

R E S O L U T I O N

WHEREAS, Cherokee Maryland Properties is the owner of a 115.98-acre parcel of land known as Parcels 18, 86 and 188, Tax Map 9, in Grid F-4, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned I-2 and I-3; and

WHEREAS, on March 9, 2005, Jackson Shaw Company filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 38 lots and 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04120 for The Brick Yard 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 July 7, 2005, 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 July 7, 2005, 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/11/05), and further APPROVED Preliminary Plan of Subdivision 4-04120 and Variation(s) from Section 24-130, The Brick Yard for Lots 1-38, Parcels A-D with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Locate the existing septic fields.
 - b. Label the existing pond.
 - c. In accordance with DPR Exhibit A.
2. A Type II tree conservation plan shall be approved with the appropriate detailed site plan(s).
3. Development of this site shall be in conformance with stormwater management concept plan #5249-2005-00 and any subsequent revisions.
4. Prior to signature approval of the preliminary plan, the FSD shall be revised to state in the text

and show on the plan the locations of isolated wetlands consistent with the preliminary jurisdictional determination, and after these revisions have been made to the text and the plan, have the qualified professional who prepared the plan sign and date it.

5. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded buffer except for the areas of approved disturbance and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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 allowed.”

6. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. Update the legend with a corresponding symbol on the plan to show areas of highly erodible soils associated with steep slopes.
 - b. In Note 1, at the end of the first sentence, insert the subject preliminary plan reference number “4-04120.”
 - c. In Note 6, at the end of the first sentence, insert the DER case reference number for the concept stormwater management plan at the end of the sentence. In the second sentence of Note 6, replace the word “final” with “conceptual.”
 - d. Show the conceptual building footprint locations for all of the proposed lots.
 - e. Show the proposed conceptual grading associated with the site.
 - f. Remove the brush/vegetation layer from the plan.
 - g. Add the following note: “The woodlands within the mining reclamation areas are considered exempt from the Woodland Conservation Ordinance because their removal is necessitated by a previously approved surface mining permit, which is exempt from the Ordinance.”
 - h. After all these revisions have been made to the plan, have the qualified professional who prepared the plan sign and date it.

8. Development of this subdivision shall be in conformance with an approved Type I tree conservation plan (TCPI/011/05). The following note shall be placed on the final plat of subdivision:

“Development is subject to the restrictions shown on the approved Type I Tree Conservation Plan (TCPI/011/05), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specified 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.”
9. Prior to the issuance of any grading permits, a copy of the approved technical stormdrain plan shall be submitted with the permit materials for a review in relation to an approved TCPII. The technical stormdrain plans shall not show any impacts to woodland conservation areas shown on the TCPII.
10. A detailed site plan shall be approved by the Planning Board for development of the I-2-zoned portion of the property, in accordance with Section 27-270 of the Zoning Ordinance, prior to the final plat.
11. The applicant shall provide a fee to Prince George’s County, which shall serve as a fair-share contribution toward the construction of the proposed Blue Ponds Fire and EMS Station and acquisition of an ambulance. The fair share fee is \$22 per employee, which shall be paid prior to the approval of each building permit. The employee yield for each building shall be determined at the time of detailed site plan.
12. A Phase I environmental site assessment shall be submitted with the detailed site plan, for referral to the Health Department. The assessment must address the potential for methane generation especially in areas of fill. Based on the Phase I assessment, a determination will be made if a Phase II environmental assessment will be required. If methane proves to be a concern, it shall be addressed either as a separate entity or in combination with a Phase II Assessment. The assessment must be completed and an acceptable remediation plan must be in place prior to final plat approval. A note shall be placed on the record plat that would prohibit construction in areas that are or could be impacted by the contamination until it has been determined that the contamination has been remediated. If groundwater contamination is detected in the initial evaluation, a complete hydrogeology study must be conducted to determine groundwater flow and depth to groundwater on the property. The assessment must include a detailed map of the property that indicates the location of the monitoring wells, piezometers, soil borings, ponds, and wetlands, and topography at two-foot contour intervals.
13. Detailed site plan(s) for site development shall provide a pedestrian connection to the MARC station property in either a public use easement or on a business association common open space element, encumbered by a public use easement in the vicinity of Lots 5 and 6, or other location determined appropriate. A second connection should be provided serving pedestrian movements

from Mid Atlantic Boulevard to Cedarhurst Drive, using a public or private sidewalk system. Adequate signage shall be required for both connections. The width, design, and timing for the construction of the pedestrian connection shall be determined at the time of review of the site development DSP (not infrastructure). The DSP shall require the recordation of a public use easement.

14. All abandoned wells and septic systems 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 grading permit.
15. At the time of review of the detailed site plan, the applicant shall submit evidence from the Department of Public Works and Transportation of the denial of access areas for lots fronting on Cedarhurst Drive and the internal public cul-de-sac where proposed. Access easements pursuant to Section 24-128(b)(9) shall be utilized for all lots that are denied direct access to the public street system. The applicant shall work with DPW&T to consolidate points of access along Cedarhurst Drive. The final plat(s) shall carry a note that the use of access easements authorized pursuant to Section 24-128(b)(9) is controlled by the approved DSP for certain lots.
16. The final plat shall reflect access easements approved pursuant to Section 24-128(b)(9) of the Subdivision Regulations and as approved on the detailed site plan.
17. The existing cell tower to remain is subject to Section 27-475.06.02(a)(3)(C) of the Zoning Ordinance. Compliance shall be demonstrated at the time of review of the detailed site plan that includes that portion of the property.
18. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Muirkirk Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
19. In conformance with the adopted and approved Subregion I master plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide:
 - a. A wide sidewalk (six to eight feet wide) along the subject site's entire frontage of Muirkirk Road, unless modified by DPW&T.
 - b. Standard sidewalks along both sides of the subject site's portion of Mid Atlantic Boulevard, unless modified by DPW&T.
 - c. A wide sidewalk (six to eight feet wide) along the subject site's entire frontage of Cedarhurst Drive, unless modified by DPW&T.
 - d. A six-foot-wide sidewalk along at least one side of Street A, unless modified by

DPW&T.

- e. A public walkway from the end of Street A to the adjacent MARC property. This trail should be eight feet wide and asphalt and should be within a public use easement or within land otherwise dedicated for a public pedestrian/trail corridor.
- 20. Prior to the issuance of building permits on lots located south of the cul-de-sac of Cedarhurst Drive, the applicant, his heirs, successors and/or assignees shall demonstrate that a business owners association has been established and that the common areas (Parcels A and B) have been conveyed to the business owners association.
 - 21. US 1 at Muirkirk Meadows Road (south): Prior to the issuance of any building permits under Phase IA (1,321 AM/ 1,321 PM peak-hour trips) within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction with SHA/DPW&T, and (c) have an agreed-upon timetable for construction with SHA/DPW&T:
 - a. Provision of a second eastbound left-turn lane from Muirkirk Meadows Road to northbound US 1.
 - 22. Muirkirk Road at Old Baltimore Pike/Cedarhurst Drive: Prior to the issuance of any building permits under Phase IA (1,321 AM/1,321 PM peak-hour trips) within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction with DPW&T, and (c) have an agreed-upon timetable for construction with DPW&T:
 - a. Provision of an exclusive southbound right-turn lane along Cedarhurst Drive.
 - b. Provision of an exclusive eastbound left-turn lane along Muirkirk Road.
 - 23. Contee Road at Mid-Atlantic Boulevard: Prior to the approval of the initial detailed site plan under Phase IA (1,321 AM/1,321 PM peak-hour trips) within the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T for a possible signal at the intersection of Contee Road and Mid-Atlantic Boulevard. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T.
 - 24. Muirkirk Road at Muirkirk Meadows Road: Prior to the approval of the initial detailed site plan under Phase IA (1,321 AM/1,321 PM peak-hour trips) within the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T for a possible signal at the intersection of Muirkirk Road and Muirkirk Meadows Road. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. Such signalization shall consider north/south split phasing for

optimal operations, but the resulting phasing to be implemented will ultimately be determined by DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T.

