

R E S O L U T I O N

WHEREAS, ZP No. 141 LLC. is the owner of a 29.44-acre parcel of land known as Parcel 195, located on Tax Map 66 in Grid F-4, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned C-S-C/D-D-O and C-O/D-D-O; and

WHEREAS, on April 11, 2008, Zimmer Development Company, LLC filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-06139 for Capitol Heights Shopping Center 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 17, 2008, 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 17, 2008, 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/26/06), and further APPROVED Preliminary Plan of Subdivision 4-06139, Capitol Heights Shopping Center for Parcels A and B, including a Variation from Section 24-121(a)(3) for Parcel B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the following technical corrections shall be made:
 - a. Correct general Note 1 to demonstrate that the property is located within the C-S-C/D-D-O and C-O/D-D-O Zones.
 - b. Revise the "Development Standards" note to indicate that the applicable development standards for the site will be determined at the time of detailed site plan.
2. At the time of detailed site plan, a Type II tree conservation plan shall be approved.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan

No. 32244-2005 and any subsequent revisions.

4. Prior to signature approval of the preliminary plan, the NRI, TCPI and preliminary plan shall be revised to show a single, continuous tree line for the on-site woodland.
5. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
 - a. Revise the worksheet to eliminate the use of fee-in-lieu and show it as off-site mitigation.
 - b. Remove the soil and slope symbols from the plan.
 - c. Revise the symbol for the limit of disturbance in the plan and legend so that it contains "LOD" in the graphic and show the LOD clearly on plans.
 - d. Revise the symbols for the stream centerline, 50-foot stream buffers, and 25-foot wetland buffers so that they are more visible on the plan.
 - e. Revise the TCPI worksheet as necessary after the above revisions have been completed.
 - f. Have the revised plan signed by the qualified professional who prepared the plan.
6. Development of this subdivision shall be in compliance with approved Type I Tree Conservation Plan (TCPI/26/06). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/26/06), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
7. Prior to signature approval of the preliminary plan, Impact No. 4 shall be eliminated and the plans shall be revised accordingly. Impact No. 3 shall be revised so that the plans reflect the limits of disturbance necessary to construct the proposed culvert for the road crossing.
8. 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.

9. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area and associated plantings, except for approved impacts. 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."

10. At the time of detailed site plan, the approved technical stormwater management plan shall be submitted for review. The plan shall demonstrate the incorporation of wetland benches and forebays into the stormwater management design for the in-stream stormwater management pond and shall be correctly reflected on the associated TCPII.
11. Prior to the approval of a final plat, the applicant, the applicant's heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance.
12. The applicant, the applicant's heirs, successors and or assignees shall provide a standard sidewalk a minimum of five-feet wide along the property's entire street frontage of Walker Mill Drive. The sidewalk shall be set back from the curb edge with a green, landscaped strip of at least five feet in width, unless modified by DPW&T.
13. 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.
14. Prior to the final plat for Parcel B, the applicant, the applicant's heirs, successors and/or assignees shall convey to the Prince George's County Government 1.48± acres of land (Parcel A). The applicant, the applicant's heirs, successors and/or assignees shall submit executed deeds of conveyance by all parties for Parcel A prior to approval of the final plat.
15. The development of this property shall be in accordance with the conditions set forth in Zoning Ordinance No. 2-2005.
16. **MD 214/Shady Glen Drive/Hill Road:** 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:
- a. Provision of an exclusive southbound right-turn, a thru lane, and double left-turn approach lanes along Hill Road, per DPW&T standards.

- b. Provision of double left turn lanes, a thru lane and a shared thru-right-turn lane along northbound Shady Glen Road, per DPW&T standards, and
- c. Provision of any intersection improvements and signal modifications as deemed necessary by the SHA and/or DPW&T.

The recommended improvement for the provision of an exclusive right turn lane along southbound Hill Road, stated in (a) above may only be waived by the DPW&T in consultation with the M-NCPPC, Transportation Planning Section, and only if it is determined by the DPW&T that adequate right-of-way to construct the needed improvements is not available.

- 17. **MD 214 at Ritchie Road:** Prior to the issuance of any building permits within the subject property, the following improvements shall (a) have full financial assurances, (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:
 - a. Provision of a second left turn lane along MD 214 westbound, the recommended restriping of Ritchie Road approaches to provide for double left-turn lanes on both approaches, and provision of any additional signal modifications deemed necessary by the SHA and/or DPW&T.
- 18. **Walker Mill Drive at Shady Glen Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Provision of a westbound exclusive right turn lane with appropriate storage lane, per DPW&T standards, and
 - b. Provision of a southbound exclusive left turn lane, per DPW&T standards.
- 19. **Central Avenue and Site Access:** Prior to the issuance of any building permits within the subject property, the applicant shall obtain access approval from the SHA and shall demonstrate to the M-NCPPC, Transportation Planning Section, that all needed improvements, and the provision of a traffic signal, if approved by SHA shall (a) have full financial assurances, (b) have been permitted for construction by the SHA Access Permit Division, and (c) have an agreed-upon timetable for construction with the SHA.
- 20. The final plat shall carry a note that direct vehicular access to Central Avenue (MD 214) from Parcel B shall be limited to the two access points shown on the preliminary plan of subdivision that are authorized pursuant to Section 24-121(a)(3) of the Subdivision Regulations. All other access shall be denied along Central Avenue (MD 214).

