regulated environmental features and not found in the 2005 *Approved Countywide Green Infrastructure Plan*.

Environmental Review

A signed Natural Resource Inventory, NRI-032-10, was submitted with the review package. The NRI indicates that there no regulated environmental features, wetlands, streams or 100-year floodplain on the site. The Forest Stand Delineation (FSD) identifies two stands of woodland totaling 3.48 acres and includes ten specimen trees. No additional information is required with respect to the NRI.

The site drains into Lower Beaverdam Creek in the Anacostia River Basin. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. According to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), the predominant soils found to occur on-site include the Christiana-Dower complex, Christiana-Dower-Urban land complex, Russett-Christiana- Urban land complex and Udorthents. According to available information, Marlboro clay is not identified on-site, but Christiana complexes are found to occur on this property. No designated scenic or historic roads are affected by this proposal. John Hanson Highway (US 50) is an adjacent source of traffic-generated noise. The proposed use is not expected to be a noise generator. This property is located in the Developed Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site is greater than 40,000 square feet and contains more than 10,000 square feet of woodland. A type 1 tree conservation plan (TCP1) has been submitted showing all the parcel lines that comprise the total 4.13 acres. The TCP1 shows 1.71 acres of woodlands cleared and 1.77 acres of woodlands retained on the subject property as woodland preservation not credited. The total woodland conservation requirement is 1.45 acres. This project proposes to meet the requirement with off-site woodland conservation credits to offset the on-site woodland requirements. The woodland conservation on Outparcels A and B are

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proposed to be preserved but not credited. Future development of these outparcels will require a preliminary plan of subdivision where tree conservation will be further analyzed.

Section 25-122(b)(1)(G) of the Subdivision Regulations requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

The site contains ten specimen trees. A variance request to Section 25-122(b)(1)(G) was received August 22, 2011 for the removal of six specimen trees located on the subject property in reference to Special Exception SE-4695 and Type 2 Tree Conservation Plan TCP2-015-11. A memorandum dated September 21, 2011 for the referenced special exception (SE) plan, approved the variance to remove the subject six specimen trees and this approval is still valid for this review process. No additional information is required with regards to Specimen Tree removal. The TCP2 will be certified as a part of the recommended DSP, with the TCP1 being approved with the application.

9. **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, 30554-2012-00, was approved on March 31, 2011, and is valid until March 31, 2014. The approval letter states that project will pay a fee of \$7,360.00 in lieu of providing on-site attenuation/quality control measures. The concept plan shows the approval of four bio-retention ponds for infiltration purposes. These bio-retention ponds drain to a piped storm drain system along Ardwick-Ardmore Road. 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.

10. **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.
11. **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.

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Two master plan trail issues are identified in the area master plan and MPOT. Martin Luther King Jr. Highway (MD 704) is designated as a master plan trail (or sidepath) corridor, while Ardwick-Ardmore Road is a master plan bikeway. The MPOT includes the following wording regarding the recommended facility along MD 704:

A side path or wide sidewalk construction with designated bike lanes is recommended along MD 704 (District of Columbia to I-495). It may be appropriate to use excess capacity along MD 704 to accommodate improved bicycle and pedestrian facilities. MD 704 connects to the existing WB&A Trail outside I-495. Trail construction along MD 704 will provide an extension of the existing WB&A Trail to provide a continuous east/west trail connection through central Prince George's County (MPOT, page 28).

This sidepath should be reflected on the plans along the site's entire frontage of MD 704 in place of the standard sidewalk currently shown.

The MPOT also recommends continuous sidewalks and designated bike lanes along Ardwick-Ardmore Road. There is an existing sidewalk along the site's frontage of Ardwick-Ardmore Road. The provision of bikeway signage is recommended to designate the master plan bikeway. Bike lane striping can be considered by DPW&T at the time of roadway resurfacing.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following 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.

Between the existing sidewalk along Ardwick-Ardmore Road and the master plan trail along MD 704, the site will have pedestrian access along both frontages. However, recommendations for sidewalks and crosswalks are also recommended to provide safe access for pedestrians from the road rights-of-way to the building entrance. One pedestrian route from Ardwick-Ardmore Road to the building entrance is already reflected on the submitted plans. An additional connection is

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recommended from MD 704. Crosswalk striping is also recommended along the site's ingress/egress points.

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.

