

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DDS-603, Landover Park requesting a departure from design standards from the requirements of Sections 4.2, 4.3, 4.7 and 4.9 of the *Prince George's County Landscape Manual* and from the requirements of Section 27-579(b) of the Zoning Ordinance, as a companion case of Detailed Site Plan DSP-10030 and DPLS-360 for the construction of a Walgreens retail establishment in the Commercial Shopping Center (C-S-C) Zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on September 15, 2011 the Prince George's County Planning Board finds:

1. **Request:** The subject departure from design standards (DDS) requests relief from the requirements of Sections 4.2, 4.3, 4.7, and 4.9 of the *Prince George's County Landscape Manual* and from the requirements of Section 27-579(b) of the Zoning Ordinance, as a companion case of Detailed Site Plan DSP-10030 and DPLS-360 for the construction of a Walgreens retail establishment in the Commercial Shopping Center (C-S-C) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant	Retail
Acreage	1.0165	1.0165
Lots	7+	7+
Gross Floor Area (sq. ft.)	0	14,896

TREE CANOPY COVERAGE

	Required	Approved
Tree Canopy	4,428 sq. ft.	5,195 sq. ft.

OTHER DEVELOPMENT DATA

Parking Required: 80 spaces

Use	Rate	Requirement
Retail Drug Store	1 space/150 sq. ft. for the first 3,000 sq. ft.	20
(14,896 sq. ft.)	1 space/200 square feet above 3,000 sq. ft.	60
	Total	80

Parking Provided: 44 spaces, provided as follows:

- 34 standard spaces at 19 feet by 9.5 feet
- 2 van accessible handicap spaces at 19 feet by 8 feet, with an 8-foot-wide access aisle
- 6 compact spaces at 19 feet by 8 feet
- 2 compact spaces at 16.5 feet by 8 feet

A departure from parking and loading standards has been granted as reflected in PGCPB Resolution No. 11-86 for DPLS-360.

Loading Required: 2 spaces (12 feet by 33 feet)

Use	Rate	Requirement
Retail Sales and Service	1 space/2,000–10,000 sq. ft.	1
(14,896 sq. ft.)	1 space/10,000–100,000 sq. ft.	1
	Total	2

The subject departure from design standards includes a request for relief from the requirement that "No loading space or access to loading space shall be located within fifty (50) feet of a Residential Zone."

3. **Location:** The site is located on the west side of Kilmer Street between its intersections with Old Landover Road and Landover Road (MD 202).
4. **Surrounding Uses:** The subject property is bounded to the north by Old Landover Road, with R-55-zoned (One-Family Detached Residential) lots developed with single-family detached dwellings beyond; to the south by Landover Road (MD 202), with C-S-C-zoned land developed with a shopping center beyond; to the east by Kilmer Street, with C-S-C-zoned land developed with a shopping center (Landover Park) beyond; and to the west by R-55-zoned lots developed with single-family detached dwellings and C-O-zoned (Commercial Office) land developed with an office building.
5. **Previous Approvals:** The project is subject to the requirements of Zoning Map Amendments A-9795-C (approved by the District Council on May 21, 1990) and A-10015-C (approved by the District Council on July 20, 2009) and Preliminary Plan of Subdivision 4-10018 (approved by the

Planning Board on June 16, 2011 and formalized by the adoption of PGCPB Resolution No. 11-65).

6. **Design Features:** The site is to be accessed from, and provides parking on both sides of, a drive aisle along both its Kilmer Street and Landover Road (MD 202) frontages. Views of the parking from the roadway are softened by the provision of landscaping, as is the interface between the project site and residential and office uses immediately to the northwest. Loading and dumpster enclosures are located behind the building where they will be the least visible from the road frontages and are screened by a tall retaining wall, a six-foot-high privacy fence, and a single row of Leyland Cypress. American Arborvitae or Green Giant Arborvitae have been substituted by condition of the Planning Board in the approval of the companion DSP, as either choice has a better survivability rate given the growing conditions.

The building sits in the northern corner of the site with a drive aisle for the drive-through on the northeastern side of the building, parallel to Old Landover Road, which then wraps around the rear of the building. A single sign is indicated on the grassed area at the intersection of Kilmer Street and Landover Road. A condition of the companion DSP requires that a suitable detail for the freestanding sign be included on the plans prior to signature approval.

