



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 14-34

File No. 4-13017

RESOLUTION

WHEREAS, Accokeek DG, LLC is the owner of a 1.16-acre parcel of land known as Tax Map 151 in Grid A-4 and is also known as Lot 1, North Accokeek, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned Commercial-Shopping-Center (C-S-C); and

WHEREAS, on December 13, 2013, Accokeek DG, LLC filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13017 for Accokeek Dollar General was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on April 24, 2014, 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 April 24, 2014, 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 4-13017, Accokeek Dollar General, 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 plan shall be revised to make the following technical corrections:
 - a. The following note shall be added to the general notes: A variation to Section 24-121(a)(3) has been approved by the Prince George's County Planning Board to allow one vehicular access to Livingston Road.
 - b. The square footage of right-of-way dedication proposed by the PPS must be provided in General Note 9.
 - c. The title block must be revised to provide the correct title for the PPS as "Accokeek Dollar General."
 - d. Label the proposed parcel as "Parcel 1."

- e. Accurately label Livingston Road as “(MD 373), removing the “Rt.”
 - f. Provide the TCP exemption number, S-049-13, in General Note 19.
 - g. Add the following clarification to the end of General Note 16 to state: “because it is a non-residential use.”
 - h. Indicate the disposition of the existing well and septic tank as “to be backfilled and/or sealed.”
 - i. Label and include the existing water line serving the property.
 - j. Correct the legend to accurately reflect the line types shown on the plan.
 - k. Label the master plan right-of-way as A-55 and provide the dimension for the ultimate right-of-way width on the plan.
 - l. All designations of “Preliminary Plan” shown on the plan shall be changed to “Preliminary Plan of Subdivision.”
 - m. Revise General Notes 5 and 6 to provide the gross tract area and net tract area (after dedication), instead of the “total site area” and “net developable area.”
2. Prior to issuance of permits, a Limited Detailed Site Plan shall be approved by the Planning Board or its designee for conformance to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* for the Livingston Road Corridor. Review shall evaluate architecture, signage, parking and loading, landscaping, lighting, and the incorporation of green building techniques to the extent practicable. The Limited Detailed Site Plan shall be referred to the ADRDC for comment prior to approval.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 6757-2013-00 and any subsequent revisions.
4. Prior to issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assignees shall construct a sidewalk, minimum of five feet wide, and concrete curb and gutter along the entire property frontage of Livingston Road (MD 373), subject to SHA approval.
5. Prior to issuance of grading permits, the applicant, the applicant's heirs, successors, and/or assignees, shall demonstrate that any abandoned well or septic systems discovered in the course of site development and grading must be backfilled and/or sealed in accordance with Health Department requirements. Miscellaneous solid waste materials (construction materials, fencing, carpet, tires) must be collected and properly disposed to a municipal waste landfill.

6. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees, shall dedicate a ten-foot public utility easement (PUE) along the public right-of-way as delineated on the approved PPS.
7. At the time of final plat approval, the applicant shall dedicate a public right-of-way 60 feet from the centerline of Livingston Road (MD 373) along the property frontage, as shown on the approved preliminary plan of subdivision.
8. Any residential development of the subject property shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
9. The following note shall be placed on the final plat: "A variation to Section 24-121(a)(3) was approved for the subject property, which limits the property to one direct vehicular access from Parcel 1 onto Livingston Road (MD 373)."
10. Total development shall be limited to a commercial development or equivalent development which generates no more than 35 AM peak-hour trips and 62 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of adequacy of transportation facilities.
11. Prior to the issuance of any building permits for the subject property, the following road improvement shall (a) have full financial assurances, (b) have been designed per the appropriate operating agencies and (c) have been permitted for construction through the operating agency's access permit process: Extend and construct the westbound right-turn lane on MD 373 at MD 210 from Jennifer Drive to the channelized turn onto northbound MD 210.
12. Prior to the issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with State requirements, and upon State approval, along MD 373 (Livingston Road). If the State declines the signage, this condition shall be void.