12. **Transportation**—The application is a preliminary plan of subdivision for a commercial development consisting of a single parcel and two outparcels. The applicant proposes a 13,225-square-foot drive-through pharmacy; this use was approved under Special Exception SE-4695. The table below summarizes trip generation in each peak hour that will be used for the analysis and for formulating the trip cap for the site:

Trip Generation Summary, 4-12001, CVS – Lanham								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Pharmacy	13,225	square feet	20	15	35	69	68	137
Less Pass-By – Pharmacy (45 percent)			-9	-7	-16	-31	-31	-62
Total External Trips			11	8	19	38	37	75

The trip generation is estimated using trip rates and requirements in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (*Guidelines*) and in *Trip Generation* (Institute of Transportation Engineers). Pass-by rates are consistent with *Trip Generation Handbook* (Institute of Transportation Engineers).

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

- Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road (**signalized**)
- Ardwick-Ardmore Road and Preston Drive/West Street (**signalized**)
- Brightseat Road and Ardwick-Ardmore Road (**unsignalized**)
- Martin Luther King Jr. Highway (MD 704) and Reed Street/Dellwood Court (**unsignalized**)
- Martin Luther King Jr. Highway (MD 704) and site access (**future/unsignalized**)
- Ardwick-Ardmore Road and site access (**future/unsignalized**)

The application is supported by a traffic study dated March 2012 provided by the applicant and referred to the Maryland State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received. The findings and recommendations outlined below are based upon a review of these

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materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines*.

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 the 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 within any tier subject to meeting the geographical criteria in the *Guidelines*.
- **Unsignalized intersections:** *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic using counts taken in March 2012 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road	1,351	1,294	D	C
Ardwick-Ardmore Road and Preston Dr./West St.	639	551	A	A
Brightseat Road and Ardwick-Ardmore Road	*247.4	*126.8	--	--
Martin Luther King Jr. Highway (MD 704) and Reed Street/Dellwood Court	*931.5	*318.8	--	--
Martin Luther King Jr. Highway (MD 704) and site access	future			
Ardwick-Ardmore Road and site access	future			
*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.				

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None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" (CTP) or the Prince George's County "Capital Improvement Program" (CIP). Background traffic has been developed for the study area using a 1.0 percent annual growth rate in through traffic along Martin Luther King Jr. Highway (MD 704) for two years. No approved but unbuilt development was identified within the study area. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follow:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road	1,378	1,320	D	D
Ardwick-Ardmore Road and Preston Dr. /West St.	652	562	A	A
Brightseat Road and Ardwick Ardmore Road	*279.1	*144.3	--	--
Martin Luther King Jr. Highway (MD 704) and Reed Street/Dellwood Court	*+999	*367.2	--	--
Martin Luther King Jr. Highway (MD 704) and site access	future			
Ardwick-Ardmore Road and site access	future			
*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.				

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

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TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road	1,381	1,349	D	D
Ardwick-Ardmore Road and Preston Dr./West St.	653	569	A	A
Brightseat Road and Ardwick-Ardmore Road	*282.7	*152.8	--	--
Martin Luther King Jr. Highway (MD 704) and Reed Street/Dellwood Court	*+999	*386.2	--	--
Martin Luther King Jr. Highway (MD 704) and site access (proposed)	*11.2	*16.3	--	--
Ardwick-Ardmore Road and site access (proposed)	*12.8	*12.9	--	--
*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.				

It is found that both existing unsignalized critical intersections operate unacceptably under total traffic in either one or both peak hours. As noted earlier, 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. There is evidence that the needed signal warrant studies have been prepared and at least partially reviewed. The following are noted:

- At the Martin Luther King Jr. Highway (MD 704) and Reed Street/Dellwood Court intersection, written correspondence is attached that indicates that the applicant has provided a traffic signal warrant study to Maryland State Highway Administration (SHA). The study finds that a signal is not warranted at this location, and SHA indicates concurrence with this finding. Therefore, this intersection shall be deemed to be acceptable.
- At the Brightseat Road and Ardwick-Ardmore Road intersection, written correspondence is attached that indicates that the applicant has provided a traffic signal warrant study to SHA. The study finds that a signal is warranted at this location; however, SHA defers the determination to DPW&T, which is the responsible operating agency for that intersection. Therefore, a condition is recommended that requires that the study be provided to DPW&T for their review, with installation if deemed warranted by DPW&T.

