

R E S O L U T I O N

WHEREAS, Jemal's Calvert II, LLC is the owner of a 1.69-acre parcel of land known as Greenhorne & O'Mara's Addition to Riverdale Gardens, Parcel 1, said property being in the 19th Election District of Prince George's County, Maryland, and being zoned Commercial Office (C-O); and

WHEREAS, on April 24, 2017, Lidl US Operations, LLC filed an application for approval of a Final Plat of Subdivision for one parcel in accordance with Section 24-111(c); and

WHEREAS, the application for approval of the aforesaid Final Plat of Subdivision, also known as Final Plat 5-17040 for Greenhorne & O'Mara's Addition to Riverdale Gardens, Parcel 1, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission (M-NCPPC) by the staff of the Commission on June 22, 2017, 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 Planning Department staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application, with conditions; and

WHEREAS, on June 22, 2017, the Prince George's County Planning Board APPROVED 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 Final Plat of Subdivision 5-17040 for Greenhorne & O'Mara's Addition to Riverdale Gardens, Parcel 1, including a variation from Section 24-121(a)(3) for direct access to an arterial roadway, Kenilworth Avenue (MD 201), with the following conditions:

1. Total development within the subject property shall be limited to uses that generate no more than 80 AM and 74 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
2. The final plat shall note that direct access to Kenilworth Avenue (MD 201) is authorized pursuant to an approved Variation to Section 24-121(a)(3) of the Subdivision Regulations, and is subject to Maryland State Highway Administration approval
3. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- a. Construct a shared-use sidepath (or eight-foot-wide sidewalk) along the site's entire frontage of Kennilworth Avenue (MD 201), unless modified by the Maryland State Highway Administration.
- b. Construct a standard sidewalk along the subject site's entire frontage of Sarvis Avenue, unless modified by the Prince George's County Department of Public Works and Transportation.

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. The subdivision has been evaluated, in accordance with Section 24-111(c) of the Subdivision Regulations, for adequate public facilities as set forth in Divisions 3 and 4 of Subtitle 24.
3. **Background**—The subject property is currently known as Parcel A, Greenhorne & O'Mara's Addition to Riverdale Gardens, recorded on or about April 22, 1959 (Plat WWW 34-88) in the Prince George's County Land Records. The property is located on Tax Map 42 in Grids F-1 and F-2, and is approximately 1.69 acres. The parcel is currently developed with a two-story office building (approximately 40,000 square feet) that is currently vacant. The subject application is a final plat for resubdivision of the property, as required by Section 24-111(c) of the Subdivision Regulations.

Section 24-111(c) requires a final plat of subdivision approved prior to October 27, 1970 to be resubdivided prior to issuance of a building permit, unless meeting one of the exemptions outlined in Section 24-111(c)(1) through (4). The subject parcel does not meet an exemption and, therefore, is required to be resubdivided. Further, Section 24-111(c) provides that a final plat submitted for resubdivision without modifications shall be approved by the Planning Board if it is found that adequate public facilities exist or are programmed for the area within which the subdivision is located, as defined in Divisions 3 and 4 of Subtitle 24. The applicant proposes to raze the existing building and redevelop the site with a new 40,000-square-foot office building, and has submitted Final Plat 5-17040 in accordance with the requirements of Section 24-111(c). A plan for the proposed redevelopment has not been submitted. However, the proposed square footage has been provided for informational purposes in order to conduct a review for adequate public facilities.

The site has frontage on Kenilworth Avenue (MD 201), a master plan arterial roadway, and Sarvis Avenue, a primary roadway. Section 24-121(a)(3) of the Subdivision Regulations states that "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." This application includes a request for a variation from Section 24-121(a)(3) of the Subdivision Regulations to allow two direct-vehicular access driveways to MD 201. A variation is subject to

the standards contained in Section 24-113 of the Subdivision Regulations. The Planning Board has evaluated the variation request and finds conformance to the required findings, as set forth herein.

4. **Setting**—The subject property is located on Tax Map 42 in Grids F-1 and F-2, in Planning Area 69 and is zoned Commercial Office (C-O) within Aviation Policy Area 6. The site is bounded to the west by Kenilworth Avenue (MD 201), to the south by Sarvis Avenue, to the east by C-O-zoned property developed with parking which serves the subject site, and to the north by C-O-zoned property developed with office buildings.
5. **Development Data Summary**—The following information relates to the subject final plat of subdivision application and the proposed development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	C-O	C-O
Use(s)	Office (40,000 sq. ft. GFA to be razed)	Office (40,000 sq. ft. GFA-new)
Acreage	1.69	1.69
Lots	0	0
Outlots	0	0
Parcels	1	1
Dwelling Units	0	0
Public Safety Mitigation	No	No
Variance	No	No
Variation	No	Yes (24-121(a)(3))

The requested Variation from Section 24-121(a)(3) of the Subdivision Regulations was received on March 9, 2017, and was heard at the Subdivision and Development Review Committee meeting on April 10, 2017, as required by Section 24-113(b) of the Subdivision Regulations.

