

R E S O L U T I O N

WHEREAS, Lanham, LLLP, is the owner of a 50.8-acre parcel of land known as Parcels 23 and 46 and Buena Vista RNR 2@51, located on Tax Map 45 and 53 Grids A-4 and A-1, said property being in the 13<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned R-T/R-R; and

WHEREAS, on December 15, 2003, Lanham, LLLP, filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for nine lots and two parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03125 for Vista Gardens Marketplace 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 April 29, 2004, 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 April 29, 2004, 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/53/96-01), and APPROVED Preliminary Plan of Subdivision 4-03125, including a variation to Section 24-130 and 24-121 for Lots 1-9 and Parcels A and B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. To provide reference in the general notes to Parcels 23 and 46.
  - b. To provide a note that the master plan trail shall be located on Parcel B if owned by M-NCPPC or located in the public use easement if the applicant retains ownership.
  - c. To reflect the R-R/R-T zoning line consistent with the Glenn Dale-Seabrook SMA, approved text and/or approved map.
2. A Type II Tree Conservation Plan shall be approved in connection with the Detailed Site Plan approval.
3. Prior to the approval of the final plat of subdivision, the applicant shall vacate those portions of Buena Vista subdivision RNR 2@51 that are part of this preliminary plan, in accordance with

Section 24-112 of the Subdivision Regulations.

4. The first Detailed Site Plan subsequent to the approval of the DSP for Infrastructure or prior to the approval of the final plat, whichever comes first, shall ensure the following:
  - a. The ultimate right-of-way of Martin Luther King, Jr. Highway has been approved by SHA.
  - b. The limit of Parcel B, to be conveyed to M-NCPPC, is determined.
5. The first Detailed Site Plan subsequent to the approval of the DSP for infrastructure shall ensure the following:
  - a. The applicant shall construct an eight-foot wide asphalt trail connecting the existing trail to the south to the southern end of the hiker/biker pathway tunnel under MD 450, at the property's frontage.
  - b. Detailed construction drawings for the eight-foot-wide asphalt trail and any needed structures shall be submitted and approved as part of the DSP for development.
  - c. The trail shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
  - d. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
  - e. The trail within the PMA shall be field located prior to construction and shall be placed to reduce impacts to the existing resources to the fullest extent possible.
6. Prior to building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a business owners association has been established and that the common area (Parcels A) has been conveyed to the business owners association.
7. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey Parcel B to M-NCPPC. Land to be conveyed shall be subject the following:
  - a. At the time of final plat, an original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to

and subsequent to final plat.

- c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits, consistent with the first DSP subsequent to the approval of the DSP for infrastructure.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
  - i. No stormwater management facilities, or tree conservation or utility easements, shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
8. The applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division three original Recreational Facilities Agreements (RFA) for construction of the trail on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the PP&D Division, the RFA shall be recorded among the county land records and noted on the final plat of subdivision.
9. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property.

10. The limit of disturbance shown on the final approved technical stormwater management plan cannot exceed the limits approved by the Planning Board within the PMA, as shown on the approved TCPI. The stormwater management plan shall be revised in accordance with the Planning Board's decision if inconsistencies are identified later in the development process. Development of this site shall be in conformance with approved technical Stormwater Management Plan, #15255-2001-02.
11. The applicant shall provide for any necessary turn lanes and/or frontage improvements as required by SHA, in connection with granting access to MD 704. These may include turn lanes for deceleration and acceleration of vehicles at the site, frontage improvements at the site, lengthening or doubling of turn lane bays, traffic signal modifications, and additional pavement markings and signage. Additional right-of-way dedication to SHA may be required for these improvements.
12. At the time of final plat approval, the applicant shall dedicate 40 feet from centerline along Lottsford Vista Road, as shown on the submitted plan
13. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with DPW&T:
  - a. Provide frontage improvements along the entire parcel for either left turn lanes into the three shopping center entrances on Lottsford Vista Road or a continuous second through lane along southbound Lottsford Vista Road. This will be based on DPW&T requirements.
  - b. Lengthen the left-turn lane and provide a new taper on Lottsford Vista Road at its intersection with MD 704 based on DPW&T requirements.
  - c. Provision of any additional traffic signal modifications, pavement markings, and signage required by DPW&T on Lottsford Vista Road and in association with improvements listed above under 13a. and 13b.
14. Total development within the subject property shall be limited to 405,900 square feet of retail space, or equivalent development that generates no more than 251 AM and 732 PM new peak-hour trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
15. Prior to signature approval of the TCPI, the FSD shall be revised as follows:
  - a. Show the existing woodland areas to the nearest 1/100<sup>th</sup> of an acre.
  - b. Separate out stands with different characteristics such as higher or lower levels of harvesting.