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The traffic study was referred to and reviewed by the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA). The summarized comments are discussed below:

The Department of Public Works and Transportation (DPW&T) Comments:

- a. DPW&T indicates that the sight distance at the proposed entrance on Ardwick-Ardmore Road is not adequate. While this is an issue that can be resolved at the time of obtaining the access permit, a condition is recommended.
- b. DPW&T notes the lack of left-turn movements from Dellwood Court onto the Martin Luther King Jr. Highway (MD 704) and from Brightseat Road onto Ardwick-Ardmore Road. It is agreed, in particular, that showing no site traffic distribution onto Brightseat Road is not reasonable. Although the numbers would be small and would not affect the finding at the Brightseat Road/Ardwick-Ardmore Road intersection, some distribution of site traffic to the south should be shown in the study.
- c. DPW&T states that a traffic signal warrant study should be performed for the intersection of Brightseat Road/Ardwick-Ardmore Road. In accordance with the analysis, the study will be required by condition.

DPW&T concludes that findings regarding two study intersections are under the jurisdiction of the Maryland State Highway Administration (SHA).

The Maryland State Highway Administration (SHA) Comments:

The Maryland State Highway Administration (SHA) concurs with the report findings.

Master Plan and Right-of-Way Dedication

- a. With regard to the master plan for the site, the site is affected by Martin Luther King Jr. Highway (MD 704), which is a planned arterial facility. The applicant has demonstrated adequate right-of-way dedication of 96.5 feet from the baseline of the existing roadway. This is adequate and consistent with other dedications along this roadway. The site is also affected by Ardwick-Ardmore Road, which is a planned collector facility. The plan shows adequate right-of-way dedication of 40 feet from centerline of the existing roadway.
- b. When Special Exception SE-4695 was reviewed, it was noted that the C-M zoning for the site was approved as a part of the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)*. That approval included a condition requiring detailed site plan approval. Among other things, the detailed site plan review is to address issues of unified access and circulation. Given that access is a consideration during preliminary plan review, this condition has been discussed at length. In particular, attention was given to the District Council's action regarding Detailed Site

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Plan SP-95029 for Dixie Dale, Lot 16, Block 9. This action approved ultimate unified access to Dixie Dale to involve a new street, Brightseat Court, connecting to MD 704 across existing Lot 17, Block 9. When presented with all relevant information, the Associate General Counsel concluded that the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)* is no longer applicable, and that unless the new street was included on some subsequent plan, it cannot be enforced. In light of that determination, it is noted that the applicant proposes two driveways into proposed Parcel 1 one from Ardwick-Ardmore Road and one from MD 704, a master plan arterial. Therefore, the applicant requests a variation pursuant to Section 24-113 of the Subdivision Regulations in order to provide the driveway access onto MD 704.

- c. Notwithstanding that it has been determined that prior conditions regarding unified access to Dixie Dale would no longer apply, access to the outparcels should be addressed at this time. Both outparcels have commercial zoning and limited options for access. The Department of Public Works and Transportation (DPW&T) has advised that future access to Dixie Dale should be provided at Watkins Avenue and Ardwick-Ardmore Road. To that end, both Watkins Avenue and Brightseat Road can provide internal access if an appropriate right-of-way is dedicated and if both streets are constructed to the commercial street standard. Therefore, it is required that Outparcel A and Outparcel B demonstrate dedication of 35 feet from centerline along Brightseat Road to ensure that adequate commercial access is available when these properties are ultimately developed.

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

The preliminary plan is proposing from proposed Parcel 1, one access onto Ardwick-Ardmore Road, a collector facility, and one access onto Martin Luther King Jr. Highway (MD 704), an arterial facility. 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.**

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Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. The variation to allow access to a proposed arterial in this case is supported with 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 and provide adequate circulation.

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

The granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property. There is evidence that the Maryland State Highway Administration (SHA) supports the access point proposed by the applicant along the Martin Luther King Jr. Highway (MD 704), and SHA has indicated the improvements needed to accommodate it safely.

- 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;**

With regard to the second criterion, the corner location is unique and not generally applicable to other property. The property is unique in its shape being triangular and its location related to the surrounding properties and streets.

