


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772
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PGCPB No. 01-110

File No. 4-01022

RESOLUTION

WHEREAS, Prince George's Center I, Inc. is the owner of a 9.37-acre parcel of land known as Parcel D, VJ163@19, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on March 8, 2001, Prince George's Center I, Inc. filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01022, Boulevard at Prince George's Metrowas 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 May 10, 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 May 10, 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 4-01022, Boulevard at Prince George's Metro for Parcels F, G and Outparcel H with the following conditions:

1. Prior to signature approval, the preliminary plan shall be revised to show the 65 dBA (Ldn) noise contour, as shown on the approved Conceptual Site Plan.
2. Prior to signature approval, the preliminary plat shall be revised to graphically depict:
 - a. A proposed 15-foot public utility easement along the property's frontage on Toledo Road. This easement may be reduced to 10 feet to accommodate the corner of the building. The easement may be reduced to 10 feet completely upon vacation of the storm drain easement, or removed altogether upon written agreement of all affected utilities.
 - b. The ingress/egress easement from and the stormdrain easement along Toledo Road.
 - c. All other easements on the property.

3. The applicant, his heirs, successors and/or assigns, shall:
 - a. Construct a wide sidewalk and bike lane along Toledo Road, as shown on the concurrent site plans.
 - b. Construct wide sidewalks along both sides of the internal boulevard roadway.

The exact location and design of these facilities shall be determined at the detailed site plan stage.

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 subject property is located on the east side of Belcrest Road generally between MD 410 and Toledo Road.
3. Environmental Issues—Parcel D contains no streams, 100-year floodplain, or wetlands. The site is located in the Northeast Branch watershed, which is a tributary to the Anacostia River. The notes on the plan indicate the soils are “paved.” A soils study may be required by the Department of Environmental Resources prior to the issuance of permits. No Marlboro clay has been identified on this site. The site is located in water and sewer service categories W-3 and S-3 respectively. There are no historic sites on or in the vicinity of this site, and no cemeteries are located on or contiguous to the property. No rare, threatened or endangered species have been identified on-site.

This site is not subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size but contains less than 10,000 square feet of woodland. The site is not subject to a previously approved Tree Conservation Plan. The Tree Conservation Plan Process has been applied to this site in order to implement the Mandatory Transit District-wide Requirements of the TDDP.

Mandatory District-wide Requirements Applicable at Time of Subdivision

Under stormwater management, Mandatory Development Requirement P25 states:

“Any Development shall provide for water quality and quantity control in accordance with all federal, state and county regulations. Bioretention or other innovative water quantity or quality methods shall be used where deemed appropriate.”

The applicant has received Stormwater Management Concept approval. Note 15 indicates that this approval has been received by the applicant (#008004540). See Finding 10 of this report.

Under stormwater management, Mandatory Development Requirement P26 states:

"When SWM cannot be provided for existing development parcels, a mandatory 15 percent green space requirement shall be provided. The green space can be incorporated into the mandatory 10 percent afforestation requirements if it occurs on the actual property."

The Conceptual Site Plan for Subareas 2 and 3 proposed to fulfill the 15 percent green space requirement on-site. This condition shall be reviewed at time of Detailed Site Plan.

Under stormwater management, Mandatory Development Requirement P27 states:

"Within 12 months after the District Council approves the Prince George's Plaza TDDP, the Department of Environmental Resources shall make recommendations to the District Council regarding treatment of pollutants based on the *Prince George's Plaza Transit District Overlay Zone Environmental Management Plan*, July 1993. Any property owner who completes construction or receives a use and occupancy permit prior to the completion of the Department of Environmental Resources study shall comply with the findings and recommendations of the study."

The Department of Environmental Resources is responsible for finding conformance with the "Prince George's Plaza Transit District Overlay Zone Environmental Management Plan" at the time of stormwater management conceptual and technical review.

Under woodland conservation, Mandatory Development Requirement S33 states:

"Afforestation of at least 10 percent of the gross tract shall be required on all properties within the Prince George's Plaza Transit District currently exempt from the Woodland Conservation and Tree Preservation Ordinance. Afforestation shall occur on-site or within the Anacostia Watershed in Prince George's County, with priority given to riparian zones and nontidal wetlands, particularly within the Northwest Branch subwatershed."

Subarea 3 is exempt from the Woodland Conservation and Tree Preservation Ordinance, so it is subject to the 10 percent afforestation requirement for the gross tract area. A Type II

Tree Conservation Plan, TCP II/15/01 has been approved for Subarea 3 to provide off-site afforestation.