- c. Revise the stand labels to make more understandable (the labels for stand B appear to be in confined areas). Note the combined acreage of the stands since these are in separate areas throughout the site.
  - d. Submit a copy of the written response letter from MDNR as to the likelihood of rare, threatened and endangered species having been documented at the site.
  - e. Have the qualified professional who prepared the plan sign and date it.
16. Prior to the issuance of any permits that 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.
17. Prior to signature approval of the Preliminary Plan and the Type I TCP, the plans shall be revised to show the preservation of the PMA in its entirety within the limits of Parcel B, with the exception of the one stormwater outfall as shown on the Type I TCP. The TCPI shall contain the following note:
- “The trail within the PMA shall be field located prior to construction in coordination with the Department of Parks and Recreation and shall be placed to reduce impacts to the existing resources to the fullest extent possible.”
18. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area within Parcel B (Parcel B as delineated on the preliminary plan), except for approved areas of impacts, and shall be reviewed by the Environmental Planning Section prior to certificate approval. The following note shall be placed on the plat:
- “Conservation easements described on this plat, except for approved impacts, 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.”
19. Prior to signature approval of the TCPI, the plan shall be revised as follows:
- a. Provide a note that states that specimen trees are not located at the site.
  - b. Show the locations of severe slopes (slopes 25 percent in grade or steeper) and steep slopes containing highly erodible soils (slopes between 15 and 25 percent grade). Provide symbols in the legend for the severe slopes and steep slopes on highly erodible soils.
  - c. Revise the TCPI standard notes to include note #6 with the related stormwater management information.

- d. Revise the woodland conservation worksheet and TCPI accordingly to note the presence of the two zoning categories (R-T and R-R) and complete the worksheet accordingly.
  - e. Clearly show the proposed limits of disturbance on the plans and provide a separate symbol in the legend.
  - f. Remove the second set of contour lines from the plan.
  - g. Have the qualified professional who made the revisions to the plan sign and date it.
20. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/96/03). 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 (TCPI/96/03), 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.”
21. All future stormwater management technical plans shall adhere to the limits of disturbance shown on the approved TCPI. The approved technical stormwater management plan shall be part of any permit submission package so that the limits of disturbance shown on the TCPII can be compared with the limits on the approved stormwater management plans. If there is a discrepancy, the stormwater management plans shall be revised.
22. To the extent possible any proposed stormwater management ponds or bioretention areas shall be used for reforestation and afforestation at stocking levels that meet the requirements of the Woodland Conservation Ordinance.
23. As part of the review of the first Detailed Site Plan subsequent to the DSP for infrastructure, the applicant shall prepare a proposal for the provision of one or more historical marker(s) to denote the historic alignment of Lottsford Vista Road, its historic uses, and place in the history of Prince George’s County.
24. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and that all domestic trash has been removed.
25. Prior to the issuance of grading permits, the applicant shall submit a manifest demonstrating that the fuel storage tanks located on the property have been properly disposed of by a licensed waste company and reclamation of any contaminated soils has occurred under the direction of the Health Department.

26. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
27. In conformance with the adopted and approved Glenn Dale-Seabrook-Lanham and Vicinity master plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
  - a. Construct the eight-foot wide, Class II trail along the subject property's entire frontage of MD 704, with the concurrence of SHA. It is preferable that this trail be separated from the curb by a grass or landscaped strip.
  - b. Construct the master plan trail along Folly Branch at a location agreeable to the applicant and DPR. The ultimate alignment of this trail will be determined at the time of detailed site plan beyond the site plan for infrastructure.

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 southeast corner of Martin Luther King, Jr. Highway (MD 704) and Lottsford Vista Road, and south of the intersection of Martin Luther King, Jr. Highway (MD 704) and Annapolis Road (MD 450).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

|                 | EXISTING                | PROPOSED                   |
|-----------------|-------------------------|----------------------------|
| Zone            | R-T, R-R                | R-T, R-R                   |
| Use(s)          | Single-family dwellings | Retail Uses—405,900 sq.ft. |
| Acreage         | 50.8                    | 50.8                       |
| Lots            | 95                      | 9                          |
| Parcels         | 2                       | 2                          |
| Dwelling Units: |                         |                            |
| Detached        | 5                       | 0                          |

4. **Environmental**—Previous applications were reviewed for this site by the Environmental Planning Section. These included a Preliminary Plan of Subdivision, 4-97023, and its corresponding Type I Tree Conservation Plan TCPI/53/96. The preliminary plan was approved and has now expired. The previous proposal was for 165 townhouse units, and the gross tract area in the scope of review was 35.42 acres. In 2001, A Type II Tree Conservation Plan (TCPII/46/01) was approved for timber harvesting of all except for 5.93 acres of the site. In late 2003, the County Council adopted CB-70-2003, which is a text amendment to allow for retail use

in the R-T Zone under certain circumstances. The plan currently under review is for retail uses and proposes a substantially different layout and impacts from previous submissions.