The architecture of the building is rectilinear and composed primarily of brick with exterior insulating finishing system (EIFS) utilized for part of the second story. The southwestern and southeastern façades provide visual interest by the use of green standing seam metal awnings interrupted at regular intervals by brick pilasters. Glazed areas are of the storefront variety, but the mullions are somewhat varied in pattern and the overall aspect of the glazed areas is pleasing.

The architecture of the northwestern façade, however, shows less attention to architectural detail. The applicant argues that this façade deserves less attention because it will be largely hidden by the topography of the site and a retaining wall that will be as much as 12 feet tall along the northwestern property line. The Planning Board finds that the upper portion of the northwestern façade will be somewhat visible above the six-foot-high fence to be provided and for some time through the trees planted along the property line. The Planning Board finds that this façade will also be highly visible to patrons utilizing the drive aisle to the drive-through on the northeastern side of the building as travel along the northwestern side of the building, is necessary to exit from the drive-through. A condition of this approval creates additional visual interest in the northwestern façade by the addition of metal or wood lattice and/or additional decorative brickwork, utilizing differences in relief and/or soldier and stretcher courses and/or color.

The applicant has suggested that they would be installing a typical WMATA (Washington Metropolitan Area Transit Authority) bus shelter for the project and submitted a photograph of same. A condition of the companion DSP required that the applicant provide in the plans for the project a color detail to scale, with materials clearly identified, of the bus shelter to be installed as part of the project. Additionally, the applicant offered a photograph of a crosswalk that their proposed crosswalks are supposed to match in color and pattern. Likewise, a detail for the same was not included on the plan. Another condition of the companion DSP approval similarly

required that the applicant provide a paving detail to scale on the plans, identifying the particular type of paver or treatment to be utilized for the proposed crosswalks.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the Zoning Ordinance:** The subject DDS application is subject to the requirements of the Zoning Ordinance, specifically, Section 27-239.01, Required findings for Departures from Design Standards. The project conforms to these requirements. See Finding 11 of this resolution for a detailed discussion of conformance to the required findings for the subject DDS.
8. **Prince George's County Landscape Manual:** The project is subject to the requirements of the *Prince George's County Landscape Manual*, specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. A review of the submitted landscape plan and required schedules from the Landscape Manual indicates that the plan does not conform to the requirements of Sections 4.2, 4.3, 4.7, and 4.9. The project does, however, conform to the requirements of Section 4.4. Because of the non-conformities mentioned above, the applicant filed Alternative Compliance Application AC-11009 pursuant to Section 1.3 of the Prince George's County Landscape Manual. Such application, however, was recommended for denial by both the Alternative Compliance Committee and the Planning Director and the applicant augmented the subject Departure from Design Standards DDS-603 to include a requested departure from Sections 4.2, 4.3, 4.7, and 4.9.
9. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation**—The Planning Board finds the subject application for a “department or variety store” will have no effect on identified historic sites, resources, or districts.
 - b. **Archeological Review**—The Planning Board finds that a Phase I archeological survey is not recommended for the subject property as it has already been graded, likely destroying any archeological resources that may have been present though Section 106 of the National Historic Preservation Act (NHPA) may require further review if state or federal monies, or federal permits are required for the project.
 - c. **Community Planning**—The Planning Board finds that the subject application is not inconsistent with the 2002 *Prince George's County Approved General Plan Development Pattern* policies for the Developed Tier, but does not conform to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* for residential uses. The

approved master plan and sectional map amendment for Bladensburg-New Carrollton and vicinity was approved on the basis of goals and visions for that area of the county 17 years ago. At that time, the subject site was envisioned for residential development. However, since that time, the vision for the subject property has changed as evidenced by the granting of Zoning Map Amendment A-9795-C (rezoning the property from Rural Residential (R-R)/One Family Detached Residential (R-55)/Commercial Office (C-O) to the Commercial Shopping Center (C-S-C) Zone) on May 21, 1990 and Zoning Map Amendment A-10015-C (rezoning the previously R-R-zoned portion of the property to C-S-C) on July 22, 2009, supporting commercial development on the subject site. This is why the application does not conform to the residential land use recommendations of the 1994 Bladensburg-New Carrollton and vicinity master plan. The subject site may be included in the Landover Metro Area and MD 202 Corridor Sector Plan (a FY12 project), which will update the current vision and reality for the area to include commercial.

