

R E S O L U T I O N

WHEREAS, University Station PIP 3, L.L.C. is the owner of a 4.38-acre parcel of land known as part of Parcel 192, Tax Map 42, Grid E-1, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on October 17, 2002, Riverdale FDA, L.L.C. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02091 for FDA at Riverside 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 30, 2003, 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 30, 2003, 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 the Type I Tree Conservation Plan (TCPI/56/02), and further APPROVED Preliminary Plan of Subdivision 4-02091, FDA at Riverdale for Lot 1 with the following conditions, including a Variation to Section 24-130 :

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. The plan shall be revised to show the location of the 65 dBA Ldn contour. The distance stated in the TDDP of 120 feet from the centerline of River Road can be used, or the noise study can be revised to provide an estimated location of the noise contour, based on stated Average Daily Traffic (ADT) figures.
  - b. The TCP and the preliminary plan shall be revised to show centerline of stream and the associated 50-foot-wide buffers.
  - c. The Forest Stand Delineation (FSD) shall be revised as follows:
    1. Provide the proper amount of existing woodland on the FSD and in the narrative text.
    2. Show the correct site acreage on the FSD, document and plans.

3. Revise the FSD to show the location of the centerline of the stream.
  4. Add all site features to the legend.
  5. Have plan signed and dated by the Qualified Professional who prepared the plan.
2. The following certification shall be placed on all building permits and shall be signed and dated by an engineer with expertise in acoustical engineering: "The construction shown on this building permit will reduce interior noise levels from River Road to 55 dBA Ldn or less."
  3. Prior to the issuance of building and grading permits which impact wetlands, streams, or waters of the U.S., the applicant shall submit to M-NCPPC copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
  4. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/56/02) and the following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/56/02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply is a violation of an approved Tree Conservation Plan and will require mitigation under the Woodland Conservation/Tree Preservation Policy."
  5. Prior to certification of the Type II TCP, a copy of the approved Technical Stormwater Management Plans from DER shall be submitted to M-NCPPC for review for conformance with the TCPII.
  6. At the time of final plat, a conservation easement shall be described by bearings and distances. The Conservation Easement shall contain all 100-year floodplain and stream buffers, except for approved variation requests. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous tree, limbs, branches, or trunks is allowed."
  7. Development of this site shall be in accordance with the approved Stormwater Management Concept Plan, #27810-2002-00.

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 in the city of College Park on the east side of River Road approximately 1,300 feet south of its intersection with Paint Branch Parkway.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

|                 | EXISTING   | PROPOSED  |
|-----------------|------------|---|
| Zone            | M-X-T      | M-X-T   |
| Use(s)          | Vacant     | 81,702 sq. ft. Office<br>26,400 sq. ft. Office (possible future addition) |
| Acreage         | 4.38 Acres | 4.38 Acres  |
| Lots            | 0          | 1   |
| Dwelling Units: |            |   |
| Detached        | N/A        | N/A   |

2. **Environmental**—The Environmental Planning Section reviewed revised plans for the FDA at Riverside, 4-02091, stamped as received by the Environmental Planning Section on December 18, 2002. A package received December 18, 2002, stated that it contained a revised TCPI, a variation request, a wetland study, and an exterior noise study. It contained the other items but did not contain a wetland study, but rather a permit application for disturbance to Waters of the U.S. that exist on-site. A wetland study was received on December 31, 2002, which contained the required information. A revised Forest Stand Delineation (FSD) was required in a November 13, 2002 memo, but a revised plan was not submitted.

The Environmental Planning Section has not reviewed a previous application on this property. However, a Type II Tree Conservation Plan (TCPII/73/93) dated June 29, 1993, was approved for a portion of the subject property as part of an application for a building and grading permit to construct River Road. The total property area presently under review is 4.38 acres and is zoned M-X-T, with a TDOZ overlay. The subject property does not include River Road to which it abuts on the west.

