

R E S O L U T I O N

WHEREAS, Brogeln, LLC is the owner of a 10.81-acre parcel of land known as Tax Map 45 in Grid F-2, and is also known as Parcel B, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C) and Commercial-Miscellaneous (C-M); and

WHEREAS, on July 14, 2014, Brogeln, LLC filed an application for approval of a Preliminary Plan of Subdivision for 5 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13019 for Bell Station Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 9, 2014, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on October 9, 2014, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-13019, Bell Station Center, including a Variation from Section 24-121(a)(3) for 5 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to make the following technical corrections:
  - a. Provide the existing and proposed GFA in General Note 8.
  - b. Show the intersection of Judicial Lane to the north and Bell Station Road on the plan.
  - c. Access points along Bell Station Road shall be located as determined by the Department of Permits, Inspections and Enforcement (DPIE).
  - d. Provide a digital approval block on the plan.
  - e. Remove the zoning classifications from the parcel/acreage labels.

- f. Provide the correct TCP1 and TCP2 references in General Notes 20 and 21.
  - g. Provide a general note that states the following: "Vehicular access to Parcels 1, 2, 3, 4 and 5 shall be provided by a private easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations. The location of the private easement shall be determined at the time of Detailed Site Plan review."
  - h. Provide acreage breakdown for each parcel in General Note 8.
  - i. Revise General Note 29 to show 5,436 square feet of existing GFA and 95,000 square feet of proposed GFA.
  - j. Show and label stormwater management easement around the stormwater management pond if one exists.
  - k. Remove Magruder House from insert and General Note 11.
  - l. Provide reference number for the Marietta Historic Site (07-020) in General Note 11.
2. Prior to certification of a Type 2 tree conservation plan (TCP2), demonstration shall be provided to the Environmental Planning Section that the entire required off-site woodland conservation requirement has been met.
3. Prior to signature approval of the preliminary plan, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
- a. The plan shall be signed by a Qualified Professional.
  - b. Revise the woodland conservation worksheet as follows:
    - (e) To use the current standard woodland conservation worksheet.
    - (2) To include the acreage for each zone on-site.
    - (3) To show the area of woodland not cleared is 0.00 acres.
    - (4) To show the worksheet signed by a Qualified Professional.
  - c. The plan shall show all proposed information as required per the TCP1 checklist including but not limited to:
    - (1) The limits of disturbance (LOD),
    - (2) Proposed lot lines,
    - (3) Stormwater management

- d. Revise the note located below the worksheet to indicate that “the worksheet is based on the previously approved ‘-04’ revision to the TCPII-94-97 (TCPII-94-97-04).”
  - e. Type the assigned TCP1 number (TCP1-005-14) into the approval block.
  - f. The following note shall be added to the plan:

“1.50 acres of off-site woodland conservation credits have been documented on TCPII-11-96 and recorded at L. 11597 F. 171 to meet a portion of the previously approved off-site woodland conservation requirement. At time of TCP2 review and approval, documentation shall be provided to demonstrate that the entire previously approved off-site woodland conservation requirement has been met (3.97 acres). Any additional woodland conservation requirement generated by the current application that has not been met at time of TCP2 submittal shall be met prior to the certification of the TCP2.”
  - g. Have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
4. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-005-14). 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 (TCP1-005-14), 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 (M-NCPPC), Prince George’s County Planning Department.”
5. Prior to submittal of the first DSP, the following shall be submitted:
- a. The conceptual Erosion and Sediment Control Plan shall be submitted. The limits of disturbance (LOD) shall be consistent between the plans and,
  - b. A valid stormwater concept plan and approval letter.
6. Roadway improvements on Bell Station Road shall be made in accordance with the Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation (DPW&T), in accordance with the access permits approved by DPIE, unless modified by DPIE.

7. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot public utility easement (PUE) along the public right-of-way, in conformance with the existing plat of subdivision for the property.
8. Prior to the approval of the final plat the applicant, or the applicant's heirs, successors and/or assignees shall obtain approval of the detailed site plan required pursuant to Zoning Map Amendment A-9995-C which shall include all of Parcels 1–4. This first DSP shall establish the frame work for a cohesive design of the future pad site development for Parcels 1–4. The DSP shall include:
  - a. Vehicular Access by establishing the future location of the internal circulation between Parcels 1–4 and the public street system. The DSP shall label the extent of the access easement.
  - b. Pedestrian Access and circulation between Parcels 1–4 and the public street system. The conceptual locations shall be further refined as each future pad site is developed.
  - c. Guidelines for signage and architecture.
  - d. Review of perimeter landscaping and buffering.
  - e. Interparcel connection (vehicular and pedestrian) between Parcels 1–4 and Parcel 5.
9. Prior to approval of building permits for Parcels 1–4, the applicant, or the applicant's heirs, successors, and/or assigns shall obtain approval of the detailed site plan required pursuant to Zoning Map Amendment A-9995-C. The DSP shall include:
  - a. Architecture and Signage
  - b. Landscaping and Lighting
  - c. Screening of trash enclosures and parking.
  - d. Review of loading area orientation and screening.
10. Any development or redevelopment of Parcel 5 that is not otherwise reviewed under the existing Detailed Site Plan DSP-03082 and/or Special Exception SE-4460 shall require a new DSP. The DSP shall include:
  - a. Architecture and Signage
  - b. Landscaping and Lighting
  - c. Screening of trash enclosures and parking.
  - d. Review of loading area orientation and screening.
  - e. Interparcel connection (vehicular and pedestrian) between Parcels 1–4 and Parcel 5.

11. Total development within Parcels 1 through 4 of the subject property shall be limited to development which generates no more than 91 AM and 358 PM peak-hour trips in consideration of the approved trip rates and the approved methodologies for computing pass-by rates. 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.
12. Total development within Parcel 5 of the subject property (containing the existing gas station) shall be limited to development which generates no more than 90 AM and 122 PM peak-hour trips in consideration of the approved trip rates and the approved methodologies for computing pass-by rates. 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.
13. Pursuant to Section 24-113, a variation from the provisions of Section 24-121(a)(3) of the Subdivision Regulations to allow a stand-alone right-in/right-out access into the property from MD 193 is approved. The location of the access point shall be determined by the State Highway Administration, prior to submittal of the first DSP. Denial of access along MD 193, except for the one approved access point, shall be reflected on the final plat.
14. Prior to approval of the final plat of subdivision, the following draft vehicular access easement shall be approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. Prior to recordation, the easement shall be recorded in land records and the liber/folio of the easement shall be indicated on the final plat and the limit of the easements reflected:
  - a. A cross vehicular access easement serving Parcels 1, 2, 3, 4 and 5 onto Bell Station Road being authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
15. Development of this site shall be in conformance with an approval of a stormwater management concept plan 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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on Tax Map 45 in Grid F-2 and is known as Parcel B, Bell Station Center; recorded in Plat Book REP 193-82 on April 10, 2002, in the County Land Records. The property consists of 10.81 acres within the Commercial Shopping Center (C-S-C) and Commercial-Miscellaneous (C-M) Zones. Parcel B is a resubdivision of Parcel A and Outlot A, Bell Station Center, which were approved pursuant to Preliminary Plan of Subdivision (PPS)