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**—This Preliminary Plan of Subdivision (PPS) was continued from the original Planning Board hearing date of March 6, 2014, to provide time to address outstanding transportation issues. The property was posted on February 4, 2014.

The subject property is located on Tax Map 151 in Grid A-4 and is known as Lot 1, North Accokeek, recorded in Plat Book BB 96-9 in the County Land Records.

3. **Setting**—The property is located on the south side of Livingston Road (MD 373), approximately 400 feet east of Indian Head Highway (MD 210). The neighboring property to the east is zoned C-S-C and developed with an eating and drinking establishment, a barbershop and a dry cleaners. The neighboring properties to the west are zoned R-R and are currently undeveloped. The property to the south is also zoned R-R and developed with a single structure. Manokeek Shopping Center, zoned C-S-C, is to the north of the subject property across Livingston Road (MD 373).
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	C-S-C	C-S-C
Use(s)	Vacant	Retail Use (9,140 sq. ft.)
Acreage	1.16	1.16
Lots	1	0
Outlots	0	0
Parcels	0	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) meeting on January 3, 2013. The variation to Section 24-121(a)(3) was accepted on November 13, 2013, and was heard on January 3, 2014 at the SDRC meeting as required by Section 24-113(b).

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The PPS is consistent with the General Plan's vision for the Developing Tier by proposing a moderate-density development of a commercial use. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of Prince George's County's current General Plan Growth Policy Update.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained this property in the C-S-C Zone and the master plan recommends a commercial land use. The

preliminary plan land use is in conformance with the land use recommendations of the master plan by providing a commercial use for a department or variety store, which is a permitted use in the C-S-C Zone.

Accokeek Community and Mount Vernon Viewshed

Although the property is located within the Developing Tier, it is located within the Accokeek community which is rural in character and comprises an important part of the Mount Vernon Viewshed. Maintaining this rural character is a crucial planning theme and objective of the 2013 Subregion 5 Master Plan's land use recommendations for Accokeek, and a key strategy to protect the Mount Vernon Viewshed. Therefore, commercial development should be designed to be consistent with the rural character and the historical significance of the Accokeek area.

The Livingston Road Corridor, as identified by the master plan, is the traditional center of the Accokeek community. This corridor is situated between the US Post Office (located west of MD 210) and Keller's market (located east of the subject site at the intersection of Livingston Road and Accokeek Road). The master plan recommends enhancing the Accokeek gateway, designated at the MD 210/Livingston Road intersection within the master plan, with additional landscape features and identifying signage. As additional development occurs, the traditional character of the corridor as one of quiet, slow-paced rural life should be maintained and enhanced. In that regard, the master plan recommends the following guidelines, to be applied to maintain and enhance the character of the Livingston Road Corridor within which this property is located. The text in **BOLD** is the text from the master plan, (pages 57-58)

Overall guidelines, apply to all segments

- **Limit the number of new access points onto Livingston Road.**
- **Use quality building materials, vernacular if possible.**
- **Use compatible materials on the roadway that blend in or look rustic, such as wooden or corten guard rails instead of galvanized steel.**
- **Use random massing of new plant material to complement and reinforce existing vegetation.**
- **Use open fencing, such as post-and-rail.**
- **Create pedestrian linkages or provide footpaths between commercial and residential areas; specifically, provide pedestrian access to the Livingston Road Corridor and soften overhead utilities, especially in the commercial segment where there are fewer trees.**

Commercial Segment

- **Site buildings to orient the fronts or sides toward Livingston Road.**
- **Achieve consistent setbacks for public and private improvements.**
- **Locate parking to the side or rear of the buildings. Screen parking along street edges. Encourage shared parking where possible.**
- **Limit the height of freestanding signs to keep them visually below the tree line.**

- **Use muted lighting.**
- **Plant shade trees.**

The master plan identifies that this site is within the Mount Vernon Viewshed Area of Primary Concern which was referenced in Attachment D of PGCPB Resolution No. 13-75. A viewshed analysis indicates that the proposed development will be screened by mature vegetation that is located to the west of MD 210, within Piscataway National Park, and will not be visible from Mount Vernon. Lighting from the site, however, may impact the viewshed. In addition, the proposed development would affect the immediate rural landscape and rural character as it relates to the building height, design, color, size and materials along the Livingston Road Corridor as set forth in the master plan.