- d. **Transportation Planning**—The Planning Board finds that the overall property consists of approximately 1.02 acres of land in the C-S-C Zone. The property is located on the west side of Kilmer Street, between Old Landover Road and Landover Road (MD 202). The application proposes a retail building of 14,896 square feet. In addition to the detailed site plan, the applicant is seeking a departure from design standards and a departure from parking and loading standards.

This site has an approved Preliminary Plan of Subdivision, 4-10018, which was approved with transportation conditions. In addition, two Zoning Map Amendments, A-9795-C and A-10015-C, were previously approved to rezone portions of this property from R-55 (One-Family Detached Residential)/R-R (Rural Residential)/C-O (Commercial Office) to the C-S-C Zone. The District Council approved these rezoning requests with conditions in 1990 and 2009.

During the preliminary plan stage, the property was subjected to a subdivision review process, including the test for adequate public facilities in accordance with conditions placed on the rezoning of the site. These are listed below.

Conditions of approval of Preliminary Plan 4-10018:

1. **Prior to signature approval of the subject preliminary plan of subdivision, the following technical corrections shall be made:**
 - a. **Change the proposed parcel designation to reflect "Parcel 1."**
2. **Prior to the issuance of any permits, the applicant shall obtain approval of a detailed site plan by the Planning Board. The detailed site plan shall be subject to the mandatory review by the District Council.**
3. **At time of detailed site plan, the applicant shall:**

- a. **Provide sidewalks and streetscapes as recommended in the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* for commercial corridors and shall coordinate with the residential streetscape of Old Landover Road.**
- b. **Provide a new bus stop at the location of the existing bus stop by following the County's standards and the urban design guidelines in the 1994 Master Plan and Sectional Map Amendment.**
- c. **Provide an additional right-turn lane on Kilmer Road onto Landover Road if the Transportation Planning Section and the Department of Public Works and Transportation (DPW&T) concur.**
- d. **Provide details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures will not affect the well being of the neighboring and adjacent residences.**

The applicant shall be responsible for the costs of these improvements.

No building permits will be issued without Condition 3 being met by the applicant. The requirements of Conditions 1 and 2 have been met.

Conditions of approval of Zoning Map Amendment A-9795-C:

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

This condition was carried forward as a condition of approval of the preliminary plan of subdivision. Since the subject detailed site plan has been approved, the first component of this requirement has been met.

2. **Prior to the issuance of any use and occupancy permits for the subject property, the following road improvements shall be both dedicated and constructed by the applicant in accordance with the Department of Public Works and Transportation Standards:**
 - a. **An additional right-turn lane on Kilmer Street from Old Landover Road onto Landover Road (MD Route 202).**

This condition was carried forward as a condition of approval of the preliminary plan of subdivision. The applicant has modified the southbound approach of Kilmer Street at its intersection with Landover Road (MD 202) to provide a right turn lane. A condition of

this approval requires that the applicant clarify the graphic description of the right turn lane on the detailed site plan prior to signature approval of the plans.

Conditions of approval of Zoning Map Amendment A-10015-C

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

This condition was carried forward as a condition of approval of the preliminary plan of subdivision. Since the subject detailed site plan has been herein approved, the applicant has met this requirement.

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

A six-foot-wide sidewalk is shown on the detailed site plan. The required sidewalks and streetscapes shown on the plan have been reviewed and found acceptable. This condition was carried forward as a condition of approval of the preliminary plan of subdivision.

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

A proposed bus stop/shelter is shown on the detailed site plan on the south side of Old Landover Road at Kilmer Street. The Department of Public Works and Transportation (DPW&T) will approve the location and design of the reconstructed bus stop and shelter.

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

This condition has been met by approval of Preliminary Plan 4-10018.