4-95053 (PGCPB Resolution No. 95-364). The site is currently developed with 5,436 square feet of gross floor area (GFA) for a Gas Station, Food and Beverage Store, Fast Food Restaurant, and Carwash; located on the C-M zoned portion of the property. The PPS proposes the division of Parcel B into five parcels. Parcel 5 (1.82 acres) will contain the C-M zoned portion of the property upon which the existing development is located. The remaining four parcels (Parcels 1-4) will contain the C-S-C zoned portion of the property (8.99 acres), upon which 95,000 square feet of gross floor area (GFA) for commercial retail is proposed. Section 24-107 of the Subdivision Regulations states that "no land shall be subdivided within the Regional District in Prince George's County until the subdivider or his agent shall obtain approval of the preliminary plan and final plat by the Planning Board," resulting in this application.

On February 16, 2010, the County Council of Prince George's County Maryland, sitting as the District Council, adopted the recommendations of the Zoning Hearing Examiner as its findings of fact and conclusions for Zoning Map Amendment (ZMA) Application No. A-9995-C. The ZMA rezoned the vacant portion of the property (Parcels 1-4) from C-M to C-S-C. A-9995-C was approved with one condition requiring the approval of a detailed site plan (DSP).

DSP review for development of the subject site (Parcels 1-5) was conditioned by the Planning Board with the approval of PPS 4-95053 (PGCPB Resolution No. 95-364). As previously discussed, Zoning Map Amendment ZMA A-9995-C was subsequently approved with one condition requiring approval of a DSP for the portion of the property composed of proposed Parcels 1-4. As a new PPS requires a new finding and recommendation for a DSP, the DSP condition from PPS 4-95053 shall be maintained for Parcel 5 and is conditioned with this PPS. Additional items of review for DSP for Parcels 1-4 are required.

The 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (Sector Plan) designated the subject property for future commercial land use. The subject property is identified as the Greenbelt Executive Center, one of four employment areas designated in the Glenn Dale-Seabrook-Lanham Sector Plan SMA. The application conforms to the commercial land use recommendation for the subject property. This property is not within any aviation policy area nor is it within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area. The District Council issued its Final Decision and Final Conditional Zoning Approval on May 26, 2010, with an effective date of May 6, 2010.

The applicant has filed a variation request from Section 24-121(a)(3) of the Subdivision Regulations, which is discussed further in the Variation Section of this report. The PPS reflects an existing right-in/right-out onto Annapolis Road (MD 450). Although the previous PPS 4-95053 did not explicitly address the required findings for a variation for this access, the applicant relied on subsequent Planning Board approvals of SE-4460 and DSP-03081 which did reflect direct vehicular access to MD 450. As a technical matter and at the request of staff, the applicant submitted the variation request for the right-in/right-out onto MD 450, which was approved. The PPS also reflects a right-in/right-out onto MD 193. The request was reviewed for conformance to the required findings set forth in Section 24-113 of the Subdivision Regulations, and was approved.

3. **Setting**—The property is located in the southwest quadrant of the intersection of Bell Station Road and MD 450. It is bounded on the west by MD 193, on the north by Bell Station Road, and on the east by MD 450. To south of the site is the Fairwood Office Park, zoned C-O. The Gabriel's Run residential community is to the north of the site, across Bell Station Road. The Marietta Historic Site (National Register 70-020) is west of the subject site, across Glenn Dale Boulevard (MD 193).
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	C-S-C (8.99)/C-M (1.82) acres	C-S-C (8.99)/C-M (1.82) acres
Use(s)	5,436-square-foot Gas Station, Food and Beverage, Fast Food Restaurant, Carwash (to remain)	5,436-square-foot Gas Station, Food and Beverage, Fast Food Restaurant, Carwash (to remain) Proposed 95,000-square-foot commercial retail use Total 100,436 square feet
Acreage	10.81	10.81
Lots	0	0
Outlots	0	0
Parcels	1	5
Dwelling Units	0	0
Public Safety	No	No
Variance	No	No
Variation	No	Yes
		(Sections 24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) meeting August 1, 2014 and September 26, 2014. As discussed in the report and as required by Section 24-113(b) of the Subdivision Regulations, the requested variation to Section 24-121(a)(3) was submitted on September 9, 2014 and was heard on September 26, 2014 at the SDRC meeting.

5. **Previous Approvals**—On February 16, 2010, the County Council of Prince George's County, Maryland, sitting as the District Council, adopted the recommendations of the Zoning Hearing Examiner as its findings of fact and conclusions for Zoning Map Amendment Case No. A-9995-C, with additions. A-9995-C was approved for the land area of proposed Parcels 1–4 with one condition, which is provided in [**boldface text**] below:
  1. **A detailed site plan shall be required to be approved by the District Council to ensure visual compatibility with the surrounding residential and**

**commercial uses, safe access, and efficient internal circulation and pedestrian connectivity. This C-S-C site appears to be conducive to an upscale restaurant park, individual pad site for a bank facility, credit union, or similar type amenities that are compatible with the surrounding area.**

A detailed site plan is conditioned for Parcels 1–4 in accordance with the A-9995-C.

6. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) defers to the sector plan for specific land use recommendations on this site. The sector plan designated the subject property for future commercial land use.

The sector plan provides specific recommendations to guide future development of this small commercial center that is identified as the MD 450/MD 193/Bell Station Triangle in Map 10, on page 82:

- **The site should continue to develop in a comprehensive manner with well-designed vehicular and pedestrian circulation. Connections should be provided to adjacent residential and commercial areas.**
- **Any new development on the currently vacant portion of the site should be oriented toward Annapolis (MD 450) to ensure consistency with existing development.**
- **Access to the site should be limited to points along Annapolis Road (MD 450) and Bell Station Road.**
- **Buffering and screening should be provided on the western edge of the site along Glenn Dale Boulevard (MD 193) and the northern portion of the site along Bell Station Road to reinforce the green character of these roadways.**
- **No signage should be placed along Glenn Dale Boulevard (MD 193.)**

Attractive, walkable commercial areas are important future quality of life features in the Glenn Dale-Seabrook-Lanham communities. While the proposed use conforms to the land use designation for future commercial development, planning issues center on vehicular access and pedestrian connectivity, both internally and with the larger community. The sector plan discusses vehicular access management in this way (page 159):

**“Rethinking standard suburban access and parking strategies also can improve transportation efficiency. Traffic congestion typically is intensified by linear corridors of commercial uses with driveways for each property and no internal access to abutting properties. This lack of internal connectivity forces vehicles out onto roadways to access nearby businesses. Access management strategies limit the number of curb cuts and promote internal connections between properties, boosting**



**the flow of traffic and often eliminating the need to widen roads in commercial corridors. Access management also can improve safety for pedestrians and cyclists by eliminating (sic reducing) the number of vehicle turn movements, reducing (sic eliminating) conflicts between pedestrians and vehicles, or reducing the number of bicycles and vehicles.”**

Bell Station Road is designated as both ‘scenic’ and ‘historic.’ Accordingly, a strategy on page 167 to further the policy that scenic roads should be protected, preserved, and enhanced, states: “Ensure that viewsheds along Bell Station Road are preserved through the use of appropriate building setbacks, lot layouts, and screening and buffering.”

