



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 16-30

File No. DSP-15019

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on February 25, 2016, regarding Detailed Site Plan DSP-15019 for Accokeek Dollar General, the Planning Board finds:

1. **Request:** The purpose of the subject detailed site plan (DSP) application is for a proposed 9,140-square-foot variety store and associated site improvements.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-S-C	C-S-C
Use	Vacant	Commercial/Retail (Variety Store)
Acreage	1.17	1.17
Parcel	1	1
Total Square Footage/GFA	0	9,140

OTHER DEVELOPMENT DATA

Total Parking Spaces Required	45 spaces
Commercial Trade (General Retail Services)	
3,000 GFA @ 1 space per 150 GFA	20 spaces
3,000 +GFA @ 1 space per 200 GFA	25 spaces
Total Parking Spaces Approved	45 Spaces
Regular Spaces (9.5 ft. x 19 ft.)	30 spaces
Compact Spaces (8 ft. x 16.5 ft.)	13 spaces
ADA Spaces (8 ft. x 19 ft.)	2 spaces
Loading Spaces Required	1 space
Loading Spaces Approved	1 space*

Note: *The provided loading space and access to it is located within 50 feet of a residentially-zoned property and requires a departure from Section 27-579(b). Departure from Design Standards DDS-631 was approved by the Planning Board on February 25, 2016, to address this issue and is companion to this application.

3. **Location:** The subject site is located on the south side of Livingston Road (MD 373), approximately 300 feet east of its intersection with Indian Head Highway (MD 210), in Planning Area 84 and Council District 9, in Accokeek, Maryland.
4. **Surrounding Uses:** The property is located at 15792 Livingston Road. The property is vacant and is bounded on the east side by Commercial Shopping Center (C-S-C) zoned property developed with a seafood store, and on the west side by vacant Rural Residential (R-R) zoned property. To the south is an R-R-zoned property developed with a single-family detached home. The site is bounded to the north by the public right-of-way of Livingston Road (MD 373), a historic road, with the Accokeek Village Shopping Center beyond.
5. **Previous Approvals:** The subject property is a part of the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA), which retained the site in the C-S-C Zone. A Preliminary Plan of Subdivision, 4-13017, was approved by the Prince George's County Planning Board on April 24, 2014, subject to 12 conditions (PGCPB Resolution No. 14-34). The site also has a Stormwater Management Concept Plan (6757-2013-00), which was approved on July 30, 2013 and is valid through July 30, 2016.
6. **Design Features:** The subject site is roughly rectangular in shape with both the west and south sides adjacent to residentially-zoned property and a commercially-developed property to the east. The site fronts on Livingston Road (MD 373) to the north with one vehicular access point, as approved with the preliminary plan.

The applicant proposes a one-story, 18-foot-high, 9,140-square-foot variety store located along the central eastern edge of the property. Two surface parking areas are located at the front and rear of the building, with the rear area also including a loading space and trash receptacle with enclosure. Stormwater management is being accommodated by on-site bioretention facilities along the north, east, and west sides of the site. A single freestanding, eight-foot-high, internally-illuminated, yellow and black, ground-mounted sign is proposed to be located in the northwest corner of the site.

The proposed architecture, which the applicant states was presented to and approved by the Accokeek Development Review District Commission (ADRDC), is very modest and representative of the overall look of existing buildings in the shopping center across Livingston Road. The building will be finished on all sides with split-face masonry blocks in a light tan color with a base and accent band in a darker tan color. Pre-fabricated metal awnings and decorative shutters are located on the front elevation on both sides of the full-glass main entrance that also has an awning above it. The side and rear elevations do not have any fenestration, except for downspouts, metal access doors, and fencing around mechanical equipment. One

building-mounted sign, consisting of a yellow and black internally-illuminated cabinet with the words "Dollar General," is located on the front elevation above the main entrance. According to a letter submitted by the applicant, the building is proposed to utilize environmentally-sustainable design and construction techniques, such as an Energy Management System that is designed to power down lighting and mechanical systems when the building is not occupied.