The detailed site plan is showing two entrances to the site, a full movement entrance is shown on Kilmer Street and a right-in/right-out access point is shown on Landover Road (MD 202). An existing concrete median on MD 202 restricts this access point to right-in/right-out movements. A variation request was submitted, reviewed, and approved during the preliminary plan stage. Site access at this location would have to be granted by the Maryland State Highway Administration (SHA). Topographical conditions (steep

grade differential) along the north side of the property limited the feasibility of a second entrance on Old Landover Road.

Overall traffic circulation on the site and the location of the drive-through service appear to be reasonable. Driveways on the site are adequate. The location and exit aisle for the drive-through will channel vehicles to the MD 202 exit.

Departure from Parking and Loading Spaces DPLS-360 Review—See PGCPB Resolution No. 11-86 for a detailed discussion of DPLS-360.

Summary

The subject property was given subdivision approval pursuant to a finding of adequate transportation facilities for Preliminary Plan 4-10018. The uses approved herein are consistent with the uses proposed at the time of preliminary plan. Therefore, it is determined that the subject project meets the criteria for site plan approval from the standpoint of transportation, as noted in Subtitle 27. Also, no objection is raised regarding either departure request.

- e. **Subdivision Review**—The property is the subject of Preliminary Plan 4-10018 (PGCPB Resolution No. 11-65), which was adopted by the Planning Board on June 16, 2011 and proposed a 14,896-square-foot (gross floor area) pharmacy. The subject property is located on Tax Map 51, Grid B-4, and is known as Lots 2–4, 27–30, and the west part of Lot 1. The subject property is 1.02 acres and the approved subdivision has not yet been evidenced by a record plat.
- f. **Trails**—The following are the Planning Board's comments relating to the subject project's conformance to the trails-related requirements of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 1994 *Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity*, the MD 202 at Kilmer Street Intersection Study, and prior approvals affecting the subject site:
 - (1) Landover Road (MD 202) is designated as a master plan bicycle/trail corridor in both the area master plan and the MPOT. The MPOT recommends continuous sidewalks and on-road bicycle facilities along Annapolis Road (MD 450). In the vicinity of the subject site, the Maryland State Highway Administration (SHA) has completed a streetscape improvement project that includes continuous decorative sidewalks, contrasting and high-visibility crosswalks, and wide outside curb lanes. Due to right-of-way constraints, designated bike lanes are not feasible within the current curb-to-curb configuration of the road.

The Trails, Bikeways, and Pedestrian Mobility chapter of the MPOT includes the following policy regarding pedestrian-oriented development in centers and corridors.

POLICY 1: Incorporate appropriate pedestrian-oriented and Transportation Oriented Development (TOD) features in all new development within designated centers and corridors.

The Complete Streets Section of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

POLICY 1: Provide standard sidewalk along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The MPOT also recommends improvements at the Landover Road (MD 202)/Kilmer Street intersection. More specifically, the MPOT states:

Pedestrian safety improvements are needed at this intersection to safely accommodate pedestrians crossing from the existing apartments to the shopping center. (MPOT, page 37)

- (2) The MD 202 at Kilmer Street Intersection Study, which was completed by Vision Engineering and Planning in July 2009, provides a more detailed and specific analysis of the intersection, pedestrian safety issues, and potential measures to improve the pedestrian environment. This study summarizes conditions at and near the intersection by stating:

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

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

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

The summarized observations of the study included:

- “• *Mid-block pedestrian crossings east of Kilmer Street are unsafe due to the high speeds on MD 202 and the off ramp from US 50.*
- “• *Mid-block pedestrian crossings occur south of MD 202 on Kilmer Street despite the presence of crosswalks nearby.*
- “• *The existing protected/permitted left turn phasing on MD 202 requires turning vehicles to travel across three lanes of traffic traveling at speeds over 40 miles per hour.* (Intersection Study, pages 7 and 8)

Most of the study recommendations involve improvements within the public right-of-way of Landover Road (MD 202) and are beyond the scope of the subject application. These recommended improvements include pedestrian barriers along MD 202 to prevent pedestrian mid-block crossings, rumble strips and speed advisory on the westbound US 50 (John Hanson Highway) off-ramp, and modifications to the traffic signal. The study also recommends that pedestrians be oriented towards the controlled intersection and the designated crosswalk at MD 202 and Kilmer Street. This should help to discourage pedestrians from making unsafe mid-block crossings. The submitted site plan appears to achieve this by (1) orienting pedestrians exiting the store towards Kilmer Street via the striped crosswalk and (2) the provision of a pedestrian walkway from the parking lot to the sidewalk along Kilmer Street near the MD 202 intersection. The provision of high-visibility and contrasting crosswalks at the site's ingress/egress points along MD 202 and Kilmer Street is recommended.

