



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 16-121

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TTY: (301) 952-4366  
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File No. 5-16074

R E S O L U T I O N

WHEREAS, NSR Petro Services, LLC is the owner of a 36,374-square-foot parcel of land known as Parcel 1, Block A, Livingston Oaks, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on September 6, 2016, NSR Petro Services, LLC filed an application for approval of a final plat of resubdivision for Parcel 1; and

WHEREAS, the application for approval of the aforesaid final plat of resubdivision, also known as Final Plat 5-16074 for Livingston Oaks, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 27, 2016 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, of the Prince George's County Code; and

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

WHEREAS, on October 27, 2016, 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 of the Prince George's County Code, the Prince George's County Planning Board APPROVED Final Plat of Resubdivision 5-16074 for Livingston Oaks with the following condition:

1. Total development shall be limited to uses that would generate no more than 16 AM and 44 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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 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. The subdivision has been evaluated in accordance with Section 24-111(c) for adequate public facilities as defined in Divisions 3 and 4 of Subtitle 24. The Record Plat (WWW 68-29) was recorded in 1968, prior to October 27, 1970 (the date referenced in Section 24-111(c) requiring subdivision), and is submitted without modification in accordance with Preliminary Plan of Subdivision 12-3172.

3. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 0.84 acre of land in the Commercial Shopping Center (C-S-C) Zone. The property is located on Livingston Road, approximately 125 feet north of St. Barnabas Road (MD 414). The applicant is proposing a retail store.

**Background**

There are no underlying transportation conditions on the site. Aerial photos show that the site is vacant with no existing structures.

A final plat is being submitted as required pursuant to Section 24-111(c) of the Subdivision Regulations without revisions. A traffic study dated March 22, 2016 was submitted which assumed 8,000 square feet of gross floor area of retail for the site development.

**Traffic Analysis**

Traffic counts were taken in February and March 2016 at five nearby critical intersections.

The condition and findings outlined below are based upon a review of materials and analyses conducted consistent with the "Transportation Review Guidelines, Part 1" (Guidelines). The site is expected to generate 33 AM and 110 PM peak hour trips. After discounting for pass-by trips, it will generate 16 AM and 44 PM peak hour trips.

The subject property is located within Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 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 Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Transportation 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, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using The *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this 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.

| EXISTING TRAFFIC CONDITIONS         |                                   |       |                                    |     |
|-------------------------------------|-----------------------------------|-------|------------------------------------|-----|
| Intersection                        | Critical Lane Volume<br>(AM & PM) |       | Level of Service<br>(LOS, AM & PM) |     |
| Livingston Road & St. Barnabas Road | 1048                              | 946   | B                                  | A   |
| Livingston Road & Site Access       | N/A                               | N/A   | N/A                                | N/A |
| St. Barnabas Road & Site Access     | N/A                               | N/A   | N/A                                | N/A |
| *St. Barnabas Road & Tucker Road    | 15.5*                             | 18.1* | N/A                                | N/A |
| St. Barnabas Road & Bock Road       | 1148                              | 977   | B                                  | 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 Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

Under existing conditions, all of the critical intersections operate acceptably. For background conditions, through traffic movements were increased by two percent for two years to account for growth. Background traffic also included two recently approved developments. They included 17 single units south of Livingston Road and 112 multifamily units on the north side of Bock Road at the proposed developments of Southlawn and Cerrito, respectively. All of the intersections still operate acceptably under background traffic.

| BACKGROUND TRAFFIC CONDITIONS       |                                   |       |                                    |     |
|-------------------------------------|-----------------------------------|-------|------------------------------------|-----|
| Intersection                        | Critical Lane Volume<br>(AM & PM) |       | Level of Service<br>(LOS, AM & PM) |     |
| Livingston Road & St. Barnabas Road | 1090                              | 986   | B                                  | A   |
| Livingston Road & Site Access       | N/A                               | N/A   | N/A                                | N/A |
| St. Barnabas Road & Site Access     | N/A                               | N/A   | N/A                                | N/A |
| *St. Barnabas Road & Tucker Road    | 16.6*                             | 19.5* | N/A                                | N/A |
| St. Barnabas Road & Bock Road       | 1206                              | 1022  | C                                  | B   |

