

R E S O L U T I O N

WHEREAS, Contee Company is the owner of a 6.92-acre parcel of land in the 17th Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on April 21, 2003, Marsel and Hollins Development Company filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03033 for Prince George's Center 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 September 25, 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 September 25, 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/40/2003), and further APPROVED Preliminary Plan of Subdivision 4-03033, Prince George's Center for Parcel A including a Variation from Section 24-130 with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. A copy of the approved floodplain study shall be submitted. All development within the floodplain shall be in conformance with the Prince George's County Floodplain Ordinance.
 - b. Written authorization from the Department of Environmental Resources to allow disturbances to the floodplain shall be submitted.
 - c. The Type I Tree Conservation Plan shall be revised to eliminate all woodland clearing within the limit of the 100-year floodplain and provide the following note:

“If, during the review of the Detailed Site Plan, evidence is provided that the Department of Environmental Resources has approved clearing and grading of the 100-year floodplain on the subject property, and the Planning Board approves disturbance to the 100-year floodplain, the limits of disturbance on the TCPII

may reflect clearing of the 100-year floodplain on the subject property.”

2. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan shall be revised as follows:
 - a. Revise the plan to address all other conditions of approval of 4-03033.
 - b. Add the following note: “All off-site mitigation shall be provided within the Anacostia Watershed. Reforestation on the properties to the north shall not be counted toward meeting the ordinance requirements.”
 - c. All off-site areas of clearing and grading shall be shown with a symbol for reforestation.
 - d. Clearly label the proposed retaining wall with top-of-wall and bottom-of-wall elevations.
 - e. Clarify the amount of existing woodland to either be 6.05 acres as stated on the FSD or 6.09 acres as stated on the TCPI.
 - f. Include in legend all symbols used in the plan.
 - g. The Woodland Conservation Worksheet shall be revised to reflect all changes to the plan.
 - h. Notes shall be added to the worksheet that clarify how much of the clearing acreage is off-site clearing.
 - i. Have the revised plan signed and dated by the qualified professional who prepared the plan.
3. In addition to typical review, the Detailed Site Plan shall examine the following for conformance with the requirements of the Prince George’s Plaza Transit District Overlay Zone:
 - a. Building Mass.
 - b. Building Height.
 - c. Density.
 - d. Use.
4. Development of the site shall be in conformance with the approved stormwater concept plan, Concept 461-2002-00, or any revisions thereto.
5. The subject property shall provide stormwater management through the use of both traditional methods and innovative technologies such as green roofs, storage of stormwater for reuse, alternative paving surfaces and bioretention.
6. The off-site woodland conservation mitigation for the subject property shall be provided within the Anacostia River watershed.

7. The submission package for the Detailed Site Plan shall include a copy of the signed Jurisdictional Determination.
8. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
9. The reforestation on the properties to the north shall consist of the planting of one- and two-inch caliper trees at stocking levels that meet the Woodland Conservation Ordinance requirements. This reforestation shall not be counted toward meeting the ordinance requirements for the subject property.
10. The landscape plan associated with the Detailed Site Plan shall show all the innovative stormwater management techniques to be constructed and shall contain all necessary details to ensure proper installation and inspection.
11. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/40/03). 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 (TCP I/40/03), 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 will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

12. At the time of Detailed Site Plan, a Type II Tree Conservation Plan shall be approved.
13. Prior to signature approval of the preliminary plan, the applicant, his heirs, successors and/or assignees shall submit a proposal for grading on park property, including compensation to the public. This proposal shall be approved by the Planning Board prior to signature approval of the preliminary plan. If the Planning Board denies the proposal, all grading shall be removed from park property.

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 northwest quadrant of the intersection of Toledo Terrace and East West Highway.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	Vacant	Commercial Retail
Acreage	6.92	6.92
Parcels	1	1

4. **Environmental**— Approximately 85 percent of this site has existing forest cover. Streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. East West Highway has been identified as a transportation-related noise generator. The soil found to occur according to the Prince George’s County Soil Survey is Sunnyside urban land complex, which has no significant limitations with respect to the development of this property. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity. There are no designated scenic and historic roads in the vicinity. This property is located in the Northwest Branch watershed of the Anacostia River Basin and in the Developed Tier as reflected in the adopted General Plan.

Transit District Overlay Zone Environmental Conditions

The following mandatory development requirements from the approved Transit District Development Plan apply to this property. The mandatory development requirements are numbered in accordance with the approved plan and shown in **bold** print.