Under noise, Mandatory Development Requirement P33 states:

"Each Preliminary Plat, Conceptual and/or Detailed Site Plan shall show the 65 dBA (Ldn) noise contour based upon average daily traffic volumes at LOS E. Upon plan submittal, the Natural Resources Division shall determine if a noise study is required based on the delineation of the noise contour."

Under noise, Mandatory Development Requirement S34 states:

"If it is determined by the Natural Resources Division that a noise study is required, it shall be reviewed and approved by the Natural Resources Division prior to approval of any Preliminary Plan of Subdivision, Conceptual and/or Detailed Site Plan."

The Preliminary Plan does not show the 65 dBA (Ldn) noise contour. Prior to signature approval, the Preliminary Plan should be revised to show the 65 dBA (Ldn) noise contour, as shown on the approved Conceptual Site Plan.

Mandatory Requirements for Subarea 3

The Mandatory Development Requirements for Subarea 3 are not environmental in nature, and require no finding from the Environmental Planning Section.

Conceptual Site Plan Conditions

Conceptual Site Plan CSP-00024 was approved by the Planning Board on November 9, 2000. The plan submittal was reviewed for conformance with applicable environmental conditions of approval as expressed in PGCPB No. 00-195.

Condition 6 states:

"Off-site woodland conservation sites shall be determined at time of TCP II. If off-site mitigation locations outside of the Anacostia watershed are proposed, the applicant shall demonstrate that due diligence has been made to secure a location within the watershed and that efforts have been unsuccessful."

As previously discussed, TCP II/15/01 has been approved for this site, in conformance with TCP I/35/00, which provides for off-site afforestation.

4. Community Planning—The property is found in the 1998 *Prince George's Plaza: Approved Transit District Development Plan (TDDP) for the Transit District Overlay Zone (TDOZ)*. It is referred to as Subarea 3. The TDDP recommends mixed-use development to be coordinated with development in Subarea 2. To implement the TDDP, the Transit District Overlay Zone placed property in M-X-T Zone with transit

district overlay. There are numerous Mandatory Development Requirements governing development on this property. A Conceptual Site Plan has been approved for this property. The District Council has

granted a number of amendments to the TDDP. The proposed preliminary plat does not interfere with fulfillment of TDDP requirements.

5. Parks and Recreation—Condition 2 of the Planning Board approval of CSP-00024 states:

“Prior to submission of Detailed Site Plans or Preliminary Plats for any portion of the property exceeding twenty-five percent (25%) of the gross acreage, the applicant and staff of the Department of Parks and Recreation shall develop a mutually acceptable package of parkland, outdoor recreation facilities, fees or donations to meet the future needs on the residents of the planned community.”

The proposed subdivision of 9.37± and the other proposed detailed site plans make up just over 25 percent of the gross acreage of Subareas 2 and 3. However, the proposed subdivision really only creates one building site for new development on 1.02± acres. Proposed Parcel F, which is 8.27± acres, is already fully developed under previous approvals. Therefore, staff believes this condition is best left to the next phase of development. The applicant and the Department of Parks and Recreation are currently in negotiations regarding this package. Any further submittal, be it a site plan or a preliminary plan, shall be subject to Condition 2. The Development Review Division will not accept any further submittal for processing (other than final plats) without evidence that Condition 2 has been satisfied.

6. Trails—In accordance with the Adopted and Approved Prince George's Plaza Transit District Development Plan (TDDP), and previously submitted DSP-01001 and DSP-01002, the applicant should provide several improvements for pedestrian and bicycle movement, including a wide sidewalk and bike lane along Toledo Road and wide sidewalks along both sides of the internal boulevard roadway. Finally, bike racks are recommended throughout the development. The number and location will be determined at the time of detailed site plan.
7. Transportation—The site is partially developed, and the applicant proposes to develop and redevelop the property as a commercial development in accordance with the regulations of the Prince George's Plaza Transit District Overlay Zone (TDOZ).

No traffic study was requested of or was prepared by the applicant for the purpose of determining transportation adequacy (an analysis has been prepared for the purpose of reviewing access and on-site circulation as a part of an associated Detailed Site Plan review). The findings and recommendations outlined below are based upon a review of the Approved Transit District Development Plan (TDDP) for the Prince George's Plaza

TDOZ. The TDDP guides the use and development of all properties within its boundaries, and the staff must determine the degree to which the submitted plan conforms to that document.