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

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

7. **Police**—The proposed development is within the service area of Police District I, Hyattsville. 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, 2016 (U.S. Census Bureau) County population estimate is 908,049. Using 141 square feet per 1,000 residents, it calculates to 128,034 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

8. **Fire and Rescue**—This subdivision has been reviewed for adequacy of fire and rescue services in accordance with 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 Riverdale Heights Fire/EMS, Company 813, a first due response station (a maximum of seven minutes travel time), located at 6101 Roanoke Avenue.

**Capital Improvement Program (CIP)**

The Prince George’s County Capital Improvement Program for Fiscal Years 2017–2022 provides funding to construct a new fire station that will allow the consolidation of two existing stations.

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.”

9. **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); the subdivision will have no impact because it is a nonresidential use.

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

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

The final plat correctly delineates a 10-foot-wide public utility easement (PUE) along the public rights-of-way and includes the grant of the PUEs in the owner’s dedication.

11. **Transportation**—The subject property consists of approximately 1.69 acres of land in the C-O Zone. The property is located in the northeast quadrant of Kenilworth Avenue (MD 201) and Sarvis Avenue. The applicant is proposing the development of a 40,000-square-foot office building on the site. The proposed building will replace the existing building, which is vacant and does not generate traffic at this time. A traffic study was submitted that analyzed 40,000 square feet of general office uses.

The application is supported by a traffic study dated February 2017 provided by the applicant and referred to the Maryland State Highway Administration (SHA), the Prince George’s County Department of Public Works and Transportation (DPW&T), and the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE). A referral response from

DPW&T was received and defers to SHA for comments, since the studied intersection is with the jurisdiction of SHA. No comments have been received from SHA to date. The findings and recommendations outlined below are based upon a review of materials and analyses consistent with the “Transportation Review Guidelines, Part 1” (Guidelines). Using trip generation rates from the Guidelines, it is determined that the proposed development would generate 80 AM (72 inbound and 8 outbound) and 74 PM (14 inbound and 60 outbound) weekday peak-hour vehicle trips.

The traffic generated by this resubdivision would impact the following intersections, interchanges, or links in the transportation system:

- MD 201 and Campus Drive/Good Luck Road (signalized)
- MD 201 and Sarvis Avenue (signalized)
- MD 201 and River Road/Tuckerman Street (signalized)

The subject property is located within Transportation Service Area – TSA 1, as defined in the *Plan Prince George’s 2035 Approved General Plan*. As such, the subject property is evaluated according to following standards:

**Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections subject to meeting the geographical criteria in the “Transportation Review Guidelines, Part 1.”

**Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure, (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, and (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure, and (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

### **Traffic Impact**

The following critical intersections identified above, when analyzed with existing traffic using counts taken in September 2016 and existing lane configurations, operate as follows:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (CLV)		Level of Service (LOS) (AM/PM)	
	MD 201 and Campus Drive/Good Luck Road	1,231	1,304	C
MD 201 and Sarvis Avenue	860	1,096	A	B
MD 201 and River Road/Tuckerman Street	931	996	A	A

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation “Consolidated Transportation Program” or the Prince George’s County “Capital Improvement Program.” Background traffic has been developed for the study area using approved but unbuilt development within the Riverside/M Square development. A 2.0 percent annual growth rate for a period of two years has been assumed. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follow:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (CLV)		Level of Service (LOS) (AM/PM)	
	MD 201 and Campus Drive/Good Luck Road	1,377	1,424	D
MD 201 and Sarvis Avenue	956	1,233	A	C
MD 201 and River Road/Tuckerman Street	1,111	1,133	B	B

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above, operate as follow:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (CLV)		Level of Service (LOS) (AM/PM)	
	MD 201 and Campus Drive/Good Luck Road	1,398	1,438	D
MD 201 and Sarvis Avenue	959	1,268	A	C
MD 201 and River Road/Tuckerman Street	1,112	1,137	B	B

It is found that all critical intersections operate acceptably under total traffic in both peak hours, with a trip cap of 80 AM and 74 PM peak-hour vehicle trips for the subject site.

**Access and Circulation**

No concept plan was offered by the applicant. The site is currently developed and there are no particular issues with access or circulation.

The site currently has driveway access onto MD 201, that the applicant proposes to retain.

Kenilworth Avenue is a master plan arterial facility. Therefore, the applicant requests a variation pursuant to Section 24-113 in order to provide the driveway access onto MD 201, as further discussed.

**Right-of-Way Dedication**

Kenilworth Avenue is a master plan arterial roadway with a right-of-way width of 120 feet. No further dedication is required.

The application conforms to the required findings for approval of a final plat in accordance with Section 24-124 of the Subdivision Regulations.