To conform to the recommendation of the master plan at this gateway, preserve the Dark Sky attributes of this community to the extent possible, and to minimize any impact on the Mount Vernon Viewshed, a detailed site plan is appropriate for evaluation of conformance to the following:

- Keep the height of any free-standing sign along Livingston Road to 10 feet or lower. Use LED lighting with no flashing, moving or intermittent illumination.
- Avoid the use of unshielded roof, side and parking lot floodlights; utilize muted lighting and a policy of full cut-off optics for all lighting on the property. The use of light fixtures that complement rural character is recommended.
- Evaluate landscaping along the property frontage on Livingston Road to enhance the rural character of the area.

Accokeek Development Review District Commission

This preliminary plan is located in the Accokeek Development Review District, pursuant to Section 24-149.01 of the Subdivision Regulations. In accordance with Section 24-147, this preliminary plan has been referred to the Accokeek Development Review District Commission (ADRDC) for review and comments. This preliminary plan was reviewed during ADRDC meetings on November 20, 2013 and January 15, 2014. The ADRDC has provided the following comments for this PPS:

- a. The county should work with the State Highway Administration (SHA) to install a left turn Arrow for west-bound Livingston Road traffic turning left onto MD 210 in order to alleviate traffic problems as a result of this development.
- b. Four low-density lights should be installed in the front parking lot of the Dollar General Store to provide safety and security.

- c. The exterior of the Dollar General Store should blend in with that of the Food Lion and other buildings located in the shopping center across the street from the Dollar General Store.
- d. Install side walk in front of the Dollar General Store and other businesses on that side of Livingston Road.
- e. Provide a 20-foot Buffer along the Historic Livingston Road.
- f. Store Signage should not be more than ten-foot-high, LED lighting should be used and there should not be any moving lighting on signage

Other ADRDC Questions and Concerns

- g. Why build another Dollar General Store in this area when there is a Dollar General Store located in the Old Fort Shopping Center (approximately 3 miles away) and a relatively new Dollar Store located in the Safeway Shopping Center at Swan Creek Road (about 4 miles away)?
- h. There are several vacant spaces in the Manokeek Shopping Center less than a mile from this site. Why not put this store in one of those vacant spaces?

The improvement requested in Comment 'a' was not required for transportation adequacy and has, therefore, not been included as a condition of approval. Comments 'b' through 'f' should be reviewed at the time of DSP and have been incorporated into the conditions of approval. Comments 'g' and 'h' are not subject to PPS review.

As previously stated, the 2013 Approved Subregion 5 Master Plan recommends commercial land use for this property. The General Plan designates the site in the Developing Tier. This preliminary plan is in conformance with the master plan commercial land use recommendation and the General Plan's vision for the Developing Tier. Pursuant to Section 27-461(b)(1)(E) a department or variety store is a permitted use in the C-S-C Zone. A detailed site plan is required in order to give special attention to the compatibility of this nonresidential use with the character of the Accokeek Community and assess the proposal's conformity with the ADRDC comments stated above.

- 6. **Urban Design**—A department and variety store is permitted by right in the C-S-C Zone as specified in Section 27-461, Uses Permitted, of the Zoning Ordinance. Section 27-579, Loading Facilities requires that "No portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (50) feet of any Residential Zone..." Compliance with this requirement will be reviewed at time of detailed site plan. Conformance with Section 27-462, Regulations, Part 11, Off-Street Parking and Loading, and Part 12, Signs, of the Zoning Ordinance is required for the proposed development and will be evaluated at the time of detailed site plan, along with the comments raised by the ADRDC.