The site is subject to the provisions of the Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of woodlands on site. A revised TCPI has been submitted and reviewed. The gross tract area is 50.8 acres. The site contains 6.31 acres of 100-year floodplain. The net tract area is 44.49 acres, based on the amount of floodplain. The woodland conservation required for this site totals 24.27 acres. The existing woodland totals 38.13 acres, of which 2.96 acres are in the floodplain. The current TCPI shows the amount of woodland cleared to be 37.27 acres, of which 0.03 acre is in the floodplain. Woodland conservation provided on the TCPI totals 1.08 acres of on-site preservation and 23.19 acres of off-site mitigation. The woodland conservation worksheet erroneously states that the only zoning on the property is R-T. The property is actually split-zoned and includes land in the R-T and R-R Zones. This should be noted on the worksheet. These figures will change when the required revisions are made.

The plan proposes impacts to an area of isolated wetlands that consist of 0.50 acre of wetlands disturbance and 0.97 acre of wetlands buffer disturbance in the northern portion of the site along MD 704 on proposed Parcel A. The stormwater management pond is proposed to be constructed where the isolated wetlands are located. Section 24-130 of the Subdivision Regulations prohibits impacts to these wetlands unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113.

Staff notes the subject wetlands are considered to be “isolated” based on their lack of connectivity to other similar features and overall location in relation to other more prominent natural features present at the site. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. 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 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 welfare, or injurious to other property;**

**Comment:** The proposed impacts to the area of isolated wetlands for the installation of the



stormwater management pond are not detrimental to the public safety, health, or welfare and are not injurious to other property because the impacts are necessary to allow for the construction of a stormwater management pond that will prevent injuries to other properties from the stormwater run-off from the proposed development. In addition, prior to grading permit issuance the applicant is required to obtain state and federal permits for the proposed work. The additional permit review will assure that the impacts are minimized and that impacts to other properties are not included.

**(2) The condition on which the variation is based is unique to the property for which the variation is sought and are not applicable generally to other properties;**

**Comment:** This variation request is based on the fact that an isolated area of wetlands exists and in order to develop the property and prevent damage to other properties, a stormwater management pond must be constructed. The isolated location of the wetlands is unique to this property in that wetlands are usually associated with other sensitive environmental features.

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

**Comment:** Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. As such there is no violation of other applicable laws.

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

**Comment:** Because the isolated wetlands (1.5 acres) are located along one of the major roadways that provide access to the site, and they encumber a significant amount of the street frontage along Martin Luther King, Jr. Highway, the feature is unique. A hardship would result if the variation were not approved because a substantial portion of the otherwise developable parcel would be rendered undevelopable. This would also result in the need to consume other portions of the site for the construction of the required stormwater management facilities.

A review of the available information indicates that streams, wetlands, 100-year floodplain, areas of steep slopes with highly erodible soils, and severe slopes are found to occur within the limits of this application. These features, along with their respective buffers, are the Patuxent River Primary Management Area (PMA), which has been accurately shown on the Preliminary Plan of Subdivision and the Type I Tree Conservation Plan.

The watercourse that exists adjacent to the subject property is the Folly Branch. According to research conducted for the Department of Environmental Resources (*Biological Assessment of the Stream and Watersheds of Prince George's County, Maryland*, Spring Index Period, 1999), the Folly Branch has a water quality rating of "poor." One of the measurable objectives of the 2002

General Plan is to: "Protect and enhance water quality in watersheds by, at a minimum, maintaining the 2001 condition ratings of all watersheds countywide." The preservation of existing vegetation within the PMA is critical to meeting this objective.

The following is the analysis of the letter of justification for the proposed impacts to the Patuxent River PMA.

The impacts proposed to the PMA can be divided into impacts associated with the installation of necessary utilities and outfalls and impacts associated with parking lot and building construction and grading. Section 24-130(b)(5) requires that the PMA be preserved "to the fullest extent possible."

The proposed PMA impacts associated with the installation of necessary utilities and outfalls are appropriate because they are essential to the proper development of the subject property. These impacts as shown on the TCPI have been minimized and will be evaluated further during the review of the Type II Tree Conservation Plan as part of the required Detailed Site Plan review.

The impacts associated with the construction of the building and the parking lot have not been minimized and result in the clearing of over two acres of PMA on steep and severe slopes. The proposed impacts need to be reduced significantly in order for the Planning Board to make the finding that the PMA has been preserved to the fullest extent possible. The PMA delineation is unusual on the subject property because an area of steep and severe slopes rises up from the stream valley into the subject property. Adjacent areas of slopes do exist, but they are not at a grade that makes them subject to regulation.

The TCPI shows the conceptual layout that consists of the installation of two retaining walls within the PMA to accommodate the installation of buildings and parking. The retaining walls contain a change in grade of over 20 feet in a horizontal distance of less than 50 feet. The retaining wall is almost entirely within the DER-regulated 50-foot floodplain buffer.

Staff has evaluated the impact area and recommends that the area of impact be reduced to no more than the western property line of Parcel B (Parcel B as delineated on the preliminary plan). This limits the impacts to the top of the severe slopes in an area approximately 21,000 square feet in size. A redesign of the buildings and parking area will be needed to limit the proposed impacts to only this area. Staff believes that the reduction in the disturbance to the PMA as recommended preserves the integrity of the environmental feature. Staff recommends that the Planning Board find that this level of impact results in the preservation of the PMA to the "fullest extent possible."

It should also be noted that a master planned trail is proposed within the PMA and is not shown on the TCPI. The impacts for the installation of the trail can be minimized through the careful placement of the trail in the field, taking into consideration the existing trees. Staff recommends that the Planning Board finds that the installation of the trail does not jeopardize the finding that the PMA be preserved to the fullest extent possible.

Lottsford Vista Road is a designated historic road. Any improvements within the right-of-way of scenic/historic roads is subject to approval by the DPW&T under the *Design Guidelines and Standards for Scenic and Historic Roads*. This historic road remains in its historic alignment, although it is planned in the Glenn Dale, Seabrook, Lanham and Vicinity master plan to be a four-lane collector roadway in the Developing Tier.

The roadway has been widened in many places and much of the historic character has been removed. The provision of an inventory of viewsheds for this roadway would not result in a significant historic viewshed remaining. Instead, because the subject property has a substantial amount of frontage on Lottsford Vista Road, the applicant should commit to the provision of historical marker(s) to denote the historic alignment of the road, its historic uses, and place in the history of Prince George's County

#### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The property is located within the limits of the Glenn Dale-Seabrook-Lanham and Vicinity Master Plan, Planning Area 70, in the Annapolis Road Community. The 2002 General Plan locates the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low to moderate density suburban residential communities, distinct commercial Centers and employment areas that are increasing transit serviceable. The proposed preliminary plan is consistent with recommendations of the General Plan.

The subject property was partly rezoned from the R-R Zone to the R-T Zone through the Glenn Dale SMA in 1993. The eastern portion of the site was retained in the R-R Zone. The boundary line between the R-T and R-R zoning is shown on Zoning Map 206NE9 and includes the floodplain of the Folly Branch and a 100-foot buffer from the floodplain. The subdivision plan should be revised to reflect the zoning consistent with the Glenn Dale-Seabrook-Lanham and Vicinity sectional map amendment.

The subject property is not envisioned for a commercial shopping center in the 1993 master plan. The master plan recommends residential use for the east side of Lottsford-Vista Road, south of MD 704. Commercial development, as proposed through this subdivision, will significantly alter the character of the planned residential neighborhood. Commercial development will result in this location becoming a focal point not envisioned by the master plan. The development as proposed is likely to have an audible and visual impact on the abutting residential townhouse development; the residential townhouse developments of Heather Glen Manor and Vista Gardens south of the subject site are nearing completion. However, a detailed site plan is required for the development that is intended to address possible adverse impacts on the surrounding residential development.

A strategy to achieve the vision of the Developing Tier of distinct commercial Centers, is to

discourage new isolated commercial activities and promote new commercial development primarily in designated Centers and Corridors. The subject site is not a designated Center in the General Plan, nor is MD 704 a designated Corridor; however, MD 450 is designated a Corridor as far east as its intersection with MD 704. Because this site abuts the intersection, it could possibly be considered a Corridor “Node.” A node is intended to include mixed-use development, designed to be pedestrian- and transit-oriented, and compatible with the surrounding neighborhood. Development on this site is permitted consistent with the C-S-C Zone, which provides for a mix of retail and commercial uses. The site is on the periphery of both a residential and employment area. While it will serve these areas, it is unlikely that the development will have a strong pedestrian orientation because of the walking distance to the site and the major roads (MD 704 and MD 450) in the area function as intimidating barriers to pedestrians. Therefore, to address this concern the applicant has proffered the dedication to M-NCPPC of Parcel B (a portion of the Folly Branch Stream Valley Park) and proffered the construction of a portion to the master plan trail system. The applicant, as a result of community concerns and input, does not envision access from the trail to the commercial shopping center.

Notwithstanding an apparent disconnect with the land use recommendation of the master plan, for low-suburban residential and townhouses uses, the County Council approved Council Bill-70-2003 allowing retail development on R-T zoned land in certain circumstance. The applicant’s proposal is consistent with the recommendations of the County Council in the approval of CB-70-20033

6. **Parks and Recreation**—The subject property adjoins Folly Branch Stream Valley Park on the east and southeast of the development. The *Approved Master Plan and Sectional Map Amendment for Glenn Dale- Seabrook- Lanham and Vicinity (Planning Area 70)* designates Folly Branch as a master planned stream valley park and shows a hiker/biker trail on the subject property on proposed Parcel B.

The master planned trail is under construction south of the subject property. A hiker/biker pathway has been constructed under MD 450 located on the east of the subject property. This pathway will link the residential communities on the south of MD 450 to the existing trail system in Folly Branch Stream Valley Park and to the WB&A trail. The section of the trail on subject property is an important missing link needed to complete the trail-system along the Folly Branch stream valley.

The applicant has expressed the willingness to dedicate the 100-year floodplain to M-NCPPC and to construct a master planned trail on the subject property to address the master plan recommendations. However, the applicant has not revised the plans to show parkland dedication. Staff recommends the Planning Board find that the applicant has agreed to donate the 100-year floodplain to the Commission and construct the master planned trail along the Folly Branch. At the time of detailed site plan, DPR staff and the applicant can determine the exact location of the trail. DPR Exhibit A delineates a possible area of dedication to M-NCPPC.

7. **Trails**—Two master plan trails impact the subject site. The adopted and approved Glenn Dale-Seabrook-Lanham and Vicinity master plan recommends a Class II hiker/biker trail along MD 704. This trail will ultimately connect to the existing trail along MD 450 and the existing

WB&A trail to the east and north of the subject site and will provide continued bicycle and pedestrian access to the west. This trail can be accommodated as an eight-foot-wide trail or wide sidewalk parallel to the road, but behind the curb.

The master plan also recommends a multiuse stream valley trail along Folly Branch. Portions of the stream valley trail have already been constructed in the vicinity of the subject site, including segments in Glen Estates to the north and Enterprise Estates to the south. Discussions are underway between the applicant and the Department of Parks and Recreation regarding the ultimate location of this trail. The trail could be located along Folly Branch on the subject site (either within a public use easement or on land donated to DPR), or on the east side of Folly Branch within land already owned by M-NCPPC. A final determination of the location of the trail can be made at the time of detailed site plan.

8. **Transportation**—The property proposes access to Lottsford Vista Road and to Martin Luther King, Jr. Highway (MD 704). The applicant has requested a variation from Section 24-121(a)(3) of the Subdivision Regulations to allow access to Martin Luther King, Jr. Highway (MD 704), a six-lane arterial highway.

The applicant submitted a traffic study dated January 8, 2004. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

The subject property is located within the Developing 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) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

**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 applicant has prepared a traffic impact study in support of the application using new counts taken during November 2003. With the development of the subject property and without intersection improvements, the traffic consultant concluded that all of the intersections within the study area would operate within acceptable standards, LOS D with a CLV of 1,450 or better.

The traffic impact study prepared and submitted by the applicant analyzed the following intersections during weekday peak hours:

Annapolis Road (MD 450)/Forbes Boulevard (signalized)  
Annapolis Road (MD 450)/Martin Luther King, Jr. Highway (MD 704) (signalized)  
Annapolis Road (MD 450)/Glenn Dale Road (MD 953) (signalized)  
Martin Luther King, Jr. Highway (MD 704)/Lottsford Vista Road (signalized)

The following conditions exist at the critical intersections:

| <b>EXISTING TRAFFIC CONDITIONS</b>   |                                   |     |                               |   |
|--|-----------------------------------|-----|-------------------------------|---|
| Intersection   | Critical Lane Volume<br>(AM & PM) |     | Level of Service<br>(AM & PM) |   |
| MD 450/Forbes Boulevard  | 720                               | 864 | A                             | A |
| MD 450/Martin Luther King, Jr. Hwy (MD 704)  | 593                               | 876 | A                             | A |
| MD 450/Glenn Dale Road (MD 953)  | 914                               | 843 | A                             | A |
| MD 704/Lottsford Vista Road  | 672                               | 792 | A                             | A |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. |                                   |     |                               |   |

Staff field-checked lane configurations at the intersections within the study area and observed PM peak hour traffic conditions during February 2004.

Background developments included 341 single-family units, 302 townhouses, 857,300 square feet of light industrial space, 279,000 square feet of warehouse space, 169,500 square feet of office space, and 25,100 square feet of retail space. Many of these developments are located along Glenn Dale Road. Background traffic along the study area roads was also increased by two percent each year to account for overall growth up to the design year 2007. This is the expected year of full buildout. There are no funded capital improvements in the area, so the resulting transportation network is the same as was assumed under existing traffic. Given these assumptions, background conditions are summarized below:

| <b>BACKGROUND TRAFFIC CONDITIONS</b>   |                                   |       |                               |   |
|--|-----------------------------------|-------|-------------------------------|---|
| Intersection   | Critical Lane Volume<br>(AM & PM) |       | Level of Service<br>(AM & PM) |   |
| MD 450/Forbes Boulevard  | 827                               | 1,111 | A                             | B |
| MD 450/Martin Luther King, Jr. Hwy (MD 704)  | 746                               | 1,076 | A                             | B |
| MD 450/Glenn Dale Road (MD 953)  | 1,164                             | 1,073 | C                             | B |
| MD 704/Lottsford Vista Road  | 888                               | 1,093 | A                             | B |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. |                                   |       |                               |   |

Under background traffic conditions all of the signalized intersections will operate within acceptable standards, LOS D with a CLV of 1,450 or better.

The applicant proposes a retail development (shopping center) of 405,900 square feet. The trip rates were obtained from the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The resulting site trip generation would be 418 AM peak-hour trips (256 in, 162 out) and 1,218 PM peak-hour trips (609 in, 609 out). Forty percent of these are pass-by trips. The net trip generation for the site (i.e., new trips) would be 251 AM peak-hour trips (154 in, 97 out) and 732 PM peak-hour trips (366 in, 366 out). Pass-by trips are allowed by the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” These are motorists who are assumed to be already on the road or passing through the area. All of the trips are accounted for at the site access points.

Staff notes that the current trip generation rates in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” are higher for shopping centers between 100,000 and 400,000 square feet, twice the rate for larger centers. The current proposal is for 405,900 square feet.

With site traffic, the following operating conditions were determined:

| TOTAL TRAFFIC CONDITIONS   |                                   |       |                               |   |
|--|-----------------------------------|-------|-------------------------------|---|
| Intersection   | Critical Lane Volume<br>(AM & PM) |       | Level of Service<br>(AM & PM) |   |
| MD 450/Forbes Boulevard  | 847                               | 1,175 | A                             | C |
| MD 450/Martin Luther King, Jr. Hwy (MD 704)  | 792                               | 1,376 | A                             | D |
| MD 450/Glenn Dale Road (MD 953)  | 1,212                             | 1,132 | C                             | B |
| MD 704/Lottsford Vista Road  | 936                               | 1,249 | A                             | C |
| Lottsford Vista Road/North Site Entrance   | 12.7*                             | 15.4* | B                             | C |
| Lottsford Vista Road/Middle Site Entrance  | 12.4*                             | 13.7* | B                             | B |
| MD 704/Western Site Entrance   | 9.3                               | 16.9* | A                             | C |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. |                                   |       |                               |   |

Staff notes that under total traffic, all four of the signalized intersections within the study area will operate within acceptable standards, LOS D with a CLV of 1,450 or better. The applicant’s proposed entrances along Lottsford Vista Road also operate adequately.

#### Site Plan Comments

The site plan shows three entrances along Lottsford Vista Road and two entrances on MD 704. The southern entrance/exit on Lottsford Vista Road will be used for service/commercial vehicles. The two additional entrances along Lottsford Vista Road will be used to access the retail center.

The entrances along MD 704, one at the signalized intersection with MD 450 and the other, a right in/right out entrance, will require a variation from Section 24-121(a)(3) of the Subdivision Regulations. A variation is required to allow access to the property from Martin Luther King, Jr. Highway, an arterial roadway.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. 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 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;**

**Comment:** Any entrances along MD 704 will require approval from the Maryland State Highway Administration, which may require frontage improvements, an additional lane on eastbound MD 704, lengthening or doubling of turn lane bays, traffic signal modifications, and additional pavement and signage.

All of the entrances along Lottsford Vista Road will require approval from the Prince George's County Department of Public Works and Transportation (DPW&T). DPW&T may require additional improvements at these entrances to accommodate shopping center traffic and to ensure safety. These improvements may include left turn lanes, acceleration/deceleration lanes, frontage improvements, signage, and pavement markings.

Review and approval of access permits by SHA and DPW&T will ensure that the proposed entrances will not be detrimental to the public safety, health, or injurious to other properties.

- (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;**

**Comment:** The signalized intersection at MD 704 and MD 450 already has left-turn lanes along MD 704. Allowing this entrance will enable traffic to disperse more evenly, by allowing motorists access to the site from several different locations. It will especially benefit motorists traveling southbound on MD 450 or westbound along MD 704 wishing to access the site. The size of the site, 51 acres, and length of the frontage along MD 704, over 1,800 feet, is unique to abutting properties. Because of the significant amount of frontage there is a need for two entrances on MD 704. This will provide better and faster access to proposed buildings on the east end of the property. It will reduce trip lengths for motorists and improve circulation within the site itself.

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

**Comment:** Review and approval of access permits by SHA and DPW&T will ensure that the proposed entrances will not constitute a violation of any other applicable law, ordinance, or regulation.

- (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;**

**Comment:** It has been determined by SHA and DPW&T that the primary access for the site

should be Martin Luther King, Jr. Highway. If access is not permitted, development of the site could be adversely impacted by inadequate on-site circulation resulting in a particular hardship to the owner.

Staff supports the request for the additional entrance on MD 704 at existing signalized intersection with MD 450. This is currently a three-leg signalized intersection. A fourth approach to the signalized intersection from the shopping center will take some traffic off of Lottsford Vista Road and reduce congestion at its intersection with MD 704.

Written comments have been received from the Prince George's County Department of Public Works and Transportation and from the Maryland State Highway Administration. SHA staff supports the applicant's proposal for two access points to MD 704 in certain areas. SHA must also determine the amount of ROW to be conveyed back to the applicant. The Prince George's County Department of Public Works and Transportation provided comments on the proposed entrances along Lottsford Vista Road. They recommended frontage improvements along the entire parcel to provide for either left turn lanes into the shopping center entrances or a continuous second through lane along southbound Lottsford Vista Road. DPW&T also recommends lengthening the left turn lane on Lottsford Vista Road at its intersection with MD 704 (250 feet of full storage length plus a taper).

The Glenn Dale-Seabrook-Lanham and Vicinity master plan (1993) designates Martin Luther King, Jr. Highway (MD 704) as a dualized, six-lane arterial roadway with a 120-foot right-of-way. SHA may require an additional right-of-way dedication to accommodate frontage improvements and/or turn lanes along MD 704. Lottsford Vista Road is listed as a collector roadway with an 80-foot right-of-way. This is shown on the site plan. No further dedication appears to be required along Lottsford Vista Road.

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 that the subdivision is exempt from the APF test for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:
  - a. The existing fire engine service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 4.25 minutes, which is beyond the 3.25-minute travel time guideline.
  - b. The existing ambulance service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 4.25 minutes, which is within the 4.25-minute travel time guideline.

- c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 4.25 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service Kentland Fire Station, Company 33, located at 7701 Landover Road has a service travel time of 5.36 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

- 11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
- 12. **Health Department**—The Health Department indicates that a raze permit will be required by the Department of Environmental Resources (DER) for the removal of the existing structures. Any abandoned well or septic tank serving any of the structures should be properly abandoned or backfilled and sealed. Numerous tires were found within the confines of the property and should be removed and properly discarded. Also found were two fuel storage tanks and a significant amount of domestic trash that must be removed properly.
- 13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 15255-2001-02, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The limit of disturbance shown on the stormwater management concept plan cannot exceed the limits permitted by the Planning Board. The stormwater management plan should be revised in accordance with the Planning Board's recommendation if inconsistencies are identified in the development process. Development must be in accordance with this approved plan.
- 14. The property is located in the southwest quadrant of the intersection of Martin Luther King, Jr. Highway (MD 704) and Lottsford Vista Road, is approximately 50.8 acres, and is zoned R-T and R-R. The site is located on Tax Map 45 and 53 in Grids A-4 and A-1, respectively. The property

is part of the Buena Vista subdivision RNR 2@51, recorded in land records in 1916, and Parcel 23 and Parcel 46. Also included are previously abandoned portions of the Buena Vista subdivision, pursuant to Equity Case E-9214 and portions of the right of way of Martin Luther King, Jr. Highway (SHA Plat 54469), as discussed further below. The applicant is proposing to vacate that portion of the site that is subject to the Buena Vista subdivision RNR 2@51, in accordance with Section 24-112 of the Subdivision Regulations.

The property was rezoned from the R-R Zone to the R-T Zone upon Council approval of the Glenn Dale Seabrook Sectional Map Amendment in 1993. At that time the Council established a zoning line for this property consistent with a 100-foot setback from the 100-year floodplain within the eastern portion of the property. The zoning line is incorrectly delineated on the proposed preliminary plan and should demonstrate that the property is split-zoned, with the eastern portion of the property being zoned R-R and the western portion of the property being zoned R-T, consistent with the official 200-scale zoning map. The applicant has indicated some concern with staff's determination as to the location of the zoning line.

Subsequent to the rezoning of this property, a preliminary plan of subdivision (File 4-96095) was submitted in October 1996 for 189 townhouse dwelling units, at a density of eight dwelling units per acre. That preliminary plan was for 35.42 acres of this 50.8-acre site and was withdrawn at the public hearing on February 27, 1997. Subsequent to the submission of that application, Council Bill 55-1996 was enacted which reduced the allowable density in the R-T Zone to six dwelling units per acre. The applicant filed a new preliminary plan, in conformance with the new density requirements, which was approved by the Planning Board (File 4-97023 PGCPB Resolution No. 97-116(C)) for 165 townhouse dwelling units. That preliminary plan approval expired on May 29, 1999, without the approval of a final plat of subdivision.

On November 25, 2003, the County Council adopted Council Bill-70-2003. CB-70-2003 amended Section 27-441, Permitted Use Table of the Zoning Ordinance, to permit any use allowed in the C-S-C Zone in the R-T Zone, in certain circumstances. The applicant has proposed development on this property consistent with the provisions of CB-70-2003. CB-70-2003 requires the review and approval of a detailed site plan (DSP) for development of the R-T portion of this property with retail uses. The applicant currently has a DSP pending for infrastructure (DSP-03086). Development beyond that will also require a revision of the DSP.

The applicant is proposing to subdivide the property into 7 lots and 1 parcel for the construction of a 405,900 square-foot retail center with associated parking. The proposal for individual lots will allow for the fee-simple ownership of land. Each lot is proposed with frontage on a dedicated public right-of-way; however, each lot will not be permitted direct access. Currently the conceptual site plan proposes three points of vehicular access to Lottsford Vista Road and two points of access to Martin Luther King, Jr. Highway. Lottsford Vista Road is under the jurisdiction of the Department of Public Works and Transportation (DPW&T). DPW&T has indicated concurrence with the number and location of the points of vehicular access shown on the tree conservation plan (submitted with this preliminary plan). Martin Luther King, Jr. Highway is under the jurisdiction of the State Highway Administration (SHA). SHA has indicated that the site will be limited to two points of vehicular access to Martin Luther King, Jr.

Highway, as proposed on the preliminary plan. One right-in, right-out access point along the northwest frontage with Martin Luther King, Jr. Highway and one full-signalized intersection at Annapolis Road.

Parcel A is approximately 3.5 acres and is proposed to contain a stormwater management facility. Parcel A is abutting Martin Luther King, Jr. Highway along the north property line. Parcel A is a common area that is to be conveyed to a business owners association.

SHA has noted that they are currently in negotiation with the applicant for the conveyance of a portion of the existing right-of-way of Martin Luther King, Jr. Highway to the applicant. However, a final determination has not been made by SHA as to the extent of the right-of-way to be conveyed to the applicant. The preliminary plan demonstrates a portion of the right-of-way as incorporated into the subdivision along the northwest property line. At the time of DSP a final determination should be provided by SHA as to the extent of conveyance of the right-of-way to the applicant and reflected on the final plat of subdivision.

A second parcel (Parcel B) is to be conveyed to M-NCPPC for addition to the abutting Folly Branch Stream Valley Park to the west. Generally, Parcel B will contain the R-R portion of the property. The applicant has been advised that development of retail uses and associated parking is not permitted in the R-R portion of the site. The applicant is proposing stormwater management and grading, with retaining walls for stabilization, within the R-R-zoned portion of the property, which is permitted to support development. The remainder of the R-R-zoned land, along the Folly Branch stream valley, will be conveyed to M-NCPPC. The determination of the exact limits of Parcel B will be defined at the time of review of the DSP for development, and conveyed to M-NCPPC consistent with the DSP approval at the time of record plat.

The Folly Branch Stream Valley Park contains an extensive existing master plan trail system. The trail is currently under construction on the abutting property to the south as part of the development of the Heather Glen Manor townhouse development. This is a further extension of the constructed trail system to the south. The master plan trail is proposed to cross Parcel B from the south to an existing tunnel under Martin Luther King, Jr. Highway. The trail system then picks up north of Martin Luther King, Jr. Highway. Large portions of the Folly Branch stream valley trail system are in place or are under construction at this time. The connection identified in the master plan crossing this property is a key connection for the overall implementation of the trail system. Because the property is being developed with nonresidential uses, the site is exempt from the requirements of the mandatory dedication of parkland. However, the applicant has proffered to convey Parcel B to M-NCPPC and construct the master plan trail system on the property in furtherance of the goals of the master plan. The location and details of the trail system are to be determined at the time of review of the DSP. Based on community concerns, the trail system may be located so as not to provide a connection to the commercial development on the subject property. Because of the topography of the site, the floodplain and trail location are separated from the commercial development by steep and severe slopes.

Section 24-107 of the Subdivision Regulations requires a preliminary plan of subdivision for the development of more than 5,000 square feet of gross floor area in certain circumstances. Because

the trigger for the preliminary plan of subdivision is due to the applicant's proposal to construct buildings, staff has been provided with a copy of the conceptual development proposal.

In the review of the site plan, staff has identified and anticipates possible hurdles in the development process for the development of this site as proposed by the applicant. Due to the split zoning of the property, the abutting developed residential neighborhoods to the east and south, and the significant environmental features on the property, the building envelope is narrowed. The applicant should be aware that through the review of the DSP alterations may be recommended by staff to the layout, as proposed on the tree conservation plan, to ensure that impacts on the surrounding community are mitigated to the greatest extent possible.

15. At the public hearing the applicant proffered to provide 24-hour security at the shopping center to address citizen concerns. The type and parameters of the security should be determined at the time of detailed site plan.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of May 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WSC:meg