The sector plan provides the following general guidelines for commercial/employment areas:

***Provide landscaped parking areas:*** Landscaping should be incorporated into parking areas to soften edges and screen surface lots from public streets and internal pathways. Landscaping can also visually break up large areas of empty space and reduce heat effects in summer months.

***Create internal pedestrian pathways that connect parking areas to building entrances:*** Special attention should be paid to moving pedestrians safely from parking areas to building entrances. Traditional parking lot design forces pedestrians to walk along parking aisles, creating potential conflicts with vehicles trying to exit and enter parking spaces. Separate pathways should be provided to remove pedestrians from the vehicular aisle area, connecting directly to pedestrian crosswalks and sidewalks that lead to building entrances.

***Incorporate internal access drives to reduce the number of curb cuts onto major roadways:*** Internal traffic should be considered in the context of circulation patterns on adjacent properties and roadways. Access points for vehicles should be minimized to reduce the number of driveways connecting to roadways, which often lead to traffic hazards. Internal connections should be provided to allow vehicles to travel between adjacent commercial properties without having to enter a major roadway, and exit again within a short distance.

***Provide adequate screening for utility and service features:*** Service and utility areas should not be visible from public right-of-way and should not block building access, views, or pedestrian pathways. Screening devices should be compatible with design character of the shopping center.

***Provide functional and attractive outdoor lighting:*** Outdoor lighting should provide adequate illumination for building entrances, walkways, and parking areas, but should be sensitive to impacts on adjacent properties or into the sky. Lighting standards and fixtures should be human-scaled and compatible with the design character of the shopping center.

**Ensure security and safety:** All parking lots and building entrances should have high degrees of visibility, appropriate lighting and walkways. The use of CPTED is strongly encouraged.

**Use high quality materials with compatible colors and textures:** Buildings should complement the design character of nearby properties. Materials, colors and textures should create visual interest and contribute to a harmonious design.

**Use design elements to break up long facades:** Windows, doors, and changes in textures can all be used to break long facades into smaller units that seem more inviting.

**Promote energy efficient design:** If feasible, building design should incorporate energy-saving elements, such as solar panels, wastewater recycling, water-saving fixtures, and energy-efficient windows and HVAC systems.

**Enterprise Road Corridor Development Review District Commission**

This preliminary plan is located in the designated Enterprise Road Corridor Development Review District, created pursuant to Section 24-148 of the Subdivision Regulations. In accordance with Section 24-147, this preliminary plan has been referred to the Enterprise Road Corridor Development Review District Commission (ERCDRDC) for review and comment. This preliminary plan was reviewed during ERCDRDC meetings on August 6, 2014 and September 8, 2014. The ERCDRDC has provided the following three comments for this PPS:

1. **With the division of Parcel B into parcels #1 - #4, the applicant has the ability to sell each parcel collectively to one buyer or individually to one or more buyers. Under this scenario, each of the parcels could be developed at one time or at multiple times and each buyer would be required to provide a detailed site plan. Towards that end, we are concerned that there could be multiple site plans that would differ in architectural style, etc. that is provided by one or more buyers. In addition, multiple site plans would require the resources of the Planning Board, community, etc. and would result in the use of additional taxpayer resources for the consideration and approval for each site plan. As a result, we recommended that the site be developed in a comprehensive manner and that there be a *single comprehensive cohesive detailed site plan for Parcels #1 - #4*. A site plan would include considerations for landscaping, architecture, lighting, signage, buffers, parking, etc.**

A DSP has been conditioned for Parcels 1–4, pursuant to ZMA A-9995-C.

2. **The applicant has requested direct access on and off of Route 193—and arterial road. Route 193 contains high speed traffic and we are concerned**

**about the ability of cars and bicycles to integrate safely on and off of Route 193. Without a service road that is able to help safely rationalize and control the traffic, we believe that direct access is hazardous and that boundaries are need to protect the safety of the community. *We recommend that (1) there be an in and out on Route 193 and (2) the application conform to the regulations set forth by the County which require a service road on arterial roads.***

At the Planning Board hearing, Ms. Phyllis Anderson testified as a member of the ERCDRDC, indicating that she prepared the referral memo that is incorporated into this report. In her testimony, Ms. Anderson clarified that while the ERCDRDC recommended the use of a service road from MD 193 to provide access to the site, they had since learned that a service road is not possible in this situation. Notwithstanding that fact, she noted that the ERCDRDC still recommends direct access via a right-in/right-out from MD 193 for the subject property.

The applicant has submitted a variation request to Section 24-121(a)(3) for direct access to Glenn Dale Boulevard (MD 193) via a right-in/right-out turning movement, which was approved.

3. **The proposed plan calls for four ins and outs on Bell Station Road and that one of the ins and outs be located almost directly across from Judicial Drive—the sole entrance and exit for 100 single family residences in the Gabriel's Run subdivision. We are concerned about the number of ins and outs on Bell Station Road and believe that four is excessive and would create hazardous safety conditions to drivers, cyclists, and the pedestrian community. (Presently, Bell Station Road has pedestrian accessibility as there are sidewalks that extend along both sides of the street.) *We recommend that one of the ins and outs be eliminated. We also recommend that the in and out that is eliminated is the one that is nearest to the Gabriel's Run subdivision, as having a four way intersection across from a residential community is a safety issue. In addition, the current plan allows for drivers to make left and right turns from each of the four ins and outs along this very short street, as Bell Station is approximately 1/3 of a mile. It is our view that a cross walk and traffic light on Bell Station should be provided so that pedestrians can cross safely. As presently designed, the ins and outs combined with the traffic coming from and to Routes 450 and 193 make Bell Station Road a dangerous mixing bowl without the proper safeguards. We also recommend reevaluation of the traffic study.***

Bell Station Road is a collector roadway and is not regulated for access by the Subdivision Regulations. Moreover, strict compliance to the Subdivision Regulations would require three new points of access for the three proposed parcels along Bell Station Road (Parcels 1-3). The reduction of access points from three to two as requested by the ERCDRDC would require a private easement to serve these lots via Section 24-128(b)(9). A DSP is

conditioned to ensure that pedestrians can safely and conveniently access the entire site without use of an automobile. Ultimately, access to Bell Station Road from the site, as well as improvements within the County right-of-way, is subject to DPW&T approval.