The submitted site plan reflects the existing sidewalks along MD 202 and Kilmer Street and also incorporates a proposed sidewalk along Old Landover Road. Bicycle parking is shown near the corner of the property closest to the MD 202 and Kilmer Street intersection. The placement of this parking is recommended closer to the building entrance at a more visible location.

This revision to the site plan has been made.

In conclusion, the Planning Board stated that the approved site plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a detailed site plan with respect to trails-related issues and has included three trails-related conditions in its approval of the subject project.

- g. **Permit Review**—Numerous permit review-related comments have been addressed by revisions to the plans or in the conditions of this approval.
- h. **Environmental Planning**—The Planning Board makes the following environmentally-related findings:

Background

The Planning Board previously issued a letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance for this site. This approval is of a detailed site plan to construct a retail store on a 1.02-acre tract of land in the C-S-C Zone.

The site is subject to the environmental regulations which became effective on September 1, 2010. The project is not grandfathered from Subtitle 27 provisions because it has no previously approved land development applications. A NRI equivalency letter was issued for the site and, as such, a NRI plan is not required. The site is subject to the TCC requirement of Subtitle 25, Division 3 of the Prince George's County Code.

Site Description

The subject property is located on the south side of Old Landover Road where it intersects with Kilmer Street to the east. The southern boundary of the site is adjacent to Landover Road (MD 202). The site is relatively flat and drains into unnamed tributaries of the Lower Beaverdam Creek watershed in the Anacostia River basin. The predominant soil types on the site are Christiana-Downer Urban Land Complex and Russett-Christiana Urban Land Complex. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this site. There are no floodplains, streams, Waters of the U.S., or wetlands associated with the site. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. The site is located in close proximity to a major noise generator Landover Road (MD 202). Landover Road is a state-

owned and maintained arterial highway generally regulated for noise impacts. However, no residential or residential-type uses are proposed. This property is in the Developed Tier as delineated on the approved General Plan.

Environmental Review

- (1) The site has a signed Natural Resources Inventory (NRI) Equivalency Letter (NRI-EL-002-2011). During the review of the information submitted, it was determined that an NRI-EL is acceptable to meet the NRI submittal requirement because:
 - (a) The site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance.
 - (b) A review of the detailed site plan, the PGAtlas.com environmental layers, and 2009 color aerial photos indicate that there are no regulated environmental features on the site.

No additional information regarding the NRI submittal requirement is necessary at this time. The NRI-EL may be submitted with any application related to the development proposal described that would otherwise require a NRI.

- (2) The site does not contain any regulated features. The finding contained in Section 27-285(b) of the Zoning Ordinance does not apply to the subject property.

No additional information is required regarding the required finding. It does not apply because there are no regulated environmental features on the site.

- (3) The property is not subject to the provisions of the Woodland and Wildlife Conservation Ordinance 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. A letter of exemption was issued for the site on February 4, 2011. A Type I tree conservation plan was not submitted with the review package and is not required.

No further information regarding woodland conservation is required at this time. The letter of exemption should accompany all subsequent applications.

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

The overall development has a gross tract area of 1.02 acre and, as such, TCC of 0.16 acre, or 4,428 square feet, is required. The submitted landscape plan shows a TCC schedule that proposes to meet the requirement with 5,195 square feet of trees to be planted on-site, which exceeds the requirement.

The plans show the requirements of Subtitle 25, Division 3 being met. No additional information is required.

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

This information is provided for the applicant's benefit. No further action is needed as it relates to this detailed site plan review. A soils report in conformance with County Council Bill CB-94-2004 may be required during the permit review process.

- (6) A copy of an approved stormwater management concept letter was included in the submittal. A copy of the plan was not included. According to the approval letter, a hydrodynamic water separator will be used to treat runoff by separating sediment and oil from the polluted runoff before it is discharged into the stream system. The separator is not shown on the detailed site plan (DSP). The applicant will also be required to pay \$17,456 into an account for the Beaverdam Creek Stream Restoration Project.

A single condition of this approval requires the detailed site plan to be revised to include a hydrodynamic water separator so as to conform to the requirements of the stormwater management concept approval letter.

- i. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department offered information on private road design, needed accessibility, and the location and performance of fire hydrants.
- j. **Department of Public Works and Transportation (DPW&T)**—The Department of Public Works and Transportation (DPW&T) offered numerous comments that will be implemented with respect to Old Landover Road, a county-owned and maintained road, when the applicant pursues DPW&T's separate permitting process. In addition, DPW&T noted, salient to the subject review, that the subject detailed site plan is consistent with approved Stormwater Management Plan 16314-2001-00, dated March 1, 2001. However, in a memorandum dated August 18, 2011, the Environmental Planning Section stated that the detailed site plan did not include the hydrodynamic water separator called for in the stormwater management concept approval letter. A recommended condition of approval would require its inclusion, which would ensure conformance with the approved stormwater concept. The applicant will be required to pay a fee-in-lieu charge in the amount of \$17,456, pursuant to a requirement of that plan, toward the cost of restoring the

Beaverdam Creek. This requirement, like the requirements alluded to above, will be met during DPW&T's separate permitting process.

- k. **Maryland State Highway Administration (SHA)**—The Maryland State Highway Administration (SHA) offered the following comments:
- (1) Access to the retail is proposed from Landover Road (MD 202) and Kilmer Street. The right-in/right-out access from MD 202 and associated improvements should be coordinated with SHA's Access Management Division. The proposed full-movement access from Kilmer Street should be coordinated with DPW&T.
 - (2) An access permit will be required from SHA for the proposed entrance and associated work. Roadway improvement plans should be submitted to SHA for review and comment. The proposed roadway improvements for widening, grading, and paving shall be prepared according to SHA standards and in compliance with the American Association of State Highway and Transportation Officials (AASHTO), A policy on Geometric Design of Highways and Streets (current edition).
 - (3) Site parking is proposed in SHA easement areas. Parking or any other structure shall not be installed within SHA easement areas until the easement is re-acquired from SHA.
 - (4) Any utility relocation, adjustment, or connection within a SHA right-of-way requires a permit from the SHA District 3 Utility Engineer.
- SHA comments have been conveyed to the applicant for needed action prior to receipt of an access permit from SHA.
- l. **Washington Suburban Sanitary Commission (WSSC)**—The Washington Suburban Sanitary Commission (WSSC) offered numerous comments that will have to be addressed before WSSC will provide service to the project. WSSC's comments have been conveyed to the applicant for needed action prior to WSSC providing water and sewer service to the subject project.
- m. **Verizon**—In an email received from a representative of Verizon, it was noted that the public utility easement has been encumbered with the parking lot and landscaping. It was also stated that the public utility easement must be free and clear of all obstructions and of a grade of not more than a 4:1 slope. A condition below would address these issues.
- n. **Potomac Electric Power Company (PEPCO)**—Potomac Electric Power Company (PEPCO) offered no comment.

- [illegible]

Section 4.2—The Section 4.2 departure is to replace the required 10-foot-wide landscape strip along Landover Road (MD 202) with a variable-width landscape strip which, at its widest point is 10-foot-wide, but varies, with its narrowest measurement 1.6 feet. This departure also replaces the required 10-foot-wide landscape strip along Kilmer Street with a variable-width landscape strip which, at its widest point would measure 8 feet wide, with its narrowest measurement 4 feet. The plant unit requirement for these landscape strips, calculated under the requirements of Section 4.2, total 9 shade trees and 89 shrubs. The departure approved exceeds this requirement by providing 25 percent more plantings or 9 shade trees, 5 ornamental trees, and 108 shrubs.

Section 4.3—The Section 4.3 departure reduces the minimum contiguous pervious land area for each proposed shade tree from 160 square feet to a range between 104 and 123 square feet, with an average of 114 square feet.