P25 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 proposed stormwater management concept plan as submitted shows a subterranean stormwater management basin with 11 rows of 72-foot pipe. Conditions of approval included the following:

- “1. This approved stormwater plan requires the necessary permits to fill wetland area on-site.

- “2. Proposed stormwater management for this site is 1 year extended detention with water quality (WQ) also provided for the existing off-site 23.14 acres of impervious surface flowing through this site.
- “3. Stormwater fee in lieu amount of 18,134 is to be deposited towards fund #GF255220888888 document DF 01.4.
- “4. S.H.A. approval and permit required.”

Note # 16 in the preliminary plan indicates that the site does have an approved Stormwater Management Concept Approval Letter, SCD # 461-2002-00 dated April 8, 2003. This approval supersedes a previous approval dated October 2, 2002.

S33 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 sub-watershed.

This site is subject to the requirements of the Woodland Conservation Ordinance. so this requirement does not apply. However, the mandatory development requirements suggest that the retention and creation of woodlands in the Anacostia watershed are important. The Type I Tree Conservation Plan should give priority to the protection and/or creation of woodlands in the Anacostia watershed, and specifically the Northwest Branch Watershed. The Type I Tree Conservation Plan submitted shows no woodland preservation on-site. See comment #2 in the Environmental Review section below.

P28 Any new development or reconstruction of existing development shall be in conformance with the Prince George's County Floodplain Ordinance.

A floodplain study was not submitted with this application. Note # 6 in the Preliminary Plan indicates that “the property is located predominantly in flood hazard zone C (areas of minimal flooding) and may be partially located in flood hazard B (area between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one foot or where contributing drainage area is less than one square mile; or area protected by levels from the base flood) and zone A8 (areas of 100-year flood; base flood elevation 54) per map entitled “National Flood Insurance program, firm, flood insurance rate map, Prince George’s County Maryland, unincorporated areas, panel 25 of 25,” Community-panel number 245208 0025 C, Map revised: June 18,1987. The plan shows a small area of 100-year floodplain on-site. A floodplain verification from the Department of Environmental Resources is required.

P29 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.

The information necessary to determine if this mandatory requirement has been addressed was submitted in the form of a request to the Department of Environmental Resources to permit the filling of the floodplain. Because a request is necessary for any disturbances to the 100-year floodplain, the Department of Environmental Resources (DER) shall provide written approval. The plan also shows off-site grading to the west of the subject property contrary to comments by DER and Environmental Planning Section staff.

P30 If the development is undergoing subdivision, approval of a variation request shall be obtained for proposed impacts to the floodplain.

A variation request has been submitted with the package for review. The variation is discussed in detail below.

P31 If impacts to nontidal wetlands are proposed, a Maryland Corps of Engineer Joint Permit Application (33 Code of Federal Regulations 320 and 330) shall be required and, where required, issuance of the permit.

No information has been provided with respect to the presence or absence of wetlands. General note # 4 on the Tree Conservation Plan states that delineation of Waters of the United States, including jurisdictional wetlands, was provided on January 19, 2001, by the Department of the Army, U.S. Army Corps of Engineers. A copy of the signed plan has not been submitted.

P32 If impacts to nontidal wetlands are proposed, a State Water Quality Certification pursuant to Section 401 of the Clean Water Act shall be required from the Maryland Department of the Environment.

Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant must submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

P33 Each Preliminary Plat, Conceptual and/or Detailed Site Plan shall show a 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.

The Preliminary Plan of Subdivision as submitted shows the location of the 65 dBA (Ldn) noise contour, in compliance with M-NCPPC noise model projection.

P34 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 Plat of Subdivision, Conceptual and/or Detailed Site Plan. The study shall use traffic volumes at LOS E and include examination of appropriate mitigation techniques and the use of acoustical design techniques.

Further more, a typical cross-section profile of noise emission from the road to the nearest habitable structure is required.

Because the application does not propose any residential structures on this site, the submittal of a noise study will not be necessary. However, the 65 dBA (Ldn) noise contour delineated on the Preliminary Plan reflects minimal noise impacts for the C-S-C Zone. If residential structures are proposed with future applications, a noise study will be required.

P90 The existing trees within the 100-year floodplain shall be preserved.

This mandatory requirement does not allow for any clearing of woodland within the limits of the 100-year floodplain. The plans as submitted propose such impacts to an area of 100-year floodplain on-site and off-site to the west. The applicant did not request approval of a modification of this mandatory requirement. The applicant did request permission from the Department of Environmental Resources to fill the 100-year floodplain on-site. No approval has been granted at this time.

