

R E S O L U T I O N

WHEREAS, Middlepoint Limited Partnership is the owner of a 6.54-acre parcel of land known as Centerpark Subdivision, Lot 5, NLP 129@5, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned C-O and C-S-C; and

WHEREAS, on July 19, 2000, Centerpark Theater, LLC filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00040, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 11, 2001, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 11, 2001, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plat of Subdivision 4-00040, Middlepoint Limited for 2 lots with the following conditions:

1. Total additional development within the subject property (existing Lot 5) shall be limited to a 180,000 square foot general office building, or equivalent permitted development which generates no more than 360 AM and 333 PM peak hour vehicle trips. Any development which generates more vehicle trips than that identified herein above shall require an additional Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.
2. Prior to the issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assigns shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements, and upon state approval, along Powder Mill Road. If the state declines the sign, this condition shall be void.
3. Prior to signature approval of the preliminary plat, a stormwater concept plan shall be approved. The number of the plan and its approval date shall be listed on the preliminary plat. Development of the site shall be in accordance with the approved concept plan.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the south side of MD 212 at its intersection with Beltsville Drive, and on the west side of I-95.
3. This site is not subject to the provisions of the Woodland Conservation Ordinances because the site is more than 40,000 square feet but contains less than 10,000 square feet of woodland. A Tree Conservation Plan is not required.

There are no wetlands, streams, and floodplain on this site. The soils pose no special problems for development. There are noise impacts associated with this property. A residential use should be discouraged. There are no designated Historic or Scenic roads associated with this proposal.

The property is in Water and Sewer Category 3 and will be served by public systems.

4. The approved *Master Plan for Subregion I* (1990) recommends Office Commercial land use for the property. The 1990 Sectional Map Amendment retained the C-O Zone. The proposed subdivision does not raise any master plan issues.
5. The proposal is exempt from the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication because it is a nonresidential use in a nonresidential zone.
6. The 1985 *Equestrian Addendum to the Adopted and Approved Countywide Trails Plan* designates Powder Mill as a Class III Bikeway and recommends appropriate signage. In cases along state rights-of-way, the Planning Board has typically required the applicant to provide the installation of oneeAShare the Road With a Bike@ sign. Staff recommends this sign be required in this case. Staff notes, however, that in all cases involving sings within state rights-of-way, the state may decline the sign. If the state ultimately declines the sign, the condition would be void.
7. No traffic study was requested of the applicant nor has one been submitted for review. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*.

In response to the staff=s comments made at subdivision review, the applicant submitted a letter dated August 7, 2000 which included the Zoning Hearing Examiner=s (ZHE=s) decision on Special Exception SE-3979, which approved the movie theater within the

subject property. In response to that letter, the transportation staff determined that it was appropriate to revise our findings at that time. The staff's analysis was based on limited materials at hand, but with the information that was available the transportation staff determined that there was a conflict between the applicant's proposal and the development capacity which remained on the property. Consequently, the transportation staff initially recommended a condition which severely limited additional development within existing Lot 5.

By letter dated November 13, 2000, the applicant provided additional information. The applicant attached a copy of the traffic study which was done in 1990 at the time that the movie theaters were approved. Most importantly, the traffic study made clear Lot 5 was originally intended to contain a 220,000 square foot office building. By way of the submitted traffic study, the findings of which were largely accepted by the transportation staff, the applicant replaced 40,000 square feet of office space with a 10-screen movie theater which has since been constructed. It was very clear that the applicant had hoped to construct the movie theaters and then construct up to 180,000 square feet of office space.

The main difference between staff's August 10 memorandum and the traffic study is that the movie theaters were assumed to have a much lower trip generation in the 1990 traffic study. The applicant set aside the information contained in the Institute of Transportation Engineers' *Trip Generation Manual*, and used a methodology based on attendance figures for a 9-screen theater in Columbia. Staff would not support the use of such methodology today, but there is no indication that staff vigorously opposed this methodology in 1990. While the applicant argued in 1990 that the *Trip Generation Manual* numbers did not apply because they were collected at much smaller theaters, newer analyses have indicated that theater trip generation increases almost linearly with size. In retrospect, the transportation staff should have required no fewer than two trip generation counts to substantiate the trip generation numbers that were assumed in 1990.

But the approval of Special Exception SE-3979 for the 10-screen movie theater definitely left all parties with an understanding that an additional 180,000 square feet of office space could still be constructed on Lot 5. In light of this finding and the analyses which were previously conducted and reviewed by the transportation staff, today the transportation staff finds that the proposed subdivision would generate no net trips as a result of the resubdivision. There would be no resulting impact on traffic operations at the MD 212/Beltsville Drive intersection, which is the development's critical intersection, as a result of the resubdivision. Lot 5 could be developed with up to 180,000 square feet of office space, which would generate 360 AM and 333 PM peak hour vehicle trips. Access to the site is acceptable. There is no need for dedication in accordance with Master Plan transportation recommendations.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with a condition limiting additional development

within existing Lot 5 to permitted uses which would generate no more than the number of peak hour trips which are stated above.

8. The proposal is exempt from the requirements of Section 24-122.02 for adequacy of public schools because it is in a nonresidential zone and no dwelling units are proposed.
9. The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities.
 - a. The existing fire engine service at Beltsville Fire Station, Company 41 located at 3939 Powder Mill Road, has a service response time of 1.27 minutes, which is within the 3.25 minutes response time guideline.
 - b. The existing ambulance service at Beltsville Fire Station, Company 41, has a service response time of 1.27 minutes, which is within the 4.25 minutes response time guideline.
 - c. The existing paramedic service at College Park Fire Station, Company 12 located at 8115 Baltimore Avenue, has a service response time of 8.88 minutes, which is beyond the 7.25 minutes response time guideline. The nearest fire station, Beltsville Company 41, is 1.27 minutes from the development. This facility would be within the recommended response time for paramedic.
 - d. The existing ladder truck service at Tuxedo-Cheverly Fire Station, Company 31 located at 4911 Prince Georges Avenue has a service response time of 4.06 minutes, which is within the 4.25 minutes response time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

10. The proposed development is within the service area for Police District VI- Beltsville. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations, staff concludes that the existing County police facilities will be adequate to serve the proposed Centerpark development.
11. The Health Department reviewed the proposed subdivision and offered no comments.
12. The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan has been submitted, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plat. Development must be in accordance with this approved plan.

13. The required 10-foot utility easement is shown on the preliminary plat. This easement will be reflected on the final plat.

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 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 Eley, seconded by Commissioner Brown, with Commissioners Eley, Brown, Lowe and Hewlett and voting in favor of the motion, at its regular meeting held on Thursday, January 11, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of February 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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