12. **Variation**—Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for the creation of new lots that front on arterial roadways. This section requires that these lots be designed to front on either an interior street or service road. This design guideline requires that an applicant develop alternatives to direct access onto an arterial roadway.

**Section 24-121. Planning and design requirements.**

(a) **The Planning Board shall require that proposed subdivisions conform to the following:**

- (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.**

The site has frontage on Kenilworth Avenue (MD 201), a master plan arterial roadway, and Sarvis Avenue, a primary roadway which provides access to the residential community east of the subject site. The subject parcel is currently developed with two access points along MD 201, one of which is shared with the abutting property to the north, and one along Sarvis Avenue. The applicant proposes to retain the existing vehicular access and is requesting a variation to the requirements of Section 24-121(a)(3) to allow the two existing direct access driveways to MD 201 for Parcel 1. A median separates the northbound and southbound lanes of MD 201. Therefore, the two vehicular-access driveways to MD 201 will be restricted to right-in and right-out turning movements only.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request.

### **Section 24-113 Variations**

- (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 Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

The subject property has frontage on the northbound side of MD 201. The access driveways will provide right-in and right-out turning movements from the subject site, without disruption to traffic. The access will provide the opportunity for commercial traffic to enter and exit the site without having to utilize the residential streets adjacent to the site. The proposed access will not block, obstruct, or impede access to any other property. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any other property. Moreover, any access permits will be required to be approved by the operating agencies.

- (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;**

The subject site is currently developed with a vacant building that is proposed to be razed and reconstructed. The access to the site is existing and proposed to remain when the property redevelops. However, due to the age of the existing subdivision, the site must be reexamined for adequate public facilities in accordance with Section 24-111(c) of the Subdivision Regulations (resubdivision). Neighboring properties to the east of the subject site are zoned and currently developed residentially. The ability to access the site directly from MD 201 will provide opportunity for separation of the commercial use from the surrounding residential neighborhood. Therefore, the conditions on which the variation is based are unique to this property.

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

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The applicant will also be required to obtain an access permit from SHA for the location and design of the access.



The traffic impact study, final plat, and variation for access onto MD 201 was referred to SHA. SHA has indicated their concurrence with the findings presented in the study submitted by the applicant, that intersections will continue to operate at acceptable levels of service, and offers no critical comments. SHA further notes that an access permit will be required for all work in the SHA right-of-way. The variation does not violate any other particular law, ordinance, or regulation.

- (4) **Because of the particular 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;**

The physical conditions of the site are not particularly dissimilar to adjacent properties; however, the adjacent residential neighborhood and streets would be impacted by the commercial traffic generated by the subject site if the variation was not approved. Direct access to MD 201 for the site will minimize negative effects of the proposed development on its surroundings.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property (Parcel 1) is zoned C-O; therefore, this provision does not apply.

Based on the preceding finding, the Planning Board approves the variation from Section 24-121(a)(3) of the Subdivision Regulations for Parcel 1 for two direct vehicular access driveways to MD 201. The Planning Board finds that approval of the applicant's request will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to provide consolidated points of access along arterial roadways and ensure a hierarchical street system.

13. **Pedestrian and Bikeway Facilities**—This final plat application has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master plan/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application consists of 1.69 acres on the east side of Kenilworth Avenue (MD 201), north of Sarvis Avenue. The site has access to both roads, with denied ingress/egress at the immediate intersection. The site is covered by the MPOT and the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*

(Sector Plan). Because the site is not located within a designated center or corridor (per the Adequate Public Facility Review Map of the General Plan), the application is not subject to the requirements of Prince George’s County Council Bill CB-2-2012 or the associated “Transportation Review Guidelines – Part 2.”

**Master Plan of Transportation (MPOT)**

One master plan trail issue impacts the subject property, with a shared-use sidepath recommended along Kenilworth Avenue (MD 201). The MPOT includes the following wording regarding this proposed facility:

**MD 201 Shared-Use Side path: This trail will improve bike and pedestrian safety along a high-volume and high-speed roadway (MPOT, page 28).**

The existing sidewalk along MD 201 is narrow and immediately behind the curb, and provides no buffer from the adjacent travel lanes. This sidewalk provides access to an existing bus stop with no shelter. Consistent with the recommendation of the MPOT, the applicant shall replace the standard sidewalk with a shared-use sidepath (or eight-foot-wide sidewalk) along the site’s frontage of Kenilworth Avenue, unless modified by the operating agency. This sidepath will replace the existing sidewalk along the site’s frontage.

The MPOT also contains a section on Complete Streets, which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made. It also 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.**

The site’s frontage of Sarvis Avenue does not include a sidewalk. Consistent with the policies noted above, a standard sidewalk shall be provided along the site’s road frontage on Sarvis Avenue, unless modified by the operating agency.

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.

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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 Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, Doerner and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, June 22, 2017 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of June 2017.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

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