2010 Prince George's County Landscape Manual

The application is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). More particularly, the application is subject to Section 4.3 Parking Lot Requirements; Section 4.4 Screening Requirements; Section 4.6 Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses, and Section 4.9 Sustainable Landscaping Requirements. Conformance with the requirements of these sections will be evaluated at the time of detailed site plan. However, the following specific requirements are relevant to this subdivision review:

- a. In accordance with Section 4.3 Parking Lot Requirements, a minimum five-foot-wide landscape strip is required between the parking lot and adjacent property lines. Compliance with this design requirement will be evaluated at time of detailed site plan. A reduction in parking lot pavement may be required.
- b. The property to the west of the subject site is a vacant and residentially-zoned site. Section 4.7, Buffering Incompatible Uses, requires buffering between adjacent uses that are considered incompatible. In the Developing Tier, if a developing property with a nonresidential use is adjacent to a vacant property zoned residential, then one hundred percent of the bufferyard is required on the developing property. A "Type C" bufferyard inclusive of a 40-foot building setback and a 30-foot-wide landscape yard, to be planted with 120 plant units for each 100 linear feet of property line, will be required between the subject site and adjacent residentially-zoned property. The subject site is somewhat long and narrow, and it may be difficult to provide the full bufferyard. If the requirements of Section 4.7 cannot be met in full, then an alternative compliance application or a Departure from Design Standards request may be pursued.
- c. The subject site has frontage on Livingston Road, which is a designated historic roadway. Section 4.6 of the Landscape Manual requires that a property's frontage on a historic road be planted with a minimum 20-foot wide landscape strip with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings and the required ten-foot-wide Public Utility Easement (PUE). Enough space between the proposed development and the right-of-way of Livingston Road should be provided in order to accommodate the required landscape strip.

Other Design Issues

All required parking and landscape strips, and any proposed commercial signage must be provided outside of the master planned right-of-way and the public utility easement along the site's frontage.

A department and variety store, as a permitted use in the C-S-C Zone, and is generally not subject to a detailed site plan process. However, as noted that the subject site is located within a gateway to the Accokeek community, as identified within the 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment, and lies along historic Livingston Road. The site is also located within

the Mount Vernon Viewshed Area of Primary Concern, which is referenced in PGCPB Resolution No 13-75 (Attachment D). Given these important location characteristics of the site, it is warranted that the proposal should be context sensitive and should pay special attention to the building design and layout of the proposed commercial use on the property. Therefore, a detailed site plan is required.

7. **Environmental**—This PPS has been reviewed for conformance to the environmental regulations within Division 5 of the Subdivision Regulations and the appropriate area master plan. This property is exempt from the provisions of the WCO because, although the gross tract area of the subject property is greater than 40,000 square feet, there are less than 10,000 square feet of existing woodland and it has no previously approved tree conservation plan. A Standard Letter of Exemption (S-049-13) issued for the site on March 18, 2013 and expires on March 18, 2015. A Type 1 tree conservation plan (TCP1) is not required. A Natural Resource Inventory Equivalence Letter (NRI-042-13) was reviewed and approved. No other previous environmental reviews or tree conservation plan approvals have occurred on this site.

Conformance to the Master Plan

The master plan for this area is the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*. In the Approved Master Plan and Sectional Map Amendment, the Environmental Infrastructure section contains goals, policies, recommendations, and strategies. The following guidelines are applicable to the subject site. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

POLICY 1: Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.

Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.

Protect, preserve and enhance the identified green infrastructure network within Subregion 5.

The project site does not contain regulated environmental features or woodland areas. The site does not contain any elements of the 2005 *Approved Countywide Green Infrastructure Plan* with regards to Environmental Site Design; the site is required to provide bio-retention and infiltration per the approved stormwater management concept letter.

POLICY 2: Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.

Protect and restore groundwater recharge areas such as wetlands and headwater areas of streams.

The stormwater management design is required to be reviewed and approved by the Department of Permits, Inspections, and Enforcement (DPIE) to address surface water runoff issues in accordance with Subtitle 32 Water Quality Resources and Grading Code, which requires that Environmental Site Design be implemented to the maximum extent practicable. The site has an approved stormwater management concept plan and letter.

The Stormwater Management Concept Plan (6757-2013-00) submitted with the subject application proposes five micro-bioretenention facilities. No outfall structures are shown for these facilities. The site does not contain any wetlands or streams nor would any be directly affected by the proposed concept.

