

R E S O L U T I O N

WHEREAS, Green Street Partners, Inc. is the owner of a 3.36-acre parcel of land known as Parcel 121, Tax Map 19 in Grid A-2, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned C-O; and

WHEREAS, on December 28, 2005, Green Street Partners, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05007 for Schultze-Sawczyn was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on April 6, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on April 6, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-05007 for Lot 2 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. Delineate the proposed water and sewer connections.
  - b. Revise General Note Six to indicate that one lot is proposed.
  - c. Indicate that the existing 25-foot right-of-way in the center of the property is “to be relocated.”
  - d. Revise General Note Four to remove the word “service”.
  - e. Add a general note that demonstrates that there are no rare, threatened, or endangered species in the vicinity of the property.

- f. Add a general note that demonstrates that the site is exempt from the Woodland Conservation and Tree Preservation Ordinance, and provide the date and receipt number of the Environmental Planning Section's standard letter of exemption.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 3208-2005-00 and any subsequent revisions.
3. 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.
4. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along the property's entire street frontage unless modified by the Department of Public Works and Transportation (DPW&T) at the time of issuance of street construction permits.
5. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to DPW&T for the placement of a bikeway sign along Rhode Island Avenue, 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 DPW&T declines the signage, this condition shall be void.
6. Any residential development on the subject property shall require approval of a new preliminary plan of subdivision prior to the approval of any building permits
7. Total development within the subject property shall be limited to 43,481 gross square feet of office space and 4,999 gross square feet of restaurant space, or different uses generating no more than 91 AM peak hour vehicle trips and 118 PM peak hour vehicle trips. Any development that generates more impact than that identified above shall require the approval of a new preliminary plan of subdivision.
8. Prior to the issuance of any building permits 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 through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

**Site Access with Rhode Island Avenue and Baltimore Avenue:**

Provision of a raised island per SHA standards that allows only right-in/right-out movements to and from US1, and would physically prohibit any left-turn movement.

**Baltimore /Rhode Island/Ewing Avenues:**

Provision of three approach lanes along westbound Ewing Road per SHA, and any necessary signal modifications deemed needed by the SHA and DPW&T.

**Rhode Island / Ewing Avenues:**

Provision of two separate travel lanes along northbound Rhode Island Avenue, and eastbound Sellman Avenue per DPW&T standards, as well as any other intersection improvements deemed needed by DPW&T. The provision of these improvements may be waived by DPW&T in consultation with M-NCPPC Transportation Planning staff only if (a) it is determined by DPW&T that adequate right-of-way to construct the needed improvements is not available, and (b) it is determined by DPW&T that the signalization is warranted, and when installed will operate acceptably with the one-lane approach along northbound Rhode Island Avenue and eastbound Sellman Avenue.

Submission of an acceptable traffic signal warrants study to DPW&T for this intersection. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic and include the recommended widening at both approaches. If a signal is deemed warranted by DPW&T, 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. The requirement for this signal warrant study may be waived by DPW&T if that agency determines in writing that there are sufficient recent studies available to make a determination regarding a signal.

9. A note shall be placed on the final plat of subdivision that at the time of building permit, the permit plans shall provide for appropriate pedestrian connections from the subject property to the two adjacent properties to the southeast that are served by the shared access easement crossing this property.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the east side of Rhode Island Avenue, approximately 500 feet north of its intersection with US 1.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	C-O	C-O
Use(s)	Vacant	Office Building
Acreage	3.36	3.36
Lots	0	1
Outlots	0	0
Parcels	1	0
Public Safety Mitigation Fee		No

4. **Environmental**—The site contains no regulated features. Because there are less than 10,000 square feet of existing woodlands associated with the site, a standard letter of exemption to the Woodland Conservation and Tree Preservation Ordinance was issued to the property owner in January of 2005. The Environmental Planning Section recommends approval of Preliminary Plan of Subdivision 4-05007 with no environmental conditions.

Based on available information, there are no regulated environmental features associated with the site, such as a stream, nontidal wetlands, areas of 100-year floodplain, and steep and severe slopes. According to the *Prince George's County Soil Survey*, one soil series is present at the site; Sunnyside-Urban Land Complex. This soil series does not have development constraints associated with it. Based on available information, Marlboro clay is not found at this location. However, traffic noise impacts are not anticipated. There are no scenic or historic designated roads in the vicinity of the site. According to the Maryland Department of Natural Resources Natural Heritage Program publication titled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties*, December 1997, rare, threatened and endangered species are not found at the site. According to the adopted *Countywide Green Infrastructure Plan*, there are no network features, such as Regulated Areas and Evaluation Areas from the Plan associated with the property. The site is in the Indian Creek watershed of the Patuxent River basin, the Subregion I Planning Area and the Developing Tier of the *Prince George's County Approved General Plan*.

A staff signed Natural Resources Inventory (NRI/126/06) was included in the preliminary plan submittal. Information on the NRI indicates there are no regulated environmental features and no woodlands on the site.

The site is exempt from the Woodland Conservation Ordinance because there are less than 10,000 square feet of existing woodlands on-site. The Environmental Planning Section issued a standard letter of exemption on January 24, 2005. This letter is valid for two years from the date of issuance. A copy of the letter must be included in all county permit applications, beginning with the grading permit.

Rhode Island Avenue is a collector road. However, with this classification and the posted speed limit, it is anticipated that traffic noise from the road will not exceed state standards. US 1 is an arterial road; however, the site does not have frontage along it. General Note 11 on NRI/126/05

further addresses potential traffic noise impacts from US 1 as follows:

“There is a road in the vicinity of this property that is classified as an arterial roadway or greater that has a regulated noise corridor. Based on the EPS Noise Model and the State Highway Administration ADT data the 65 dBA Ldn noise corridor for US 1 extends 212 feet from the centerline of that road. Because this property is 228 feet from the centerline of the road, the projected noise impact zone does not extend onto this property.”

A copy of the stormwater management concept plan and the concept plan approval letter were both included in the preliminary plan submittal. The letter was issued by the Department of Environmental Resources on March 22, 2005, and is valid for three years from the date of issuance. A combination of detention pipes and an underground water quality storm filter are the proposed method. Because the site is exempt from the Woodland Conservation Ordinance and a TCPI is not required, there are no woodland conservation issues in relation to the proposed stormwater management method.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June, 2003, and will therefore be served by public systems.

5. **Community Planning**—The subject property is located within the limits of Planning Area 61 of the Subregion I Master Plan, in the Beltsville Community. The master plan designates the site as “Office Commercial”. The proposed development conforms to the intent and policies of the master plan.

The 2002 General Plan designates the subject site within the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The proposed use is consistent with the development pattern goals and policies of the General Plan as set forth in this report.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s Subdivision Regulations, the subject property is exempt from Mandatory Dedication of Parkland requirements because it consists of non-residential development.
7. **Trails**—The Subregion I Master Plan designates Rhode Island Avenue as a master plan trail/bike corridor. Segments of this trail have been constructed along the old Rhode Island Avenue Trolley Right-of-Way in the city of College Park. The master plan recommends that this trail be extended north into Beltsville. In the locations where existing Rhode Island Avenue coincides with the old trolley R-O-W, the construction of sidewalks and in-road bike facilities may be appropriate. In the vicinity of the subject site, where road frontage improvements have been made along Rhode Island

Avenue, a standard sidewalk has been provided. This has been done along both sides of the road, including the section immediately south of the subject site to US 1. Staff recommends that a standard sidewalk be provided along the site's frontage, consistent with adjoining and nearby properties. Bicycles will be accommodated via on-road bicycle improvements, either in the form of paved shoulders or designated bike lanes at the time of road resurfacing or improvement. Staff recommends the provision of one "Share the Road with a Bike" sign. The opportunity for designated bike lanes or other in-road bicycle improvements can be explored comprehensively for the road during resurfacing or through a Department of Public Works and Transportation (DPW&T) road improvement project.

#### **SIDEWALK CONNECTIVITY:**

Standard sidewalks exist where frontage improvements have been made along Rhode Island Avenue. Sidewalks exist immediately to the south of the subject site to US 1. Staff recommends that a standard sidewalk be provided along the subject site's frontage of Rhode Island Avenue, unless modified by DPW&T.

8. **Transportation**—The applicant proposes 43,481 gross square feet of office space and 4,999 gross square feet of restaurant space. The applicant prepared a traffic impact study dated December 2005, in accordance with the methodologies in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The submitted study was found acceptable and was referred to the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA), and comments from both agencies. The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff, are consistent with the Guidelines.

#### **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 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:

Rhode Island Avenue / Powder Mill Road (signalized)  
Baltimore Avenue / Rhode Island Avenue / Ewing Avenue (signalized)  
Rhode Island Avenue / Sellman Avenue (unsignalized)  
Baltimore Avenue / Site access (unsignalized)  
Rhode Island Avenue / Site access (unsignalized)

Existing conditions in the vicinity of the subject property are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Rhode Island Avenue / Powder Mill Road	885	1213	A	C
Baltimore / Rhode Island / Ewing Avenues	1,257	1,538	C	E
Rhode Island Avenue / Sellman Avenue	39*	49*	--	--
Baltimore Avenue / Site access	30*	153*	--	--
Rhode Island Avenue / Site access	14*	12*	--	--
*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, delay 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.				