Just prior to the Planning Board hearing, the applicant discovered that the centerline of Livingston Road was misidentified in the original survey and, therefore, the proposed right-of-way line on the DSP was incorrect. In order to provide the amount of dedication required in the preliminary plan approval, the proposed right-of-way line needs to be moved south, further onto the subject property. The applicant provided an exhibit presented at the Planning Board hearing (Applicant's Exhibit #1) demonstrating that this could be done while meeting regulations and without requiring any additional departures. Therefore, conditions have been included in this approval allowing for the site layout revision prior to certification of the DSP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-S-C Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in general conformance with the requirements of Section 27-461(b) of the Zoning Ordinance, which governs uses in commercial zones. The proposed variety store, not exceeding 125,000 square feet of gross floor area and not containing any food or beverage component, is a permitted use in the C-S-C Zone.
 - b. The DSP shows a site layout that is consistent with Section 27-462 regulations regarding building setbacks, although some of the numbers in the provided chart are incorrect and should be revised prior to certification. The DSP is also in conformance with the applicable site design guidelines.
 - c. Proposed signage and architectural elevations are shown on the DSP; however, the details and dimensions are unclear. It appears that they generally conform to the Zoning Ordinance standards in Section 27-613, which governs signs attached to a building or canopy; and Section 27-614, Freestanding Signs. A condition has been included in this approval to require that those details and labels be clarified prior to certification to demonstrate conformance to the applicable signage-related sections of the Zoning Ordinance.

8. **Preliminary Plan of Subdivision 4-13017:** On April 24, 2014, the Planning Board approved Preliminary Plan of Subdivision 4-13017 (PGCPB Resolution No. 14-34) for one parcel, including a variation from Section 24-121(a)(3) of the Subdivision Regulations. The resolution contains 12 conditions and the following conditions in [boldface] text are pertinent to the review of this application:

2. **Prior to issuance of permits, a Limited Detailed Site Plan shall be approved by the Planning Board or its designee for conformance to the 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment for the Livingston Road Corridor. Review shall evaluate architecture, signage, parking and loading, landscaping, lighting, and the incorporation of green building techniques to the extent practicable. The Limited Detailed Site Plan shall be referred to the ADRDC for comment prior to approval.**

The subject DSP was submitted in conformance with this requirement. The DSP was referred to the ADRDC, which did not provide comments on the subject application. The applicant provided a letter with the application that describes the proposed green building techniques to be used in this development. These green building techniques will include, among other things, an Energy Management System that will power down lighting and mechanical systems when the store is not occupied.

3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan, 6757-2013-00 and any subsequent revisions.**

The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) provided a referral indicating that the subject DSP was in conformance with the approved Stormwater Management Concept Plan, 6757-2013-00.

4. **Prior to issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assignees shall construct a sidewalk, minimum of five feet wide, and concrete curb and gutter along the entire property frontage of Livingston Road (MD 373), subject to SHA approval.**

The site plan does not depict a sidewalk along the subject site frontage and should be revised to show one, with a note indicating that the sidewalk is subject to approval by the Maryland State Highway Administration (SHA).

10. **Total development shall be limited to a commercial development or equivalent development which generates no more than 35 AM peak-hour trips and 62 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of adequacy of transportation facilities.**

The submitted DSP proposes the exact same amount of commercial development as was approved with the preliminary plan under the noted trip cap.

12. **Prior to the issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with State requirements, and upon State approval, along MD 373 (Livingston Road). If the State declines the signage, this condition shall be void.**

The applicant has not provided any correspondence indicating that SHA has declined signage. Share the road signage is not depicted in the site plan and should be provided prior to certification.

9. **2010 Prince George's County Landscape Manual Requirements:** The DSP is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), as follows:
 - a. **Section 4.3, Parking Lot Requirements**—Section 4.3 requires a percentage of the parking lot, determined by the size of the lot, to be interior planting area and a perimeter landscape strip along all adjacent properties. The required schedules have been provided demonstrating conformance to this section.
 - b. **Section 4.4, Screening Requirements**—The site is subject to Section 4.4, which requires screening of loading spaces, trash facilities, and mechanical equipment. A detail for a brick-veneered trash enclosure has been provided for the proposed dumpsters. The proposed ground-level mechanical equipment at the rear of the building will be enclosed by a privacy fence, which needs to provide details on the site plan. The proposed loading space will be screened from the public street by the building and from the adjacent residentially-zoned property by the Section 4.7 bufferyard.
 - c. **Section 4.6, Buffering Development from Streets**—Section 4.6 requires a buffer between any use and the right-of-way of a special roadway. Livingston Road (MD 373) is classified as a designated historic roadway adjacent to the subject property. Therefore, a Section 4.6 buffer is required, which includes a minimum 20-foot-wide buffer planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings (within the area formerly designated as the Developing Tier). Section 4.6 requires all plant materials to be located outside of any PUEs adjacent to the right-of-way. The required schedules have been provided demonstrating conformance to this section.
 - d. **Section 4.7, Buffering Incompatible Uses**—A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transition between moderately incompatible uses. This section applies to the subject application because it proposes a new building on the site. The submitted plans provide the appropriate schedules and notes demonstrating conformance to this section, except along the western property line. The applicant has submitted Alternative Compliance

