

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-360, Landover Park requesting a departure from parking and loading standards to reduce the required number of parking spaces from 80 to 44 for a Walgreens retail establishment in the Commercial Shopping Center (C-S-C) Zone in accordance with Subtitle 27 of the Prince George's County Code; and

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

- Request:** The subject departure from parking and loading standards (DPLS) requests relief from Section 27-568 of the Zoning Ordinance as a companion case of Detailed Site Plan DSP-10030 and DDS-603 for the construction of a Walgreens retail establishment in the Commercial Shopping Center (C-S-C) Zone.

2. **Development Data Summary:**

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

TREE CANOPY COVERAGE

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

OTHER DEVELOPMENT DATA

Parking Required: 80 spaces

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

Parking Provided: 44 spaces, provided as follows:

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

A departure from parking and loading standards has been granted as reflected in this approval for DPLS-360.

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

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

A departure from design standards from the requirement that “No loading space or access to loading space shall be located within fifty (50) feet of a Residential Zone,” has been granted as reflected in PGCPB Resolution No. 11-87 for DDS-603.

3. **Location:** The site is located on the west side of Kilmer Street between its intersections with Old Landover Road and Landover Road (MD 202).
4. **Surrounding Uses:** The subject property is bounded to the north by Old Landover Road, with R-55-zoned (One-Family Detached Residential) lots developed with single-family detached dwellings beyond; to the south by Landover Road (MD 202), with C-S-C-zoned land developed with a shopping center beyond; to the east by Kilmer Street, with C-S-C-zoned land developed with a shopping center (Landover Park) beyond; and to the west by R-55-zoned lots developed with single-family detached dwellings and C-O-zoned (Commercial Office) land developed with an office building.
5. **Previous Approvals:** The project is subject to the requirements of Zoning Map Amendments A-9795-C (approved by the District Council on May 21, 1990) and A-10015-C (approved by the District Council on July 20, 2009) and Preliminary Plan of Subdivision 4-10018 (approved by the Planning Board on June 16, 2011 and formalized by the adoption of PGCPB Resolution No. 11-65).
6. **Design Features:** The site is to be accessed from, and provides parking on both sides of, a drive aisle along both its Kilmer Street and Landover Road (MD 202) frontages. Views of the parking from the roadway are softened by the provision of landscaping, as is the interface between the project site and residential and office uses immediately to the northwest. Loading and dumpster enclosures are located behind the building where they will be the least visible from the road frontages and are screened by a tall retaining wall, a six-foot-high privacy fence, and a single row of Leyland Cypress. American Arborvitae or Green Giant Arborvitae have been substituted by

condition of the Planning Board in the approval of the companion DSP, as either choice has a better survivability rate given the growing conditions.

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

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

The architecture of the western and northern façades, however, shows less attention to architectural detail. The applicant argues that these façades deserve less attention because they will be largely hidden by the topography of the site and a retaining wall that will be as much as 12 feet tall along the western property line. The Planning Board found in the companion DSP that the upper portion of the western façade will be somewhat visible above the six-foot-high fence to be provided and for some time through the trees planted along the property line and that these façades will also be highly visible to patrons utilizing the drive aisle to the drive-through on the northwestern side of the building and traveling along the northwestern side of the building, as it provides the sole exit from the drive-through. Therefore, conditions of the companion DSP approval created additional visual interest in the northwestern and northeastern façades by the addition of faux or actual fenestration and/or additional decorative or more color variation in the brickwork.

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

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the Zoning Ordinance:** The subject DPLS application is subject to the requirements of the Zoning Ordinance, specifically, Section 27-588(b)(8) Required findings for Departures from Parking and Loading Standards. The project conforms to these requirements. See

Finding 9 of this resolution for a detailed discussion of conformance to the required findings for the subject DPLS.

8. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Historic Preservation**—The Planning Board finds the subject application for a “department or variety store” will have no effect on identified historic sites, resources, or districts.
 - b. **Archeological Review**—The Planning Board finds that a Phase I archeological survey is not recommended for the subject property as it has already been graded, likely destroying any archeological resources that may have been present though Section 106 of the National Historic Preservation Act (NHPA) may require further review if state or federal monies, or federal permits are required for the project.
 - c. **Community Planning**—The Planning Board finds that the subject application is not inconsistent with the 2002 *Prince George’s County Approved General Plan Development Pattern* policies for the Developed Tier, but does not conform to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* for residential uses. The approved master plan and sectional map amendment for Bladensburg-New Carrollton and vicinity was approved on the basis of goals and visions for that area of the county 17 years ago. At that time, the subject site was envisioned for residential development. However, since that time, the vision for the subject property has changed as evidenced by the granting of Zoning Map Amendment A-9795-C (rezoning the property from Rural Residential (R-R)/One Family Detached Residential (R-55)/Commercial Office (C-O) to the Commercial Shopping Center (C-S-C) Zone) on May 21, 1990 and Zoning Map Amendment A-10015-C (rezoning the previously R-R-zoned portion of the property to C-S-C) on July 22, 2009, supporting commercial development on the subject site. This is why the application does not conform to the residential land use recommendations of the 1994 Bladensburg-New Carrollton and vicinity master plan. The subject site may be included in the Landover Metro Area and MD 202 Corridor Sector Plan (a FY12 project), which will update the current vision and reality for the area to include commercial.
 - d. **Transportation Planning**—The Planning Board finds that the overall property consists of approximately 1.02 acres of land in the C-S-C Zone. The property is located on the west side of Kilmer Street, between Old Landover Road and Landover Road (MD 202). The application proposes a retail building of 14,896 square feet. In addition to the detailed site plan, the applicant is seeking a departure from design standards and a departure from parking and loading standards.

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

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

Conditions of approval of Preliminary Plan 4-10018:

1. **Prior to signature approval of the subject preliminary plan of subdivision, the following technical corrections shall be made:**
 - a. **Change the proposed parcel designation to reflect "Parcel 1."**
2. **Prior to the issuance of any permits, the applicant shall obtain approval of a detailed site plan by the Planning Board. The detailed site plan shall be subject to the mandatory review by the District Council.**
3. **At time of detailed site plan, the applicant shall:**
 - a. **Provide sidewalks and streetscapes as recommended in the 1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69) for commercial corridors and shall coordinate with the residential streetscape of Old Landover Road.**
 - b. **Provide a new bus stop at the location of the existing bus stop by following the County's standards and the urban design guidelines in the 1994 Master Plan and Sectional Map Amendment.**
 - c. **Provide an additional right-turn lane on Kilmer Road onto Landover Road if the Transportation Planning Section and the Department of Public Works and Transportation (DPW&T) concur.**
 - d. **Provide details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures will not affect the well being of the neighboring and adjacent residences.**

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

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

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

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

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

2. **Prior to the issuance of any use and occupancy permits for the subject property, the following road improvements shall be both dedicated and constructed by the applicant in accordance with the Department of Public Works and Transportation Standards:**

- a. **An additional right-turn lane on Kilmer Street from Old Landover Road onto Landover Road (MD Route 202).**

This condition was carried forward as a condition of approval of the preliminary plan of subdivision. The applicant has modified the southbound approach of Kilmer Street at its intersection with Landover Road (MD 202) to provide a right turn lane. A condition of this approval requires that the applicant clarify the graphic description of the right turn lane on the detailed site plan prior to signature approval of the plans.

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

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

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

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

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

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

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

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

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

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

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

Departure from Design Standards DDS-603—See PGCPB Resolution No. 11-87 for a detailed discussion of DDS-603.

Summary

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

- e. **Subdivision Review**—The property is the subject of Preliminary Plan 4-10018 (PGCPB Resolution No. 11-65), which was adopted by the Planning Board on June 16, 2011 and proposed a 14,896-square-foot (gross floor area) pharmacy. The subject property is located on Tax Map 51, Grid B-4, and is known as Lots 2-4, 27-30, and the west part of Lot 1. The subject property is 1.02 acres and the approved subdivision has not yet been evidenced by a record plat.

- f. **Trails**—The following are the Planning Board’s comments relating to the subject project’s conformance to the trails-related requirements of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 1994 *Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity*, the MD 202 at Kilmer Street Intersection Study, and prior approvals affecting the subject site:

- (1) Landover Road (MD 202) is designated as a master plan bicycle/trail corridor in both the area master plan and the MPOT. The MPOT recommends continuous sidewalks and on-road bicycle facilities along Annapolis Road (MD 450). In the vicinity of the subject site, the Maryland State Highway Administration (SHA) has completed a streetscape improvement project that includes continuous decorative sidewalks, contrasting and high-visibility crosswalks, and wide outside curb lanes. Due to right-of-way constraints, designated bike lanes are not feasible within the current curb-to-curb configuration of the road.