25. Muirkirk Road at Muirkirk Meadows Road: Prior to the issuance of any building permits under Phase IA (1,321 AM/1,321 PM peak-hour trips) within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction with DPW&T, and (c) have an agreed-upon timetable for construction with DPW&T:
 - a. Provision of dual approach lanes along northbound Muirkirk Meadows Road providing an exclusive right-turn lane and a shared through/left-turn lane.
 - b. Provision of dual approach lanes along southbound Muirkirk Meadows Road providing an exclusive left-turn lane and a shared right-turn/through/left-turn lane.
 - c. Lengthening of the left-turn lane along westbound Muirkirk Road to a length determined to be appropriate by DPW&T.
26. US 1 at Muirkirk Meadows Road (north): Prior to the issuance of any building permits under Phase II (1,511 AM/1,511 PM peak-hour trips) within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction with SHA/DPW&T, and (c) have an agreed-upon timetable for construction with SHA/DPW&T:
 - a. Opening of the intersection to traffic, with allowance of right-in, right-out movements to/from Muirkirk Meadows Road and northbound left-turn movements from US 1.
27. Total development within the subject property shall be limited to uses which generate no more than 1,511 AM and 1,511 PM peak-hour vehicle trips. Phase I shall be identified as any development that generates up to 644 AM and 644 PM peak-hour trips. Phase IA shall be identified as any development that generates up to 1,321 AM and 1,321 PM peak-hour trips. Phase II shall be identified as any development which generates up to the maximum of 1,511 AM and 1,511 PM peak-hour trips.
28. Approval of any detailed site plan proposing new development shall include a determination by transportation staff of the trip generation of the uses proposed. If the applicant desires a reduction from published trip rates due to the implementation of transportation demand management strategies and/or proximity to MARC facilities or other transit facilities, the applicant must document such reduction at the time of detailed site plan submittal.
29. At the time of the DSP and final plat(s) for the lots north of the cul-de-sac of Cedarhurst Drive the applicant shall:

- a. Provide vehicular access to the dedicated parkland via an extended Mid-Atlantic Boulevard (70-foot-wide dedicated public right-of-way), or
- b. If Mid-Atlantic Boulevard is not extended to the dedicated park parcel, the applicant shall convey to M-NCPPC a 50-foot-wide fee-simple right-of-way for public access to the dedicated parkland from existing and/or extended Mid-Atlantic Boulevard at a location acceptable to DPR.

If Mid-Atlantic Boulevard is dedicated to public use and extended to the park property via a record plat and the applicant subsequently proposes the vacation of that right-of-way, the approval of M-MNCPPC as an abutting property owner will be required. With the vacation petition (24-112), the applicant shall provide an exhibit to DPR for review and approval of the alternative route to the dedicated parkland, as described in B above. The alternative access, 50-foot-wide fee-simple right-of-way, shall be reflected on the new DSP reflecting the modification to Mid-Atlantic Boulevard and conveyed to M-NCPPC at the time of the new final plat reflecting the vacation of Mid-Atlantic Boulevard.

30. The plans for the construction of the stormwater management pond shall be reviewed and approved by DPR staff prior to construction. A stormwater management pond shall be designed in accordance with the *Park and Recreation Facilities Guidelines*. The applicant shall replant the disturbed, revertible easement area adjacent to the stormwater management pond. Tree Conservation Plan (TCP-II) shall not be approved without the prior written consent of the DPR staff. A reforestation plan shall be based on using native species of trees of minimum 1.5" caliper trees at 15 feet on center.
31. Prior to final plat of subdivision for any lots north of Cedarhurst Road cul-de-sac, the applicant, M-NCPPC and DER (if applicable) shall enter into an easement agreement or memorandum of understanding to construct and maintain a stormwater management facility on existing parkland. The location of the facility is shown on attached DPR Exhibit A.
32. A bond or other suitable financial guarantee shall be submitted to the DPR four (4) weeks prior to issuance of grading permits for the construction of the stormwater management pond on park property. DPR may be named as an "additional insured" on the county-required bond(s) in lieu of a separate set of bonds.
33. Tree preservation credited to meet the requirements of the Brickyard will be allowed on dedicated parkland, with the exception of the fossil resource area.
34. The applicant shall provide tree conservation or reforestation, as required by law, for construction within the stormwater management easement area on existing parkland.
35. Prior to final plat for the lots adjacent to dedicated parkland, the applicant shall install an eight-foot-high, black PVC-coated chain link fence around the exposed boundaries of the fossil resource area. The fence shall include two 5-foot-wide gates, forming a 10-foot-wide opening for

vehicular access. DPR staff will locate the gates prior to fence construction. The applicant will also install a gravel driveway 22 feet wide from the park property line to a gravel parking lot for four cars and a school bus. The exact location of the driveway and parking lot will be determined by DPR staff at the time of detailed site plan for lots north of the Cedarhurst Road cul-de-sac. The gravel (CR-6) will be placed four inches thick over cleared, lightly graded ground on geo-textile fabric and rolled tight.

36. The dedicated park parcel shall not be disturbed without written consent of the DPR. Measures shall be taken during design and construction of the parcel around the dedicated parkland to preserve and protect the fossil resource area. The limits of the fossil resource area shall be staked and flagged in the field prior to construction. A six-foot-high orange construction safety fence shall be erected and maintained around the area. A temporary sign reading, "Fossil Resources, Do Not Disturb" shall be installed prior to grading of the site close to the resources.
37. At the time of the detailed site plan or infrastructure detailed site plan, whichever is first for those lots that include the required buffer yard along the Montpelier Woods subdivision, a determination shall be made by staff, whether or not the required 50-foot landscaping bufferyard be conveyed to M-NCPPC. If conveyed to M-NCPPC, DPR agrees to allow this 50-foot buffer to satisfy the applicant's *Landscape Manual* requirement adjacent to the Montpelier Woods subdivision.
38. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC Parcels C and D, 5.7± acres of land, as shown on DPR Exhibit A. Land to be conveyed shall be subject the followingg
 - a. 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 first final plat for any lots north of Cedarhurst Road cul-de-sac.
 - 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 which 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.
- 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 M-NCPPC.
- i. Except as provided in the conditions of approval, 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, maintenance and easement agreements shall be required prior to the issuance of grading permits.

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 site is located in the northern quadrant of the intersection of Muirkirk Road and Cedarhurst Drive and at the terminus of Mid Atlantic Boulevard, east of US 1.
- 3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	I-2 (48.8 acres) I-3 (67.18 acres)	I-1 (48.8 acres) I-3 (67.18 acres)
Use(s)	Brickyard and related industrial uses/cellular tower (to remain)	Industrial uses/cellular tower 1,500,000 square feet of gross floor area
Acreage	115.98 acres	115.98 acres
Lots	0	38
Parcels	3	4

- 4. **Environmental**—The Environmental Planning Section has reviewed the revised plans for preliminary plan of subdivision 4-04120 and the Type I tree conservation plan, stamped as

received on May 11, 2005. A revised stormwater management plan was stamped as received on April 29, 2005.

The Environmental Planning Section previously reviewed plans associated with this site in preliminary plan of subdivision 4-88103. The Muirkirk Furnace was previously operational at this site for brick manufacturing. Portions of the site have previous mining and reclamation activity associated with it. Approximately 25 structures are located on the site, and these include several warehouse-type and storage and greenhouse structures that are to be razed, with the exception of the existing cellular tower.

