



PGCPB No. 12-57

File No. 4-11031

RESOLUTION

WHEREAS, Verizon Maryland Inc. is the owner of a 3.44-acre parcel of land known as Tax Map 115 in Grid A-1 and is also known as Parcel 10, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned Rural Residential (R-R); and

WHEREAS, on March 1, 2012, Verizon Real Estate Transactions filed an application for approval of a Preliminary Plan of Subdivision for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-11031 for Verizon, Tucker Road 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 June 7, 2012, for its review and action in accordance with Article 28, Section 7-116, 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 June 7, 2012, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1-002-12), and further APPROVED Preliminary Plan of Subdivision 4-11031, Verizon, Tucker Road, for 2 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Add the existing water and sewer easement on Parcel 2.
 - b. Add a note for the tier designation.
 - c. Remove General Note 4.
 - d. Revise General Note 12 to correct the existing gross floor area and reflect the changes on the drawing.
 - e. Revise General Note 19 to add the Type 1 tree conservation plan (TCP1) number.
 - f. Remove the parking and loading tabulations.

- g. Label the proposed sign to "existing sign."
 - h. Label the site as Parcel 1.
 - i. Label the frontage of Parcel 1 along Tucker Road as "Direct vehicular access to Tucker Road is denied."
 - j. Remove "future" from the right-of-way dedication note on the drawing and add the square footage of dedication.
 - k. Remove the zoning requirement tables.
 - l. Add a note to indicate that Tucker Road is a designated historic road.
 - m. Label all existing structures and equipment, and indicate the disposition.
 - n. Label A and B.
2. Prior to signature approval of the preliminary, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
- a. Woodland conservation areas less than 50 feet in width which are not associated with other protected woodlands which would satisfy the width requirement shall not be credited as woodland conservation, and the plan and worksheet shall be revised to show how the woodland conservation requirement for the site shall be met.
 - b. Remove the tree canopy coverage (TCC) schedule from the TCP1.
 - c. Add a note to indicate that Tucker Road is a designated historic road.
 - d. Have the revised plan signed by the qualified professional who prepared it.
3. Prior to approval of any special exceptions for Parcels 1 and/or 2, an inventory of significant visual features for the right-of-way of Tucker Road along the property's frontage is required to provide a baseline for the review of the scenic/historic road viewshed.
4. Prior to approval of any special exceptions for Parcels 1 and/or 2, a scenic easement with an average width of 20 feet adjacent to the ultimate right-of-way of Tucker Road shall be determined and delineated on the special exceptions, and reflected on the record plat.
5. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:

- a. Have an approved revision to Revision of Site Plan ROSP-759-03 to reflect the new parcel configuration.
 - b. Have an approved special exception, in accordance with Section 27-397 of the Zoning Ordinance, for Parcel 1.
6. At the time of final plat, the applicant shall demonstrate dedication of public right-of-way along Tucker Road of 50 feet from the master plan centerline, as shown on the approved preliminary plan of subdivision.
7. At the time of final plat, the shared access easement, authorized by Section 24-128(b)(9) of the Subdivision Regulations, serving Parcels 1 and 2 shall be shown and recorded in County Land Records and the liber/folio reflected on the final plat.
8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-002-12). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-002-12), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
9. The final plat shall reflect that direct vehicular access to Tucker Road from Parcel 1 is denied.
10. At the time of final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement (PUE) along the public right-of-way as delineated on the approved preliminary plan of subdivision.
11. At the time of final plat, a scenic easement shall be established adjacent to Tucker Road as delineated on the special exception, and a note shall be placed on the final plat as follows:

“Tucker Road is a county designated Historic Road. The scenic easement described on this plat is an area the installation of structures and roads and/or the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed.”
12. The following note shall be placed on the final plat of subdivision:

“Development or redevelopment of this site shall be subject to the use of full cut-off optic light fixtures.”