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

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

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

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

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

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

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

- (2) The MD 202 at Kilmer Street Intersection Study, which was completed by Vision Engineering and Planning in July 2009, provides a more detailed and specific

analysis of the intersection, pedestrian safety issues, and potential measures to improve the pedestrian environment. This study summarizes conditions at and near the intersection by stating:

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

- "• The intersection is located immediately adjacent to the US 50 off-ramp. The westbound us 50 off-ramp carries traffic at high speeds and limited visibility when approaching the study intersection.*
- "• Textured crosswalks are present at all approaches; these crosswalks were part of the MD 202 streetscaping project.*
- "• New sidewalks are located on 202; these sidewalks were also installed as part of the streetscape project and include an approximately six-inch setback from the travel lane, providing for increased pedestrian safety.*
- "• The pavement and signs are in good conditions.*
- "• The adjacent land uses are primarily multi-family residential, retail, and commercial.*
- "• Bus stops are located on the east and west side of Kilmer Street.*
- "• The traffic signal at the intersection is currently being upgraded with new signal and pedestrian heads, poles, and controller." (Intersection Study, pages 6 and 7)*

The summarized observations of the study included:

- "• Mid-block pedestrian crossings east of Kilmer Street are unsafe due to the high speeds on MD 202 and the off ramp from US 50.*
- "• Mid-block pedestrian crossings occur south of MD 202 on Kilmer Street despite the presence of crosswalks nearby.*

- *The existing protected/permitted left turn phasing on MD 202 requires turning vehicles to travel across three lanes of traffic traveling at speeds over 40 miles per hour. (Intersection Study, pages 7 and 8)*

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

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

This revision to the site plan has been made.

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

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

Background

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

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

Site Description

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

Environmental Review

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

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

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

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

- (3) The property is not subject to the provisions of the Woodland and Wildlife Conservation Ordinance because, although the gross tract area of the subject property is greater than 40,000 square feet, there are less than 10,000 square feet of existing woodland. A letter of exemption was issued for the site on February 4, 2011. A Type 1 tree conservation plan was not submitted with the review package and is not required.

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

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

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

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

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

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

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

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

- i. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department offered information on private road design, needed accessibility, and the location and performance of fire hydrants.
- j. **Department of Public Works and Transportation (DPW&T)**—The Department of Public Works and Transportation (DPW&T) offered numerous comments that will be implemented with respect to Old Landover Road, a county-owned and maintained road, when the applicant pursues DPW&T's separate permitting process. In addition, DPW&T noted, salient to the subject review, that the subject detailed site plan is consistent with approved Stormwater Management Plan 16314-2001-00, dated March 1, 2001. However, in a memorandum dated August 18, 2011, the Environmental Planning Section stated that the detailed site plan did not include the hydrodynamic water separator called for in the stormwater management concept approval letter. A recommended condition of approval would require its inclusion, which would ensure conformance with the approved stormwater concept. The applicant will be required to pay a fee-in-lieu charge in the amount of \$17,456, pursuant to a requirement of that plan, toward the cost of restoring the Beaverdam Creek. This requirement, like the requirements alluded to above, will be met during DPW&T's separate permitting process.
- k. **Maryland State Highway Administration (SHA)**—The Maryland State Highway Administration (SHA) offered the following comments:
 - (1) Access to the retail is proposed from Landover Road (MD 202) and Kilmer Street. The right-in/right-out access from MD 202 and associated improvements should be coordinated with SHA's Access Management Division. The proposed full-movement access from Kilmer Street should be coordinated with DPW&T.
 - (2) An access permit will be required from SHA for the proposed entrance and associated work. Roadway improvement plans should be submitted to SHA for review and comment. The proposed roadway improvements for widening, grading, and paving shall be prepared according to SHA standards and in compliance with the American Association of State Highway and Transportation Officials (AASHTO), A policy on Geometric Design of Highways and Streets (current edition).
 - (3) Site parking is proposed in SHA easement areas. Parking or any other structure shall not be installed within SHA easement areas until the easement is re-acquired from SHA.
 - (4) Any utility relocation, adjustment, or connection within a SHA right-of-way requires a permit from the SHA District 3 Utility Engineer.

SHA comments have been conveyed to the applicant for needed action prior to receipt of an access permit from SHA.

- i. **Washington Suburban Sanitary Commission (WSSC)**—The Washington Suburban Sanitary Commission (WSSC) offered numerous comments that will have to be addressed before WSSC will provide service to the project. WSSC's comments have been conveyed to the applicant for needed action prior to WSSC providing water and sewer service to the subject project.
 - m. **Verizon**—In an email received from a representative of Verizon, it was noted that the public utility easement has been encumbered with the parking lot and landscaping. It was also stated that the public utility easement must be free and clear of all obstructions and of a grade of not more than a 4:1 slope. A condition below would address these issues.
 - n. **Potomac Electric Power Company (PEPCO)**—Potomac Electric Power Company (PEPCO) offered no comment.
 - o. **Town of Cheverly**—The Town of Cheverly offered conditional support of the project predicated on the inclusion of certain conditions, which the Town stated the applicant had agreed to regarding transportation improvements, site lighting, and the applicant keeping the Town of Cheverly informed of all development activities related to the site. Such conditions have been included in the Recommendation section of this report.
 - p. **Town of Landover Hills**—The Town of Landover Hills offered no comment.
 - q. **Town of Bladensburg**—The Town of Bladensburg offered no comment.
9. **Departure from Parking and Loading Standards:** The Planning Board hereby approves a departure from parking and loading standards, specifically Section 27-568 of the Zoning Ordinance, to allow 44 parking spaces instead of the required 80 parking spaces on the site. Per Section 27-588(b)(7)(A) of the Zoning Ordinance, the Planning Board makes the following findings as required to support the approval of the requested departure from parking and loading standards.

(i) The purposes of this Part (Section 27-550) will be served by the applicant's request;

The purposes of the Parking and Loading Part, as expressed in Section 27-550 of the Zoning Ordinance, include requiring off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses; aiding in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points; protecting the residential character of residential areas; and providing parking and loading areas which are convenient and increase the amenities in the regional district. These purposes will be served by the applicant's request as follows:

- a. A sufficient number of parking spaces will be provided off-street for the proposed use. The number of parking spaces necessary according to the Institute of Transportation

Engineers (ITE) *Parking Generation Manual* (3rd Edition) is 37, less than the proposed 44. Further, demand will be decreased by the provision of a drive-through window as part of the project and by pedestrian and bicycle trips which are to be encouraged by the provision of sidewalks, pedestrian paths, and crosswalks. More particularly, they stated that the applicant is providing 44 parking spaces and two loading spaces. A departure is needed for 36 parking spaces. With 80 parking spaces required, this would mean a departure of a large percent of the parking. The proposed use will not generate off-site parking, which will be further discouraged by the included concrete retaining wall and landscaping.

It is agreed that there is not enough room to provide 41 more parking spaces. It is anticipated that less parking will be needed with the drive-through service. The proposed retail use is also expected to generate short-term parking use throughout the day. This reduces the need for additional parking spaces and may reduce impacts to existing traffic queuing at the site entrance on Kilmer Street. ITE's *Parking Generation Manual* contains parking rates for drug stores with drive-through windows during peak periods (4:00 p.m. to 6:00 p.m.). Based on 15 studies, the average parking rate was 2.48 parking spaces per 1,000 square feet. The proposed use (14,896 square feet) is therefore expected to generate the need for 37 parking spaces during the PM peak period. The applicant is providing 44 parking spaces. Pedestrian access should be provided in the vicinity of the site to encourage walk and bicycle trips, further eliminating the need for more parking spaces.

Therefore, in light of the foregoing analysis, it may be said that the purposes of Section 27-550 will be served by the applicant's request.

- b. As detailed above, provision of the 44 spaces will reduce the use of public streets for parking by providing adequate parking on-site.
 - c. The number of access points to the project is limited to two, one on Landover Road (MD 202) and one on Kilmer Street. The topography of the site prevents the creation of a third access from Old Landover Road, which also bounds the site.
 - d. The residential character of residential areas will be preserved by providing sufficient on-site parking, so that patrons of the Walgreens will not have to park in adjacent residential areas.
 - e. The provision of parking is conveniently on-site, and so increases amenities in the regional district.
- (ii) **The departure is the minimum necessary, given the specific circumstances of the request;**

The departure is the minimum necessary on the subject small site to enable the inclusion of the proposed Walgreens, parking and loading, with attendant drive aisles, three street frontages, and two access points. Any less extensive departure would cause hardship to the applicant as a

smaller store on this site is not believed to be as economically viable as the one proposed. In any case, the above analysis supports the proposed parking as adequate.

- (iii) **The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

The departure is necessary because of the nature of this small infill site that has extreme topography and fronts on three roads. Additionally, the departure is necessary as the subject site is located inside the Capital Beltway (I-95/495), in the Town of Cheverly, in an area of the county predominantly developed prior to 1949.

- (iv) **All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

All methods for calculating the number of spaces provided in the Zoning Ordinance have been examined without success, leaving no alternative but to pursue the subject departure from parking and loading standards.

- (v) **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

No departure from loading standards has been requested, so this required finding is inapplicable to loading needs. With respect to parking, as the proposed 44 spaces is more than the 37 suggested by the ITE, vehicle trips will be further reduced by inclusion of a drive-through, a bike rack, sidewalks, and pedestrian pathways and crosswalks, which will encourage non-vehicle trips. Therefore, it is likely that the parking needs of adjacent residential areas will not be infringed upon if the departure is granted.

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

1. Prior to certificate approval of the departure from parking and loading standards the applicant shall revise the set of plans submitted for the companion departure from parking and loading standards to conform to those of the certified detailed site plan.

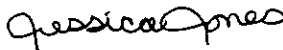
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Cavitt, with Commissioners Washington, Cavitt, Squire, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 15, 2011, in Upper Marlboro, Maryland.

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

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 9/20/11