The southern portion of the site is bisected from east to west by the 250-foot-wide PEPCO right-of-way. Based on year 2000 air photos, the site is partially wooded; and there are regulated environmental features in the form of buffers on-site from off-site features. Steep and severe slopes (slopes with 15–25 percent grade and 25 percent grade or greater, respectively) are found at the site. Eight soil series are associated with the site and these include five types in the Christiana series, Clay pits, Elkton silt loam, Iuka silt loam, two in the Keyport series, Ochlockonee silt loam, Sassafras gravelly sandy loam, and two in the Sunnyside series. All five of the Christiana soils, the Elkton and Keyport silt loam soils have K-factors of 0.43, and the Iuka and Keyport fine sandy loam soils have K-factors of 0.37. The Elkton soils are hydric. Development constraints associated with these soils include that the Christiana and Elkton soils have high shrink-swell potential, a high water table and poor drainage in relation to streets and parking lots, respectively. Keyport soils have slow permeability and high erosion potential in relation to drainage systems. Based on available information, Marlboro clays are not found to occur at this location.

The site is in the vicinity of the Crow Branch watershed of the Patuxent River basin. There are two significant noise generators in vicinity of the site and these include US 1 and the CSX Railroad tracks.

A cultural resource of historical significance is associated with the site; a fossil-bearing rock formation has been identified on the property, as further discussed in Finding 4 of this report. There are no scenic or historic roads in vicinity of the site. According to the Maryland Department of Natural Resources Natural Heritage Program staff, rare, threatened and endangered species are not found at this site.

A revised detailed forest stand delineation has been submitted and reviewed. A total of four forest stands have been identified at the site and these are referred to as Stands A–D. The combined total area of woodland associated with these stands is 6.45 acres. A total of eight specimen trees has been field located at the site and the Specimen Tree Table on the FSD plan shows all specimen trees will be removed in the proposed redevelopment.

Stand A totals 1.85 acres and is an intermediate-aged lowland hardwood stand in vicinity of drainage areas. This stand is dominated by red maple and black locust species. Stand A has moderate retention priority due to its age, good species diversity, and the presence of invasive

species. Stand B contains 1.27 acres and is an intermediate-aged upland hardwood stand and is dominated by white oak and hickory species. Stand B has a moderate retention rating due to species diversity, the overall health and vigor, and the presence of steep and severe slopes and specimen trees. Stand C totals 2.71 acres and is an immature to early intermediate-aged upland hardwood stand. The stand is dominated by black locust and black gum and has a low priority rating due to overall health, the stand's age, and the high number of invasive species. Stand D is an early to intermediate-aged pine stand that totals 0.62 acre and is dominated by Virginia pine and red maple. No specimen trees are located in Stand D, and it has a moderate retention rating due to the young age, general lack of priority elements, and its overall health and vigor. Overall, the vigor of these forest stands is fair, partly due to the high number of invasive and exotic species. Preservation of on-site vegetation should be limited; the use of high quality landscaping and off-site mitigation is encouraged.

Required information submitted in the most recent review included a preliminary wetlands jurisdictional determination. In order for the FSD to meet the requirements of the Woodland Conservation Ordinance, both the text and plan must be revised to refer in the text and show on the plan the locations of wetlands as existing features associated with the site. After these revisions have been made to the text and the plan, have the qualified professional who prepared the text and plan should sign and date it.

The site contains areas of expanded stream buffer, and impacts to three stream buffers are proposed. Details of proposed impacts are in an April 26, 2005, letter from Ben Dyer Associates, Inc., in support of the impacts for redevelopment of the site.

The site also contains three areas of isolated wetlands that are normally regulated at the state and local levels. These areas are shown to be removed on the surface mining permit (77-SP-0132-2) approved by the Maryland Department of the Environment (MDE), last revised and approved December 23, 2003. The surface mining permit includes a reclamation plan and contains the following conditions:

“Compliance with Law/Regulation and Permit: All surface mining operations shall be conducted in compliance with Environmental Article 15-801 through 15-834, COMAR 26.23.01 through .06 and the surface mine permit. The permit may be suspended or revoked by the Administration for violation of the surface mine law, regulations, this permit, or any other required approval. The location, dimensions, and type of all structures, reclamation practices and all excavation and filling shall be in accordance with the approved Mining and Reclamation Plan and map.”

“Compliance with Non-Tidal Wetlands Regulations: Maintenance, including excavation or dredging of wash ponds or sediment control structures is authorized under this permit and COMAR 26.23.01.02F. Non-tidal Wetlands created incidental to the mining activity authorized under this permit may be reclaimed in accordance with the approved Mining and Reclamation Plan. Any wetlands remaining upon completion of the reclamation authorized by this permit will be regulated pursuant to COMAR 26.23.01 through .06.”

The reclamation of the site is imminent, and as such the isolated wetlands that were created incidental to the mining activity either have already been removed or are part of a plan, approved by MDE, that shows them to be removed. This being the case, the isolated wetlands are not considered part of the subject application before the Planning Board, and a variation request is not required for the removal of these wetlands.

Review of Variation Request

The stream buffers are not connected to other sensitive environmental features. Impact One is in relation to an existing 40-foot-wide WSSC easement and stormdrain. The easement was established in 1954 and contains a 42-inch waterline at the southwestern portion of the site. The impact is a redisturbance to the easement area to provide a stormdrain structure to discharge into a bio-engineered channel. Impact One totals 17,436 square feet of an expanded buffer.

Impact Two is for installation of a private storm drain to be located within an expanded buffer. The impact area is along the northwest property line parallel to the CSX Railroad. A man-made drainage ditch is located at the low point of the built-up railroad bed. Impact Two totals 4,944 square feet of disturbance to the expanded buffer.

Impact Three is for site grading for redevelopment of the property. Impact Three totals 22,127 square feet of expanded buffer to accomplish site grading. A portion of the expanded buffer in the impact area was previously developed with 9,317 square feet of paved area.

Impact Three will result in the removal of unforested and forested areas of a stream buffer along the CSX Railroad for the site grading. The stream in question appears to be a created site feature that is more like a drainage ditch. This area exists mainly as a result of the construction of the railroad embankment many years ago. The small, forested stream buffer areas have “priority” and “good” retention ratings, respectively (stated in the FSD narrative), and were identified as having high mortality due to the presence of an unusually high number of invasive species associated with them.

The first two impacts are necessary for the development of the site, and the third impact contains mainly paved and disturbed areas with two small areas of forested stream buffer for an area that appears to have been created as a result of past grading activities off-site. If the Army Corps of Engineers or the Maryland Department of the Environment does not approve the proposed impacts, the plans will be required to be revised to show the preservation of these areas prior to the issuance of any permits.

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even with the approval of the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively.

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:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

Comment: Impacts One and Two are part of the required infrastructure to redevelop the site. Impact Three is for a small area of stream buffer created as a result of off-site grading activities. Site work will be required by various ordinance provisions to ensure that the proposed work is not detrimental to public safety, health or welfare and is required to not be 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: Existing site conditions in relation to Impacts One and Two are unique to this site due to the presence of the 42-inch water line (Impact One) that is a major water supply line in the WSSC's operation to provide potable water to the local population. Existing site conditions associated with Impact Two are unique due to the topography at this location of the site. The existing drainage system is an integral part of the overall stormwater management for positive drainage. The area of Impact Three is unique in that the drainage area was created due to off-site grading some time ago for the construction of the railroad embankment.