7. **Urban Design**—The subject property is split zoned with C-S-C and C-M designations. The C-M-zoned portion of the property (proposed Parcel 5) would contain 1.82 acres and has been previously developed with a gas station and convenience store in accordance with previously approved Detailed Site Plan DSP-03081 and Special Exception SE-4460. The remainder of the site, zoned C-S-C, is currently undeveloped and would be, by the proposed subdivision, divided into four parcels (proposed Parcels 1–4). Conformance with the requirements of the Zoning Ordinance will be reviewed with the required Zoning Map Amendment (A-9995-C).

#### **Conformance with the Requirements of Previous Approvals**

The entire 10.81-acre property was previously zoned C-M. On May 26, 2010, the District Council approved Zoning Map Amendment A-9995-C to rezone 8.99 acres of the property (proposed Parcels 1–4) from the C-M Zone to the C-S-C Zone. The one condition attached to the rezoning approval requires District Council approval of a DSP for development. The approval history also includes Preliminary Plan of Subdivision 4-95053 (PGCPB Resolution No. 95-364), and Detailed Site Plan DSP-03081 (PGCPB Resolution No. 05-171) with three revisions. Detailed Site Plan DSP-03081 was for the development of a gas station, food and beverage store, fast-food restaurant and car wash, all located at the far eastern end of the site on proposed Parcel 5.

At time of DSP-03081 approval in 2005 for the gas station (proposed Parcel 5), an overall site plan for the entire 10.81 acres was included because the site was one parcel, which indicated the conceptual development of the balance (Parcels 1–4) of the property. Condition 1 of the DSP required the plans to be revised to provide inter-parcel pedestrian and vehicular connections; which is carried forward in the Recommendation Section of this report. Revision to DSP-03081-01 (approved at the Planning Director level) eliminated the previously approved 50-foot-wide landscape buffer required for a historic site that was relocated. Revision to DSP-03081-02 (approved at the Planning Director level) increased the size of the car wash by 312 square feet. The most recent revision, DSP-03081-03, was also approved at the Planning Director level in 2012 and is valid through December 31, 2015. Detailed Site Plan DSP-03081-03 established, along with other landscaping, a landscaping bufferyard along the site's southern boundary line and surrounding the stormwater-management pond located at the southwestern corner of the property on proposed Parcel 4.

On September 23, 2014, Staff attended a meeting with representatives of the Glenn Dale Citizen's Association. The citizens expressed concern that all previously approved landscape bufferyards shown in Detailed Site Plan DSP-03081-03, specifically along the site's southern property line and around the stormwater management pond, would be modified with this PPS application. Staff advised the citizens that the PPS approval process, which is under Subtitle 24, is separate from a DSP. Accordingly, the approval of this PPS will not affect the buffer requirement conditioned as

part of the approval of the DSP. However, the applicant has the right to propose revisions to the bufferyard, subject to approval of the Planning Board or its designee with the review of a revision to the DSP. Therefore, due to apparent citizen concern, Staff recommends that any revisions to DSP-03081 that may impact the established bufferyards should go through a public hearing process. Staff also notes that the lots provided in the PPS are designed to accommodate the landscape bufferyard required by the DSP.

#### **Conformance with the 2010 Prince George's County Landscape Manual and the Tree Canopy Coverage Ordinance**

The site is subject to the requirements of both the 2010 *Prince George's County Landscape Manual* and the Tree Canopy Coverage Ordinance. Conformance with those requirements will be reviewed at time of DSP approval for Parcels 1–4 and Parcel 5.

8. **Environmental**—The PPS and a Type I Tree Conservation Plan, TCPI-005-14, stamped as received on September 5, 2014, have been reviewed for conformance to the Subdivision Regulations (Subtitle 24). This PPS is subject to the environmental regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010.

#### **Master Plan Conformance**

The Master Plan for this area does not indicate any environmental issues associated with this property.

#### **Conformance with the Green Infrastructure Plan**

Neither the subject property nor any adjacent properties are within the designated 2005 *Approved Countywide Green Infrastructure Plan*.

#### **Site Description**

The site has frontage on Annapolis Road (MD 450) and Glenn Dale Boulevard (MD 193), which are designated arterial roadways regulated for noise; however, because of the commercial and retail nature of the proposed development, noise is not a concern. Bell Station Road is a designated scenic and historic road. MD 450 is a designated historic road. The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

No regulated environmental features are located on-site. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Collington-Wist complex. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. No Forest Interior Dwelling Species (FIDS) is mapped on-site.

### **Environmental Review**

An approved Natural Resource Inventory Equivalency Letter was submitted with the review package, NRI-160-13, which was approved on September 26, 2013. The letter was issued because the proposed site plan demonstrates conformance with previously approved TCPII-094-97-04. No woodland or regulated environmental features are currently located on-site. No revisions are required for conformance to the NRI.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because Tree Conservation Plans were previously approved for the site. A Type I Tree Conservation Plan (TCP1-005-14) was submitted with the application.

TCPI/39/95 and TCPII/94/97 were previously approved for the subject site; however, because the current application is for a new preliminary plan of subdivision, the project is not grandfathered with respect to the WCO effective September 1, 2010.

The previously approved PPS 4-95053 required public right-of-way dedication. The Type I Tree Conservation Plan (TCPI/39/95) that was associated with the original subdivision was based on the original land area (11.38 acres). For TCP purposes, dedicated land is only subtracted for woodland conservation calculation purposes if the dedication occurred prior to the plan application with the first associated TCP. A Type II Tree Conservation Plan (TCPII/94/97) was subsequently approved and implemented on the property; with woodland calculations based on the original land area. Even though the current preliminary plan is based on the site's area as it stands today (10.81 acres), the TCP1 associated with the current application must continue to be based on the original land area so that no woodland conservation requirement is lost with the current application.

The Woodland Conservation Threshold (WCT) for this 11.38-acre property is 15 percent of the net tract area or 1.71 acres. The total woodland conservation requirement based on the amount of clearing proposed as shown on the plan is 4.05 acres. The woodland conservation requirement is proposed to be satisfied entirely off-site in conformance with the previously approved TCPII.

The plan requires technical revisions to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance. The worksheet on the plan has been signed by an individual that does not appear to be a Qualified Professional. The plan and the worksheet are required to be signed by a Qualified Professional. The name of the Qualified Professional must be typed below the signature on both the worksheet and the plan.