With site traffic added, under total traffic conditions, the intersections continue to operate at acceptable levels of service. This includes the new site access points on Livingston Road and St. Barnabas Road (MD 414).

| TOTAL TRAFFIC CONDITIONS            |                                   |       |                                    |     |
|-------------------------------------|-----------------------------------|-------|------------------------------------|-----|
| Intersection                        | Critical Lane Volume<br>(Am & Pm) |       | Level Of Service (Los,<br>Am & Pm) |     |
| Livingston Road & St. Barnabas Road | 1094                              | 992   | B                                  | A   |
| Livingston Road & Site Access       | 14.3*                             | 11.5* | N/A                                | N/A |
| St. Barnabas Road & Site Access     | 14.7*                             | 13.1* | N/A                                | N/A |
| St. Barnabas Road & Tucker Road     | 16.8*                             | 21.5* | N/A                                | N/A |
| St. Barnabas Road & Bock Road       | 1209                              | 1036  | C                                  | B   |

#### Site Access Evaluation

Two-way access will be provided from two commercial driveways on Livingston Road and St. Barnabas Road (MD 414), both master plan collector roads. Site access will have to be approved by the appropriate operating agency. St. Barnabas Road is a state highway; Livingston Road is a County roadway.

#### SHA and DPW&T Comments

The Maryland State Highway Administration (SHA) offered no comments. No comments were received from the Prince George's County Department of Public Works and Transportation (DPW&T).

#### Master Plan Roads

The site is adjacent to Livingston Road to the west and St. Barnabas Road to the east. These are both master plan roadways listed in the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* as collector roads with an ultimate right-of-way of 80 feet. Dedication of 40 feet from the master plan centerline of Livingston Road occurred with Record Plat WWW 68-29. Additional right-of-way dedication is not required.

#### Transportation Staff Conclusions

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision as required under Sections 24-123 and 24-124 of the Subdivision Regulations with a condition.

4. **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.

5. **Police**—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, 2015 (U.S. Census Bureau) count population estimate is 909,535. Using 141 square feet per 1,000 residents as mandated by the County Code, 128,244 square feet of space for police is required. The current amount of space, 267,660 square feet, is within the guideline.

6. **Fire and Rescue Facilities**—The Special Projects Section has reviewed this final plat for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations.

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 calls for service during the preceding month."

The proposed project is serviced by Oxon Hill Fire/EMS, Company 821, a first due response station (a maximum of seven minutes travel time) which is located at 7600 Livingston Road.

7. **Pedestrian and Bikeway Facilities**—The final plat of subdivision application for Parcel 1, Block A (or Livingston Oaks), is located north of the intersection of Livingston Road and St. Barnabas Road (MD 414), and is a through lot. The site address is 6712 Livingston Road and the subject property is located completely outside of both the National Harbor Center and the Oxon Hill Road Corridor per the Adequate Public Facility Review Map of Plan Prince George's 2035. As the subject property is entirely outside of the center and corridor boundaries, the final plat application for Parcel 1, Block A, is therefore not subject to the requirements of Prince George's County Council Bill CB-2-2012, Section 24-124.01 of the Subdivision Regulations, or the "Transportation Review Guidelines, Part 2."

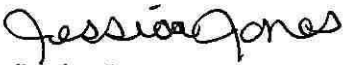
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland, within thirty (30) days following the date of notice of the adoption of this resolution.

\* \* \* \* \*

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 Geraldo, seconded by Commissioner Washington, with Commissioners Geraldo, Washington, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 27, 2016, in Upper Marlboro, Maryland.

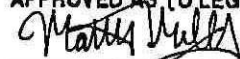
Adopted by the Prince George's County Planning Board this 27th day of October 2016.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:CB:rpg

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 10/31/16