Section 4.7—The Section 4.7 departure grants relief from the requirements for minimum building setback, landscaped yard width, and required plant units from the requirements of Section 4.7, along the subject project’s northwestern property line. More particularly, the departure approved provides a 31.12-foot building setback, a 5-foot-wide landscape yard, 90 plant units, and a 6-foot-high, vinyl, sight-tight fence atop a variable height retaining wall. The approved overall reduction in the required landscape strip width is 80 percent and a 50 percent reduction is approved herein in required plant units.

Section 4.9—The Section 4.9 departure approved herein grants a 100 percent departure from the requirements of Section 4.9, which would require native choices for all of the proposed ornamental trees and accepting the applicant’s offer of an increase in the percentage of native shade trees as compensation.

Section 27-579(b)—The Section 27-579(b) departure approved herein grants a 45-foot departure from the Zoning Ordinance requirement that access to loading spaces and associated vehicular entrances be located at least 50 feet from residentially-zoned property.

11. **Required Findings for a Departure from Design Standards:** Per Section 27-239.01(b)(7)(A) of the Zoning Ordinance, the Planning Board makes the following findings as required to support the approval of the requested departure from design standards.

For clarity, the discussion is separated for each requested departure from design standards.

- (i) **The purposes of this Subtitle will be equally or better served by the applicant's proposal.**

Section 4.2—The purposes of the Zoning Ordinance as per Section 27-102, such as protecting and promoting the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county, will not be impaired by the applicant's modifications of the requirements of Section 4.2 of the Landscape Manual as the applicant has proffered, and present and future inhabitants of the county will benefit from utilizing 25 percent more than required plant units in the landscape strip.

Section 4.3—The purposes of the Zoning Ordinance as per Section 27-102, such as lessening the danger and congestion of traffic on the streets, are served by reducing the square footage of planting area for trees planted in the parking lot as it allows more spaces to be accommodated on-site.

Section 4.7—The purposes of the Zoning Ordinance per Section 27-102, such as protecting and promoting the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county, are served by the applicant's modifications of the requirements of Section 4.7 of the Landscape Manual. The substantial grade difference along this property line, the large concrete retaining wall, the proffered installation of a six-foot-high fence, and a line of evergreen trees will create a significant sense of separation between the subject property and the adjacent residential property. The view of the upper story of the Walgreens from the residential property will not be unattractive and should not impair the welfare of those residents.

Section 4.9—The purposes of the Zoning Ordinance as per Section 27-102, which include providing a healthy living environment for county residents, will be equally or better served by the granting of this requested departure from Section 4.9, Sustainable Landscaping Requirements, to allow for all the proposed ornamental trees to be Crape myrtle, as this non-native tree is highly drought tolerant, resistant to pests and diseases, has year-round aesthetic appeal, and will promote a sustainable, environmentally-sensitive design because of these qualities.

Section 27-579(b)—The purposes of the Zoning Ordinance as per Section 27-102, such as guiding the orderly growth and development of the county, while recognizing the needs of agriculture, housing, industry, and business, insuring the social and economic stability of all parts of the county and encouraging economic development activities that provide desirable employment and a broad, protected tax base, will be equally well or better served by the applicant's request to locate a drive aisle to loading facilities closer than 50 feet from residentially-zoned land. In addition, a substantial grade difference along the northwestern property line, the large concrete retaining wall, the proffered installation of a six-foot-high fence, and a line of evergreen trees will

create a significant sense of separation between the subject property and the adjacent residential property. The view of the upper story of the Walgreens from the residential properties will not be unattractive and should not impair the welfare of those residents.

- (ii) **The departure is the minimum necessary, given the specific circumstances of the request.**

Section 4.2, 4.3, and 4.7—The requested departure in the width of the required landscape strips, the cubic footage of soil to be provided for the trees required to be planted in the parking lot, and for the buffer required is the minimum necessary to enable the development of the proposed Walgreens store, its attendant landscaping, parking, and pedestrian access on the relatively small subject site, which is further constrained by having frontage on three roads and extreme topography.

Section 4.9—The requested departure is the minimum necessary to ensure the long-term health and survival of all ornamental and shade trees on the site. Staff is of the opinion that the applicant has sufficiently compensated by providing a net increase in the total number of native plants by selecting native varieties for all shade trees to be provided.