POLICY 3: Enhance the county's Critical Area protection management in response to local, regional, and statewide initiatives and legislative changes.

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

POLICY 4: Reduce air pollution through transportation demand management (TDM) projects and programs.

Promote "climate-friendly" development patterns through the planning processes and land use decisions.

Increase awareness of the sources of air pollution and green-house gas emissions.

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

POLICY 5: Encourage the use of green building techniques that reduce resource and energy consumption.

The DSP, which is required for the subject property, will include architectural approval and 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 and incorporated to the greatest extent possible.

POLICY 6: Ensure that excessive noise-producing uses are not located near uses that are particular sensitive to noise intrusion.

The project proposes to construct a commercial store. The site is bounded on the east by a restaurant; the south boundary is adjacent to woodlands, the west by a woodlands and

open land, and the north by Livingston Road. This road is identified as an arterial roadway that is not regulated for noise for non-residential uses.

Conformance with the Green Infrastructure Plan

According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains no Regulated, Evaluation and Network Gap Areas within the designated network of the plan.

Conformance with the 2010 Water Resources Functional Master Plan

The 2010 Approved Water Resources Functional Master Plan contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the county, on a county wide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, 100-year floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement, Prince George's County Department of Health, Prince George's County Department of Environmental Resources, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sewer and Sanitary Commission are also deemed to be consistent with this master plan.

Environmental Review

According to mapping research and as documented with the approved NRI, no regulated environmental features (stream buffers, wetlands, 100-year floodplain and steep slopes) are found on the property. This site is within the Piscataway watershed which flows into the Potomac River basin. 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 Beltsville silt loam and Beltsville-Urban land soil types. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. No further action is needed as it relates to this Preliminary Plan of Subdivision. 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 mapped to occur on or in the vicinity of this property.

Mount Vernon Viewshed

The subject property is located in the Mount Vernon Viewshed Area of Primary Concern, which has been delineated as an evaluation tool for the protection of the Mount Vernon Viewshed. Properties located within the Area of Primary Concern are referred to the National Park Service, National Capital Region, and evaluated for location and elevation of the subject property, the elevation and height of structures proposed on the site, and retention of tree canopy and vegetative screening located between the subject property and Mount Vernon as the viewpoint. The plan was referred to the National Park Service (NPS) on April 10, 2014. A referral response has not been received. At the time of the public hearing for the PPS a referral response had not been received.

The elevation of the subject property ranges from 200 feet along the northern boundary of Livingston Road falling in elevation to the southern boundary to 198 feet. The elevation of the site is consistent with the elevations of the adjacent business along Livingston Road. To the west of the site is Indian Head Highway, followed by several businesses located to the west of the intersection of Livingston Road (MD 373) and Indian Head Highway (MD 210). Single-family residences exist to the west of the commercial area, followed by a 300 foot-wide buffer of existing woodlands sloping down towards the Piscataway Creek stream valley. Mount Vernon is located on the west side of the stream valley. The height of the proposed structure is 30 feet. A cross-section model prepared by staff indicates that the site and development proposed on the site will be screened by a vegetative canopy which is within a protected scenic easement located along the sightline to Mount Vernon. If the construction proposed on the site does not exceed 35 feet in height, mitigation for visual impact to the viewshed would not be necessary, with the exception of lighting. Staff would note that a DSP review for conformance to the master plan, for preservation and enhancement of the Livingston Road Corridor would result in the added benefit of the protection of the Mount Vernon Viewshed. In keeping with the master plan recommendations, this review should include the choice of earth-toned materials and coloration; limited use of highly reflective materials, and use of full cut-off optic lighting features to minimize night glow. Information regarding visual impacts to the Mount Vernon Area of Primary Concern may be reviewed with the DSP, if determined appropriate at that time.

8. **Stormwater Management**—The Department of Permitting, Inspections and Enforcement (DPIE) has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 6757-2013-00, for the site was approved with conditions on July 30, 2013 and is valid until July 30, 2016. The approval letter states that project will pay a fee-in-lieu of providing on-site attenuation/quality control measures. The submitted concept plan and letter show the approval of five micro-bioretenion facilities for infiltration purposes. No outfall structures are shown for these structures. The site runoff shall be directed toward Livingston Road (MD 373) providing either swale or concrete curb and gutter along the property line. Development must be in accordance with the approved plan or any subsequent revisions, as well as the approved PPS.

The approved stormwater management plan 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; and 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 stormwater management concept plan by DPIE.

9. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, mandatory dedication of parkland is not required for the subject site because it consists of nonresidential development.

10. **Trails**—This PPS has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property is not located in a General Plan Corridor or Center and is therefore not subject to Section 24-124.01 of the Subdivision Regulations (CB-2-2012).

The subject property is approximately 400 feet east of the intersection of Indian Head Highway (MD 210), which is a master plan designated arterial (F-11), and Bryan Point Road. Bryan Point Road provides direct access to the regional park system and the Potomac Heritage National Scenic Trail. The area master plan contains a specific strategy for bicycle, trail and pedestrian facilities that relate to the subject application. This strategy recommends that sidepaths and bike lanes be completed on Livingston Road.

The site has frontage on Livingston Road (MD 373), a master plan designated freeway (A-55). Livingston Road at this location is recommended for a “dual route” bikeway in the area master plan. A dual route bikeway is a bikeway where the road rights-of-way contain both on-road and off-road bikeway components. The off-road component of the dual bikeway in this area is a wide sidepath on the north side of Livingston Road directly across from the subject property that has been constructed. Currently, bicycles must share the road with motorists. SHA may stripe bike lanes on Livingston Road, or SHA may require a wide road shoulder and signage for bicyclists. Sufficient right-of-way dedication, 60 feet from the centerline of Livingston Road, is shown on the plan, which will allow the State to construct bicycle lanes or shared roadway along the subject property frontage.

The MPOT recommends that new development include roadway improvements to accommodate all users in the Developed and Developing Tiers as described in the General Plan. The subject property is within the Developing Tier. The applicant should provide frontage improvements that contain sidewalks, minimum five feet wide, and concrete curb and gutter. This improvement will also allow the State to construct on-road bicycle lanes or implement a shared road for bicyclists.

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.

11. **Transportation**—The findings outlined below are based upon a review of materials and analyses consistent with the “Transportation Review Guidelines, Part 1” (“*Guidelines*”).

Using trip generation rates from the *Trip Generation, 9th Edition* (Institute of Transportation Engineers), it is determined that the proposed development would generate 35 AM (17 inbound and 18 outbound) and 62 PM (31 inbound and 31 outbound) weekday peak-hour vehicle trips. The “*Guidelines*” allow a pass-by rate of 60 percent.

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

- MD 210 & MD 373 (signalized)
- MD 373 & Site Access (non-signalized)

A traffic study, dated December 2013, was submitted by the applicant for the critical intersections. Traffic counts for the critical intersections were taken in January 2013. The traffic study was revised in February 2014. Both items were referred to the County and the Maryland State Highway Administration (SHA).

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:

- **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a) (6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the "Guidelines."
- **Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure, (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, and (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, it is 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 identified above, when analyzed with existing traffic using counts taken in January 2013 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volumes (CLV, AM/PM peak hour)		Level of Service (LOS, AM/PM peak hour)	
MD 210 & MD 373	1,757	1,637	F	F
MD 373 & Site Access	n/a	n/a	n/a	n/a
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The critical intersections identified above are not programmed for improvements with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program."

Under existing conditions one intersection (MD 210 and MD 373) is operating at an unacceptable level-of-service and/or intersection delay as defined by the *Guidelines* in both the AM and PM peak hours.