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

Comment: Even with the Planning Board approval, the applicant must 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 strict letter of these regulations is carried out;**

Comment: Proposed impacts to the expanded buffer relating to Impact One are based in part on the locations of an existing easement and stormdrain, features that compose part of the site's physical surroundings. The site's topography is a factor in relation to proposed Impact Two. Provision of a private stormdrain in Impact Two will serve to further ensure positive drainage at this location. Denial of the variation in Impacts One and Two represent a hardship to the applicant as the site is redeveloped and the necessary infrastructure is constructed. The topographic conditions are unique in relation to Impact Three due to the historic off-site grading.

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, there are more than 10,000 square feet of woodlands on-site, and there is no previously approved tree conservation plan associated with the site. A revised Type I tree conservation plan (TCPI) has been submitted and reviewed.

This 115.98-acre site has a Woodland Conservation Threshold (WCT) of 17.40 acres. The site has 6.45 acres of existing woodland with no associated areas of 100-year floodplain. Based on the proposed clearing of 4.41 acres, the required amount of woodland conservation is 22.86 acres. This requirement is proposed to be met with 2.33 acres of on-site woodland preservation and 20.53 acres of off-site mitigation. This amount of off-site mitigation is appropriate due to the high presence of invasive species within the woodlands that exist on-site. The subject TCPI needs further revisions prior to signature approval.

One aspect regarding existing site features is in need of further clarification. Areas of steep slopes (slopes that range in grades of 15–25 percent) have been identified on the FSD; however, this existing feature is not shown on the TCPI. The legend needs to be updated with a corresponding symbol for the areas of highly erodible soils associated with steep slopes.

Several aspects pertaining to woodland conservation associated with the site need clarification on the plan. Three minor revisions to standard TCPI notes are also necessary and are set forth in the recommendation section of this report. In addition, the plan should clarify whether the proposed clearing areas in relation to Parcel B are within SHA-maintained easements. The plan shows some of the conceptual building footprints; however, not all of the conceptual footprints have been shown. The current plan shows what appears to be partial grading. The plan has a "brush/vegetation" layer that appears to show areas of woodland because the same symbol was used to identify both features. The brush/vegetation layer needs to be removed so the actual proposed woodland areas to be cleared correspond with the existing woodland shown on the plan.

Clarification is also needed with regard to the existing tree line and the mining areas. It appears that there are areas of existing woodland that are not counted on the subject plans as being cleared. A note needs to be added to the plan that states: "The woodlands within the mining reclamation areas are considered exempt from the Woodland Conservation Ordinance because

their removal is necessitated by a previously approved surface mining permit, which is exempt from the Ordinance.” After all these revisions have been made to the plan, have the qualified professional who prepared the plan needs to sign and date it

A copy of the concept stormdrain approval letter issued on March 24, 2005, and the revised concept plan have been submitted. The proposed stormwater management method includes both public and private drainage areas. A total of three stormwater management ponds are proposed, one of which will be located off-site on abutting land owned by M-NCPPC. One of the conditions in the concept approval letter stipulates that approval from the Department of Parks and Recreation is required for the proposed stormwater management pond to be located off-site.

The current concept plan has been reviewed in relation to the proposed TCPI. The several areas of on-site woodland conservation on the TCPI are shown on the concept plan. Future revisions to the technical stormdrain plans cannot create conflicts with the proposed woodland conservation as shown on the TCPI. To address this issue, prior to the issuance of any grading permits, a copy of the approved technical stormdrain plan should be submitted with the permit materials for a review in relation to an approved TCPII and the detailed site plan. The technical stormdrain plans should not show any impacts to woodland conservation areas shown on the TCPII.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 pursuant to CR-41-2004, adopted on July 27, 2004, by the County Council, and the site will therefore be served by public systems.

5. **Community Planning**—The property is located within the limits of the 1990 Master Plan for Subregion I, Planning Area 62 in Employment Area 6. The master plan land use recommendation for the property is heavy industrial for the southern portion of the site and industrial park use for the northern portion. The 1990 Sectional Map Amendment for Subregion I retained the I-2 and I-3 zoning for the property. The proposed development, as described in the overview section of this report, is consistent with the recommendations of the master plan and the General Plan. This site was zoned for heavy industrial uses as far back as 1950.

The 2002 General Plan locates this property in the Developing Tier within the US 1 Corridor. One of the visions of the corridors in the Developing Tier is to include mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

The site abuts the Muirkirk MARC station to the north and east; every effort should be made to provide direct pedestrian access to the station from development on the site, as well as to improve pedestrian accessibility from the adjacent residential subdivisions. The developer is also encouraged to consider transit-oriented development for the portion of the site in close proximity to the MARC station, which would further the goals of the county’s General Plan. The preliminary plan proposes a conceptual location for a pedestrian connection to the MARC station

between Lots 6 and 7. However, the preliminary plan does not clearly demonstrate an effort to provide for pedestrian movement from the northern section of the site (served by Mid Atlantic Boulevard) and the MARC station. The detailed site plan should require a pedestrian connection that would benefit not only the subject site but also additional industrial properties to the north. Careful site planning could play a vital role in ensuring that the pedestrian access to the MARC station is properly placed and designed to encourage pedestrian activity.

Staff has advised the applicant that a determination should be made at the time of review of the detailed site plan if a public use easement or an open space parcel with a public use easement should be provided for pedestrian access to the MARC station.

While the General Plan proposes to create mixed-use areas, careful site planning is important to ensure that any conflict that could arise between uses can be mitigated. Specifically, the property is located on the west side of Cedarhurst Drive. The Longwood Subdivision, a developed single-family and townhouses residential development, is located across the street to the east. The Longwood Subdivision is developed with a main spine road, Longwood Drive, which extends from Alloway Lane to Muirkirk Road. This main residential spine road was designed to serve as the primary access for the residential development and parallels Cedarhurst Drive. However, some conflict between the residential and industrial vehicle movements could occur if residents continue to use Cedarhurst Drive.

To address this issue, while not required, the applicant has proposed several consolidations of access for the 19 lots located on the west side of Cedarhurst Drive. Lots 1 and 2 have frontage on and will have direct access to Muirkirk Road. Lot 3 may be required with direct access to either Muirkirk or Cedarhurst Drive, as determined appropriate by the Department of Public Works and Transportation (DPW&T). Lots 4 through 15 are proposed via a new dedicated right-of-way that will extend into the site from Cedarhurst Drive. The applicant is proposing to use a combination of access easements, created pursuant to Section 24-128(b)(9) of the Subdivision Regulations, and direct access to the cul-de-sac for these lots. Steep slopes along the property's frontage with Cedarhurst Drive may make direct access difficult and result in poor sight distances along Cedarhurst Drive. Lots 16-19 are generally located across Cedarhurst Drive from Alloway Lane, within the Longwood Subdivision. The applicant is currently working with the Department of Public Works and Transportation to consolidate entrance drives for these lots by utilizing common driveway aprons as well as evaluating the use of access easements [Section 24-128(b)(9)] due to poor sight distances. This reduction in the number of access points will promote the public safety and reduce possible conflicts with residential traffic. At the time of detailed site plan the applicant should provide evidence from DPW&T of the denial of access areas. Lots 20 thru 23 are proposed with direct access to the cul-de-sac of Cedarhurst Drive.

The detailed site plan for the I-2-zoned portion of the property can ensure that all of these issues are adequately addressed and that the future development of this site meets the goals of the General Plan.

The property is the subject of special exception SE-6, approved in 1950 for "mining clay and sand." Based on information available to staff, that special exception is still valid. While the

revocation of a special exception is not required, staff would recommend that the applicant request the Department of Environmental Resources initiate that process, pursuant to Section 27-328 of the Zoning Ordinance.

6. **Parks and Recreation**—In the 1990s, an important dinosaur discovery was made on this property. Since the discovery of a dinosaur leg bone and numerous “micro-fossils” such as shark teeth, pinecones, fossilized wood, bone fragments, and other items, paleontologists from the around the world have visited the site. This site continues to be of interest to the scientific community. It is currently available to a limited number of individuals.

Because of the presence of the dinosaur fossils at this location, the Department of Parks and Recreation (DPR) previously considered acquisition of the property. At that time, Cherokee Sanford Brick maintained a clay-mining operation on the property. DPR was not able to purchase the property because of active mining operations on the site. DPR was able to acquire 40 acres of wooded land adjacent to the subject subdivision, which included a portion on the fossil resource area. DPR staff developed a concept plan for a “dinosaur park” on the grounds of the adjacent Longwood Community Park and Snowden Oaks Community Park. The concept plan included an Interpretive Center and Administrative Offices, a parking lot, playgrounds, picnic areas, trails and fossil preservation area. The current CIP for DPR includes \$300,000 in approved funding for the development of a “dinosaur park.” DPR staff has always looked for possible ways to expand the parkland to include the entire dinosaur fossil resource area and to provide better public access to the site.

Prior to application for the subject subdivision plan, the current owner of the clay mining operation site, the Jackson-Shaw Company, approached DPR staff with a proposal to develop their property and to dedicate 3.5 acres of land, including fossil formation area, to M-NCPPC.

In exchange, the applicant requested an easement over a 3.4 acre portion of the adjacent parkland for a stormwater management pond and a revertible grading easement over two acres of the parkland for the construction of the pond and Cedarhurst Drive. These areas are located outside of the dinosaur fossil resource boundary. In addition, the applicant agreed to provide public access to the park through the proposed project area from the north. DPR staff has reviewed the plans and finds these proposals acceptable subject to the conditions provided below. Maintenance of the Stormwater Management facility will be the responsibility of the Brickyard Business owner’s Association.

7. **Trails**—The Adopted and Approved Subregion I Master Plan designates Muirkirk Road as a master plan trail/bicycle corridor. Currently, a variety of cross sections are present along the road, with some segments including standard sidewalks. Adjacent to the subject site is the existing Muirkirk MARC Station. The adopted and approved General Plan includes a strategy to “review and fully exploit opportunities to incorporate non-motorized transportation such as pedestrian and bicycle trails into the county’s transportation system” (General Plan, page 66). These types of connections are especially appropriate on and along the subject site due to the proximity of the adjacent MARC station and adjacent residential communities.

Although the subject application is zoned industrial, the property immediately to the east is an existing residential community. Staff recommends the provision of standard sidewalks, wide sidewalks, and public pathways to accommodate pedestrians from the residential communities walking to the MARC station. These sidewalks and paths will also serve employees of the subject site and make it possible to walk directly from the site to the adjacent MARC station, as well as to walk between uses on the site.

The revised DPW&T road code includes a minimum width of five feet for standard sidewalks. However, due to the presence of the MARC station and the county's transportation objective to "incorporate appropriate pedestrian, bicycle and transit-oriented and transit supporting design (TOD and TSD) features in all new developments" (General Plan, page 65), staff recommends the provision of wide sidewalks along Muirkirk Road and Cedarhurst Drive. These sidewalks should be a minimum of six to eight feet wide, with the exact width being determined at the time of detailed site plan.

SIDEWALK CONNECTIVITY:

Existing Mid Atlantic Boulevard has sidewalks along both sides. Staff recommends that the extension of this road onto the subject site continue this cross-section and include sidewalks along both sides. The preliminary plan does not clearly demonstrate an effort to provide for pedestrian movement from the northern section of the site (served by Mid Atlantic Boulevard) and the MARC station. The detailed site plan should require a pedestrian connection that would benefit not only the subject site but also additional industrial properties to the north.

Staff also recommends a wide sidewalk (six to eight feet wide) along the site's entire frontage of Cedarhurst Drive. A six-foot-wide sidewalk is also recommended along at least one side of Street A. The sidewalk along Street A will connect to the proposed public pathway to the adjacent MARC site. Staff also recommends that all sidewalks be separated from the curb by a grass or planting strip. This will serve to enhance the appearance of the corridors, but also to buffer pedestrians from the adjacent motor vehicle movement.

Existing public facilities in the vicinity of the subject site include the James H. Harrison Elementary School, which fronts Contee Road and is north of the site; the Muirkirk West Neighborhood Park, which is south of the intersection of Longwood Drive and Muirkirk Road; and the Muirkirk South Community Park and the Blue Ponds Conservation Area across Muirkirk Road from the Longwood Subdivision.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 115.98 acres of land in the I-2 and I-3 zones. The property is located east of the CSX railroad tracks, generally between Muirkirk Road and Contee Road. The applicant proposes to develop the site with 1,500,000 square feet of employment-related uses consistent with the I-1 Zone, which would potentially include a mix of warehouse, light industrial, and office space.

The applicant has prepared, in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, a traffic study dated March 2005. An earlier study dated February 2005 was determined to require clarifications. Furthermore, additional materials in response to concerns raised during agency review were received on May 26, 2005, and these materials are provided as an attachment. In response to the Transportation Planning Section's memorandum dated May 26, 2005, and subsequent discussions, further materials were received on June 22, 2005. The findings and recommendations outlined below are based upon a review of all materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the guidelines. The March study was referred to the county's Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA), and the comments of these agencies are attached and addressed later in this memorandum.

These findings supersede the findings made by the Transportation Planning Section on May 26, 2005. Since that memorandum was prepared, the applicant has proffered a reduction in the overall trip cap representing the peak-hour trip generation of the uses proposed for the site. The original traffic study was based upon a cap of 2,056 trips in either peak hour, of which 644 trips were available from an existing developed parcel by right (i.e., without need for subdivision). The applicant's current proffer would reduce that overall trip cap to 1,511 trips in either peak hour. The proffer was made by the applicant as a means of ensuring that all critical intersections within the study area would operate acceptably with improvements either bonded by other parties or proffered by the applicant.

Growth Policy—Service Level Standards

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.

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.

Staff Analysis of Traffic Impacts

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

- US 1 and Muirkirk Meadows Road—south (signalized)
- US 1 and Muirkirk Meadows Road—north (future/signalized/limited movement)
- US 1 and Contee Road (signalized)
- Muirkirk Road and Virginia Manor Road (signalized)
- Muirkirk Road and Muirkirk Meadows Road (unsignalized)
- Muirkirk Road and Old Baltimore Pike/Cedarhurst Drive (signalized)
- Contee Road and Mid-Atlantic Boulevard (unsignalized)

Existing traffic conditions were based on traffic counts done in January 2005. Existing conditions within the study area are summarized as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 1 and Muirkirk Meadows Road (south)	1,015	1,067	B	B
US 1 and Muirkirk Meadows Road (north)	Future			
US 1 and Contee Road	1,357	1,441	D	D
Muirkirk Road and Virginia Manor Road	884	630	A	A
Muirkirk Road and Muirkirk Meadows Road	27.1*	95.8*	--	--
Muirkirk Road and Old Baltimore Pike/Cedarhurst Drive	1,379	1,234	D	C
Contee Road and Mid-Atlantic Boulevard	20.2*	24.3*	--	--
*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, delays exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

It should be noted that while the US 1/Contee Road intersection is shown to operate adequately in both peak hours, long delays at this intersection are routine, especially during the PM peak hour, and staff views the LOS D determination during the PM peak hour as an anomaly. Nonetheless, major improvements at this intersection are bonded by other parties, and this applicant proposes further improvements to address operational issues. Because the study clearly addresses issues at this intersection, there is little need to discuss this anomaly further.

The submitted traffic study provides an analysis for assessing the background traffic situation. This study considered the following:

- A 1.0 percent annual growth factor for through traffic along US 1 was used.
- Background development in the area, including over 2,100 approved but unbuilt residences and over one million square feet of industrial, office, and commercial

development within the area, was included in the analysis.

- Background development also considered 458,000 square feet of heavy industrial development on the subject property. Currently a portion of this site is developed with a brick manufacturing plant, and Subtitle 24 allows the redevelopment of that property without need for a subdivision application. The site contains about 186,000 square feet of heavy industrial buildings that are operational (and trip generation would be a part of existing traffic). Another 458,000 square feet could be developed by right. This quantity is reflected as a part of background development. The trips associated with both quantities should be incorporated into the overall trip cap for the site if the plan is approved.
- The analysis also considers the impacts of the Ammendale and Virginia Manor Road Capital Improvement Program (CIP) project, and also developer-funded improvements to the US 1/Contee Road intersection that are bonded and under construction.
- The analysis includes a phasing plan wherein Phase I is a shorter time frame, and Phase II includes greater growth in through traffic. Phase I background is reported below.
- The background analysis includes the opening of the US 1/Muirkirk Meadows (north) intersection, which is currently being bonded by Konterra Business Campus and for which improvements are currently under final review by SHA. The opening of this intersection, which would include right-in, right-out movements as well as a northbound left-turn movement, would serve to disperse traffic entering the unbuilt portion of Konterra while also providing auxiliary access for other traffic in the area.

Background conditions are summarized as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 1 and Muirkirk Meadows Road (south)	1,265	1,390	C	C
US 1 and Muirkirk Meadows Road (north)	1,248	1,394	C	D
US 1 and Contee Road	1,360	1,289	D	C
Muirkirk Road and Virginia Manor Road	1,212	1,089	C	B

Muirkirk Road and Muirkirk Meadows Road	+999*	+999*	--	--
Muirkirk Road and Old Baltimore Pike/Cedarhurst Drive	2,224	1,915	F	F
Contee Road and Mid-Atlantic Boulevard	24.9*	37.3*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate guidelines, delays exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The site is proposed for an employment center of 1,500,000 square feet. Two phases are proposed. The first phase includes 48 percent of the proposed new development, and the second phase includes 52 percent of the proposed new development. The portion of the site that can be developed by right can develop at any time.

The new development is based upon 1.412 million square feet of heavy industrial uses; however, the site trip generation uses the associated trip rates only for the purpose of establishing a trip cap for the overall site, and the proposal is discussed in only the most generic terms. At this point, it is noted that the applicant has proffered a 25 percent reduction in site trip generation as a means of ensuring that the US 1/Contee Road intersection can function adequately. Under Phase IA, the proposed development would generate 677 AM peak-hour trips (575 in, 102 out) and 677 PM peak-hour trips (135 in, 542 out). Under Phase II, the proposed development would generate 190 AM peak-hour trips (162 in, 28 out) and 190 PM peak-hour trips (38 in, 152 out). Combined, the overall site would generate 867 AM and 867 PM peak-hour trips.

It should be noted that the combined number above is exclusive of the portion of the site that can be redeveloped by right. Once again, this development was included as a part of the existing and background traffic components, and totals 644 AM and 644 PM peak-hour trips.

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 1 and Muirkirk Meadows Road (south)	1,394	1,618	D	F
US 1 and Muirkirk Meadows Road (north)	1,328	1,443	D	D
US 1 and Contee Road	1,449	1,447	D	D
Muirkirk Road and Virginia Manor Road	1,274	1,190	C	C
Muirkirk Road and Muirkirk Meadows Road	+999*	+999*	--	--
Muirkirk Road and Old Baltimore Pike/Cedarhurst Drive	2,934	2,200	F	F
Contee Road and Mid-Atlantic Boulevard	+999*	+999*	--	--
*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, delays exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

Given these analyses, several intersections within the study area would operate unacceptably in one or both peak hours under Phase I. Each of these intersections is discussed in a separate section below.

US 1 and Muirkirk Meadows Road (south)

In response to the inadequacy at the US 1/Muirkirk Meadows Road intersection, the applicant has proffered an improvement consisting of a second eastbound left-turn lane from Muirkirk Meadows Road to northbound US 1. This improvement would result in the following service levels: AM peak hour, LOS D, CLV of 1,314; and PM peak hour, LOS D, CLV of 1,356.

Muirkirk Road and Old Baltimore Pike/Cedarhurst Drive

In response to the inadequacy at the Muirkirk Road and Old Baltimore Pike/Cedarhurst Drive intersection, the applicant has proffered improvements consisting of an exclusive southbound right-turn lane along Cedarhurst Drive and an exclusive eastbound left-turn lane along Muirkirk Road. These improvements are proposed as mitigation in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of criterion (4) in the Guidelines for Mitigation Action, which were approved by the District Council as CR-29-1994. Criterion (4) allows the use of mitigation due to

proximity to a major transit station—in this case, the Maryland Rail Commuter (MARC) Muirkirk Road Station. The impact of the applicant’s mitigation at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
Muirkirk Road and Old Baltimore Pike/Cedarhurst Drive				
Background Conditions	F/2,224	F/1,915		
Total Traffic Conditions	F/2,934	F/2,200	+710	+285
Total Traffic Conditions w/Mitigation	F/1,665	E/1,611	-1269	-589

As the CLV at Muirkirk Road and Old Baltimore Pike/Cedarhurst Drive is greater than 1,813

during both peak hours, the proposed mitigation action must mitigate at least 100 percent of the trips generated by the subject property and bring the CLV to 1,813 or less, according to the guidelines. The above table indicates that the proposed mitigation action would mitigate 179 percent of site-generated trips during the AM peak hour and 207 percent of site-generated trips during the PM peak hour. The CLV in each peak hour would be less than 1,813. Therefore, the proposed mitigation at Muirkirk Road and Old Baltimore Pike/Cedarhurst Drive meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

The mitigation plan at this location was reviewed by DPW&T and SHA, and neither agency had issue with the improvements.

Contee Road and Mid-Atlantic Boulevard

It is noted that this intersection operates unacceptably under total traffic as an unsignalized intersection. The traffic study proffers possible signalization at this location. With a signal in place, traffic operations would result in the following service levels: AM peak hour, LOS A, CLV of 812; and PM peak hour, LOS A, CLV of 966. Therefore, this is acceptable.

Muirkirk Road and Muirkirk Meadows Road

In response to the inadequacy at the Muirkirk Road and Muirkirk Meadows Road intersection, the applicant has proffered improvements consisting of signalization with north/south split phasing, dual approach lanes along northbound Muirkirk Meadows Road providing an exclusive right-turn lane and a shared through/left-turn lane, and dual approach lanes along southbound Muirkirk Meadows Road providing an exclusive left-turn lane and a shared right-turn/through/left-turn lane. These improvements would result in the following service levels: AM peak hour, LOS C, CLV of 1,209; and PM peak hour, LOS D, CLV of 1,322. Therefore, this is acceptable.

US 1 and Muirkirk Meadows Road (north)

The traffic study determined that this intersection would be needed to relieve failing conditions at the US 1/Muirkirk Meadows Road (south) intersection after Phase I. As both intersections must be in place and operational in order to accommodate the entire development of this site, a condition will be required that this intersection become operational prior to Phase II.

The agencies had considerable comment on this study. The comments are grouped and summarized below:

At Muirkirk Road and Muirkirk Meadows Road, DPW&T commented that the existing westbound left-turn lane is insufficient in length to handle the projected volumes, and that lengthening the left-turn lane appears infeasible due to the proximity of the US 1 overpass. The applicant has provided information to indicate that the existing 250-foot left-turn lane can be lengthened to 600 feet, which would accommodate left-turning volumes under Phase II, without affecting the overpass. Also, DPW&T commented that there is insufficient right-of-way to widen

the northbound Muirkirk Meadows Road approach. A strategy of widening the northbound approach was discussed in the traffic study, but is not necessary in consideration of the addition of the US 1/Muirkirk Meadows Road (north) intersection and in consideration of the downsizing of the overall traffic impact of the site.