Section 27-579(b)—The departure is the minimum necessary because development of the site is constrained because it is narrow and small. Locating the drive aisle elsewhere could impede pedestrian safety on the site and would make the loading spaces and dumpster enclosures more visible from the site's three road frontages. Additionally, any other design would force an even greater departure to be necessary from parking and loading standards elsewhere on the site because the drive aisle to access the loading spaces would displace what is now shown as available parking spaces.

- (iii) **The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the county developed prior to November 29, 1949.**

Section 4.2, 4.3, and 4.7—The requested departure in the width of the required landscape strips, the cubic footage of soil to be provided for the trees required to be planted in the parking lot, and for the buffer required is necessary in order to allow infill development in a mixed-use area in need of neighborhood-serving, commercial, retail goods and services in an older portion of the county developed prior to November 29, 1949. Circumstances unique to this site are the exaggerated topographical conditions, the fact that it is a small infill site, and that the subject site is bounded by roads on three sides.

Section 4.9—Relief from Section 4.9 of the Landscape Manual is necessary to allow infill development in a mixed-use area in need of neighborhood-serving, commercial, retail goods and services in an older portion of the county developed prior to November 29, 1949. Staff is of the opinion that this required finding can be made with respect to a departure from the requirement that all ornamental trees should be of native species because the applicant has proffered a net increase in native plants on-site by proffering that all shade tree varieties be native.

Section 27-579(b)—The departure is necessary in order to allow infill development in a mixed-use area in need of neighborhood-serving, commercial, retail goods and services in an older portion of the county developed prior to November 29, 1949. Circumstances unique to this site are the exaggerated topographical conditions, the fact that it is a small infill site, and that the subject site is bounded by roads on three sides.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

Section 4.2—The departure from the requirement for commercial/industrial landscape strips will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood, as landscape strips will still be provided, though reduced in widths, and the architecture, upgraded by condition below, will present a pleasing aspect when viewed from the adjoining streets.

Section 4.3—The departure from the requirement for a minimum contiguous pervious land area for each proposed shade tree from 160 square feet to a minimum of 104 square feet will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding area as the applicant has committed to provide an automatic irrigation system for all planting areas, and an increased 12-inch topsoil depth will enhance the health and growth of all plant materials and will compensate for the lack in square footage for root growth.

Section 4.7—The departure from the requirement for buffering incompatible land uses will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood as landscape strips will still be provided, though reduced in widths, and the architecture, upgraded by condition below, will present a pleasing aspect when viewed from the adjoining streets.

Section 4.9—The proposed departure from the requirement that all native species be utilized for ornamental tree selections will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood as they will offer an aesthetic landscaping solution. Further, the provision of 100 percent non-native species for the ornamental species to be utilized in the planting schedule is offset by the provision of 100 percent native shade trees.

Section 27-579(b)—The requested departure from loading space standards will not impair the visual, functional, or environmental quality or integrity of the site as the applicant has incorporated as much landscaping as possible on this small site, and is including a six-foot-high, sight-tight fence along the northwestern property line atop a tall retaining wall, which will physically separate the loading space and its access aisle from the adjacent residential property. Additionally, if recommended conditions are adopted regarding the architecture, the building aspect will present an upscale architecture utilizing quality materials and offering an aesthetic arrangement of fenestration and more visual interest in the brickwork and fenestration especially on the northeastern and northwestern façades.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application, subject to the following conditions:

1. The applicant shall revise the set of plans submitted for the companion departure from design standards application to conform to those of the detailed site plan, as it is required to be revised prior to signature approval of the plans for the project.
2. The applicant shall revise the plans to include an automatic irrigation system for all planting areas and an increased 12-inch topsoil depth, which will enhance the health and growth of all plant materials and will compensate for the lack in square footage for root growth.

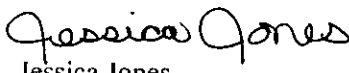
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

* * * * *

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 Cavitt, with Commissioners Washington, Cavitt, Squire, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 15, 2011, in Upper Marlboro, Maryland.

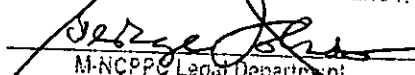
Adopted by the Prince George's County Planning Board this 15th day of September 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 9/20/11