AC-15019 from Section 4.7 for a reduction in the building setback and landscaped yard along the adjacent vacant residentially-zoned property, which is discussed as follows:

REQUIRED: 4.7 Buffering Incompatible Uses, along the western property line, adjacent to vacant Rural Residential (R-R) zoned property

Length of bufferyard	366.80 feet
Minimum building setback	40 feet
Landscape yard width	30 feet
Fence or wall	No
Percent with existing trees	0%
Plant units (120 per 100 l. f.)	441
Plant units (60 per 100 l. f.)*	221

*In the Developing Tier, a 50 percent reduction in the plant unit requirement is allowed when a six-foot-high fence is proposed along the required buffer.

PROVIDED: 4.7 Buffering Incompatible Uses, along the western property line, adjacent to vacant Rural Residential (R-R) zoned property

Length of bufferyard	366.80 feet
Minimum building setback	54 feet
Landscape yard width	30 feet
Fence or wall	Yes, six-foot-high board-on-board
Percent with existing trees	0% *
Plant units (60 per 100 l. f.)	272

*The applicant does not appear to be taking credit for some existing vegetation along the property line.

Justification

The applicant requests Alternative Compliance from the requirements of Section 4.7, Buffering Incompatible Uses, of the Landscape Manual to propose an alternative solution by providing 100 percent of the required bufferyard on the developing site. A Section 4.7 Type C bufferyard requires that a 40-foot building setback and 30-foot-wide landscape yard be provided along this edge of the property. The applicant has filed this request for Alternative Compliance from Section 4.7, Buffering Incompatible Use, along the western edge of the property to buffer adjacent undeveloped residentially-zoned property. Specifically, the applicant is proposing an alternative solution to the requirement stated in Section 4.7(c)(5)(B) that 100 percent of the required bufferyard be provided on the developing nonresidential property, if adjacent to a vacant property zoned residential.

As a result of the rezoning of the property and the narrow configuration of the lot, provisions to provide a viable project and adequate circulation is constrained. If the

required buffer were provided on the developing lot, there would be inadequate room to allow for delivery trucks to properly navigate the site. There would also be a loss of on-site parking, which is required for the proposed building. A proposed off-site easement provides the necessary spatial requirement to meet both landscape yard and building setback requirements. The recorded easement allows the applicant to provide the full buffer for the western edge of the property, along with a six-foot-high privacy fence. Although the applicant could take credit for the existing trees within the easement, they are proposing to leave it as it is and provide additional planting to supplement the existing vegetation, in the event that the forest outside of the easement is removed during future development.

The Alternative Compliance Committee and the Planning Director finds the applicant's proposal equally effective as normal compliance with Section 4.7 of the Landscape Manual, as the proposed off-site easement provides the needed spatial requirement necessary to meet both full landscape yard and building setback requirements. In terms of Landscape Manual requirements only, the proposed alternative solution for buffering meets the width requirements and exceeds the planting requirement and is only deficient in terms of the location of the required buffer not being immediately adjacent to the property line, but rather distributed between the two properties. However, certain changes are required to be made to the plan prior to certification. The number of evergreen trees shown on the Section 4.7 schedule for the western buffer is not noted on the plant list. The corresponding schedule for this western edge of the property indicates that eight evergreen trees are being provided, although the plant list does not list evergreen trees. This discrepancy should be corrected and duly noted and calculated on the plan. The material of the proposed six-foot-high fence shown on Sheet 2 of the landscape plan should be noted. The proposed wood fence detail should specify a material of a non-white, earth-tone colored, six-foot-high, board-on-board composite fence. Additional minor, but necessary, changes to the plans are noted below.

Based upon the foregoing, the Planning Board approved Alternative Compliance from Section 4.7, of the 2010 *Prince George's County Landscape Manual*, along the western property line of Parcel 1, adjacent to the vacant R-R-zoned property, subject to the following conditions:

- (1) Revise the plant list and associated Section 4.7 and 4.9 schedules to include the number of evergreen trees shown on the landscape plan.
- (2) Revise the plant list to correspond with the correct number of overall plantings provided on the landscape plan.
- (3) Revise the Section 4.7 schedules for the west and rear yards to indicate the appropriate impact of the adjoining development.