The woodland conservation worksheet correctly reflects the gross tract area as approved on previous TCP's; however, the zoning for the overall site is currently split between the C-M and the C-S-C Zones. The worksheet must be revised to reflect the area of the site within each zone. This will not affect the calculations because the woodland conservation and the afforestation thresholds are the same for both zones. The current standard worksheet must be shown on the plan. The worksheet and plan must be revised to show that the area of woodland not cleared is 0.00. All woodland on-site has previously been approved to be cleared (TCPII/94/97).

The plan contains a note indicating that proposed conditions have not been shown because they have not been finalized. Proposed information is required to be shown on the TCP1, including but not limited to, the limit of disturbance (LOD), proposed lot lines, building footprints, water and sewer connections, stormwater management and stormdrain, proposed grading and easements, etc. A symbol is shown in the legend as an LOD, but is labeled as the limits of development. The LOD must be revised on the plan and in the legend to reflect the limits of disturbance.

A note is shown on the plan indicating that the worksheet is based on a previously approved and executed TCP1; however, the note must be revised to reflect the most recent revision to the TCP1-94-97-04. The assigned TCP number must be typed-in to the approval block (TCP1-005-14) and the Development review digital approval block must be added to the plan.

Previous TCPs have been approved and implemented for this site; however, the Environmental Planning Section only has documentation for a portion of the off-site woodland conservation requirement having been met to-date. A small area (3,484-square-foot) of off-site clearing is proposed on this application above what has previously been approved, which increases the total off-site requirement slightly from the previous approvals. This clearing is proposed in order to accommodate vehicular access to MD 193. This access is contingent upon approval of a variation from the Subdivision Regulations. If the variation is approved, prior to certification of the TCP2 in conformance with the current application, evidence shall be provided to the Environmental Planning Section demonstrating that the entire off-site woodland conservation requirement has been met. The following note must be added to the TCP1 prior to certification:

“1.50 acres of off-site woodland conservation credits have been documented on TCP1-11-96 and recorded at L. 11597 F. 171 to meet a portion of the previously approved off-site woodland conservation requirement. At time of TCP2 review and approval, documentation shall be provided to demonstrate that the entire previously approved off-site woodland conservation requirement has been met (3.97 acres). Any additional woodland conservation requirement generated by the current application that has not been met at time of TCP2 submittal shall be met prior to the certification of the TCP2.”

After all revisions have been made, have the qualified professional who prepared the plan sign and date it.

Section 24-130(b)(5) requires subdivision applications to demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. There are no regulated environmental features located on the subject property; however, the previously approved Preliminary Plan (4-95053) was approved with a variation to remove a nontidal wetland and its associated buffer. The wetland was previously located on the southeastern corner of the site. Subsequent permits were issued to remove the wetland. No regulated environmental features are currently located on-site. No additional information is needed for conformance with Section 24-130(b)(5) of the Subdivision Regulations.

The county requires the approval of an Erosion and Sediment Control Plan. The tree conservation plan must reflect the ultimate limits of disturbance (LOD) not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including Erosion and Sediment Control measures. A copy of the Erosion and Sediment Control Concept Plan was not filed with this preliminary plan application and should be so that the ultimate limits of disturbance for the project may be verified and shown on the TCP.

Bell Station Road is designated a scenic and historic road, and MD 450 is designated an historic road in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). Bell Station Road has the functional classification of a collector and MD 450 has the functional classification of arterial. Any improvements within the right-of-way of a scenic and historic road are subject to approval by the Department of Public Works and Transportation (DPW&T) under the Design Guidelines and Standards for Scenic and Historic Roads. The 2010 *Prince George's County Landscape Manual* provides specific requirements for bufferyards along scenic and historic roads, which will be reviewed with the DSP. However, no reduction in the bufferyards approved under Detailed Site Plan DSP-03081-03 is being proposed by this PPS.

9. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. An approved, but expired, Stormwater Management Concept plan and Approval Letter (8000470-1995-03) was submitted with the subject application. The most recent revision to the concept was approved on August 3, 2009 and on expired August 3, 2012. The stormwater design is grandfathered under the current stormwater regulations; however, a current/ valid concept plan and approval letter must be submitted prior to signature approval of the preliminary plan of subdivision. The concept plan shows a pond located on the southwestern corner of the site; this pond has been constructed. The SWM easement if existing, should be reflected on the PPS and TCP prior to signature approval.

**Conformance with the 2010 Water Resources Functional Master Plan**

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

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



11. **Trails**—This PPS has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the Master Plan in order to implement planned trails, bikeways, and pedestrian improvements. This PPS is exempt from Section 24-124.01 of the Subdivision Regulations because it is not located within a General Plan Center or Corridor.

There are three master plan trails/bikeways in the immediate vicinity of the subject site. A master plan bikeway/bike lanes are recommended along MD 193. This has been implemented by Maryland State Highway Administration (SHA) with paved shoulders, signage and pavement markings as part of the Upper Marlboro to Greenbelt Bikeway. A sidepath is recommended along MD 450 and this has been implemented by SHA along the frontage of the subject site from Lanham to Bowie. And, a bikeway is recommended along Bell Station Road. DPW&T has implemented this with the construction of standard sidewalks and wide outside curb lanes along the entire length of Bell Station Road from MD 193 to MD 450.

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

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

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

There are no further master plan trail recommendations for the subject site. The facilities already provided by the operating agencies meet the intent of the master plan for MD 193, MD 450, and Bell Station Road. Internal pedestrian access will be addressed at the time of DSP. Access should be provided from the public rights-of-way to the building entrances and a small amount of bicycle parking may be appropriate. Any changes to the road frontages of either MD 193 or Bell Station Road should maintain or enhance the existing facilities.

12. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan for the above-referenced property. The 10.81-acre, C-M/C-S-C zoned property which is located east of MD 193, west of MD 450, and south of Bell Station Road. The application proposes the creation of five parcels from a single parcel which was the subject of a previous Preliminary Plan of Subdivision (PPS) in 1995 (4-95053, PGCPB Resolution No. 95-364). It is expected that Parcels 1–4 will be developed collectively (95,000 square feet) as commercial retail and Parcel 5 will retain the existing land use developed with 5,436 square feet of gross floor area (GFA).

## **Background**

On October 26, 1995, the Prince George's County Planning Board approved PPS 4-95035 which covered the subject property. Based on information provided in PGCPB Resolution No. 95-364, the then application was approved with two transportation-related conditions, requiring various improvements in the immediate vicinity of the subject property, as well as the potential payments for other road improvements. While the findings of adequacy were based on a maximum density of 150,000 square feet of retail development, the cap on development in the Planning Board findings of approval included only a PM trip cap limitation. There is however, substantial evidence within the Planning Board Resolution (95-634) that the analyses were predicated on the application generating 480 new PM trips (240 in, 240 out) and zero trips in the AM peak hour. At the time that the 1995 subdivision was reviewed, the "Guidelines for the Analysis of the Traffic Impact of Development Proposal" showed the retail use with zero trips in the AM peak hour.