At US 1 and Muirkirk Meadows Road (south), DPW&T commented that there did not appear to be sufficient right-of-way to construct the improvements. While the applicant showed that the Phase I improvements could be constructed, the Phase II improvements do not appear to be feasible. However, the US 1/Muirkirk Meadows Road (north) intersection is available to accommodate much of the unbuilt portion of the Konterra Business Campus, improvements beyond those shown in the traffic study for Phase I are no longer needed for adequacy.

At Muirkirk Road and Old Baltimore Pike/Cedarhurst Lane, DPW&T commented that there did not appear to be sufficient right-of-way to construct the recommended improvements. However, the applicant has indicated that sufficient right-of-way exists with proposed dedication by the applicant, a slight realignment of the roadway, and acquisition of right-of-way from parties on the southeast and northeast corners of the intersection. Also, with the downsizing of the proposal, the scope of improvements needed at this location has been reduced, improving the likelihood that the proffered improvements can be implemented with little or no additional right-of-way needed.

At US 1 and Contee Road, DPW&T had no comments. However, SHA expressed concern that the traffic study showed LOS E in both peak hours with the only mitigation of traffic accomplished with a proposed transportation management plan that is not well-specified and that includes no analyses to justify a trip reduction. SHA actually recommended revision of the traffic study, in part, to better justify the transportation management plan. Once again, the size of the proposal and its corresponding trip impact has been reduced, primarily in response to this concern. Under the current proposal, the intersection will operate acceptably in both peak hours with improvements that have been bonded and will be constructed by other parties.

With regard to staging of the development, it is recognized that this site can accommodate approximately 644,000 square feet of heavy industrial development that can be developed by right. The site already contains industrial buildings that are in use. In consideration of this, a development generating 644 AM and 644 PM trips can be constructed without requirement of off-site transportation improvements. This portion is termed Phase I. Beyond Phase I, any development must be accompanied by off-site transportation improvements that have been proffered by the applicant. Phase IA totals 1,321 AM and 1,321 PM trips—an addition of 677 trips in each peak hour. Phase II totals 1,511 AM and 1,511 PM trips—an addition of 190 trips in each peak hour. The only requirement for Phase II is that the US 1/Muirkirk Meadows Road (north) intersection becomes operational.

The traffic study includes a mention of the use of transportation demand management, or TDM, strategies as a means of maximizing the potential of the site. While there is not an essential need to write specific TDM conditions in support of the Planning Board's recommendation for the current subdivision, it is recognized that proximity to the MARC station in combination with other strategies may greatly reduce the peak-hour impact of this site. Therefore, any detailed site

plan proposing new development shall include a determination by transportation staff of the trip generation of the use proposed. If the applicant desires a reduction from published trip rates due to the implementation of TDM strategies and/or proximity to MARC facilities or other transit facilities, the applicant must document such reduction at the time of detailed site plan submittal. Any trip reduction proposed by an applicant is subject to review and modification by transportation staff.

Plan Comments

The subdivision plan is generally acceptable from the standpoint of access and circulation. Cedarhurst Drive and Mid-Atlantic Boulevard are proposed to be connected by C-108, a master plan collector facility. The applicant discussed the potential connection issue with staff prior to having an active subdivision application. During these discussions, it was determined that the current configuration of two culs-de-sac would be approved in consideration of the fossil resources that currently exist where the C-108 facility was planned. It was agreed to maintain the rights-of-way along both roadways at 70 feet. It was also agreed to show Parcels D and C with a width of at least 70 feet to allow a future connection if there were ever to be a need for it. It is noted that these parcels will be dedicated to the M-NCPPC Department of Parks and Recreation.

The master plan includes A-44, a master plan arterial facility that is proposed to cross the subject property west to east near its midpoint. The Transportation Section requested comments from the operating agencies regarding potential reservation for A-44. It should be noted that SHA's project planning study for the East-West Connector (the most recent name attached to A-44) is occurring west of the subject property, and this study stops at US 1 and has never considered the subject section of A-44. Verbal responses from DPW&T and SHA indicate general support of the county's right-of-way preservation strategies; however, neither agency has identified funding or a timetable for property acquisition. Therefore, the requirements of Subtitle 24 for land reservation are not met, and the right-of-way for A-44 will not be preserved across this property.

Adequate transportation facilities will 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 school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003 and CR-23-2003, and concluded that the subdivision is exempt from the review 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 the current applicable test for adequacy of fire and facilities and concluded the following:

Lots 20-38 and Parcel D and C

- a. The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service travel time of 4.84 minutes, which is beyond the 3.25-minute travel time guideline.
- b. The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service travel time of 4.12 minutes, which is within the 4.25-minute travel time guideline.
- c. The existing paramedic service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service travel time of 4.12 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at Beltsville Fire Station, Company 31, located at 4911 Prince George's Avenue, has a service travel time of 11.80 minutes, which is beyond the 4.25-minute travel time guideline.

Lots 1-19 and Parcel A and B

- a. The existing fire engine service Beltsville Fire Station, Company 31, located at 4911 Prince George's Avenue, has a service travel time of 6.92 minutes, which is beyond the 3.25-minute travel time guideline.
- b. The existing ambulance service at Beltsville Fire Station, Company 31, located at 4911 Prince George's Avenue, has a service travel time of 6.92 minutes, which is beyond the 4.25-minute travel time guideline.
- c. The existing paramedic service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service travel time of 8.41 minutes, which is beyond the 7.25-minute travel time guideline.
- d. The existing ladder truck service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service travel time of 8.02 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 shall 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 existing paramedic service located at Laurel Rescue Squad, Company 49, is beyond the recommended travel time guideline. The nearest fire station, Beltsville, Company 31, is located at 49111 Prince George's Avenue, which is 6.92 minutes from the development. This facility would

be within the recommended travel time for paramedic service if an operational decision to locate this service at that facility is made by the county.

Lots 1-19 and Parcels A and B along the south entrance are beyond response time standards for ambulance service. It is recommended that these lots be required to provide a fair-share fee toward the provision of the proposed Blue Pond Fire and EMS station and ambulance service. The fee is based upon the following formula:

2006 service area population is 64,841

$1,405,000/64,841 = \$22$ per resident/employee

64.83 acres x 43,560 ft = 2,823,994.8 sq ft (in 64.83 acres)

$2,823,994.8 \text{ sq ft} \times .3$ (Floor Area Ratio) = 847,198.44 sq ft of office space with I-1 and I-2 uses

A worse case rate of one employee per 200 sq feet = $847,198.44 \text{ sq ft} / 200 = 4,235$ employees

$4,235 \text{ employees} \times \22 per employee = \$93,171

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 VI-Beltsville. The Planning Board's current test for police adequacy applicable to the use of the subject property 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 a capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department has reviewed the preliminary plan of subdivision for Brickyard and has the following comments to offer:

Any abandoned well found within the confines of the above-referenced property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.

The septic systems serving the existing two buildings located on proposed Lots 8 and 9 currently have collapsed drain fields. The septic tanks are supposedly being pumped out on a regular basis. A copy of a contract with a licensed scavenger must immediately be submitted to The Health Department demonstrating said claim. The abandoned septic tanks and old dry well must be pumped out by a licensed scavenger and either removed or backfilled in place. The location of the septic systems should be located on the preliminary plan.

Three abandoned cars and one abandoned dump truck found on the property must be removed and properly disposed of. A large pond was observed on site and should be labeled on the preliminary plan. The stockpiles of petroleum-contaminated soils that were used to make recycled bricks should be located and identified on the preliminary plan. Said stockpiles may have resulted in the potential contamination of the groundwater.

A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.

A Phase I Environmental Site Assessment should be required with the detailed site plan, for referral to the Health Department. The assessment must address the potential for methane generation especially in areas of fill. If methane proves to be a concern, then it should be addressed either as a separate entity or in combination with a Phase II Assessment. The report must be generated from a reputable environmental engineering firm with prior experience in environmental contamination and performing environmental assessments. The assessment should be concentrated in and around the old brick yard, previously excavated and filled areas (copies of boring logs and a map locating the borings) associated with the sand and gravel mining operations, areas associated with the landscaping company (fertilizer, pesticides storage areas), and PEPCO lines, and the CSX railroad track area should be assessed closely as well, and areas of the site that once contained stockpiled contaminated soils. The report should include evidence that these areas have been sufficiently cleaned and that contamination to groundwater has not occurred.

Based on the Phase I environmental site assessment a determination will be made as to whether a Phase II environmental assessment is required. The assessment must be completed and an acceptable remediation plan must be in place prior to final plat approval. Under these circumstances, a note would be placed on the final plat that would prohibit construction in areas that are or could be impacted by the contamination until it has been determined that the contamination has been remediated. If a Phase II environmental assessment is required, it must include testing and results for heavy metals; semi volatile organic compounds (SVOC); volatile organic compounds (VOC) to include diesel range hydrocarbons (DRO), and gasoline range hydrocarbons (GRO); total petroleum hydrocarbons (TPH); and polychlorinated biphenyls (PCB) using appropriate US EPA laboratory protocols. All lab analyses should have the detection limits set at or below the levels required by EPA (risk base concentrations). The study must access every media (soil, surface and groundwater, sediments) that has the potential to be contaminated. The report should provide the rationale as to why any areas or various media were not analyzed. The assessment should incorporate split spoon sampling (include copy of log report of borings) to allow for more comprehensive sampling and monitoring of hydrocarbons (HC) with a photo ionization detector (PID). Sampling should occur at any detection of HC or at any sensory signs of contamination.

If groundwater contamination is detected in the initial evaluation, a complete hydrogeology study

must be conducted to determine groundwater flow and depth to groundwater on the property. The groundwater flow study can be conducted using piezometers that are kept in place. The report should include well logs and piezometer logs. The assessment must include a detailed map of the property that indicates the location of the monitoring wells, piezometers, soil borings, ponds and wetlands, and topography at two-foot contour intervals. Prior to initiating the assessment, a plan of that assessment should be presented to the Health Department for review. The plan should denote proposed locations of soil borings, hydro punch locations, and monitoring wells, as applicable.

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, #5249-2005-00, 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.

A copy of the concept stormdrain approval letter issued on March 24, 2005, and the revised concept plan have been submitted. The proposed stormwater management method includes both public and private drainage areas. A total of three stormwater management ponds are proposed, one of which will be located off-site on abutting land owned by M-NCPPC. One of the conditions in the concept approval letter stipulates that approval from M-NCPPC (PP&D Division) is required for the proposed stormwater management pond to be located off-site. This is discussed further in Finding 4 of this report.

14. **Urban Design**—The site is adjacent to the Longwood and Montpelier Subdivisions to the east and will have an impact on these residential neighborhoods. Staff recognizes that development of this site is a positive redevelopment of a site that has some aspects of a brownfield, as a former mining and brick-manufacturing site. However, staff is recommending the review and approval of a detailed site plan for the I-2-zoned portion of this property, prior to final plat. The I-3-zoned portion of the property is already subject to the review of the detailed site plan (although not the conceptual site plan) pursuant to Section 27-471(d)(1) of the Zoning Ordinance.

Redevelopment of this site provides a unique opportunity to develop a vision for an adequate transition between the two very different land uses of single-family/townhouses and heavy/light industrial. Review of the DSP for the I-2 portion of the property will provide for review of bufferyards, access locations, architecture, and the MARC station entrance from the subject site. These elements of the site design process are of significant concern to staff and the community and should be vetted in a public review process.

At the time of review of the detailed site plan, development of this property will be subject to the requirements of the *Landscape Manual*. Specifically, the applicant will be subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements, Section 4.3, Parking Lot Requirements, Section 4.5, Stormwater Management Facility Requirements, and Section 4.7, Buffering Incompatible Uses of the Landscape. Staff believes that supplemental landscaping and entrance treatments may be necessary to adequately address site design issues.

Staff would note that there has been some discussion regarding the placement of a public trail along the rears of Lots 33-38 in an easement to the benefit of M-NCPPC or on land to be conveyed to M-NCPPC. The Urban Design Section has determined that the placement of a pedestrian trail within a required 4.7 bufferyard would require the approval of alternative compliance. The Department of Parks and Recreation has indicated that there are no plans in the near future for the placement of a public trail on Lots 33 thru 38.

The plans indicate that the cell tower is to remain at its current location. The applicant has stated that the existing commercial cell tower is approximately 150 feet tall and constructed pursuant to a validly issued building permit. Relative to the review of this preliminary plan is the requirement of Section 27-475.06.02(a)(3)(C) of the Zoning Ordinance that requires the tower be set back 40 feet from any street and 20 feet from any yard. The existing location of the tower relative to streets and proposed lot lines is consistent with this requirement. Further review of the tower and equipment building will occur at the time of review of the detailed site plan.

As noted, the architecture for the project will be reviewed at time of detailed site plan approval. The Planning Board has been consistent in requiring higher standards for commercial and industrial architecture in the county.

15. **Historic Preservation**—The subject application does not include and is not adjacent to any historic resources regulated by the Prince George's County Historic Preservation Ordinance (Subtitle 29 of the Prince George's County Code). Therefore, this application will have no effect on designated historic resources.

The Planning Board has issued a directive that the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples, must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. M-NCPPC staff review of the Maryland Historical Trust's archaeological site files and related materials indicates that there is little likelihood of locating prehistoric and/or historic archaeological resources within the developing property not already identified. Therefore, no further archeological investigation should be necessary. Nevertheless, if Native American and African-American burials are identified within the subject property, all relevant county and state laws governing cemeteries must be followed.

16. **Detailed Site Plan** - The proposed lots in the I-3 Zone are not subject to the minimum lot size, lot frontage, building coverage, and green area requirements of the I-3 Zone, but that of the I-1 Zone, which does not have a minimum lot size, lot frontage, or building coverage requirement. CB-92-2004, Footnote 48(E) establishes that the development shall be subject to the approval of a detailed site plan but not a conceptual site plan and further establishes that the impact of noise, appropriate landscaping, buffering from adjoining residential properties, as well as preservation and interpretation of archeological or paleontological resources, will be addressed at the detailed site plan stage. Consistent with the I-3 zoned portion of the property the Planning Board has required a detailed site plan for the I-2 zoned portion of the property.
17. **Parcels** - The applicant proposes four parcels. Parcels A and B (4.82 acres total) are to be used

for stormwater management purposes and are to be conveyed to a business owners association. Parcels C and D (5.7 acres total) are to be conveyed to M-NCPPC for inclusion in the “dinosaur park” archeological site. Staff would note that the development of this site is not subject to the mandatory dedication of parkland requirements because it is a nonresidential use, pursuant to Section 24-134 of the Subdivision Regulations. However, the applicant has worked with M-NCPPC and agreed to donate Parcels C and D to ensure the long-term protection of the archeological site and provide a public benefit not normally required. In return, M-NCPPC and the applicant have negotiated an agreement to allow the applicant to place a stormwater management facility on abutting park property (Parcel T), to be maintained by the business association of the Brick Yard.

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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 7, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of July 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk