

## R E S O L U T I O N

WHEREAS, Prince Georgetown L.P. is the owner of a 44.16-acre parcel of land known as Lots 2,3,4 and 6, REP 196 @77, Tax Map 89, Grid A-3, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on September 23, 2003, Branch Avenue Associates, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 326 and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03090 for Town Center at Camp Springs 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 November 20, 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 November 20, 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 Preliminary Plan of Subdivision 4-03090, Town Center at Camp Springs for Lots 1-326 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. To correct the gross site area as 44.15 and indicate that this is a resubdivision of Lots 2, 3, 4 and 6 (REP 196 @ 77).
  - b. To label Parcel A on sheet 2 of 2 and provide the acreage.
  - c. To provide the approval date of the stormwater management plan.
  - d. To provide a limit of disturbance and the expanded buffer and clearly indicate the limits of the 100-year floodplain based on the DER-approved elevation.
  - e. To provide a note restating Section 27-547(b) footnote 7, as modified by CB-40-2002,

which states that the number of townhouses is not restricted on this property and why.

- f. To provide a note that the requirements of 24-134 of the Subdivision Regulations for mandatory dedication of parkland is being fulfilled by on-site recreational facilities, to be determined at the time of review of the detailed site plan.
2. Development of this property shall be in conformance with approved Stormwater Management Concept Plan # 21588-2002-01.
3. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) Parcel A. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed. Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.

4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
5. Prior to the approval of the final plat of subdivision, the Planning Board or its designee shall approve a revision to approved Detailed Site Plan DSP-02024. The review shall include, but not be limited to, the evaluation of appropriate lot depths and subsequent modifications.
6. All commercial structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable county laws.
7. The applicant, his successors, and/or assigns, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
8. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
9. Submission of three original, executed recreational facilities agreements (RFA) to the DRD for its approval, three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
10. Submission to the DRD of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits for recreational facilities.
11. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
12. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the detailed site plan.
13. A revised Type II Tree Conservation Plan shall be submitted at the time of review of the detailed site plan and shall include the new lotting pattern and include any areas of land disturbance that occurred after the TCPI was originally reviewed.
14. A conservation easement shall be described by bearings and distances on the final plat. The conservation easement shall contain the expanded stream buffer, except for areas where impacts have been approved, and shall be reviewed by the Environmental Planning Section. 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 trees, limbs, branches, or trunks is permitted.”

15. Development of this property shall be in conformance with the approved Conceptual Site Plan CSP-01015.
16. Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.
17. Total development within the subject property shall be limited by the existing approved site plans CSP-01015, DSP-02023, and DSP-02024. Any modifications to these plans or succeeding plans shall be determined to be consistent with the overall trip cap for the Capital Gateway site described in Conditions 8 and 10 of PGCPB No. 90-253 approving Preliminary Plan of Subdivision 4-90037.
18. Prior to the issuance of any building permit, the following transportation improvements shall be in place, bonded for construction by the applicant, or shall be fully funded for construction in either the Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. Should any of the improvements listed below be judged by the responsible agency to be inappropriate or inconsistent with improvement plans for the project location, the applicant shall be relieved of responsibility for the improvement by contributing an amount equal to the then-current cost of the improvement as described below:
  - Widen MD 5 (Branch Avenue) from four to six through lanes from approximately the loop ramp terminal connecting the I-95 inner loop with southbound MD 5 through its intersection with Beech Road;
  - At the MD 5/Auth Road intersection, construct as necessary to provide dual left-turn lanes on the north approach, an exclusive right-turn lane on the south approach, and dual left-turn lanes and a free flow right-turn lane on the east approach;
  - At the MD 5/Auth Way intersection, construct as necessary to provide dual left-turn lanes on the north approach, an exclusive right-turn lane and an exclusive left-turn lane on the south approach, and dual left-turn lanes, a through/left-turn lane, and a free flow right-turn lane on the east approach;
  - At the MD 5/Beech Road intersection, construct as necessary to provide an exclusive left-turn lane and an exclusive right-turn lane on the north approach, dual left-turn lanes and an exclusive right-turn lane on the south approach, an exclusive left- turn lane on the east approach, and a free flow right-turn lane on the west approach;
  - Reconstruct and/or restripe as necessary the intersection of St. Barnabas Road/28th

Street/Branch Avenue to provide: exclusive left, through and right lanes on the north (28th Street) approach, an exclusive left and a shared left, through and right turn-lane on the south approach, dual left-turn lanes, dual through lanes and an exclusive right-turn lane on the east approach, and an exclusive left lane, dual through lanes and an exclusive right lane on the west approach. The existing signal will be rephased as to the satisfaction of the responsible agency;

- Reconstruct as necessary the intersection of Auth Road and Auth Place to provide two through lanes on the east and west approaches, an exclusive left-turn lane and an exclusive right- turn lane on the north approach and two through lanes on the south approach;
- Following the above referenced geometric improvements, conduct signal warrant studies at the intersection of Auth Road and Auth Place and the intersection of Auth Place and Auth Way. If signals are found to be warranted and upon approval from the State Highway Administration (SHA) and/or the County, install and time the signal(s);
- Assume full funding responsibility associated with the relocation and rephasing of existing signals as necessitated by the proposed geometric improvements identified above.