#### **Trip Cap Analyses**

At the time of the original analyses during the 1995 review, the subject property was evaluated based on a development density of 150,000 square feet of retail. Subsequent to the approval and recordation of the then-approved PPS, the property has been improved with a 5,436-square-foot gas station (including food mart and car wash) within 1.82 acres of the original 10.81-acre site. In light of the fact that the subject property was the subject of a previous preliminary plan and recordation, the pending application was evaluated using current traffic data as well as trip generation rates in order to establish a trip cap for the AM peak hour bringing forward the existing PM trip analysis from (4-95035). Current trip generation manuals (both local and national) do recognize and recommend trip rates for retail development during AM as well as the customary PM period. In consideration of current rates and the current proposal for 95,000 square feet of new retail space, the following trip generation table was developed:

<b>Trip Generation Summary, 4-13019, Bell Station Center</b>								
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
			<b>In</b>	<b>Out</b>	<b>Tot</b>	<b>In</b>	<b>Out</b>	<b>Tot</b>
Gas Station	20	fueling positions	121	116	237	141	136	277
Less Pass-By (62/56 percent AM/PM)			-75	-72	-147	-79	-76	-155
<b>Net Gas Station Trips</b>			<b>46</b>	<b>44</b>	<b>90</b>	<b>62</b>	<b>60</b>	<b>122</b>
Retail	95,000	square feet	94	57	151	278	301	579
Less Pass-By (40 percent)			-38	-22	-60	-109	-121	-230
<b>Net Retail Trips</b>			<b>56</b>	<b>35</b>	<b>91</b>	<b>167</b>	<b>180</b>	<b>347</b>
<b>Total Trips (Sum of the Above Values in Bold)</b>			<b>102</b>	<b>79</b>	<b>181</b>	<b>229</b>	<b>240</b>	<b>469</b>
<b>Current Trip Cap</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>240</b>	<b>240</b>	<b>480</b>

It is noted that the PM peak hour is within the current cap, and the AM peak hour requires further analysis. The current development proposal would generate no net trips beyond the existing trip cap (4-95035) in the PM peak hour.

Using peak hour turning movement counts available from the State Highway Administration (SHA) website, the proposed four parcels (8.99 acres) was analyzed based on 95,000 square of retail (the fifth parcel contains the existing gas station, which is open and is generating traffic today). The tables below show the results of the analyses consistent with the "Transportation Review Guidelines, Part 1." The following intersections were deemed critical:

<b>EXISTING CONDITIONS</b> <i>counts were adjusted to reflect 2014 levels based on a 10-year growth trend</i>	
<b>Intersection</b>	<b>AM</b>
	LOS/CLV
MD 450 and MD 193	B/1105
MD 450 and Bell Station Road	B/1042
MD 193 and Bell Station Road (unsignalized)*	A/856
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the Guidelines.	

While most of the background developments from the original application have been built, there are still significant amount of unbuilt developments as well as new developments that were included in the new analyses. A second analysis was done to evaluate the impact of the background developments as well as growth in through traffic. The analysis revealed the following results:

<b>BACKGROUND CONDITIONS</b>	
<b>Intersection</b>	<b>AM</b>
	LOS/CLV
MD 450 and MD 193	D/1331
MD 450 and Bell Station Road	C/1297
MD 193 and Bell Station Road (unsignalized)*	A/927

Including the impacts of the current proposal, as noted in the above trip generation table, a third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS	
Intersection	AM
	LOS/CLV
MD 450 and MD 193	D/1336
MD 450 and Bell Station Road	D/1318
MD 193 and Bell Station Road (unsignalized)*	A/939

Based on the results shown above, the proposed development, for Parcels 1-4 is approved with an AM trip cap of 91 trips. The original trip cap of 480 (240 in; 240 out) new PM peak trips will remain in effect.

Separate caps are recommended for Parcel 5 and for Parcels 1 through 4. The caps are intended to represent only estimated net trip generation. The cap for Parcel 5 shall be interpreted to represent the estimated net trip generation of the existing 20-fueling position gas station with convenience store and car wash, and is only applicable to any expansion of the existing use or a redevelopment of Parcel 5 with different uses.

#### **Master Plan, Right of Way Dedication**

The property is located in an area where the development policies are governed by the 2010 *Glenn Dale-Seabrook-Lanham Approved Sector Plan*, as well as the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The property fronts on three roads, MD 450, MD 193 and Bell Station Road. All three roads are currently built to their ultimate master plan cross section. Consequently, no additional right-of-way will be required. Two of the three roads mentioned however are functioning as arterial roads. The portion of the property currently fronts on Bell Station Parkway as well as MD 450 which is an arterial road.

13. **Variation**—The applicant has filed variation requests from Sections 24-121(a)(3) of the Subdivision Regulations.

#### **Variation from Section 24-121(a)(3)**

The PPS proposes direct vehicular access, via right-in/right-out turning movement, to MD 193 and MD 450. Section 24-121(a)(3) states:

- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall**

**connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

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

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

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

**Variation for MD 193:**

The applicant provided an extensive response. Reference was made regarding the access to the Fairwoods Office Park abutting to the south and that it operates safely. Furthermore, testimony from Mr. Wes Guckert, the applicant's transportation engineer, at the hearing on October 9, 2014, indicated that the right-in/right-out access to the property from MD 193 would be designed in a manner to meet all State Highway Administration design requirements. Mr. Guckert also provided a design drawing for the access which had been reviewed by the Maryland State Highway Administration (SHA). In addition, Mr. Guckert testified that the right-in/right-out turning movement into the site could be made safely and without creating any traffic impact which would be detrimental to the public safety, health or welfare or which would be injurious to other property. The Maryland State Highway Administration (SHA) has provided an indication that conceptual approval of the access point is granted. For these reasons the finding is supportable.

**Variation for MD 450:**

The Maryland State Highway Administration approved this access point, and has not indicated any issues with it. For that reason the finding is supportable.

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

**Variation for MD 193:**

There are no other properties within the immediate vicinity are surrounded by two arterial roads and a collector road on which a residential community fronts. This combination creates uniqueness for this property.