Prior to signature approval of the Preliminary Plan, the Type I Tree Conservation Plan needs to be revised to eliminate all woodland clearing within the limit of the 100-year floodplain and provide the following note: "If, during the review of the Detailed Site Plan, evidence is provided that the Department of Environmental Resources has approved clearing and grading of the 100-year floodplain on the subject property, and the Planning Board approves disturbance to the 100-year floodplain, the limits of disturbance on the TCPII may reflect clearing of the 100-year floodplain on the subject property."

P91 The preservation of existing woodland on Subarea 10B is required.

The Tree Conservation Plan submitted shows substantial clearing of woodlands both on and off the subject property. The applicant did not request approval of a modification of this mandatory requirement. The clearing and grading shown are for the construction of the proposed building and for the placement of a stormwater management outfall. The impacts for the outfall are appropriate; however, the clearing and grading onto Subarea 10B, which is property owned by The Maryland-National Capital Park and Planning Commission's Department of Parks and Recreation, for the construction of the building is not appropriate.

Prior to signature approval of the plan, the TCPI should be revised to eliminate clearing and grading onto the parcel to the west except for the clearing and grading necessary for the installation of the stormwater management outfall.

Woodland Conservation

The Detailed Forest Stand Delineation (FSD) submitted with this application has been found in compliance with the requirements of the woodland conservation ordinance.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are more than 10,000 square feet of existing woodland and the gross tract area is greater than 40,000 square feet. The revised Type I Tree Conservation Plan (TCPI/40/03) requires additional revisions to be in conformance with the Woodland Conservation Ordinance and the requirements of the TDOZ.

The reforestation on the properties to the north should consist of the planting of one- and two-inch caliper trees at stocking levels that meet the Woodland Conservation Ordinance requirements. This reforestation should not be counted toward meeting the ordinance requirements for the subject property. In addition, the landscape plan associated with the Detailed Site Plan should show all the innovative stormwater management techniques to be constructed and should contain all necessary details to ensure proper installation and inspection.

Noise

East West Highway is classified as an arterial roadway with a noise impact zone (65 dBA Ldn noise contour) extending approximately 230 feet from the centerline of the roadway as calculated using the Environmental Planning Section Noise Model. Because the proposed development of this site is not residential noise mitigation measures will not be required. The applicant has correctly delineated the 65 dBA (Ldn) noise contour on the Preliminary Plan.

Floodplain, Streams, Wetlands and Buffers

The Subdivision Regulations require the preservation of the extended stream buffers and wetland buffers in a natural state [Section 24-130(b)(6) and (7)] unless the Planning Board approves a variation request. The Preliminary Plan proposes significant impacts to the entire length of the stream and the extended buffer for the construction of buildings and parking areas. A variation request for the proposed extended buffer impacts was submitted for review on June 15, 2003. It should be noted that no impacts to off-site features were requested and no off-site impacts and herein recommended for approval by the Planning Board.

Section 24-113 of the Subdivision Regulations set forth the required findings for variation approval. The variation request for the proposed impacts to the stream and its extended buffer on-site are recommended for approval. Section 24-113(a) reads:

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 the evidence presented to it in each specific case that:

A. **That the granting of the variation will not be detrimental to the public safety, health**

or welfare, or injurious to other property.

Comment: Granting the variations will not be detrimental to the public safety, health, or welfare, or be injurious to another property because the stream is currently in an extremely degraded condition. The applicant is proposing to, in addition to treating stormwater for the on-site uses, treat stormwater run-off from a 23-acre upstream parcel that is currently entering the site untreated. This should improve the quality, and reduce the quantity, of stormwater run-off leaving the subject property.

- B. The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**

Comment: The conditions upon which the variations are based are unique to the property because the subject property contains a stream in the center of its entire length and the stream is receiving 23 acres of untreated stormwater from an upstream property.

- C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**

Comment: The approval of the variation does not constitute a violation of any other applicable law, ordinance, or regulation because copies of state and federal permits are required prior to the issuance of any permit on the site.

- D. 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.**

Comment: A hardship to the owner would result if the impact is not approved. Because the stream bisects the site, there are few development opportunities on this property that would not impact the stream.

Water and Sewer Categories

The property is in Water Category W-3 and Sewer Category S-3; it will be served by public systems.