For background traffic conditions a growth rate of 1.0 percent per year was used. The growth rate was projected for two years, the expected build out date for the site. Background development included Lillian's Choice, Accokeek Acres, and Bealle Hill Forest. Background conditions are shown in the chart below. The signalized intersection of MD 210/MD 373 is operating at an unacceptable level of service as defined by the *Guidelines*.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volumes (CLV, AM/PM peak hour)		Level of Service (LOS, AM/PM peak hour)	
MD 210 & MD 373	1,823	1,672	F	F
MD 373 & Site Access	N/A	N/A	N/A	N/A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The new trips expected to be generated by the proposed retail use were added to background traffic to obtain future traffic conditions. The proposed retail use is expected to generate 14 new trips (7 in/7 out) during the AM peak hour and 25 new trips (12 in/13 out) during the PM peak

hour after applying appropriate pass-by rates. Overall the site would generate 35 AM and 62 PM peak-hour driveway trips.

FUTURE TRAFFIC CONDITIONS				
Intersection	Critical Lane Volumes (CLV, AM/PM peak hour)		Level of Service (LOS, AM/PM peak hour)	
MD 210 & MD 373	1,828	1,677	F	F
(w/mitigation improvements)	1,522	1,549	E	E
MD 373 & Site Access	279	329	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The application proposes mitigation at the intersection of MD 210 and MD 373, in accordance with Criterion 3 of CR-29-1994. This improvement would involve the extension of the westbound right-turn lane along MD 373 from Jennifer Drive to MD 210. The County and SHA reviewed this proposal. The County deferred the decision to SHA. SHA issued a letter indicating concurrence with the proposed mitigation action.

The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 210 and MD 373				
Background Conditions	F/1,823	F/1,672		
Total Traffic Conditions	F/1,828	F/1,677	+5	+5
Total Traffic Conditions w/Mitigation	E/1,522	E/1,549	-306	-128

At MD 210 and MD 373, the construction of the future planned interchange is most likely necessary to achieve LOS D operations. Such an improvement would involve right-of-way that the applicant does not control, and would require extensive design and environmental analysis that has not been done to date.

As the CLV at the critical intersection during the AM peak hour under Total Traffic is above 1,813, the proposed mitigation actions must mitigate at least 100 percent of the trips generated by the subject property, and the actions must reduce the CLV to no worse than 1,813. The above table indicates that the proposed mitigation action would mitigate at least 100 percent of site-generated

trips and result in a CLV of 1,813 or better. As the CLV at the critical intersection during the PM peak hour under Total Traffic is between 1,450 and 1,813, the proposed mitigation actions must mitigate at least 150 percent of the trips generated by the subject property. The above table indicates that the proposed mitigation action would mitigate at least 150 percent of the trips generated by the subject property.

With regard to other agency comments, SHA was initially concerned about allowing left turns into the site from westbound MD 373. The agency was also initially concerned that no mitigation was suggested by the applicant for the intersection of MD 210 and MD 373. These issues were resolved by subsequent submittals by the applicant and submittal of the mitigation plan by the applicant. SHA determined that left turns could be allowed because there is no safe way to make U-turns on MD 373 if the site was restricted to right-in/right-out movements. The needed queuing analysis was completed by the applicant's traffic consultant showing minimal impacts to turn lanes; this was accepted by SHA.

In consideration of the findings above, it is determined that the applicant's proposed mitigation at MD 210 and MD 373 conforms to the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Regulations, and the Guidelines for Mitigation Actions.

MD 373 is listed in the Approved Subregion 5 Master Plan and Sectional Map Amendment as an arterial roadway with a master plan right-of-way of 120 feet. Right-of-way dedication of 60 feet from the centerline of the roadway is required, and is correctly reflected on the preliminary plan of subdivision.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

12. **Variation**—The PPS proposes one direct access onto Livingston Road (MD 373), a master plan arterial roadway, from Parcel 1. The applicant filed a variation request from Section 24-121(a)(3) of the Subdivision Regulations to allow direct access onto an arterial or higher classification of roadway. Section 24-121(a)(3) 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 24-121(a)(3) establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline requires that an applicant develop alternatives to direct access onto an arterial or higher classification of roadway. The applicant is requesting relief from this requirement to allow direct access onto Livingston Road (MD 373) from Parcel 1.

The applicant has filed a variation from Section 24-121(a)(3), which was submitted on November 13, 2013 and was heard on January 3, 2014 at the Subdivision and Development Review Committee (SDRC) meeting as required by Section 24 113(b).

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

(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

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

The Maryland State Highway Administration has reviewed the proposed access point and has determined that the access will be acceptable with the addition of a right-turn deceleration lane along eastbound MD 373.

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

The subject site is located between two properties for which the possibility of constructing a service road is not possible. The property to the east of the site is already developed and has its own commercial entrance onto Accokeek Road. This adjacent site's stormwater management is currently placed in the location where a service road could be constructed. The property to the west is currently zoned residential and undeveloped. A service road for this project, therefore, is unachievable.

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

The access would not violate other laws or regulations. An access permit would be required from the Maryland State Highway Administration, in accordance with applicable laws, ordinances, and regulations.

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

The subject is exceptionally narrow; having only approximately 150 feet of frontage along Livingston Road (MD 373). The construction of a service roadway at this location would not be practical. If the variation was not granted, the applicant would not have access and would be unable to develop the property, resulting in a particular hardship on the owner.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the prince George's County Code.**

The site is not located in any of the listed zones. Therefore, this finding does not apply.

Based on the preceding findings for each of the criteria, the requested variation from Section 24-121(a)(3) of the Subdivision Regulations to allow one access from the Parcel 1 onto Livingston Road (MD 373) is approved.

13. **Schools**—The PPS has not 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) because it is a nonresidential use.
14. **Fire and Rescue**—The PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulation.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Accokeek Fire/EMS Co. 24. This first due response station, located at 16111 Livingston Road, is within a maximum of seven (7) minutes travel time.

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 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 IV, Oxon Hill. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2012 (U.S. Census Bureau) county population estimate is 881,138. Using the 141 square feet per 1,000 residents, it calculates to 124,240 square feet of space for police. The current amount of space (267,660 square feet) is within the guideline.

16. **Water and Sewer Categories**—Section 24-122.01(b)(1) 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 Categories 3, Community System. A 16" water line and a 10" sewer line in Livingston Road abuts the site.

17. **Health Department**—The Prince George's County Health Department has evaluated the PPS and has the following comments:

- a. Any wells or septic system components discovered in the course of site development and grading must be backfilled and/or sealed in accordance with Health Department requirements.
- b. Miscellaneous solid waste materials (construction materials, fencing, carpet, tires) must be collected and properly disposed to a municipal waste landfill.

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 PPS correctly delineates a ten-foot-wide public utility easement along the public right-of-way as required, which will be reflected on the final plat prior to approval.

19. **Historic**—A Phase 1 archaeological survey is not recommended on the above-referenced 1.16-acre property located at 15792 Livingston Road in Accokeek, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, documented properties, or known archeological sites. However, the property does front on Livingston Road a designated historic road.
20. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new PPS is recommended. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are other considerations for a residential subdivision not considered in the review of commercial, industrial, and mixed-use development including the recreational components, noise, and access. A new PPS is recommended if residential development is to be proposed.
21. **Detailed Site Plan**—A department or variety store, as a permitted use in the C-S-C Zone, does not require a detailed site plan. However, as discussed, the subject site is located within a gateway to the Accokeek community, as identified within the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, and lies along a historic road, Livingston Road (MD 373). The site is also located within the Mount Vernon Viewshed Area of Primary Concern and within the Accokeek Development Review District. Given these important location characteristics of the site, it is warranted that the proposal should be context sensitive and should pay special attention to the building design and layout of the proposed commercial use on the property. Therefore, a limited detailed site plan is required to review architecture, signage, parking and loading, landscaping, lighting, and the incorporation of green building techniques to the extent practicable, to be approved by the Planning Board or its designee prior to building permits.

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

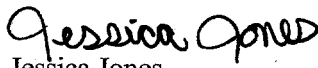
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

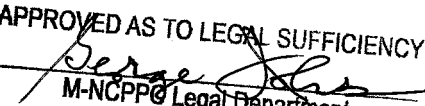
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 24, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of May 2014.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:WM:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPG Legal Department
Date 4/30/14