- 3. The variation does not constitute a violation of any law, ordinance, or regulation;**

It does not appear that the access would violate any law, ordinance, or regulation. SHA supports the driveway access to the Martin Luther King Jr. Highway (MD 704). It has been determined that the 1993 *Approved Master Plan and*

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Sectional Map Amendment for Landover and Vicinity (Planning Area 72) is no longer valid, and that the requirements for unified access to Dixie Dale contained therein should no longer apply.

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 the strict letter of these regulations is carried out;**

The property does have an irregular shape and size in addition to other unique characteristics not shared by other properties in this vicinity. There are substantial grade changes on the property where the topography increases 12 feet to 13 feet from northwest corner of the property to the northeast corner. The grade changes and topography surrounding the site have been deemed by the Planning Board (during review of Special Exception SE-4695) to be a particular condition of this property resulting in a hardship to provide alternative access.

Based on the preceding findings, the criteria for approval of a variation has been met for the subject parcel for the proposed access onto the Martin Luther King Jr. Highway (MD 704) and therefore, the variation request from Section 24-124(a)(3) is recommended for approval. This is conditional upon a denial of access along the site's frontage of MD 704 except where access is permitted by SHA. The Martin Luther King Jr. Highway (MD 704) is a high volume arterial roadway. Therefore, the site should be limited to only one access onto MD 704, and access from Outparcel B onto MD 704 should be denied. As a condition of the grant of the variation for direct access from proposed Parcel 1 to MD 704, an access easement should be shown on the preliminary plan and be established with the final plat to allow Outparcel B access to MD 704 through Parcel 1. If Outparcel B is developed in the future, a new preliminary plan will be required. The access easement should be recorded and the liber/folio noted on the final plat for Parcel 1.

13. **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.
14. **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:

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Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/Beyond
6	St. Josephs	Engine	2901 St. Josephs Drive	2.46	3.25	Within
28	West Lanham	Ladder Truck	7609 Annapolis Road	2.98	4.25	Within
6	St. Josephs	Ambulance	2901 St. Josephs Drive	2.46	4.25	Within
6	St. Josephs	Paramedic	2901 St. Josephs Drive	2.46	7.25	Within

Capital Improvement Program (CIP)

The Capital Improvement Program for Fiscal Years 2012-2017 provides funding for replacing existing Kentland Fire/EMS Station with anew Fire/EMS Station and renovating West Lanham Fire/EMS Station.

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.”

15. **Police Facilities**—The proposed development is within the service area of Police District III, Palmer Park. 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.
16. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System, and will therefore be served by public systems.

17. **Health Department**—The Prince George’s County Health Department has evaluated the proposed preliminary plan of subdivision.

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Review of historic aerial photography and permit records indicates there have been service station and automobile repair business operating in the vicinity of the subject property since at least 1977. A comprehensive site inspection was not feasible due to heavy vegetative growth and difficult access. However, two unlabeled drums and numerous five gallon buckets were observed on the downslope side of retaining wall behind the existing building. If these drums and buckets are found to contain hazardous materials, they should be disposed of in an appropriate manner by a licensed hazardous waste contractor.

Due to this history and the potential for petroleum based contamination of both soils and groundwater frequently associated with automobile based operations, it was recommended that an environmental site assessment be complete and the report be submitted for review with this application. A Phase I Environmental Site Assessment report was submitted and reviewed by the Health Department. The Prince George's County Health Department concurs with the report recommendation that no further action is need.

The Department of Environmental Resources will require a raze permit prior to demolition of the existing building.

18. **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.

19. **Historic**—Phase I archeological survey is not recommended on the subject property located at 8601 and 8611 Martin Luther King, Jr. Highway in Lanham, Maryland. The application proposes a 13,225-square-foot CVS department/variety store at the southeast intersection of Martin Luther King, Jr. Highway and Ardwick-Ardmore Road. Parcel A is developed with a one-story wood frame building constructed around 1968 and its associated parking lot. 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. This proposal will not impact any historic sites, historic resources or documented properties.

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.

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20. **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 recommended if residential development is to be proposed.

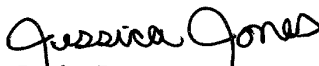
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, December 20, 2012, in Upper Marlboro, Maryland.

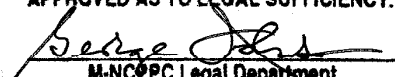
Adopted by the Prince George's County Planning Board this 10th day of January 2013.

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 1/2/13