There is a stream and associated 100-year floodplain on the subject property. Current air photos indicate that the site is completely wooded. The site is relatively flat and characterized with terrain sloping toward the southeast, and drains into unnamed tributaries of the Lower Northeast Branch of the Anacostia River basin. No historic or scenic roads are nearby. River Road is the nearest noise source of significant impact. The CSX railroad to the west and the airport to the north are not of major consideration at this time due to the distance and M-X-T zoning. Furthermore, the proposed use is not expected to be a noise generator. The entire subject

property is located within the TDDP for the College Park-Riverdale TDOZ overlay. No species listed by the State of Maryland as rare, threatened or endangered are known to occur in the general region. According to the Sewer Service and Water Service maps produced by DER, the property is in categories W-3 and S-3. The "Prince George's County Soils Survey" indicates that the predominant soil types on the site are Beltsville and Elsinboro. These soils series generally exhibit moderate limitations to development due to perched water table, impeded drainage, slow permeability and steep slopes.

#### **Environmental Issues Addressed in the College Park-Riverdale TDDP**

It should be noted that on Maps 12 and 30, and on various other maps in the TDDP, wetlands are depicted on the northern portion of the subject property. Field investigations have revealed that jurisdictional wetlands do not exist on-site.

#### **District-wide Development Requirements and Guidelines:**

*P-8: No development within the 100-year floodplain shall be permitted without the express written consent of the Prince George's County Department of Environmental Resources.*

No development on Parcel 10D is proposed within the 100-year floodplain. A stormwater management pond outfall is proposed that will impact a small portion of the floodplain and the associated Waters of the U.S. These impacts are discussed further in the Environmental Review section of this memorandum.

*P-9: If the development is part of the subdivision process, then an approval of a variation request to the Subdivision Ordinance must be obtained for proposed impacts to the floodplain.*

*P-10: Disturbance to nontidal wetlands requires a Maryland/Corps of Engineers Joint Permit Application (33 Code of Federal Regulations 320 through 330) and where required, issuance of the permit.*

Staff supports the minor impacts proposed that are associated with the installation of an outfall for a stormwater management facility and the crossing of the stream with a water line to serve the subject property. A recommended condition in the Environmental Review section of this memorandum addresses the requirements for permits. A variation request has been submitted and staff is recommending approval of the request.

*P-12: Any new 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 are strongly encouraged where deemed appropriate.*

The plan shows a proposed stormwater management facility and is subject to Stormwater Management Concept Approval #27810-2002-00.

*S-133: All new stormdrain inlets associated with the development of this transit district shall be*

*stenciled with the words "Do Not Dump, Chesapeake Bay Drainage." Detailed Site Plans and sediment and erosion control plans shall have notation regarding storm drain stenciling.*

This issue should be addressed as part of the Detailed Site Plan review.

*S-135: Riparian reforestation within the transit district should be considered a priority for woodland mitigation measures.*

The riparian forest area on the subject property is being preserved in existing woodland, except for areas of impact for necessary utilities.

*S-136: Reforestation, intensive planning of shrubbery or creation of a meadow should be considered for areas around existing and future stormwater management ponds.*

The only stormwater management structure on-site is to be constructed underground.

*S-137: Permanent structures should not be located within 25 feet of the stream buffer area.*

Only the proposed outfall for the pond structure will be within 25 feet of the stream buffer.

*S-138: The number of buffer impacts should be minimized to maintain an unbroken corridor of riparian forest. Crossings should occur at direct angles rather than oblique angles to avoid more clearing of the buffer area.*

The proposed plan shows that the only impacts to the buffer are for necessary utility installations and are proposed at right angles to the stream and its buffer.

*S-139: If development occurs within the floodplain, afforestation and intense landscaping should be considered to reduce the existing impervious surface area.*

The proposed design does not show development in the floodplain.

All of the mandatory requirements on pages 102 and 103 of the TDDP relating to Woodland Conservation have been addressed on the subject plans, or are to be addressed in the future through conditions. (*S-140 through S-149*)

*P-13: New structures (other than parking structures) located within 150 feet of the centerline of the CSX railroad tracks are prohibited.*

New structures on the subject property are not located within 150 feet of the centerline of the CSX railroad tracks.

*S-151: A detailed noise study is required for review and approval by the Natural Resources Division prior to approval of any Detailed Site Plan. The noise study shall include reverberation impacts on adjacent land uses; specifically, the residential neighborhoods on the west side of the*

*railroad tracks. The study shall demonstrate that there will not be an increase in the existing noise levels. The study shall be certified by an acoustical engineer.*

*S-152: The noise study shall include examination of appropriate mitigation techniques, such as landscaping and buffering, and the use of acoustical design techniques. Furthermore, a typical cross-section profile of noise emission from the road grade to the nearest habitable structure is required. If mitigation is necessary, an earth berm or a better method of reduction is preferred.*

*S-153: The State of Maryland's Established Noise Standards (Table 5) will be the maximum allowable noise levels (dBA) for receiving land use categories for areas that do not currently exceed the established noise standards. For any new development, the applicant shall utilize construction materials and design methods that will attenuate ultimate exterior noise levels as established in Table 5. Interior levels shall not exceed 45 dBA (Ldn) for residential developments and 55 dBA (Ldn) for commercial and industrial developments.*

The TDDP shows a 65 dBA Ldn noise corridor for River Road on Map 14 and the text states that the contour is located 120 feet from the centerline of River Road. This noise corridor impacts the subject property. A noise study was required for the subject property and was recently submitted and reviewed.

### **Parcel-Specific Development Requirements and Guidelines**

*S-243: If development occurs on this parcel, the mandatory requirements and guidelines for floodplain, nontidal wetlands, stormwater management, woodlands and noise attenuation specified in the "District-wide Development Requirement and Guidelines" shall apply.*

See section above on conformance with District-wide Development Requirements and Guidelines.

*S-244: A wooded side setback along the stream shall be provided.*

The plan proposes a wooded setback of approximately 50 feet for most of the southern property line. None of the plans show the centerline of the stream, so it is not possible to evaluate whether or not this constitutes the entirety of the required 50-foot stream buffer. It appears that the centerline is at or near the southern property line.

*S-245: There is an approximate 0.9-acre minimum woodland conservation required by the Woodland Conservation Ordinance. This conservation shall be provided using the following hierarchy:*

- 1. Extension of 50-foot buffer area from the 100-year floodplain between Parcel 10D and Parcel 10.*
- 2. Preservation of any undisturbed nontidal wetlands.*
- 3. Woodland Conservation off-site within the College Park-Riverdale Transit District.*

The Type I TCP proposes to meet the requirement through preservation of an additional area of woodland adjacent to the stream that is between Parcel 10D and Parcel 10. There are no wetlands on the subject property. Off-site mitigation is proposed and shall be provided within the College Park-Riverdale Transit District by condition.

*S-246: A minimum 50-foot buffer from the 100-year floodplain shall be preserved.*

A minimum buffer is being proposed except for areas of disturbance necessary for the installation of a water line and a stormwater management outfall.

*S-247: Conservation of additional woodland meeting hierarchies listed in S-245 above can be used for other transit district woodland conservation requirements in accordance with District-wide Mandatory Requirement S-142.*

Parcel 10D is proposed to be developed in general conformance with the TDDP. The proposed design eliminates an area that was shown to be wetlands in the TDDP that, after further field investigation, have proven not to be jurisdictional wetlands. This site will not be available for use as off-site mitigation for other sites.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Forest Stand Delineation (FSD) has been submitted and has been found to require some revisions. The tract area mentioned in the text is different from that shown on the plans. The narrative and plans are to be consistent with regard to all information provided. The FSD does not show all existing site features such as the centerline of the stream. The FSD needs to be revised accordingly and show all graphics on the legend.

The revised Type I Tree Conservation Plan (TCPI/56/02), stamped as accepted for review on December 18, 2002, was reviewed. Several of the comments from the previous review of the TCP have been addressed. However, there are remaining issues yet to be resolved. The plan does not show the stream centerline or the required 50 foot-wide stream buffer.

A Type II Tree Conservation Plan, TCPII/73/93, dated June 29, 1993, was approved for the partial development of the subject property with the following note: A woodlands cleared as a condition of this approval shall be included as part of the calculations submitted for Type II Tree Conservation Plan for tracts 1 and 2, Marlborough C. L. Inc. L. 8506, F. 196. This note is appropriate because the clearing has yet to be mitigated and the new TCPI must include all areas of clearing. The revised plan shows that trees previously removed for the construction of River Road and the off-site encroachment for the construction of a public water line have both been accounted for in the computation worksheet.

River Road is the nearest existing noise source. According to the TDDP, a noise study is required and shall be certified by an acoustical engineer. A noise study was submitted by Brune Consulting, dated December 11, 2002. The study does not state the estimated location of the 65

dBA Ldn noise contour for traffic from River Road and does not contain Average Daily Traffic (ADT) figures for comparison with staff's noise modeling figures.

The plan as submitted shows an underground stormwater management facility to be placed under the proposed parking lot. According to note # 17 on the preliminary plan, this site has a Stormwater Concept Approval Letter, CD # 27810-2002-60, dated August 27, 2002, which was submitted with the application. Condition # 7 of the letter mentions a water quality infiltration trench, but a trench is not shown on the plan. According to P-12 of the TDDP for the College Park-Riverdale, "Any new 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 are strongly encouraged where deemed appropriate." The addition of a water quality infiltration trench later may result in more clearing of woodland shown on the Tree Conservation Plan to be preserved. The approved Technical Stormwater Management Plans need to be reviewed prior to certification of the TCPII.

The variation request submitted for review on December 18, 2002, meets the minimum submission requirements. This application proposes two separate individual impacts to the expanded buffer. The variations submitted identify the two impact areas and provide written justification for each encroachment. Staff recommends approval of the variations for the two proposed impacts. The following is an analysis of the variations prepared. The text in *italics* represents the text from the Zoning Ordinance

*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 further provided that the Planning Board shall not approve variations unless it shall make findings based upon 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 injurious to other property;*

The variations requested are associated with connections to a public waterline and a rip-rap outfall for the on-site stormwater management facility. The approval of these impacts will not create conditions detrimental to the public safety, health, or welfare, or injurious to other property.

- (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 conditions of the property are unique with respect to the placement of the existing stream.

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



No other variances, departures, or waivers are required. All appropriate federal and state permits must be obtained before the construction can proceed. Because there are state permitting processes to review the proposed impacts, the construction proposed does not constitute a violation.

- (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 strict letter of these regulations is carried out;*

Due to the configuration of this site, the location of the stream and the 100-year floodplain, and the fact that no other reasonable options are possible which would further reduce or eliminate the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variations.

A wetland study was submitted December 31, 2002. The study shows that the wetlands shown conceptually in the TDDP are not on the subject property. Waters of the U.S. in the form of a stream exist along the southern property line. Minor impacts to the Waters of the U.S. are proposed.

The "Prince George's County Soils Survey" indicates that the principal soils on the site are in the Beltsville soils series. These soils are highly erodible and may have a high water table and impeded drainage. These characteristics do not typically create severe problems for foundations or parking lots. No further action is needed as it relates to this Preliminary Plan of Subdivision review.

- 5. Community Planning**—The subject property is located in Planning Area 66/College Park and is subject to the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone*. That plan designates this property as Parcel 10D and recommends Mixed-Use (Office/Retail/Hotel/Light Industrial) for the subject site. The sectional map amendment associated with the Transit District Development Plan rezoned the subject property from the I-1 Zone to the M-X-T Zone, with a T-D-O Zone.

The 2002 *General Plan* placed the site within the Developed Tier and established the immediate area as a Metropolitan Center. A Metropolitan Center is intended to have a high concentration of land uses and economic activities that attract employers, workers and customers from other parts of the metropolitan Washington area, such as large government service or major employment centers, major educational complexes, or high-intensity commercial uses.

Pursuant to the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone*, Parcel 10D is subject to one primary mandatory development requirement and ten secondary mandatory development requirements. These requirements are not at issue with the subject preliminary plan of subdivision.

6. **Parks and Recreation**—The subject application is exempt from mandatory dedication of parkland requirements because no residential uses are proposed.
7. **Trails**—The Senior Trails Planner identified several trails issues associated with the approved Transit District Development Plan (TDDP). These issues pertain to appropriate size and location of sidewalks and the provision of bicycle parking spaces. All of these issues will be addressed as part of the required Detailed Site Plan (DSP) for the subject property.
8. **Transportation**—The Transportation Planning Section has reviewed the subject application. The subject property consists of approximately 4.38 acres of land in the M-X-T Zone. The applicant proposes to develop the property as a commercial development in accordance with the regulations of the College Park-Riverdale Transit District Overlay Zone (TDOZ).

No traffic study was requested of or was prepared by the applicant for the purpose of determining transportation adequacy. The findings and recommendations outlined below are based upon a review of the Approved Transit District Development Plan (TDDP) for the College Park-Riverdale 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.

The subject property is located within a designated center within the Developed Tier, as defined in the *General Plan* for Prince George's County. As such, the subject property is evaluated according to the 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.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds 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.

The Transit District Development Plan (TDDP) identifies the subject property as being Parcel 10D. 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 caps on the quantity of parking allowed within the northern and southern portions of the TDOZ. Based on the analysis, a number of transportation improvements were identified as necessary to provide adequate transportation service levels, and these improvements are summarized on pages 117 and 118 of the TDDP.

Page 129 of the TDDP identifies mandatory one-time fees which will be used to fund transportation improvements and future shared parking structures needed to serve development within the transit district. The subject property is within the northern portion of the TDOZ, and the applicant will be required to pay \$580 per surface parking space as a proportional share toward funding needed off-site roadway, intersection, and trail improvements. Also, the applicant will be required to pay \$490 per surface parking space toward future parking structures in the area. These cost figures are in 1997 dollars. As parking spaces are not shown on a preliminary plan, 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 Section 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. In doing so, the plan does restrict the quantity of parking per unit of development based upon its distance from the Metrorail station. Table 11 of the TDDP defines these parking ratios. In consideration of the above discussion, the transportation staff will not be recommending a trip cap for this subdivision as the limits on development are 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 if all standards are not met.

River Road is a master plan collector facility. However, a right-of-way already exists which is consistent with master plan recommendations. Therefore, no further right-of-way dedication along River Road is required of this plan.

Based on the preceding findings, the Transportation Planning Section concluded that 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.

9. **Schools**— The proposed subdivision is exempt from the APF test for schools because it is a commercial use and located in the Developed Tier.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities.
  - a. The existing ambulance service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 2.55 minutes, which is within the 4.25-minute travel time guideline.
  - b. The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 2.55 minutes, which is within the

7.25-minute travel time guideline.

- c. The existing ladder truck service at Riverdale Fire Station, Company 7, located at 4714 Queenbury Road, has a service travel time of 3.50 minutes, which is within the 4.25-minute travel 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*. 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.

11. **Police Facilities**—The proposed development is within the service area for District I-Hyattsville. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing county police facilities will be adequate to serve the proposed Riverside FDA development. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The initial review by the Health Department identified various materials (tires and drums) that existed on the site and needed to be removed. Pursuant to a December 30, 2002 memorandum, the Health Department is satisfied that those materials have been successfully removed from the property and are no longer of any concern.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, approved Stormwater Management Concept Plan #27810-2002-00 on August 27, 2002. Development of this site should be in accordance with this approved plan..
14. **Cemeteries**¾ General Note #12 on the preliminary plan states there are no cemeteries visible on-site.
15. **City of College Park**¾ The College Park City Council at its meeting on January 27, 2003, voted to approve the subject application consistent with the conditions recommended by staff.

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 30, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of February 2003.

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Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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