- (4) Replace the proposed wood fence detail with a non-white, earth-tone colored, six-foot-high, board-on-board composite fence and revise the detail accordingly.
- (5) Accurately label Livingston Road as "Livingston Road (MD 373)," as indicated in previous conditions of approval of the preliminary plan of subdivision.
- (6) Revise the note showing the corresponding case number for the departure from design standards to read "DDS-631" on both sheets of the landscape plan.
- (7) Revise the Section 4.6 schedule, Line 8, to indicate whether or not invasive species are located in the buffer area.
- (8) Have the Tree Canopy Coverage schedule signed and dated.

e. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should be native species (or the cultivars of native species). The minimum percentage of plants of each plant type required to be native species and/or cultivars is specified below:

Shade trees	50 percent
Ornamental trees	50 percent
Evergreen trees	30 percent
Shrubs	30 percent

The landscape plan provides 65 percent native shade trees, 50 percent native ornamental trees, 78 percent native evergreen trees, and 37 percent native shrubs and, therefore, meets the above requirements.

- 10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This project is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 acres of woodland, and does not have a previously approved tree conservation plan. An approved Natural Resources Inventory Equivalence Letter, NRI-042-13, was submitted with the review package, which was approved on April 2, 2013. The NRI shows no regulated environmental features or woodlands on the subject property. The site received an updated Woodland Conservation Exemption Letter (S-220-15) on December 23, 2015. A Type 2 tree conservation plan is not required.
- 11. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a building and/or grading permit for more than 5,000 square feet of disturbance. Properties that are zoned C-S-C are required to provide a minimum of ten percent of the gross tract area covered in tree canopy. The subject property is 1.17 acres in size, resulting in a

TCC requirement of 0.117 acre, or 5,097 square feet. The provided tree canopy schedule indicates that this requirement is being met through the proposed landscaping on-site.

12. **Further Planning Board Findings and Comments from Other Entities:**

- a. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* designates the property within the Established Communities area. The proposed use is consistent with the General Plan's development pattern goals and policies for Established Communities. The 2013 Subregion 5 Master Plan recommends commercial use for this property. The proposed use conforms to this master plan recommendation.

The property is located in the Accokeek community within the Mount Vernon Viewshed Area of Primary Concern. The proposal will not impact the view from Mount Vernon into the area of primary concern.

The property is located within the Accokeek community, which is rural in character and comprises an important part of the Mount Vernon viewshed. Maintaining rural character is a crucial planning theme and objective of the master plan's land use recommendations for Accokeek, and a key strategy to protect the Mount Vernon viewshed. This presents a challenge for commercial development, which should be designed and constructed so as to be in conformity with the rural environment and the cultural significance of the Accokeek area.

The master plan recommends that the following guidelines be applied for commercial development to maintain and enhance the character of the Livingston Road (MD 373) corridor:

- **Site buildings to orient the fronts or sides toward Livingston Road.**
- **Achieve consistent setbacks for public and private improvements.**
- **Locate parking to the side or rear of the buildings. Screen parking along street edges. Encourage shared parking where possible.**
- **Limit the height of freestanding signs to keep them visually below the tree line.**
- **Use muted lighting.**
- **Plant shade trees.**

The applicant has cooperated to make the proposed development meet the above guidelines. The building design, color, size, and material will not unduly affect the immediate rural landscape and character. However, the shape and configuration of the

property does not allow parking to be placed to the sides or rear of the building, per the guidelines. A viewshed sight line analysis shows that the proposal will not impact the view from Mount Vernon because the building will be below the tree canopy height, and the property is screened by mature vegetation to the west.

To retain the dark sky attributes of this community that are sought to be protected, and to minimize the risk of light pollution that could impair the viewshed, distract motorists on Indian Head Highway (MD 210), or be a nuisance to adjoining property owners, it is recommended that the applicant should do the following:

- Keep the height of any freestanding sign along Farmington Road to ten feet or lower. Use light-emitting diode (LED) lighting with no flashing, moving, or intermittent illumination.
- Avoid roof, side, and parking lot floodlights; utilize muted lighting and a policy of full cut-off optics for all lighting on the property. The use of light fixtures that complement rural character is recommended.
- Plant additional trees along Livingston Road to help buffer the development and enhance the rural character.