5. **Community Planning**—The property is in Planning Area 68/Hyattsville. It is in the Developed Tier and the Regional Center for the Prince George's Plaza Metro Station. Regional Centers are envisioned as mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* recommends Commercial Office land use for the property. While the underlying zone is C-S-CC

the TDDP recommends that the property (Subarea 10A) be developed as an office use and provide a building mass along the East West Highway and Toledo Terrace corner to create a gateway into the transit district. (Page 115, TDDP).

Planning Issues

The applicant proposes a commercial shopping center. Page 115 of the Prince George's Plaza Transit District Development Plan (TDDP) recommends that the property be developed as an office use. In addition the TDDP requires a 40-foot build-to-line along East West Highway and a 20-foot build-to-line along Toledo Terrace. The drawings included with the preliminary plan do not satisfy these requirements.

Moreover, four separate buildings surrounded by large expanses of parking, as shown on the accompanying conceptual and detailed site plan, do not "provide a building mass along the East West Highway and Toledo Terrace corner to create a gateway into the transit district," as noted on Page 115 of the TDDP.

Finally, the applicant proposes four one-story buildings. The TDDP Mandatory Development Requirement P86 states, "the minimum building height shall be four stories."

Comment: These issues are best reviewed at the detailed site plan stage. No regulation allows the use to be restricted at the time of preliminary plan. Neither is there a regulation mandating building mass at the preliminary plan stage. Staff recommends a condition requiring that the detailed site plan examine these issues closely to ensure conformance with the requirements of the TDDP.

6. **Parks and Recreation**—According to Section 24-134 (a) of the Prince George's County Subdivision Regulations, the subject subdivision is exempt from Mandatory Dedication of Parkland requirements because the property is nonresidentially zoned.

The subject property is located on the northwest corner of East West Highway and Toledo Drive and is part of *the Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (TDOZ)*. The subject property adjoins Northwest Branch Stream Valley Park (on the north and west). The submitted Tree Conservation Plan Type 1 shows 0.75 acre of woodland clearing and grading on adjacent parkland in order to maximize development of the site. A portion of the area proposed for clearing and grading is located in an area identified as Subarea 10B in the Transit District Development Plan for Prince George's Plaza. The plan contains mandatory development requirements. The following one, taken directly from the plan, states:

P91 The preservation of existing woodland on Subarea 10B is required.

While the applicant has approached DPR staff requesting permission to clear and grade the 0.75 acre of public parkland, DPR has not agreed to this request or recommended the conveyance of an easement over this area for this purpose. As previously noted, the Transit District Overlay Plan

prohibits the clearing and grading of a portion of the area. Staff is of the opinion that agreement to allow clearing and grading over the remainder of the parcel would require the conveyance of an easement, as it would amount to the disposal of real property. Staff is of the opinion that consideration of the TCPI and grading plan should be proceeded by the accomplishment of appraisals or other studies needed to determine the value of the proposed easement over the public parkland. The developer promised on several occasions to provide information, which would allow staff to assess the value of an easement; however, this information was never provided. The conveyance of the easement should be considered by the Planning Board in executive session before consideration of the TCP or grading plan. If the Planning Board supports the conveyance of an easement to the developer, action by the Planning Board should be taken before the TCPI/40/03 and the associate grading plan are acted upon.

Staff believes this issue may be resolved prior to signature approval. The applicant should submit a proposal to the Department of Parks and Recreation to be acted on by the Planning Board prior to signature approval of the preliminary plan. If, prior to signature approval of the preliminary plan, the applicant fails to receive approval by the Planning Board of this request, all grading on park property should be eliminated.

7. **Trails**—The subject site comprises Subarea 10A in the Adopted and Approved Prince George's Plaza Transit District Development Plan (TDDP). This plan recommends pedestrian and bicycle zones along both Toledo Terrace Road and East West Highway as part of other streetscape improvements. Due to the nature of the subject application, there are no master plan trails recommendations at this time. Recommendations regarding bicycle and pedestrian improvements will be made at the time of detailed site plan in conformance with the TDDP.
8. **Transportation**—The applicant requests a variation request from Section 24-121(a)(3), which 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." The variation request would allow access to MD 410, an arterial roadway, from the subject property. The proposed entrance would be located approximately 440 feet west of the intersection of MD 410 and Toledo Terrace. It would serve a proposed commercial shopping center.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation to allow access to MD 410 in this case and makes the following findings:

- a. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**

Comment: The proposed right-in/right-out entrance is along an open and tangent section of MD 410 and will remove trips from the MD 410/Toledo Terrace intersection, reducing potential conflicts at that location. Some turning movements will be lessened at the MD 410/Toledo Terrace intersection with the right-in/right-out option. This will be beneficial to public safety, health and welfare.

- b. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**

Comment: Based on the configuration of the site and its closeness to MD 410, it would be difficult to provide sole access from Toledo Terrace. A sole access point on Toledo Terrace and the provision of a left turn lane may back up traffic onto MD 410, creating unsafe conditions for motorists. This is unique to this property.

- c. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**

Comment: This will not result in a violation of other applicable laws, ordinances or regulations. Furthermore, the applicant will be required to comply with SHA and DPW&T requirements for access; this will ensure that a safe point of access is to be provided.

- d. **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.**

Comment: The applicant would suffer a particular hardship if the strict letter of the regulations were followed since access from Toledo Terrace could be denied or restricted, thereby limiting development of the property.

Transportation Adequacy

One of the purposes of this TDDP is to ensure a balanced transportation and transit facilities network. Therefore, staff performed an analysis of all road facilities in the vicinity of the transit district. This analysis indicated that the primary constraint to development in the transit district is vehicular congestion, particularly the congestion caused by single-occupant vehicle (SOV) trips that can be combined to high-occupancy vehicle (HOV) trips or converted to trips taken on the available transit service in the TDDP. One method for relieving congestion is to reduce the number of SOV trips to and from the transit district. As result, this TDDP addresses transportation adequacy by recommending a number of policies for managing the surface parking supply in the transit district, and by adopting Level-of-Service E (LOS E) as the minimum acceptable operating standard for transportation facilities. Among the most consequential of these are:

- a. Establishing a transit district-wide cap on the number of additional surface parking spaces (3,000 preferred, plus 1,000 premium) that can be constructed or provided in the transit district to accommodate any new development.

- b. Implementing a system of developer contributions based on the number of preferred and premium surface parking spaces attributed to each development project. The contributions are intended to recover sufficient funding to defray some of the cost of the transportation improvements as summarized in Table 4 of the TDDP, and are needed to ensure that the critical roadways and intersections in the transit district remain at or above LOS E.
- c. Retaining a mandatory Transportation Demand Management District (TDMD). The TDMD was recommended by the 1992 TDDP to ensure optimum utilization of trip reduction measures (TRMs) to combine, or divert to transit, as many peak-hour SOV trips as possible, and to capitalize on the existing transit system in the district. The TDMD will continue to have boundaries that are coterminous with the transit district. As of this writing, the TDMD has not been legally established under the TDMD Ordinance (now Subtitle 20A, Division 2 of the County Code) enacted in 1993.
- d. Requiring payment of an annual TDMD operations fee based on the total number of parking spaces (surface and structured) that each property owner maintains.
- e. Requiring that the TDMD prepare an annual transit district transportation and parking operations analysis that would determine whether or not the LOS E has been maintained, and to determine additional trip reduction, transportation and parking management measures that are required to restore LOS E.

Conformance with these requirements ensures adequacy of transportation facilities within the TDOZ. The full details on the methods of conformance will be addressed at the time of Detailed Site Plan in accordance with TDOZ requirements.

- 9. **Schools**—The Historic Preservation 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 *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002). This subdivision is exempt from the school adequacy test because it is a commercial use.
- 10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Hyattsville Fire Station, Company 1, located at 6200 Belcrest Road, has a service travel time of 1.09 minutes, which is within the 3.25-minute travel time guideline.
 - b. The existing ambulance service at Hyattsville Fire Station, Company 1, has a service travel time of 1.09 minutes, which is within the 4.25-minute travel time guideline.
 - c. The existing paramedic service at Brentwood Fire Station, Company 4, located at 3712

Utah Avenue, has a service travel time of 4.70 minutes, which is within the 7.25-minute travel time guideline.

- d. The existing ladder truck service at Riverdale Fire Station, Company 7, located at 4714 Queensbury Road, has a service travel time of 3.22 minutes, which is within the 4.25-minute travel 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*. 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 service.

11. **Police Facilities**—The proposed development is within the service area for Police District I-Hyattsville. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Prince George's Center development. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2003, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department reviewed the application and offered no comments.
13. **Stormwater Management**—A Stormwater Management Concept Plan, # 461-2002-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through October 2, 2005. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**^{3/4} There are no known cemeteries on or adjoining the subject property.
15. **Public Utility Easement**—The preliminary plan includes the required 10-foot-wide public utility easement. This easement will be shown 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.

* * * * *

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 Harley, seconded by Commissioner Lowe, with Commissioners Harley, Lowe, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday,

September 25, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of October 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk