

PGCPB No. 04-57

File No. 4-03135

R E S O L U T I O N

WHEREAS, Patriot Business Park, LLC, is the owner of a 9.31-acre parcel of land known as Lot 27, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned C-O; and

WHEREAS, on December 29, 2003, Charles K. Nulsen filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for two lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-0335 for Golden Triangle 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 March 18, 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 March 18, 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/02/04), and further APPROVED Preliminary Plan of Subdivision 4-03135, for Lots 28 and 29 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To label the extent of the ingress/egress easement.
 - b. Label denied access from Lot 29 to Walker Drive along the lot's frontage pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
 - c. Label denied access to MD 201 and the I-495 ramp.
 - d. To label the possible further pedestrian/bicycle overpass access easement, in accordance with the approved DSP.
 - e. To provide the approved stormwater management concept plan number and approval date.
2. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan, # 25064-2002-01.

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3. Development of this property shall be in conformance with the approved Detailed Site Plan DSP-02017 and any subsequent revisions. For informational purposes the applicant shall submit a copy of the DSP showing the new lot line and reflecting the new lot designation. A revision to the DSP is not required to reflect the new lotting pattern.
4. Prior to signature approval of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised to include required TCPI standard notes.
5. Development of this subdivision shall be in compliance with approved Type I Tree Conservation Plan (TCPI/02/04). The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/02/04), or as modified in the future, 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.”

6. At time of final plat, a conservation easement shall be described by bearings and distances that shall contain the 0.50-acre woodland preservation area adjacent to the Walker Family Cemetery as shown on TCPII/39/02. The following note shall be placed on the plat:

“The conservation easement described on this plat is an area of tree preservation required by PGCPB Resolution 02-268 in association with the Walker Family Cemetery (Historic Site 76-04-03). The installation of structures and roads and the removal of any vegetation within the conservation easement are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

7. In addition to the existing auto dealership, total development of the Golden Triangle shall be limited to 912,000 square feet of gross floor area or a combination of office and other uses that would generate no more than 1,824 AM and 1,687 PM peak-hour vehicle trips. Any development other than that identified herein above shall require an additional Preliminary Plan of Subdivision with a new determination of the adequacy of transportation facilities.

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 quadrant of the intersection of Kenilworth Avenue (MD 210) and the Beltway (I-495).
3. **Development Data Summary**—The following information relates to the subject preliminary

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plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-O	C-O
Use(s)	Vacant	General Office
Acreage	9.31	9.31
Lots	1	2
Square-footage	0	176,806

4. **Environmental**—This property is subject to the provisions of the Prince George’s County 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 existing woodland on site. The minimum requirement for this site is 1.40 acres (15 percent of the net tract) plus additional acres due to removal totaling 6.68 acres of woodland, for a total minimum requirement of 3.74 acres.

A Type II Tree Conservation Plan TCPII/39/02 was previously approved that proposes to meet the requirement with 0.50 acre of woodland preservation on site; 3.17 acres of off-site mitigation, and 0.07 acre of fee-in-lieu. The current preliminary plan proposal is consistent with the approved DSP and TCPII. The Type I Tree Conservation Plan (TCPI/2 /04) as submitted is consistent with previous approvals. A Type I Tree Conservation Plan has not been approved for this site. At the time of the original preliminary plan, the *Tree Conservation and Preservation Manual* did not exist.

A City of Greenbelt park abutting the eastern boundary of the subject property is part of the Greenbelt National Historic District and contains the Walker Family Cemetery (Historic Site 76-4-3), which is also a National Historic Landmark. This property is located in the Indian Creek and Northeast Branch watersheds of the Anacostia River basin and in the Developed Tier as reflected in the adopted General Plan. The Preliminary Plan shows a “Forest Preservation Easement” in the area of woodland preservation associated with the cemetery. In Prince George’s County, easements are not generally created for woodland conservation areas, but this particular area of woodlands is a unique case where woodland preservation was mandated to buffer the adjacent historic site. In order to provide perpetual protection of the woodlands in this area, establishment of a conservation easement at time of final plat is recommended.