The submitted DSP proposes an eight-foot-high monument sign that is internally illuminated, with no flashing, moving, or intermittent lighting. The proposed site lighting is not floodlights, but did not clearly indicate that it utilizes full cut-off optics. Therefore, the lighting detail should be revised prior to certification to show full cut-off optics. Finally, the proposed landscape plan meets the plant requirements of the Landscape Manual's Section 4.6, Special Roadways, buffer along historic Livingston Road.

- b. **Transportation Planning**—The site is subject to the general requirements of site plan review, which include attention to parking, loading, on-site circulation, etc. No traffic-related findings are required. Preliminary Plan 4-13017 (PGCPB Resolution No. 14-34) was approved for the site in April 2014. A variation to Section 24-121(a)(3) of the Subdivision Regulations was also approved to allow direct vehicular access to Livingston Road (MD 373), an arterial roadway.

SHA was initially concerned about allowing left turns into the site from westbound MD 373. This issue was resolved. The site plan shows a shoulder on eastbound MD 373 approaching the site. Any operational or access issues at the site entrance will be addressed by SHA during the permitting stage of development.

The site is adjacent to MD 373, which is listed in the 2013 Subregion 5 Master Plan and SMA as an arterial roadway with a master plan right-of-way of 120 feet. Right-of-way dedication of 60 feet from the centerline of the roadway was required at the preliminary

plan stage. No structures are being proposed within the master plan rights-of-way of MD 373.

The applicant is seeking a departure from the design standards in Section 27-579(b) of the Zoning Ordinance, which states that no loading spaces or vehicular entrances to any loading space shall be located within 50 feet of any residential zone. The loading area is shown at the rear of the property, at the end of a 22-foot-wide access drive, the narrowness of the property prevents the standard from being met. The Planning Board approved the departure, but there may be operational issues if trucks back into the site from MD 373.

From the standpoint of transportation, it is determined that the site plan is acceptable and meets the findings required for a DSP, as described in Section 27-285 of the Zoning Ordinance.

- c. **Subdivision Review**—The Planning Board reviewed an analysis of the preliminary plan approval conditions, which has been incorporated into Finding 8 above.

The property is existing Lot 1 of the North Accokeek Subdivision, located on Tax Map 151 in Grid A-4, and is 1.16 acres.

The preliminary plan was approved for 9,140 square feet of gross floor area of retail use. A variation was approved from Section 24-121(a)(3) of the Subdivision Regulations to allow one direct vehicular access onto Livingston Road (MD 373), a designated master-planned arterial roadway. Detailed Site Plan DSP-15019 reflects the square footage as analyzed with the preliminary plan, as well as proposing only one vehicular access onto MD 373. Detailed Site Plan DSP-15019 is consistent with the approved Preliminary Plan, 4-13017, with the following conditions.

- (1) Prior to certification of the DSP, the following corrections should be required:
 - (a) Show the proposed bearings and distances on all property lines.
 - (b) Revise General Note 1 to read “The property is found at Liber 32705 at folio 145 and is Lot 1 of the North Accokeek Subdivision, and as Parcel 1 as depicted in preliminary plan of subdivision 4-13017.
 - (c) Revise General Note 4 to reflect the approval of Preliminary Plan of Subdivision 4-13017.
 - (d) Revise General Notes 5 and 6 to provide the gross tract area and net tract area (after dedication), instead of the “total site area” and “net developable area.”
 - (e) Delete General Note 34.

- (f) Accurately label Livingston Road as “(MD 373),” removing “Rt.”
- (g) Indicate the disposition of the existing well and septic tank as “to be backfilled and/or sealed.”
- (h) Revise the dimensioning of the proposed right-of-way from the centerline of Livingston Road (MD 373) to be readable.

With the above corrections, the DSP is in substantial conformance with the preliminary plans. Failure of the DSP and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

The DSP has been revised to address most of the Subdivision conditions. Those not addressed have been included as conditions of approval.

- d. **Trails**—The Planning Board reviewed an analysis regarding the site plan’s conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*, the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (area master plan), and prior approvals in order to implement planned trails, bikeways, and pedestrian improvements.

There is one MPOT planned trail that directly impacts the subject site; a shared use roadway is recommended along the extent of Livingston Road (MD 373), including the frontage of the subject site. The MPOT defines a shared use road as follows (page 7):

Shared Use Roads – Roads and shared space used by bicycles and vehicles. Shared use roads can contain painted markings on travel lanes or bicyclists can utilize wide outside lanes and wide shoulders or on-road shared space that can be signed and/or signalized.

In addition to the recommended shared use road on MD 373, the MPOT recommends a sidepath along Indian Head Highway (MD 210). Although this master-planned trail does not directly impact the subject site, it will contribute to the active transportation network and access to the subject site.

The MPOT also includes several policies related to pedestrian and bicyclist access through complete streets. The Complete Streets section includes the following policies regarding multi-modal accommodation and access (page 9):

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.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.

The portion of MD 373 that fronts the subject site does not have a specific on-road bicycle or pedestrian improvement recommendation in the area master plan and is considered a shared use road. The area master plan defines shared use roads as follows (page 119):

Shared use roads typically have a wide outside lane or shoulder and low traffic volumes and require no further paving or striping improvements to safely accommodate bicycles. Until such time as these roads are planned for improvements, they will remain open-section roads and be considered as shared use roadways.

The area master plan provides further policies and strategies to guide general active transportation improvements throughout the subregion (page 120):

Policies

- **Promote pedestrian and bicycle opportunities as part of a multi-modal transportation network.**
- **Promote and encourage cycling and walking for commuting purposes as an alternative to driving a car.**
- **Promote safe pedestrian and bicycle facilities in and around public schools, and in population centers such as Accokeek, Clinton, and Brandywine.**

Strategies

- **Construct sidewalks along all major transportation facilities in areas where there are concentrations of people.**
- **Develop bicycle facilities in conformance with the 1999 AASHTO Guide for the Development of Bicycle Facilities.**
- **Provide bicycle parking at all major transit locations and within all new employment-related developments.**

- **Install bicycle signage and safety improvements along designated shared use roadways when development occurs or roadways are upgraded. Bikeway improvements may include paved shoulders, painted bike lanes, and bike signage.**

Livingston Road has a posted speed limit of 40 miles per hour; motor vehicles moving at this speed will likely adversely affect the comfort of pedestrians or bicyclists and may contribute to more severe injuries in the event of a collision. A wide shoulder is depicted as part of the frontage improvements submitted by the applicant. This pavement will match the road shoulder provided by the neighboring development and provide limited separation between bicyclists and motorists entering the subject site.

No bicycle parking is depicted on the site plan. Although not a designated transportation center, bicycle parking within the subject site can be of benefit by future visitors or employees of the subject site.

The sidewalk in front of the subject site will have a small buffer separating motor vehicle traffic and future pedestrians. Although the sidewalk does not directly connect to other sidewalks, it will be part of a pedestrian network as future development takes place in the surrounding area.

Trails Conclusion

From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of the applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a DSP, if the following conditions were to be placed.

- (1) In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, and Preliminary Plan of Subdivision 4-13017 (PGCPB Resolution No. 14-34) the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - (a) Prior to issuance of a building permit, construct a sidewalk a minimum of five feet wide and concrete curb and gutter along the entire property frontage of Livingston Road (MD 373), subject to SHA approval.
 - (b) Prior to the issuance of a building permit, provide the installation of one "Share the Road with a Bike" sign, in accordance with state requirements, and upon state approval, along Livingston Road (MD 373). If the state declines the signage, this condition shall be void.

- (2) Prior to signature of approval of the DSP, the applicant shall revise the plans to show four bicycle parking spaces (i.e. two bicycle u-racks) to be installed as close as feasible to the front entrance of the proposed building on the subject site.

The DSP has been revised to show the required bike racks near the building entrance, but still needs to be revised to provide the sidewalk and bike signage within the right-of-way of MD 373, unless modified by SHA.

- e. **Permit Review**—Permit Review comments have been either addressed by revisions to the plans or are included as conditions of approval.
- f. **Environmental Planning**—The 1.16-acre site in the C-S-C Zone is located on the south side of Livingston Road (MD 373), just east of the Indian Head Highway (MD 210) intersection. The site contains less than 10,000 square feet of woodlands on-site. According to mapping research and as documented with the approved NRI, no regulated environmental features (stream buffers, wetlands, 100-year floodplain, and steep slopes) are found on the property. This site is within the Piscataway watershed which flows into the Potomac River basin. The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey, include Beltsville silt loam and Beltsville-Urban land soil types. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources (MDNR), Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species mapped to occur on or in the vicinity of this property. This site is located within the Mount Vernon viewshed designated area. The site has frontage on MD 373, which is a master-planned arterial road. Livingston Road is also designated as a historic road. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains no regulated, evaluation, and network gap areas within the designated network of the plan.
 - (1) **Stormwater Management:** An approved Stormwater Management Concept Plan and Letter (6757-2013-00) were submitted with the application for this site. The approval letter was issued on July 30, 2013 and states that the project will pay a fee of \$12,053.33, in lieu of providing on-site attenuation/quality control measures. The submitted concept plan and letter show the approval of five micro-bioretenion ponds for infiltration purposes. No outfall structures are shown for these structures.
 - (2) **Mount Vernon Viewshed:** The subject property is located in the Mount Vernon Viewshed Area of Primary Concern, which has been delineated as an evaluation tool for the protection of the Mount Vernon viewshed. Properties located with the area of primary concern may be referred to the National Park Service, National Capital Region, and evaluated for location and elevation of the subject property, the elevation and height of structures proposed on the site, retention of tree

canopy and vegetative screening located between the subject property and Mount Vernon, as the viewpoint.

The elevation of the subject property ranges from 200 feet along the northern boundary of MD 373, falling in elevation to 198 feet along the southern boundary. The elevation of the site is consistent with the elevations of the adjacent businesses along MD 373. To the west of the site is MD 210, some businesses and residences, and a 300-foot-wide buffer of existing woodlands sloping down towards the Piscataway Creek stream valley. Assuming that the height of the existing vegetation is a minimum of 35 feet in elevation, if the construction proposed on the site does not exceed 35 feet in height, mitigation for visual impact to the viewshed should be minimal. The choice of earth-tone materials and color, limited use of highly reflective materials, and use of full cut-off optic lighting features to minimize night glow, should be sufficient.

A cross-section model prepared by staff indicates that the site and the development proposed on the site will be screened by vegetative canopy within the protected scenic easement areas located along the sightline to Mount Vernon. No further information regarding visual impacts to the Mount Vernon Viewshed Area of Primary Concern is required based on the current site and architectural design reviewed with this application.

- (3) **Scenic/Historic Roadways:** Livingston Road is a designated historic road, and has the functional classification of an arterial road. Any improvements within the right-of-way of a historic road are subject to approval by SHA under the Design Guidelines and Standards for Scenic and Historic Roads. Roadway design criteria will be determined for the roadway by SHA, with consideration for any scenic or historic features of the site which may be identified.
 - (4) **Soils:** According to the USDA NRCS Web Soil Survey, the predominant soils found on-site include Beltsville silt loam and Beltsville-Urban land soil types. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. This information is provided for the applicant's benefit. The County may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review.
- g. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer comments on the subject application.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated January 13, 2016, DPIE offered the following comments on the subject application:

- (1) The subject site is located at 15792 Livingston Road in Accokeek, which is located on the south side of Livingston Road, about 300 feet east of MD 210. The property is described as Lot 1, zoned C-S-C, and proposes a 9,100-square-foot Dollar General store.
- (2) A Departure from Design Standards, DDS-631, is to allow a loading area within 50 feet of the western residentially-zoned property. DPIE has no objection provided public safety is not compromised.
- (3) Livingston Road (MD 373) is a state-maintained historic roadway; therefore, coordination with SHA is required.
- (4) Sidewalks and Americans with Disabilities Act (ADA) ramps are required along County and state roads with concrete curb and gutter, in accordance with current Department of Public Works and Transportation (DPW&T) and SHA standards and specifications.
- (5) The site has an approved DPIE Stormwater Management Concept Plan 6757-2013, dated July 30, 2013. The concept plan is consistent with this DSP.
- (6) The applicant needs to provide adequate sight distance in accordance with AASHTO standards for all intersections and proposed egress locations within the site.
- (7) All storm drainage systems and facilities are to be in accordance with DPW&T's specifications and standards.
- (8) Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- (9) A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for the proposed building, is required.
- (10) DPIE has no objection to DSP-15019.
- (11) This memorandum incorporates the site development plan review pertaining to stormwater management (Section 32-182(b) of the Prince George's County Code). The following comments are provided pertaining to this approval phase:
 - (a) Final site layout, exact impervious area locations are not shown on plans.
 - (b) The exact acreage of impervious areas has not been provided.
 - (c) Proposed grading is not shown on the plans.

- (d) Delineated drainage areas at all points of discharge from the site have not been provided.
- (e) Stormwater volume computations have not been provided.
- (f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
- (g) A narrative in accordance with the County Code has not been provided.

The majority of DPIE's comments are either factual or are required to be addressed prior to issuance of permits and at the time of technical plan approvals by DPIE. It should be noted that DPIE has stated that the plans are consistent with the approved stormwater management concept plan.

- i. **Prince George's County Police Department**—In a memorandum dated December 15, 2015, the Police Department stated that, after reviewing the DSP, there are no Crime Prevention Through Environmental Design (CPTED) issues.
- j. **Prince George's County Health Department**—The Health Department did not offer comments on the subject application.
- k. **Maryland State Highway Administration (SHA)**—In an e-mail dated December 9, 2015, SHA indicated that they are working with the developer to issue an access permit for work in SHA rights-of-way.
- l. **Washington Suburban Sanitary Commission (WSSC)**—WSSC indicated that they had not received payment in order to review the DSP; however, they provided full comments with the applicable preliminary plan.
- m. **Verizon**—Verizon did not offer comments on the subject application.
- n. **Southern Maryland Electric Cooperative (SMECO)**—SMECO did not offer comments on the subject application.
- o. **Accokeek Development Review District Commission (ADRDC)**—The ADRDC did not offer comments on the subject application. However, the applicant provided documents regarding their meetings with ADRDC.

13. Based on the foregoing, and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
14. As required by Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

The approved NRI equivalence letter indicates that there are no regulated environmental features or woodlands on the subject property. Therefore, this requirement is not applicable to the subject property.

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 Detailed Site Plan, DSP-15019, and further APPROVED Alternative Compliance AC-15019, subject to the following condition:

1. Prior to certificate of approval of the detailed site plan (DSP), the following revisions shall be made, or information shall be provided:
 - a. Provide a required and provided parking chart indicating conformance to the parking requirements of the Prince George's County Zoning Ordinance.
 - b. Revise the plan to show a five-foot-wide sidewalk along the entire property frontage of Livingston Road (MD 373), unless modified by the Maryland State Highway Administration.
 - c. Label the handicap parking spaces to include a van-accessible space.
 - d. Clarify the required and provided building setbacks in the chart.
 - e. Provide lighting for the rear parking lot and a light detail specifying full cut-off optics.
 - f. Provide a detail for the proposed retaining wall.
 - g. Clarify the labels and details of the proposed building-mounted and freestanding signage to demonstrate conformance to the sign regulations of the Prince George's County Zoning Ordinance.

- h. Revise the site plan to provide a location and detail for one "Share the Road with a Bike" sign, in accordance with state requirements, along Livingston Road (MD 373), unless modified by the Maryland State Highway Administration.
- i. Provide a location and detail for the proposed privacy fence located around the mechanical equipment on the site plan.
- j. Revise the landscape schedules, as necessary, to round up all plant unit and plant requirements and provide plants accordingly.
- k. Provide the proposed bearings and distances on all property lines.
- l. Revise the Section 4.7 landscape schedule for the western property line to reflect the landscaping as approved in Alternative Compliance AC-15019.
- m. Provide labels on the site plan for the building height, the setback of the freestanding sign, the trash enclosure, and the driveway widths.
- n. Revise the plant list as needed to match the landscape plan.
- o. Revise the plant list and associated Section 4.7 and 4.9 schedules to include the number of evergreen trees shown on the landscape plan.
- p. Revise the plant list to correspond with the correct number of overall plantings provided on the landscape plan.
- q. Revise the Section 4.7 schedules for the west and rear yards to indicate the appropriate impact of the adjoining development.
- r. Replace the proposed wood fence detail with a non-white, earth-tone colored, six foot high, board on board composite fence and revise the detail accordingly.
- s. Label Livingston Road as "Livingston Road (MD 373)," as indicated in previous conditions of approval of the preliminary plan of subdivision.
- t. Revise the note showing the corresponding case number for the departure from design standards to read "DDS-631" on both sheets of the landscape plan.
- u. Revise the Section 4.6 schedule, Line 8, to indicate whether or not invasive species are located in the buffer area.
- v. Have the Tree Canopy Coverage schedule signed and dated.

- w. Adjust the site layout per the revised survey and the proposed right-of-way line as shown in Applicant's Exhibit #1.
- x. Provide a copy of the revised recorded landscape easement and exhibit.

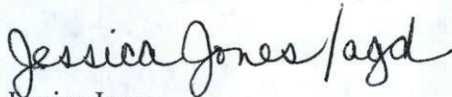
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Bailey, with Commissioners Washington, Bailey, Geraldo, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 25, 2016, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 17th day of March 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:rpg

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department
Date 3/7/16