13. Residential development of the subject property shall require approval of a new preliminary plan of subdivision prior to the approval of any building permits.
14. Total development within the subject property shall be limited to equivalent development which generates no more than 34 AM and 33 PM weekday peak-hour vehicle trips. Any development generating a traffic impact greater than that identified herein-above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
15. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. A four-foot-wide sidewalk along the subject site's entire frontage of Tucker Road, unless modified by the Department of Public Works and Transportation (DPW&T);
 - b. A financial contribution of \$210 to DPW&T for the placement of bicycle signage. A note shall be placed on the final record plat for payment to be received prior to issuance of the first building permit.
16. Tucker Road frontage improvements for this site shall conform to the *Design Guidelines and Standards for Scenic and Historic Roads, Prince George's County*, in order to provide a context sensitive design which is compatible with the historic road designation of the road, unless modified by the Department of Public Works and Transportation (DPW&T).
17. Development of this site shall be in conformance with Stormwater Management Concept Plan 32887-2011-00 and any subsequent revisions.

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 of Article 28, Annotated Code of Maryland.
2. **Setting**—The property is located 500 feet west of the intersection of Tucker Road and Allentown Road.

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

Zone Use(s)	EXISTING	APPROVED
	R-R Public Utility/Monopole (25,374 sq. ft.)	R-R Public Utility/Monopole (25,374 sq. ft.)
Acreage	3.44	3.35
Lots	0	0
Outlots	0	0
Parcels	1	2
Dwelling Units	N/A	N/A
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on March 16, 2012.

4. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject 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 centers that are increasingly transit serviceable. The preliminary plan is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier by maintaining a pattern of low- to moderate-density development through the existing use of public utilities.

The 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* classified the property in the R-R Zone. The preliminary plan conforms to the land use recommendations of the approved master plan for residential, low-density land use with the approval of the existing Special Exception (SE-759).

Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of the current Prince George's County General Plan Growth Policy Update.

5. **Urban Design**—The site is currently developed with 25,374 square feet of gross floor area (GFA) and proposed to subdivide the property into two parcels.

2010 Prince George's County Landscape Manual

The proposal is not subject to the requirements of the 2010 *Prince's George's County Landscape Manual* (Landscape Manual) because the proposal does not involve a change of use from a lower to a higher-intensity use category, an increase in impervious surface, or an increase in any building's GFA.

Conformance with the Zoning Ordinance

In the R-R Zone, the existing public utility structures are permitted with a special exception unless they are in accordance with Section 27-445.04 of the Zoning Ordinance. There is an existing cell tower monopole on proposed Parcel 1. Antennas, monopoles, and related equipment buildings for wireless telecommunications are governed by Section 27-445.04. The proposed parcel upon which the cell tower monopole will be located (Parcel 1) does not meet the lot size requirements contained in Section 27-445.04(a)(3), and is not large enough so that the monopole can meet the required setbacks. As a result, the special exception is required.

(3) The monopole shall comply with the following standards:

- (B) For privately owned land, the minimum setback from all adjoining land and dwelling units shall be equal to the height of the structure measured from its base; for publicly owned land, the minimum setback shall be one-half (1/2) of the height of the structure measured from the base to the adjoining property lines;**
- (C) For privately owned land, the minimum area required shall be two and one-half acres (2 ½);**

The subject site is privately owned. According to Section 27-445.04(a)(3)(B), the 104.9-foot cell tower monopole would require a 104.9-foot setback from the property line. These setbacks are not provided on the subject preliminary plan of subdivision on Parcel 1. Additionally, the minimum parcel size upon which cell towers may be located shall be two and one-half acres. The proposed area of Parcel 1 is 31,798 square feet. Because the use will not conform to the requirements of Section 27-445.04, a new special exception is required in accordance with Section 27-397 for the monopole use. The site has an approved Special Exception, SE-759, for the existing uses on Parcel 10 and was approved and adopted by the District Council (CR-119-1962) on June 14, 1962. The last Revision of Site Plan, ROSP-759-03, was approved on May 20, 2008 for the addition of asphalt paving on the subject site. Changes to the boundary of the previously approved special exception requires the approval of a revision to the site plan for the site.

Conditions which will require approval of a revision of the special exception site plan for Parcel 2 and a new special exception for Parcel 1, prior to final plat.

6. **Environmental**—A Type 1 Tree Conservation Plan (TCP1-002-12) was received and reviewed. A Natural Resources Inventory (NRI-063-2011) was approved for this site on September 19, 2011, and was submitted with the preliminary plan application.

Master Plan Conformance

The master plan for this area is the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (Henson Creek Master Plan SMA). In the Henson Creek Master Plan SMA, the Environmental Infrastructure section contains goals, policies,

and strategies. The following guidelines were determined to be applicable to the current project. The text in **BOLD** is the relevant text from the master plan and the plain text provides comments on plan conformance:

POLICY 1: Protect, preserve and enhance the identified green infrastructure network within the Henson Creek planning area.

STRATEGIES:

- **Use designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**
- **Protect primary corridors (Henson/Broad Creek and Tinkers Creek/Piscataway Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors (tributaries to the Potomac River and wooded corridors not necessarily associated with stream valleys).**
- **Evaluate carefully land development proposals in the vicinity of identified countywide and local Special Conservation Areas (SCA) including Piscataway Creek SCA, Potomac Shoreline SCA and Broad Creek SCA to ensure that the SCAs are not impacted and that connections are either maintained or restored.**
- **Target public land acquisition programs within the designated green infrastructure network in order to preserve, enhance or restore essential features and special habitat areas.**
- **Preserve unique habitat areas to the fullest extent possible during the land development process.**

This site is not within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*. The site is within the Henson Creek watershed, but there are no regulated environmental features, special conservation areas, or unique habitat areas existing on-site. There is no recommended public land acquisition associated with this application.

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

STRATEGIES:

- **Identify opportunities for restoration within the primary corridors (Broad Creek/Henson Creek and Piscataway Creek/Tinkers Creek) and target mitigation efforts in these areas.**
- **Restore stream and wetland buffers to the fullest extent possible during the land development process.**

There are no regulated environmental features present on the subject site.

- **Ensure the use of Low Impact Development (LID) techniques to the fullest extent possible during the development process. Refer to the following publications for guidance:**
 - *Low Impact Development Design Strategies: An Integrated Design Approach*, Prince George's County, MD, Department of Environmental Resources, Program and Planning Division, January 2000.
 - *Low Impact Development (LID): Integrated Management Practices Guidebook*, Prince George's County, MD, Department of Environmental Resources, Program and Planning Division, January 2002.

No new development is currently proposed on this site. Future development or redevelopment should address low impact development (LID) techniques in accordance with the requirements of Subtitle 32 of the Prince George's County Code.

- **Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.**

No additional landscaping will be required until additional development is proposed for the site. At the time, the site will be subject to the requirements of the Landscape Manual and the Tree Canopy Coverage Ordinance, which require the use of native trees which are well adapted to the climatic conditions of this area, and generally require less water, fertilizer, and chemical treatments.

- **Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces.**

No additional parking is proposed. Minimizing parking and reducing impervious surfaces can be addressed at the time of site redevelopment.

- **Reduce the area of impervious surfaces during redevelopment projects.**

- **Address existing flooding concerns in conformance with the County Code on all new development.**

There is no 100-year floodplain located on this site.

- **Consider the existing conditions of the watershed and strictly adhere to the requirements of the Stormwater Management Ordinance as new development proposals are submitted. Wherever possible, existing areas of untreated stormwater shall be included in new treatment facilities. The Department of Environmental Resources should consider a pro rata share fee for properties within the watershed in order to address the flood-prone properties within the Historic District.**

At the time of redevelopment, the property is subject to the requirements of Subtitle 32, and will be reviewed by the Department of Public Works and Transportation (DPW&T) for conformance.

POLICY 3: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

STRATEGIES:

- **Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be re-used and redesigned to incorporate energy and building material efficiencies.**
- **Encourage the use of alternative energy sources such as solar, wind and hydrogen power.**

The site is already developed and no new development is proposed with the current application.

POLICY 4: Reduce light pollution and intrusion into rural and environmentally sensitive areas.

STRATEGIES:

- **Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations and vehicle sales establishments so that light intrusion on adjacent properties and the night sky is minimized. Full cut-off optic light fixtures should be used for all proposed uses.**
- **Discourage the use of street lights and entrance lighting in the Rural Tier.**

The site is located in the Developing Tier. The use of full cut-off optic light fixtures can be addressed with future development or redevelopment applications of the site.