Traffic Impacts

The Transit District Development Plan (TDDP) identifies the subject property as being within Subarea 3; there are a total of 15 parcels identified in the TDOZ (two of which will remain undeveloped). During the preparation of the TDDP, the transportation staff performed an analysis of all road facilities in the vicinity of the TDOZ. This analysis considered a potential new development yield within the TDOZ, including the subject parcel. However, the controlling factors in the determination of transportation adequacy were the preferred and the premium parking caps, which are more thoroughly described on pages 56 through 60 of the TDDP. Based on the analysis, a number of transportation improvements were identified as necessary to provide adequate transportation service levels, and these improvements are summarized in Table 4 of the TDDP.

Each development within the TDOZ, including the subject property, is required to pay a fee per parking space developed in accordance with the requirements specified in the TDDP. As parking spaces are not shown on a preliminary plat, the computation of the appropriate fee is correctly deferred to the time of Detailed Site Plan. This fee structure, along with the rules for its implementation, has been reviewed and approved by the Planning Board and the District Council as a part of the review and approval of the TDDP. This approval, for the purpose of the subdivision findings required, assures adequate transportation facilities for the proposed subdivision in accordance with Sec. 24-124(a)(1) and Section 24-124(a)(5).

A final determination of conformance with the TDDP is to be made by the transportation staff at the time of Detailed Site Plan. For the subject property, the Detailed Site Plan should conform to the TDDP from the standpoint of traffic impact. However, the TDDP does not set development limits for any parcel or for the entire TDOZ; it simply places restrictions on the quantity of parking within the area. Therefore, the transportation staff would not be recommending a trip cap for this subdivision as the development is well-specified in the TDDP. Conformance will be checked at the time of Detailed Site Plan, and further studies may be required at that time.

Based on these 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.

8. Schools—The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998).

The above subdivision is exempt from Adequate Public Facilities test for schools for commercial use only. If there were a residential use within this subdivision, the APF test for schools would apply.

9. Fire and Rescue—The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded that the proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck and paramedic services..
- a. The existing fire engine service at Hyattsville Fire Station, Company 1, located at 6200 Belcrest Road, has a service response time of 1.14 minutes, which is within the 3.25 minute-response time guideline.
 - b. The existing ambulance service at Hyattsville Fire Station, Company 1, has a service response time of 1.14 minutes, which is within the 4.25 minute-response time guideline.
 - c. The existing paramedic service at Brentwood Fire Station, Company 4 located at 3712 Utah Avenue has a service response time of 4.75 minutes, which is within the 7.25 minute-response time guideline.
 - d. The existing ladder truck service at Riverdale Fire Station, Company 7 located at 4714 Queensbury Road has a service response time of 3.27 minutes, which is within the 4.25 minute-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. Police Facilities—The proposed development is within the police service area for District I-Hyattsville. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, existing county police facilities will be adequate to serve the proposed Boulevard At Prince George's Metro development.
11. Health Department—The Health Department reviewed the application and offered no comments.
12. Stormwater Management—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 008004540, was approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

13. Easements—Section 24-120(a)(5) of the Subdivision Regulations requires all existing or proposed easements to be shown on the property. The language in this section is clear; these must be shown on the preliminary plan. No such easements are shown on the preliminary plan. The purpose of this regulations is simple: easements may impact the developability of the property. If not shown, development may be approved in error, allowing for encroachment of the easements.

Although no easements were shown on the preliminary plan, there is a five-foot-wide storm drain easement along Toledo Road and a 25-foot-wide ingress-egress easement running perpendicular to Toledo Road across portions of the property. In this case, these easements may create problems in that they will conflict with other easements, such as the required 10-foot-wide public utility easement. This will run on top of the storm drain easement; this arrangement is typically unacceptable to all parties to the easements. Therefore, prior to signature approval, the preliminary plan must be revised to show a proposed 15-foot-wide public utility easement and the existing storm drain and ingress/egress easements. This easement may be reduced if the storm drain easement is vacated

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.

* * * * *

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 Lowe, with Commissioners Eley, Lowe, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 10, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of May 2001.

Trudye Morgan Johnson
Executive Director

Frances J. Guertin
By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk

APPROVED AS TO LEGAL SUFFICIENCY.

[Signature]
M-NCPPC Legal Department
Date 5/16/01