

R E S O L U T I O N

WHEREAS, Muirkirk Limited is the owner of a 9.09-acre parcel of land known as Konterra Business Campus, Lot 1, Block D, Plat Book VJ 165 @ 78 said property being in the 1st Election District of Prince George's County, Maryland, and being zoned E-I-A; and

WHEREAS, on October 30, 2001, 1111 19<sup>th</sup> Street Associates LTD Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01091 for Konterra Business Campus 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 24, 2002, 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 24, 2002, 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 Plan of Subdivision 4-01091, Konterra Business Campus for Lots 2-5, Block D with the following conditions:

1. All commercial structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
2. Prior to the approval of the final plat of subdivision, SDP-9023 shall be revised to reflect Lots 2 through 5 and approved by the Planning Board or its designee.
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #988008640.
4. Development of this property shall be in conformance with CDP-8510 and SDP-9023 or as amended by any subsequent revisions.

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 in the southwest quadrant of Muirkirk Road and US1.
3. EnvironmentalCThis site is not subject to the provisions of the Woodland Conservation Ordinance because it does not contain 10,000 square feet of woodland, and does not have a previously approved Tree Conservation Plan. A Tree Conservation Plan is not required.

There are no streams and wetlands on the property. There is no floodplain on the property. Current air photos indicate that none of the site is forested. No historic or scenic roads are affected by this proposal. There are no nearby noise sources which would adversely affect the office use. No species listed by the State of Maryland as rare, threatened or endangered are known in the in the general region. According to the Sewer Service and Water Service maps produced by DER, the property is in categories S-3 and W-3. The soils information included in the review package indicates that the principal soils on the site are in the Beltsville soils series which pose no particular problems for development.

4. Community PlanningCThe subject property is located within the limits of the 1990 *Adopted and Approved Subregion I Master Plan*, in Planning Area 60. The land use recommendation for this property is for Industrial Park uses, which is consistent with the existing uses. There are no master plan issues associated with this application.
5. Parks and RecreationCPursuant to Section 24-134(a) of the Subdivision Regulations the subdivision is exempt from the requirements of mandatory dedication of parkland because it is developed with a nonresidential use.
6. TrailsCThe *Adopted and Approved Subregion I Master Plan* recommends a trail along the subject property=s frontage of US 1. If future road improvements are made along this road frontage, an eight-foot wide, master plan trail should be constructed, in keeping with prior approvals for the subject site and the existing trail just south of the subject property.
7. TransportationCThe application is a proposal to divide a single recorded lot into four lots. The lot to be resubdivided is part of an existing subdivision and is recorded. The single lot is improved with three structures, all of which would be placed on their own lots under the resubdivision. The fourth lot to be created is undeveloped. Any development would be governed by development caps established by CDP-8510 for the overall Konterra Business Campus.  
The subdivision would generate no net trips as a result of the resubdivision. There would be no resulting impact on traffic operation at the US 1/Muirkirk Meadows Road intersection, which is the development=s critical intersection as a result of this

resubdivision.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

8. Schools CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 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) and concluded that the subdivision is exempt from the APF test for schools because it is a commercial use.
9. Fire and Rescue CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
  - a. The existing fire engine service at Beltsville Fire Station, Company 31, located at 4911 Prince George=s Avenue, has a service response time of 3.94 minutes, which is beyond the 3.25-minute response time guideline.
  - b. The existing ambulance service at Beltsville Fire Station, Company 31, located at 4911 Prince George=s Avenue, has a service response time of 3.94 minutes, which is within the 4.25-minute response time guideline.
  - c. The existing paramedic service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service response time of 5.93 minutes, which is within the 7.25-minute response time guideline.
  - d. The existing ladder truck service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service response time of 6.45 minutes, which is beyond the 4.25-minute response time guideline.

The above 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*.

In order to mitigate the impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that all commercial structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George=s County laws.

10. Police Facilities CThe proposed development is within the service area for Police District VI-Beltsville. In accordance with Section 24-122.01(c) of the Subdivision Regulations the existing county police facilities will be adequate to serve the proposed Konterra Business Campus development. This police facility will adequately serve the population generated by the proposed subdivision.

11. Health Department The Health Department has no comment.
12. Stormwater Management The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #988008640, has been 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. Urban Design The Urban Design Section has reviewed the proposed Preliminary Plan of Subdivision and found conformance to the Comprehensive Design Plan (CDP) and the Specific Design Plan approved by the Planning Board for the subject property. The existing development was subsequently built in accordance with those approved plans.

The applicant is proposing to subdivide the existing developed lot in order to satisfy requirements of lending institutions regarding individual ownership of buildings and the fee-simple ownership of land. The applicant's proposal to create four new lots will not impact the previous finding of conformance to the Comprehensive Design Plan. This project (Lot 1, Block D) as a whole met all the setbacks and green area requirements of the CDP and continues to do so. The Specific Design Plan should be revised to reflect the lotting pattern proposed if approved.

14. The subject application is a request for the resubdivision of Lot 1, Block D, into four lots. The property is part of the Konterra Business Campus and was originally subdivided and recorded in Plat Book VJ 165 @ 78, in 1993. The property is 9.01 acres and is zoned as an Employment and Institutional Area, E-I-A. Existing Lot 1, Block D, is improved with three buildings and associated parking. The applicant proposes to create a lot for each of the three buildings as well as one vacant lot for future development. A cross easement will be established over the entire property at the time of the final plat of subdivision for the joint use of the three existing access points and parking to serve Lots 2 - 5, Block D.

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, Scott, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 24, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of February 2002.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:rmk