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 north side of Auth Way, north of the Branch avenue Metro Station south of the Suitland 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	Townhouses
Acreage	44.15	44.15
Lots	4	326
Parcels	0	1
Dwelling Units:		
Attached	0	326

4. **Environmental**—This site has been previously reviewed by the Environmental Planning Section as 4-89207, 4-90037, DSP-92012, DSP-91029 and CSP-01015. This site is subject to a previously approved Tree Conservation Plan, TCPI/7/90-01, and the development must be in conformance with this approved plan or a revised TCPI must be submitted. This site also has an approved Type II Tree Conservation Plan (TCPII/26/91).

A review of the information available indicates that streams, wetlands, wetland buffers, 100-year floodplain, and steep slopes are found to occur on the property. The soils found to occur, according to the Prince George's County Soil Survey, are predominantly gravel pit or disturbed soils. Since the exact nature of the soils is not known, DER may require a soils study prior to issuance of permits. Suitland Parkway and the Branch Avenue Metro line are considered significant noise generators that may create adverse noise impacts for the proposed residential use. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity. This site abuts Henson Creek Stream Valley Park. According to available information, Marlboro clay is not found to occur on this property. This property is located in the Henson Creek watershed of the Potomac River Basin and in the Developed Tier as reflected in the adopted General Plan.

This site is subject to the Woodland Conservation Ordinance because it is larger than 40,000 square feet and contains more than 10,000 square feet of woodland. This site has an approved Type I Tree Conservation Plan, TCPI/7/90-01, in conjunction with CSP-01015 that includes the subject property. TCPII/26/91 was later approved for a 220-acre site that includes this site. Individual TCPIIs are required to be submitted with each Detailed Site Plan.

The original TCPI was approved under the 1989 Woodland Conservation Ordinance and as such is subject to different requirements than are currently in place. A revised Type I Tree Conservation Plan was not submitted with the review package, because no changes are proposed that affect the originally approved TCPI. The preliminary plan as submitted is in compliance with the approved TCPI/7/90-01; however, a revised Type II Tree Conservation Plan will be required at the time of Detailed Site Plan submittal to include the new lotting pattern.

The site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The plan as submitted shows the protection of streams, wetlands with associated buffers to the extent possible. There are impacts that were previously approved by the Planning Board through the approval of a previous preliminary plan and subsequent detailed site plans. Bearings and distances should describe a conservation easement on the final plat. The conservation easement should contain the expanded stream buffer, except for areas where impacts have been approved.

The proposed development abuts lands owned by the National Park Service to the north that contain the stream valley of Henson Creek and Suitland Parkway; the conceptual site plan was referred to the National Park Service, who indicated concerns regarding the visual impact of development on Suitland Parkway and stormwater runoff. The Environmental Planning Section has considered the National Park Service's concerns regarding the impact of stormwater runoff

into the Henson Creek and has included conditions in their review of the approved conceptual site plan. The applicant is required, through conditions of the conceptual site plan, to submit section drawings at the time of the Detailed Site Plan in order to determine the visual impact of development as viewed from Suitland Parkway. On the east and west are lands owned by WMATA. Section 4.7 of the *Landscape Manual* requires a AD@ bufferyard to screen and buffer the proposed development from the WMATA lands. The conceptual site plan (CSP-01015) has been revised to show the required buffer areas.

5. **Community Planning**—The subject property is located within the limits of The Heights and Vicinity Master Plan (2000), Planning Area 76A in the Silver Hill-Morningside community. The 2002 General Plan locates the property in the Developed Tier. The land use recommendation is for mixed-use residential, office and retail. Development of the Town Center at Camp Springs is consistent overall with the land use recommendations of the master plan and General Plan.

This site has approved conceptual and detailed site plans. Master plan issues were identified with the earlier plans. The conceptual site plan includes a much larger area than the subject application. The approved conceptual site plan includes a mixed-use scenario with nonresidential development abutting the east side of the Metro station site (inside the loop road). The proposed subdivision is consistent with the mixed-use scenario approved by the conceptual site plan.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Department of Parks and Recreation recommends that the applicant provide private recreational facilities in accordance with the *Parks and Recreational Facilities Guidelines*. The preliminary plan provides adequate open space to locate these facilities identified in the original detailed site plan.
7. **Trails**— Due to its proximity to the Branch Avenue Metro Station, the subject site has been identified for transit-oriented development and pedestrian connections to the Branch Avenue Metro, which is located to the south of this site within one-half mile. Prior approvals have addressed this in a number of ways. The previously approved DSP-02024 includes a sidewalk plan reflecting numerous trail and sidewalk connections for the subject property. It is recommended that these previously approved connections be incorporated into future plans of development.

The existing M-NCPPC Henson Creek Trail currently ends at Temple Hills Road. The adopted and approved Heights master plan recommends that this trail be extended to the vicinity of the Branch Avenue Metro in the M-NCPPC parkland. This trail will provide a major pedestrian and bicycle connection to the Branch Avenue Metro and Town Center from the communities to the south. A major trail connection was included in the previously approved DSP-02024 that will provide access to the future stream valley trail extension from the Town Center. This trail is shown on the sidewalk plan of DSP-02024 and will access the subject site at three locations. Staff recommends that the revised preliminary plan include these three connections from the previously approved DSP.

The major trail connection will run from Auth Way and through Parcel A to Habersham Avenue

adjacent to Lot 195 (see attached sidewalk plan). This trail should link to the subject subdivision at Lumpkin Place, Talmadge Avenue, and Habersham Avenue. It appears that the HOA open space between lots 320 and 321 will have to be widened to accommodate the trail connection to Lumpkin Place. A trail connection was also approved from Habersham Avenue to Troupe Place. Again, it appears that the HOA land will have to be provided between Lot 236 and Lot 237 to accommodate this connection.

The DSP also includes a connection to the future stream valley trail extension and this should be at a location acceptable to the Department of Parks and Recreation.

The previously approved sidewalk network is comprehensive. It is recommended that it be constructed as shown on the DSP. The previously approved trail network is comprehensive and will accommodate pedestrians through the Town Center, as well as provide a trail connection to Metro. It is recommended that the previously approved trails and sidewalks, in conformance with the adopted and approved Heights master plan, CSP-01015 and DSP-02024 (including the approved sidewalk plan), be incorporated into the new preliminary plan.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 44.16 acres of land in the M-X-T Zone. The property is located on the northwest side of Auth Way, approximately 3,000 feet from its intersection with Auth Road, and within walking distance of the Branch Avenue Metrorail station.

The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy—Service Level Standards**

The subject property is located within the Developed Tier, as defined in the General Plan for Prince George's County and within the Branch Avenue Metropolitan Center. 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 site is the subject of the existing subdivision, approved as Preliminary Plan 4-90037 in 1990, and known as Capital Gateway. Capital Gateway was approved at the time of that preliminary



plan with a trip cap. During review of the underlying conceptual site plan CSP-01015, it was determined that the proposed development is well within the established trip cap for Capital Gateway. Because the subject site is within a larger site, compliance with the trip cap will be based upon compliance with the underlying conceptual and detailed site plans, or any future modified or succeeding plans. A condition to this end is in place of the trip cap condition that was included with 4-90037.

There were several other conditions that were included with preliminary plan 4-90037. These conditions, and their status for the subject plan, are summarized below:

Condition 7: This condition identifies several transportation improvements that were identified as necessary for the development of the property. All of these conditions are enforceable prior to building permit. It appears that most all of the required improvements are in place. Nonetheless, the subject plan should include a condition requiring that these conditions be checked prior to the issuance of any building permits within the subject property.

Condition 8: This condition sets a trip cap for the subject property, and the plan conforms to the cap. A condition will be added pursuant to the discussion earlier in this memorandum.

Condition 9: This condition requires that certain portions of the property be placed in reservation for the Branch Avenue Metrorail Station. The needed properties were placed in reservation or otherwise acquired, and the station and its facilities are constructed and operational. Further enforcement of this condition is no longer needed.

Condition 10: This condition allows the trip cap established by Condition 8 to be exceeded by establishment of a transportation demand management program. The trip cap condition described earlier will incorporate a reference to this condition as well.

Condition 11: This condition concerns a conveyance along Old Soper Road. The area of the conveyance is now owned by the Washington Metropolitan Area Transit Authority, and so the condition is no longer applicable, and is not needed for this plan.

Condition 12: This condition concerns denial of access between the subject property and a number of local streets in the area. All record plats reflected this condition, and the site plan shows no access to any of these streets. No replacement condition will be needed because none of the named streets are adjacent to the subject property.

The transportation staff believes that the proposed subdivision would generate no net trips as a result of creating the lot lines. There would be no resulting impact on traffic operations at the MD 5/Auth Way intersection, or any other intersections that were deemed to be critical intersections at the time of the original subdivision, as a result of the resubdivision.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

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