POLICY 5: Reduce adverse noise impacts to meet State of Maryland noise standards.

STRATEGIES:

- **Evaluate development proposals using Phase I noise studies and noise models.**
- **Provide for adequate setbacks for projects located adjacent to existing and proposed noise generators.**
- **Provide for the use of approved attenuation measures when noise issues are identified.**

The proposed use of the site is not residential, so the evaluation of noise impacts is not required with the current application.

Conformance with the Countywide Green Infrastructure Plan

The 2005 *Approved Countywide Green Infrastructure Plan* indicates that the property is not within the designated green infrastructure network.

Conformance with the Master Plan of Transportation: Special Roadways

The site has frontage on Tucker Road, a county-designated historic road. The 2009 *Countywide Master Plan of Transportation* (MPOT) includes as a goal: To conserve viewsheds and other natural and cultural features of scenic and historic roads, scenic byways, and parkways to the extent possible when considering transportation improvements and when reviewing new land development proposals.

Scenic and Historic Roads—The property has frontage on Tucker Road, a designated historic roadway. Scenic and historic roads are important resources that need to be protected and preserved for enjoyment both today and in the future. During the land development process and the review of road improvement projects, the resources that exist within the right-of-way are evaluated for preservation. When land is proposed to be developed adjacent to a designated scenic or historic road, the natural and historical resources that remain are evaluated for preservation or enhancement.

Natural and cultural resources within the rights-of-way and adjacent to scenic and historic roads are important and in need of protection. The predominant encroachment on these resources occurs when new development proposals are submitted. Extensive efforts have been made to preserve and enhance the viewsheds of designated scenic and historic roads through the careful evaluation of these proposals, the placement of new development out of the viewsheds as much as possible, and

through the preservation or enhancement of the existing vegetation along the roadway. Scenic easements have been established to provide permanent protections to the viewsheds adjacent to scenic and historic roadways through appropriate development review applications.

The following policies and strategies of the MPOT should be considered for a roadway with this designation.

POLICY 1: Conserve and enhance the scenic and historic values along special roadways.

STRATEGIES:

2. **Require submission of an inventory of scenic and historic features with all applications that propose work within the right-of-way of a designated roadway.**
3. **Utilize the "Guidelines for the Design of Scenic and Historic Roadways in Prince George's County, Maryland" (DPW&T, 2006) when evaluating applications within the rights-of-way of scenic and historic roadways.**
8. **Prepare corridor management plans for significant designated roadways.**

This policy and strategies are addressed further below.

POLICY 2: Conserve and enhance the viewsheds along designated roadways.

STRATEGIES:

1. **Require submission of an inventory of scenic and historic features with all applications that propose work adjacent to the right-of-way of a designated roadway.**
2. **Require the conservation and enhancement of the existing viewsheds of designated roads to the fullest extent possible during the review of land development or permit applications, whichever comes first. Elements to be considered shall include views of structures from the roadway; design character and materials of constructed features; preservation of existing vegetation, slopes and tree tunnels; use of scenic easements; and limited access points.**

This policy and strategies are addressed further below.

The adjacent segment of Tucker Road has been designated a historic road in the MPOT. This should be indicated by a note on the preliminary plan and TCP1. The functional classification for Tucker Road adjacent to this site is as a collector road.

Any improvements within the right-of-way of a historic road are subject to approval by DPW&T under the *Design Guidelines and Standards for Scenic and Historic Roads, Prince George's County* (Scenic and Historic Roads Guidelines). Before a paving and storm drain plan is submitted to DPW&T, and preferably before engineering design of roadway improvements has begun, a conceptual pre-application meeting with the applicant, DPW&T, and the Maryland-National Capital Park and Planning Commission (M-NCPPC) should occur in accordance with the Scenic and Historic Roads Guidelines.

At the time of preliminary plan, an inventory of significant visual features for the right-of-way and site is usually required to provide a baseline for the review of the scenic/historic road viewshed. This information will be provided at the time of the special exceptions in this instance, and be accompanied by photographs and a narrative describing the current appearance of the site from the right-of-way.

To preserve the scenic viewshed along a historic road, a scenic easement with a minimum width of 20 feet located outside of the ultimate right-of-way, is generally required to be delineated on the preliminary plan and TCP1. It is acknowledged that some structures may already be constructed within the desirable scenic easement, so the width for the scenic easement may need to be reduced. It is required that, at the time of the special exceptions, the width of the scenic easement be an average width of 20 feet, generally consistent with the required width for a scenic and historic road as set forth in the Landscape Manual (Section 4.6, Buffering Development from Special Roadways) in the Developing Tier.

This information can be included on the tree conservation plan for the site or in a separate document, and be accompanied by photographs and a narrative describing the current appearance of the site from the right-of-way.

One access point, on Parcel 2, exists to Tucker Road. Along designated scenic and historic roads, the limiting of access points is desirable and recommended to maintain the character of the roadway. Access points to Tucker Road should be limited to the extent possible in order to protect the scenic and historic qualities of the road. This application does not propose any additional access driveways to Tucker Road with this application. The application of a cross-access easement for Parcel 1 over the existing driveway, which will be located on Parcel 2, is consistent with this recommendation and supported.

Environmental Review

The site is approximately 20 percent wooded. The property is in the Henson Creek watershed of the Potomac River Basin, and in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils were not found to occur on the property. The soils found to occur, according to the Web Soil Survey, include Aquasco silt loam,

Aquasco-Urban land, Beltsville-Urban land, Grosstown gravelly silt loam, and Grosstown-Urban land complex, which have no significant limitations which would affect the development of this property. According to available information, Marlboro clay is not found to occur on this property. Transportation-related noise impacts associated with roadways classified as an arterial or higher are not found to impact this property. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no records of rare, threatened, or endangered species found to occur on or in the vicinity of this property.

A Natural Resources Inventory (NRI-063-2011) was approved for this site on September 19, 2011 and was submitted with the preliminary plan application. There are no regulated environmental features on this site, and the preliminary plan and TCP1 are consistent with the approved NRI.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is greater than 40,000 square feet and the existing woodland is greater than 10,000 square feet.

A Type 1 Tree Conservation Plan (TCP1-002-12) was submitted with the preliminary plan application, was reviewed, and found to address the woodland conservation requirements with minor technical revisions.

The 3.44-acre property has a 20 percent woodland conservation threshold (WCT) of 0.67 acre and no replacement requirements. This requirement is satisfied by 0.67 acre of on-site preservation. A tree canopy coverage (TCC) schedule has been included on the TCP1. The TCC schedule should be removed as the site is not subject to TCC requirements.

On this site, the existing structure is located 45.4 feet from the right-of-way, and there is one specimen tree, a 34-inch diameter-at-breast-height willow oak in fair condition. The applicant proposed to retain the specimen tree.

7. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, determined that on-site stormwater management (SWM) is required. A Stormwater Management Concept Plan, 32887-2011-00, was approved on November 17, 2011 and is valid until November 17, 2014. The concept plan shows the use of existing facilities.

The approved SWM concept 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, Section 172 Watershed Management Planning. 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, will be addressed with the approval of the SWM concept plan by DPW&T.

8. **Prince George's County Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a)(3) of the Subdivision Regulations, the subdivision is exempt from mandatory dedication of parkland requirements because the development proposed is nonresidential.

9. **Trails**—The proposed preliminary plan was reviewed for conformance with Section 24-123 of the Subdivision Regulations, the *Approved Countywide Master Plan of Transportation* (MPOT), and the 2006 Approved Henson Creek-South Potomac Master Plan and SMA in order to implement planned trails, bikeways, and pedestrian improvements.

The Planning Board requires that preliminary plans conform to Section 24-123 of the Subdivision Regulations in terms of bikeway and pedestrian facilities when the trails are indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail, unless the Planning Board finds that previously proposed trails are no longer warranted.

The MPOT and master plan recommend continuous sidewalks and designated bike lanes along Tucker Road. The recommendation in the MPOT includes the following description of the needed improvements:

- **Tucker Road Sidewalks and Bike Lanes:** Continuous sidewalks and designated bike lanes are recommended along this corridor. They will provide pedestrian and bike access from surrounding communities to the Tucker Road Community Center and the Henson Creek Trail.

The MPOT also includes several policies related to pedestrian access and the provision of complete streets within the Developed and Developing Tiers. The Complete Streets section includes the following policy regarding sidewalk construction and accommodation of pedestrians.

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.

There are no sidewalks along the site's frontage of Tucker Road, and sidewalks are currently fragmented or missing along many portions of Tucker Road in the vicinity of the subject site. Consistent with the MPOT, the provision of a standard sidewalk and one bikeway sign is required along the street frontage of the subject site, unless modified by DPW&T.

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

10. **Transportation**—The proposal includes the subdivision of an existing parcel into two parcels. Using trip generation rates for general office and maintenance facility, the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," and the methodology in the *Trip Generation Handbook, 3rd Edition* (Institute of Transportation Engineers (ITE)) to compute internal trips, the following table summarizes the total trip generation for the site:

Trip Generation Summary, 4-11031, Verizon, Tucker Road								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
General office (existing)	9,008	square feet	16	2	18	3	14	17
Maintenance facility (existing)	16,366	square feet	13	3	16	3	13	16
Net New Trips (excluding trips from existing use)			0	0	0	0	0	0

Given that no new development is proposed, it is determined that the subdivision would result in 0 AM and 0 PM net new weekday peak-hour vehicle trips.

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

- Tucker Road and the existing site access (unsignalized)

The proposal is not of sufficient size that it will generate 50 or more vehicle trips, and so a full traffic study was not required. Given that the net impact resulting from the subdivision is zero trips in each peak hour, the site does meet the criteria for a de minimus determination. However, the applicant did prepare a traffic statement. Given the size of the traffic impact and the fact that it was not prepared as a standard traffic analysis, it was not referred out for comment. The findings outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Transportation Guidelines).

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property was 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 Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections identified above, when analyzed with existing traffic using counts taken in December 2011 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Tucker Road and site access	25.3*	18.5*	--	--
*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 Transportation 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.				

The critical intersection identified above is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP). Background traffic has been developed for the study area, which encompasses a limited neighborhood along the adjacent section of Kenilworth Avenue (MD 201). A 0.5 percent annual growth rate in through traffic along Tucker Road over a single-year period was assumed. The critical intersection, when analyzed with background traffic and existing lane configurations, operates as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Tucker Road and site access	26.8*	19.3*	--	--
*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 Transportation 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.				

As noted above, no new construction is proposed. The net impact resulting from the subdivision is zero trips in each peak hour. The following critical intersection, when analyzed with the programmed improvements and total future traffic as developed for the site, operates as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Tucker Road and site access	26.8*	19.3*	--	--
*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 Transportation 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.				

No inadequacies in either peak hour are noted in the table above. Due to the limited trip generation of this site, the Planning Board deemed the site's impact at this location to be de minimus. The Planning Board found that 0 AM and 0 PM peak hour trips have a de minimus impact upon delay in the critical movements at the critical intersection. Notwithstanding this determination, a trip cap consistent with the trip generation for the overall site is approved. While the applicant has provided a measurement for trip generation based on field observations, the trip cap was based upon the uses and upon published rates (ITE). It is noted that actual AM peak hour trip generation is fairly consistent with, but slightly less than, published rates while actual PM trip generation is notably lower than published rates.

The property has 193.42 feet of frontage on Tucker Road, a master plan collector roadway. The preliminary plan reflects adequate dedication of 50 feet from the master plan centerline.

Tucker Road is a master plan major collector facility within a 100-foot right-of-way, which the Planning Board does not generally regulate for access (Section 24-121). However, access has been carefully analyzed during the review of this application. The site is served by a single driveway onto proposed Parcel 2, and Subtitle 24, Subdivision Regulations, requires a separate driveway to serve Parcel 1 (Section 24-128). The applicant has submitted a statement of justification (Dunn to Reidy) dated May 7, 2012 requesting the use of an easement to serve Parcels 1 and 2 pursuant to Section 24-128(b)(9) to retain the current access arrangement on-site.

Section 24-128(b)(9) provides for the Planning Board to authorize the use of an access easement as follows:

- (9) **Where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Part 11 of Subtitle 27, in order to provide vehicular access, when deemed appropriate by the Planning Board.**

In response to the points made in that request, the Transportation Planning Section found the following:

- The use of an easement for a single driveway, rather than a second driveway would help protect the public safety by reducing possible vehicular conflicts along Tucker Road. Placement of a second driveway to serve Parcel 1 would create sight distance issues that do not currently exist due to vegetation on adjacent properties.
- There are no other opportunities to construct access from either parcel to another location besides Tucker Road.
- The dual use of the property makes this property unique. The dual use has existed for many years with the presence of the two public utility buildings, and these buildings have long shared a single driveway. This is a situation that does not exist for other properties along this roadway. Almost every other property is developed with a single-family dwelling.
- It is once again noted that the intent of the subdivision is to subdivide the property into two parcels to separate the uses and to allow for fee simple ownership, but not increase the intensity of the two uses on the site. Given that the trip generation of the site will not increase and the existing driveway capably handles the traffic using the site, it is determined that a requirement to provide a second driveway to serve Parcel 1, with the resulting changes in the configuration of the site, could pose a particular hardship to the applicant.
- It is furthermore noted that Tucker Road is a master plan major collector facility. Driveways proposed onto a major collector facility are discouraged; Strategy 3 of Policy 3 in Chapter VI of the MPOT recommends that such driveways be treated similarly to driveways onto arterial or higher facilities.
- One access point, on Parcel 2, exists to Tucker Road. Along designated scenic and historic roads, the limiting of access points is desirable and recommended to maintain the character of the roadway. Access points to Tucker Road should be limited to the extent possible in order to protect the scenic and historic qualities of the road.

By virtue of the policy articulated in the fifth bullet point above, along with the other findings noted, the Planning Board authorized the use of an easement to serve Parcels 1 and 2 pursuant to Section 24-128(b)(9) of the Subdivision Regulations, in lieu of a second driveway serving Parcel 1. The final plat will indicate a denial of access from Parcel 1 to Tucker Road. The access arrangement is conditional upon the recordation of a shared access easement serving Parcels 1 and 2, be recorded in County Land Records, and the liber/folio reflected on the final plat. The easement will set forth the rights, responsibilities, and restrictions associated with the use of the easement for Parcels 1 and 2.

Transportation Conclusions

Based on the preceding findings, it is determined that adequate access roads exist as required by Section 24-124 of the Subdivision Regulations.

11. **Schools**—There are no residential dwelling units proposed in the development. There are no anticipated impacts on schools.
12. **Fire and Rescue**—The proposed preliminary plan was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations, and the following was found:

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
32	Allentown Road	Engine	8709 Allentown Road	0.76	3.25	Within
32	Allentown Road	Ladder Truck	8709 Allentown Road	0.76	4.25	Within
32	Allentown Road	Ambulance	8709 Allentown Road	0.76	4.25	Within
47	Allentown Road	Paramedic	10900 Allentown Road	6.35	7.25	Within

Capital Improvement Program (CIP)

The Capital Improvement Program for Fiscal Years 2012–2017 provides funding for consolidating two stations into a new fire/EMS Station in the vicinity of Oxon Hill and Indian Head Highway (MD 210).

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.”

13. **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, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using 141 square feet per 1,000 residents, it calculates to 117,672 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
14. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

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

15. **Health Department**—The Prince George’s County Health Department evaluated the proposed preliminary plan of subdivision and had no comments to offer.

16. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider will include the following statement in the owner's dedication recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineated a ten-foot public utility easement (PUE) along the public rights-of-way as requested by the utility companies.

17. **Historic**—A Phase I archeological survey was not recommended on the above-referenced 3.44-acre property located at 3210 Tucker Road in Fort Washington, Maryland. The application proposes to subdivide the existing property into two parcels. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property has been previously developed with a two-story masonry building and a one-story masonry building. This proposal does not impact any historic sites, historic resources, or documented properties.

However, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.

18. **Residential Conversion**—The subject application did not proposing any residential development; however, if a residential land use were proposed, a new preliminary plan should be required. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision. A new preliminary plan is required if residential development is to be considered.


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 Squire, with Commissioners Washington, Squire, Shoaff, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 7, 2012, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 28th day of June 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:PR:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department
6/12/12