Based on the information provided by staff, the traffic study identified a total of seven approved but not yet built development in the study area. These background developments will add 596 residential units, 56,000 gross square feet of general office, 115,000 gross square feet of industrial/warehouse uses, 40,000 gross square feet of commercial retail, and a gas station/convenience store with 16 pump stations. The traffic study also includes a growth rate of 2.0 percent per year along US1 within the study area to account for growth in through traffic. This level of development would add an additional 650 new AM peak hour and 861 PM peak-hour trips to the area road network.

Background traffic conditions are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Rhode Island Avenue /Powder Mill Road	946	1319	A	D
Baltimore /Rhode Island / Ewing Avenues	1,348	1,654	D	F
Rhode Island Avenue / Sellman Avenue	51*	73*	--	--
Baltimore Avenue / Site access	36*	259*	--	--
Rhode Island Avenue / Site access	14*	13*	--	--
*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, delay 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 proposed development of 43,481 gross square feet of office space and 4,999 gross square feet of restaurant space would generate an additional 91 AM peak-hour trips and 118 PM peak-hour trips. By assigning these trips to the area road network, the following results are obtained under total traffic (the sum of existing, background, and site traffic):

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Rhode Island Avenue /Powder Mill Road	974	1355	A	D
Baltimore /Rhode Island / Ewing Avenues	1,392	1,684	D	F
Rhode Island Avenue / Sellman Avenue	60*	87*	--	--
Baltimore Avenue / Site access	42*	264*	--	--
Rhode Island Avenue / Site access	15*	14*	--	--
*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, delay 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 above results indicate inadequacy at one existing signalized intersection and one existing unsignalized intersection, as well as at the site access along Baltimore Avenue. The needed findings and/or improvements under consideration are further discussed below:

**Baltimore/Rhode Island/Ewing Avenues:**

The applicant proposes the provision of three approach lanes along westbound Ewing Road. This proposal would change the existing two lane approach of a shared left/right and exclusive right turning lanes into an exclusive left, a shared left/right, and an exclusive right turning lane. This improvement is proposed as mitigation in accordance with the Guidelines for Mitigation Action and the requirements of Section 24-124. The applicant proposes to employ mitigation by means of criterion (e) in the Guidelines for Mitigation Action, which was approved by the District Council under the CR-29-1994. The impact of the proposed mitigating improvement at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
Baltimore /Rhode Island / Ewing Avenues				
Background Conditions	D/1348	F/1654		
Total Traffic Conditions	D/1392	F/1684	N/A	+30
Total Traffic Conditions w/Mitigation	D/1368	F/1626	N/A	-58

As the CLV at Baltimore /Rhode Island / Ewing Avenues is between 1,600 and 1,813 during the PM peak hour, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property, according to the Guidelines. The above table indicates that the proposed mitigation action would mitigate in excess of 150 percent of site-generated trips during the PM peak hour, and it would provide LOS D (the policy LOS within the Developing Tier) during the AM peak hour. Therefore, the proposed mitigation at Baltimore /Rhode Island / Ewing Avenues meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

The mitigation plan was reviewed by DPW&T and SHA, and both agencies approve the proposed mitigation measure, provided the required improvements are designed and constructed per the SHA and DPW&T standards and requirements. SHA also recommends the applicant be responsible for any necessary signal modifications.

**Rhode Island Avenue/ Sellman Road:**

The applicant proposes the possible signalization at this intersection. The analysis indicates that this intersection operates unacceptably as an unsignalized intersection. 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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. This intersection operates with a single lane on Rhode Island northbound approach, and both approaches of Sellman Road.

The traffic study indicates signalization without any additional geometric improvements, if warranted, would result in this intersection operating at LOS A with a CLV of 903 in the AM peak hour, and at LOS B with a CLV of 1,086 in the PM peak hour. SHA and DPW&T have informed staff that they would not accept a signal warrant study for any intersection with single approach lanes, unless provision for appropriate approach widening is included in the signal warrant study. To this end, DPW&T requires the applicant to evaluate the provision of two lanes along the northbound and eastbound approaches, and then prepare a signal warrant study with the stated geometric modifications. Staff agrees with this recommendation, since provision of a traffic signal, when warranted, at an intersection with one-lane approaches could result in substantial traffic queuing and delays.

**Site Access with Rhode Island Avenue and Baltimore Avenue:**

The applicant proposes to construct a new access point along Rhode Island Avenue at a location approximately 100 feet south of the existing access point, and close the existing access point along this roadway. The applicant also proposes to reconstruct the existing alleyway that provides a connection between this access point along Rhode Island Avenue and the existing access point along Baltimore Avenue (US1). As this alleyway is often used as bypass, the proposed realignment is appropriate but staff is concerned with the safety and adequacy of turning traffic to and from the site at both of these two access points. Since the relocated access along Rhode Island Avenue will be constructed per DPW&T standards, staff is recommending the applicant construct a raised island per SHA standards that allows only right-in/right-out movements to and from US1, and would physically prohibit any left-turn movement.

Based on the preceding findings, 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 the following.

The above subdivision is exempt from the review for schools because it is a commercial use.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service at Beltsville Fire Station, Company 31 located at 4911 Prince George's Avenue, has a service travel time of 1.20 minutes, which is within the 3.25-minute travel time guideline.

The existing ambulance service at Beltsville Fire Station, Company 31 located at 4911 Prince George's Avenue, has a service travel time of 1.20 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at College Park Station, Company 12 located at 8115 Baltimore Avenue, has a service travel time of 5.04 minutes, which is within the 7.25-minutes travel time guideline.

The existing ladder truck service at Berwyn Heights Fire Station, Company 14 located at 8811 60<sup>th</sup> Avenue, has a service travel time of 5.68 minutes, which is beyond the 4.25-minutes travel time guideline.

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

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

11. **Police Facilities**—The proposed development is within the service area for Police District VI-Beltsville. The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers.
12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for this case and has no comments to offer.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 3208-2005-00 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.
14. **Historic**—Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates

that no known archeological sites or historic structures are located within the vicinity of the subject property.

Section 106 review, however, may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties and archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

15. **Access Easement**—The property fronts and has direct access to Rhode Island Avenue. Access to Baltimore Avenue (US 1) is also provided through a 25-foot right-of-way agreement between the owners of the subject property, and the owners of the two adjoining properties to the east. The right-of-way does benefit all three properties, as it provides access to Baltimore Avenue for the subject property, when it has no frontage on Baltimore Avenue, and provides the adjoining properties with access to Rhode Island Avenue when they have no frontage on Rhode Island Avenue.

The majority of the right-of-way exists within the limits of the subject property. The remainder of the right-of-way extends off-site approximately 232 feet to the east and runs between the Taco Bell Restaurant property (Lot 1) and the Chevy Chase Bank property (Parcel A), until it intersects with Baltimore Avenue. The 25-foot right-of-way is not a public road and is not listed in the Department of Public Works and Transportation's road maintenance inventory. This is a private right-of-way that is the result of a legal access agreement between the owners of the subject property, the adjacent property owners, Chevy Chase Bank, and the Taco Bell Restaurant.

The right-of-way bisects the property right down the middle. In preparation for development on this property, the applicant, along with the other two beneficiaries of the 25-foot right-of-way, amended the location of the right-of-way further to the southwest to allow room for the proposed office building. All beneficiaries of the original right-of-way agreement have been included in the newly re-recorded agreement, and their legal access rights through the subject property will continue. A new driveway entrance onto Rhode Island is proposed to accommodate the relocated right-of-way, and the existing entrance at the center of the property will be abandoned. The Department of Public Works and Transportation has inspected the proposed new driveway entrance, and supports its relocation.

The preliminary plan of subdivision also demonstrates an additional right-of-way along the very southwest edge of the property. This right-of-way represented the north half of a 30-foot wide public street that was established by deed on March 16, 1917. Therefore, only 15 feet of the right-of-way was actually encumbering on the subject property, with the remaining 15 feet being on the adjacent property to the southwest. The road was never implemented, and in fact the remaining half (15 feet) of the 30-foot right-of-way was removed from the adjacent property to the southwest (Parcel C). Furthermore, office buildings, as part of the Twin Chimney's office condominiums approved in 1986 (NLP-126@63), were constructed within the southern half of the right-of-way

area. On February 1, 1988, the northern half of the right-of-way was conveyed back to the owners of the subject property via a quit claim deed, and therefore abandoned.

16. **Planning Board Hearing-** At the Planning Board hearing on April 6, 2006 the Planning Board expressed concern and a desire that the applicant provide a pedestrian connection(s) to abutting properties. The Planning Board clarified at the hearing that pedestrian connections should be provided between the subject property and the two adjacent properties to the southeast that are served by the shared access easement crossing this property. Review of the appropriate pedestrian connections should occur with the review of building permits.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 6, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of May 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:bjs