A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the subject property. Transportation-related noise impact is not a major consideration at this time due to the zoning and proposed use of the subject property. The soils found to occur, according to the Prince George’s County Soil Survey, include the Sassafras and Christiana series. These soil series generally exhibit slight to moderate limitations to developments due to high shrink/swell potential, poor stability, steep slopes and slow permeability. 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 entitled “Ecologically Significant Areas in Anne Arundel and

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Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property.

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 1989 approved Langley Park-College Park-Greenbelt master plan, Planning Area 67, in the Golden Triangle Office Park Employment Area. The land use recommendation is for commercial office. The proposed preliminary plan of subdivision is consistent with this recommendation.

The 2002 General Plan locates this property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting mixed uses. The proposed development is sustainable and supports a mixed-use office park scenario and is not inconsistent with the recommendations of the 2002 General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed preliminary plan of subdivision is exempt from the requirement of the mandatory dedication of parkland because it is a nonresidential use.

7. **Trails**—Prior approvals for the subject application have recognized the future need for a pedestrian/bicycle bridge over Kenilworth Avenue. At the time of DSP-97054, the Planning Board included the following finding:

A determination as to whether it will be possible in the future to provide a pedestrian/bicycle overpass at Kenilworth Avenue, or at what point along Kenilworth Avenue this would occur, has not been made at this point. Staff is not aware of any study that has occurred involving this issue.

For these reasons, at this time it would be extremely difficult to precisely choose a location for the conditioned easement. Prior to the submission of the final plan, the applicant presented a conceptual sketch plan to the City of Greenbelt in which the "preferred location for future pedestrian bridge" is designated just north of the property lines between the hotel, Lot 26, and the office building, Lot 27, in the southwest corner of Lot 27. Although not noted on the concept sketch plan, the required easement would be located in this general area. The City of Greenbelt approved this location, and staff concurs with the city's assessment. In the preparation of the final plan, the "preferred location for future pedestrian bridge" and the future easement locations were omitted. Staff recommends that a note be placed on the plan location for the future pedestrian/bicycle overpass and easement. This issue can be negotiated between the applicant and the City of Greenbelt at a later date.

As noted above, the preferred location for this overpass was identified as the southwest corner of Lot 27. The provision of four picnic tables, a six-foot-wide concrete walk, and a four-foot-wide asphalt path was shown in this vicinity. The future overpass could tie into this area. Lot 27 is

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now designated as Lot 28 on the submitted preliminary plan (4-03135). The submitted plan still includes the provision of the open space that will accommodate this future overpass. The plan does not preclude the provision of the overpass in the future, if it is determined to be feasible and funding becomes available. This issue can be negotiated between the applicant and the City of Greenbelt at this time.

The adopted and approved Langley Park-College Park-Greenbelt master plan designates Kenilworth Avenue (MD 201) as a master plan bicycle/trail corridor. The State Highway Administration will determine what type of facility is appropriate along MD 201 and whether it should have on-road bicycle facilities or a parallel side path. This facility will be included within the public right-of-way and does not impact the subject application.

8. **Transportation**—The application is a proposal to resubdivide an existing commercial lot. The lot to be resubdivided is Lot 27 of the Greenbelt Triangle. No development beyond that which would have been anticipated by previous applications is proposed by this application.

The site is within the developed tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 193 and Walker Drive, which is signalized.

The staff has no recent counts available at the critical intersection. Nonetheless, because the application is a resubdivision of an existing lot and has an approved level of development that was the subject of an adequacy test in 1982 and reaffirmed during a resubdivision in 1985, and no further development beyond that level is proposed, the Prince George's County Planning Board could deem the application to have no net impact on surrounding roadways. Staff believes there is sufficient evidence that the subdivision would have no net traffic impact on the critical intersection.

In 1982, the Prince George's County Planning Board approved Preliminary Plan of Subdivision 4-81154 for Golden Triangle. Based on resolution PGCPB No. 82-20, the subdivision was approved with several conditions, including the following transportation-related condition:

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“In addition to the existing auto dealership, total development of the Golden Triangle be limited to 912,000 square feet of gross floor area or a combination of office and other uses which would generate equal or less traffic impacts than 912,000 square feet of gross office floor area.”

Subsequently, in July 1985 the Planning Board approved 4-85060 to resubdivide a portion of the Golden Triangle subdivision, which included this portion of the property that had not been previously subdivided. The resulting resolution PGCPB No. 85-228 reaffirmed the above condition. The total development in addition to the existing auto dealership of the entire area known as the Golden Triangle is limited to 912,000 square feet of gross floor area or a combination of office and other uses that would generate no more than the equivalent number of vehicle trips—1,824 AM and 1,687 PM trips. Therefore, the above condition should be made a part of the approval for this resubdivision as well.

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 CE-30-2003 and CR-23-2003 and concluded that the above subdivision is exempt from the APF test for schools because it is a nonresidential use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:
 - a. The existing fire engine at Branchville Fire Station, Company 11, located at 4905 Branchville Road has a service travel time of 2.93 minutes, which is within the 3.25-minute travel time guideline.
 - b. The existing ambulance service at Berwyn Heights Fire Station, Company 14, located at 8811 60th Avenue has a service travel time of 1.85 minutes, which is within the 4.25-minute travel time guideline.
 - c. The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue has a service travel time of 4.40 minutes, which is within the 7.25-minute travel time guideline.
 - d. The existing ladder truck service at Berwyn Heights Fire Station, Company 14, located at 8811 60th Avenue has a service travel time of 1.85 minutes, which is within the 4.25-minute travel time guideline.

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. 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

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and Rescue Facilities.”

11. **Police Facilities**—The proposed development is within the service area for Police District I-Hyattsville. 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, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on these facts, there is capacity for additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations of Prince George’s County, the staff concludes that the existing county police facilities will be adequate to serve the proposed Cedar Farm development.
12. **Health Department**—The Health Department has no comment.
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, #25064-2002-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Preliminary Plan 4-85060**—Resolution 85-228, Preliminary Plan 4-85060, contains four conditions. The following conditions have been addressed with the review and approval of DSP-02017 but should be carried forward with this preliminary plan of subdivision for possible future development:

Condition 1: Requires the review and approval of a detailed site plan. The site plan review shall include:

- (a) Site analysis in regard to natural development constraints.
- (b) General location of proposed land uses on the site.
- (c) Relationship of the proposed uses to access, internal circulation, parking and open space.
- (d) Landscaping proposals with particular regard to visibility of the property from the Capital Beltway.
- (e) Design of signs.
- (f) The Planning Board shall consult the City of Greenbelt in its review of the site plans for the individual parcels.

Comment: The Planning Board, in the review and approval of DSP-02017 and DSP-02017/01, ensured that these issues were evaluated and addressed.

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Condition 3 In addition to the existing auto dealership, total development of the Golden Triangle be limited to 912,000 square feet of gross office floor area or a combination of office and other uses which would generate equal or less traffic impacts than 912,000 square feet of gross office floor area.

Comment: The proposed development is consistent with this cap on development, as discussed further in Finding 6 of this report.

Condition 2 related to a pedestrian access easement that has been located on the approved DSP as discussed in Finding 5 of this report and should also be located on the preliminary plan in accordance with that approval. Condition 4 required review of the conceptual grading plan, which occurred with the review of the DSP and is no longer applicable.

15. **Access Easement**—The property is located within the limits of the City of Greenbelt. This preliminary plan application was referred to the City of Greenbelt, which recommends that one site access remain, as proposed on the approved DSP, due to safety issues associated with the volume of traffic on Walker Drive. The City of Greenbelt has jurisdiction over the public streets within the municipality and staff would defer to the City of Greenbelt recommendation regarding site access. Therefore, staff recommends that Lot 29 be denied direct vehicular access onto Walker Drive. Access to a public street for Lot 28 would be via a 22-foot-wide ingress and egress easement across Lot 28, pursuant to Section 24-128(b)(9) of the Subdivision Regulations.

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.

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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 Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 18 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of April 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WSC:meg