The Gabriel's Run Homeowners Association provided a letter indicating its concerns over traffic using Bell Station Road. In addition, residents of the Gabriel's Run subdivision, which is located immediately north of the site, across Bell Station Road, also testified before the Planning Board. The written comments as well as testimony indicated that Bell Station Road is being used as a cut-thru for traffic traveling between MD 450 and MD 193. As a result, there have been substantial increases in the number of cars traveling along Bell Station Road, particularly during the AM and PM peak hours. Residents of Gabriel's Run indicated that they are experiencing traffic congestion issues which in their view make turning movements into and out of their community from Bell Station Road less safe. There was further testimony concerning the safety of pedestrians walking along or crossing Bell Station Road in order to get to the Subway restaurant within the BP gas station.

Bell Station Road was designed and constructed as a four-lane collector. While four-lane collectors are designed and capable of handling Average Daily Traffic ("ADT") volumes in excess of 26,000 ADT and are intended to collect traffic, it is clear that the section of Bell Station Road abutting Gabriel's Run and Bell Station Center property, and which has been constructed as a collector, is a short section of roadway which exists only between MD 450 and MD 193. Based upon the testimony, it is apparent that this section of Bell Station Road is in fact being used as a cut-thru and is experiencing substantial volumes during the AM and PM peak hour. Mr. Guckert also testified that allowing the right-in/right-out movement from MD 193 to the site will make traffic operations safer and allow traffic to flow more freely along Bell Station Road than would be the case if the MD 193 access is denied and all trips from the development of Bell Station Center are forced to utilize Bell Station Road. This is a situation which is unique to the Bell Station property for which the variation is being sought and is not applicable generally to other properties.

**Variation for MD 450:**

Given that the driveway has been constructed and is operating today, this is clearly a unique situation.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance or regulations;**

**Variation for MD 193:**

The variation conforms to this finding. However, any conceptual approvals that may have been granted by SHA do not create a requirement that the Board approve a variation request.

**Variation for MD 450:**

The variation conforms to this finding.

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

**Variation for MD 193:**

The testimony presented by the residents of Gabriel's Run established that the use of Bell Station Road as a cut-thru has generated additional traffic which creates congestion and safety concerns relative to turning movements into and out of Bell Station Road. Mr. Guckert also testified that the right-in/right-out access onto MD 193 will result in fewer cars from the Bell Station development entering onto Bell Station Road thus creating a safer situation than would otherwise exist. Given this fact, it would create a hardship for the applicant if not to be allowed to develop its project in the safest and most transportation efficient manner possible.

In three different letters (August 6, 2013, December 20, 2013, and September 29, 2014) the State Highway Administration, the agency responsible to maintain MD 193 and determine when access will be authorized for that roadway, has indicated that it will permit a standalone right-in/right-out access for the Bell Station property.

Information was presented by the applicant during the course of the hearing indicating that along the MD 193 corridor, 10 of the 12 existing commercial developments have at least one direct access point onto MD 193. Three of these commercial developments have multiple access points. Also, all of the retail commercial developments along the MD 193 corridor have direct access onto that roadway. In addition, the Fairwood Office Park located immediately south of the Bell Station site had a

variation request granted to allow a direct right-in/right-out access onto MD 193. To deny the applicant an access point which will promote traffic safety and which has been granted for virtually every other commercial development in the MD 193 corridor would create a substantial hardship.

While the Glenn Dale-Seabrook-Lanham Master Plan and Sectional Map Amendment recommends that direct access to MD 193 be limited, that recommendation has in many instances not been implemented, due to facts presented in individual cases. Given the history of access being allowed directly to MD 193 and further given the fact that in this case, allowing a limited right-in/right out access to MD 193 will promote traffic safety and efficient traffic circulation, in this case the recommendations contained in the Master Plan, as they relate to MD 193 access for the Bell Station property, are no longer appropriate given events that have occurred.

**Variation for MD 450:**

Disapproving the access after the gas station was developed subsequent to previous approvals would pose a particular hardship to a highway-oriented use.

**Conclusion:**

**Variation for MD 193**

By virtue that the positive findings for each of the criteria for variation approval, the variation from Section 24-124(a)(3) for access to MD 193 was approved.

**Variation for MD 450:**

By virtue of the positive findings for each of the criteria for variation approval, the variation from Section 24-124(a)(3) for access to MD 450 was approved.

14. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
15. **Fire and Rescue**—The Special Projects Section has reviewed this application for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(E) of the Subdivision Regulations.

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



The proposed project is served by Glenn Dale Fire/EMS Co. 18. This first due response station, located at 11900 Glenn Dale Boulevard, is within the maximum of seven minutes travel time.

**Capital Improvements Program (CIP)**

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

16. **Police Facilities**—The proposed development is within the service area of Police District II, Bowie, Maryland. 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, 2013 (U.S. Census Bureau) county population estimate is 890,081. Using the 141 square feet per 1,000 residents, it calculates to 125,501 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

17. **Water and Sewer Categories**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

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

18. **Prince George’s County Health Department**—The PPS was referred to the Prince George’s County Health Department for review. Comments had not been received at the time of the Planning Board hearing. However, the subsequent DSP will be referred to the Health Department for review.

19. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when PUEs are required by a public utility company, the subdivider should include the following statement on the final plat:

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

The PPS correctly delineates a ten-foot public utility easement along the right-of-way as requested by the utility companies. This PUE should be granted in conformance with the existing plat of subdivision for the property.

20. **Historic**—The Historic Preservation Commission and Historic Preservation Section reviewed the subject application at its September 16, 2014 meeting.

**Historic Preservation**

Marietta is a two-and-one-half story side-gabled plantation house with elegant Federal style decorative details, built c. 1813. The property also includes a T-shaped rear wing (c.1830). The house was built for Gabriel Duvall, a Prince Georgian distinguished by a lifetime of public service. Active during the American Revolution, Duvall served as Comptroller of Treasury under Thomas Jefferson and as an Associate Justice of the U.S. Supreme Court from 1811 until 1835. The property also contains two small brick outbuildings near the house: Justice Duvall's law office and a tack room/root cellar. The law office is protected by an easement held by the Maryland Historical Trust. The property was listed in the National Register of Historic Places in 1994.

The developing property, located east of Marietta across MD 193 and its intersection with Bell Station Road, will likely be at least partially and seasonally visible from the historic site, which is located on a partially wooded parcel. The subject property was once part of the Marietta plantation. The parcel was separated from the main house when MD 193 was constructed in the 1980s.

At its September 16, 2014 hearing, the Historic Preservation Commission (HPC) was briefed by the Historic Preservation Section (M-NCPPC) on the application and received testimony from the applicant's representative, Edward Gibbs, Esquire, and representatives from the Glenn Dale Citizens' Association. The HPC voted 8-0-1 in favor of forwarding the staff memorandum and proposed condition to the Planning Board for its review of the application, and acknowledged that their substantive concerns would be addressed through the detailed site plan application to follow.

The proposed access point on MD 193 and the ultimate development of the subject property will have a visible impact on the prominent intersection of MD 193 and Bell Station Road and the adjacent Marietta property to the west. The proposed Glenn Dale Boulevard (MD 193) access point may diminish the opportunity of full screening along the western edge of the developing property.

The development of the subject property is likely to include buildings and features visible for at least part of the year from the Marietta Historic Site. This important Prince George's County Historic Site, also listed in the National Register of Historic Places, is operated by the Department of Parks and Recreation/M-NCPPC and is open to the public. Therefore, the Historic Preservation Commission (HPC) and the Historic Preservation Section recommends that the detailed site plan for the developing property (Parcels 1-4) address the architectural character, materials, parking, landscaping, and lighting associated with the ultimate development of this highly visible site for potential impacts on the Marietta Historic Site.

### **Archaeology**

Phase I archeological investigations are not recommended on the subject property. The subject property was previously surveyed for archeological resources in 1979 and one archeological site, 18PR201, was identified on the property. This site contained artifacts dating to the Early Archaic (7,500-6,000 B.C.) and Late Woodland (A.D. 900-1,600) periods, as well historic artifacts from the late eighteenth to twentieth centuries. A subsequent Preliminary Plan of Subdivision (4-95053)

was approved for the subject property in 1995. The subject property was extensively graded in 1998, effectively removing any archeological value from the site.

21. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new PPS is recommended. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are other considerations for a residential subdivision not considered in the review of commercial, industrial, and mixed-use development including the recreational components, noise, and access. A new PPS is recommended if residential development is to be proposed.
22. **Detailed Site Plan**—A commercial retail use, as permitted in the C-S-C Zone, does not require a DSP. However, several factors necessitate detailed review of the proposed development on this site. DSP review for development of the subject site (proposed Parcels 1–5) was originally conditioned by the Planning Board with the approval of PPS 4-95053 (PGCPB Resolution No. 95-364). The findings for this condition were derived from the recommendations set forth by the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)*. Many of those recommendations, previously discussed above, have been carried forward by the current 2010 Glenn Dale-Seabrook-Lanham sector plan and therefore apply to the subject site. Condition 8 of PPS 4-95053, requiring DSP review for the subject site is below:
  8. **A Detailed Site Plan for the entire site shall be approved prior to the issuance of building permits. The Detailed Site Plan shall include, but not be limited to, the following:**
    - a. **A cohesive design for vehicular access, circulation, parking, and pedestrian circulation. Auto, truck, and pedestrian traffic shall be separated to the extent possible. Pedestrian access shall be provided throughout the site, such that pedestrians can safely and conveniently access the entire site without use of an automobile.**
    - b. **Common pedestrian space and common focal points shall be provided.**
    - c. **Design guidelines and specific designs for signage and architecture. Signage shall be consistent in terms of location for both building-mounted and free-standing signs, shall be easy to read and shall provide clear internal directions and an uncluttered external appearance. Architectural guidelines shall include colors, materials, and styles, such that all buildings are consistent and compatible with each other, and are compatible with the adjoining historic buildings and residential neighborhood.**
    - d. **Screening for trash enclosures and loading areas oriented to the interior of the site shall be provided and shall consist of masonry walls designed to**

**appear to be an extension of the building (brick, stone, or ornamental concrete).**

- e. The stormwater management pond shall be designed as an amenity, to the extent possible.**
- f. Views from the road (public right-of-way). All views of trash and loading areas shall be completely screened from the road. The facades of any structure visible from the road shall be treated as front facades.**
- g. Parking shall be screened from the road with either a masonry screen wall or evergreen shrub material, or other materials as approved by Planning Board.**
- h. A determination shall be made whether a limited access (ingress only) from MD 193 to the subject site shall be permitted.**

Zoning Map Amendment ZMA A-9995-C was subsequently approved with one condition requiring approval of a DSP for the portion of the property composed of proposed Parcels 1–4, shown below:

- 1. A detailed site plan shall be required to be approved by the District Council to ensure visual compatibility with the surrounding residential and commercial uses, safe access, and efficient internal circulation and pedestrian connectivity. This C-S-C site appears to be conducive to an upscale restaurant park, individual pad site for a bank facility, credit union, or similar type amenities that are compatible with the surrounding area.**

In order establish the frame work for a cohesive design for the future pad site development of Parcels 1–4, the first DSP for these parcels should be reviewed pursuant to ZMA A-9995-C, prior to approval of the final plat, to include the following:

- a. Vehicular Access by establishing the future location of the internal circulation between Parcels 1–4 and the public street system. The DSP shall label the extent of the access easement.**
- b. Pedestrian Access and circulation between Parcels 1–4 and the public street system. The conceptual locations shall be further refined as each future pad site is developed.**
- c. Guidelines for signage and architecture.**
- d. Review of perimeter landscaping and buffering.**
- e. Interparcel connection (vehicular and pedestrian) between Parcels 1–4 and Parcel 5.**

Similarly, DSP review should be required, pursuant to ZMA A-9995-C and prior to approval of building permits, to include the following:

- a. Architecture and Signage
- b. Landscaping and Lighting
- c. Screening of trash enclosures and parking.
- d. Review of loading area orientation and screening.

The existing gas station and food and beverage store located on proposed Parcel 5 was approved per Special Exception SE-4460 and Detailed Site Plan DSP-03081 and subsequent revisions. The Zoning Ordinance requires DSP review for a gas station in the C-M Zone and a special exception for the food and beverage store component on Parcel 5. However, if the use of the site were to change in the future, the proposed development should be reviewed for conformance to the recommendations of the sector plan. Therefore, DSP review is conditioned, which should include the following:

- a. Architecture and Signage
- b. Landscaping and Lighting
- c. Screening of trash enclosures and parking.
- d. Review of loading area orientation and screening.
- e. Interparcel connection (vehicular and pedestrian) between Parcels 1–4 and Parcel 5.

23. At the hearing on October 9, 2014, the Planning Board approved revised conditions per Applicant's Exhibit No. 1 and staff recommendations which have been incorporated into the conditions of approval, along with the associated findings of fact. Additionally, the Planning Board directed staff to submit a formal recommendation to DPIE to investigate the feasibility of installing a crosswalk at Bell Station Road, to be located at one of the access points of the proposed development on Parcels 1-4.

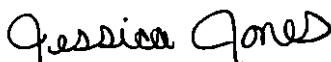
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, October 9, 2014, in Upper Marlboro, Maryland.

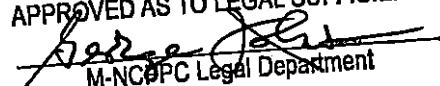
Adopted by the Prince George's County Planning Board this 4th day of December 2014.

Patricia Colihan Barney  
Executive Director



By Jessica Jones  
Planning Board Administrator

PCB:JJ:WM:arj

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NCPPC Legal Department  
Date 11/14/14