21. Total development of Parcel A, excluding a public safety facility by the County, and Parcel B within the subject property shall be limited to uses which would generate no more than 621 AM, 1,612 PM, and 1,545 weekend peak hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located along the south side of Central Avenue (MD 214), approximately 200 feet east of its intersection with Shady Glen Drive.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-S-C/C-O/D-D-O	C-S-C/C-O/D-D-O
Use(s)	Undeveloped	Commercial Shopping Center
Acreage	29.44	29.44
Lots	0	0
Parcels	1	2
Public Safety Mitigation Fee		N/A

4. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision and Type I tree conservation plan, stamped as received by the Environmental Planning Section on May 16, 2008. A revised letter of justification was submitted on June 13, 2008. The Environmental Planning Section recommends approval of 4-06139 and TCPI/26/06 subject to conditions.

Background

The Environmental Planning Section has previously reviewed a Natural Resource Inventory (NRI/003/06-01), Preliminary Plan of Subdivision (4-05088), and Type I Tree Conservation Plan (TCPI/026/06) for the subject property. Preliminary Plan 4-05088 and the associated TCPI were withdrawn prior to the scheduled hearing. A Type II Tree Conservation Plan (TCPII/141/91) was approved for a portion of the subject property in 1991. This proposal is for the development of a shopping center on Parcel B, and further proposes the conveyance of Parcel A to the Prince George's County Government for a future new fire/EMS station.

Site Description

The site is characterized by terrain sloping toward the east and drains into unnamed tributaries of the Southwest Branch watershed in the Patuxent River basin. A review of the available information indicates that there are areas of severe slopes, and steep slopes with highly erodible soils, streams, wetlands, and 100-year floodplain that occur on the site. There are no Marlboro clays located on or adjacent to the subject property. The soil types found to occur on the site, according to the *Prince George's County Soil Survey*, are Collington and Mixed Alluvial. These soil series generally exhibit slight to moderate limitations to development due to steep slopes, high water table, and flood hazard. The site has frontage on Central Avenue, a master planned arterial roadway that is generally regulated for noise. Because no residential uses are proposed within this subdivision, noise mitigation is not required. According to geographic information systems (GIS), information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, indicates that there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to the property. The property is located in the Developed Tier as reflected in the 2002 General Plan. The site contains no elements within the designated network of the *Approved Countywide Green Infrastructure Plan*.

Environmental Issues Addressed within the Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas.

There are few specific recommendations pertaining to the environmental elements of the sector plan that relate to the subject property. The environmental elements pertaining to the subject property are stormwater management and woodland conservation. Currently, the site is marginally wooded, and partially developed, and is proposed to be developed with commercial uses. All applicable environmental elements will be addressed in detail within the Environmental Review section below.

Environmental Review

The preliminary plan application included a signed Natural Resources Inventory (NRI/001/06-01), dated October 29, 2006. The NRI correctly shows all of the required information with the exception of the tree line. The tree line is shown as a double tree line on the plan, which can be confusing with regard to the limits of on-site woodland. The NRI, TCPI, and preliminary plan should be revised to correctly show a single continuous tree line for the on-site woodland.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type II Tree Conservation Plan (TCPII/141/91) was approved for a portion of the subject property in 1991.

The woodland conservation threshold for the site is 15 percent or 4.32 acres of the net tract area.

The total woodland requirement based on the proposed clearing is 4.63 acres. The plan shows the requirement being met with 0.83 acre of on-site preservation, 1.15 acres of on-site afforestation, and 2.65 acres of fee-in-lieu. Because the remaining requirement proposed for fee-in-lieu is over one acre, it should be met using off-site mitigation. The plan should be revised to eliminate the use of fee-in-lieu, and to demonstrate the requirement being met with off-site mitigation.

The symbols shown on the plan at the submitted scale are difficult to read and should be revised. The symbol for the stream centerline, 50-foot stream buffers and 25-foot wetland buffers are not clearly visible on the plan. The slopes symbols need to be removed to make the plans more legible. The symbol for the limits of disturbance should be revised, both on the plan and within the legend, so that it contains "LOD" within the graphic in order to make the feature clearly visible.

The site is within the Patuxent River Primary Management Area (PMA) as defined in Section 24-101 of the Subdivision Ordinance. Section 24-130 requires properties that are partially or totally within the Patuxent River watershed, to demonstrate that the PMA is being preserved in a natural state to the fullest extent possible. If impacts are proposed to the PMA, a letter of justification is required to be submitted which describes the impacts proposed and further justifies why they are unavoidable. A letter of justification was submitted by the applicant on June 13, 2008, which requests five impacts to the PMA. The following is an analysis of the proposed impacts:

Impacts No. 1 and 2

Impacts No. 1 and 2 are permanent impacts to the PMA for an in-stream stormwater management pond (Pond "A") and associated grading. The proposed pond is located on the north side of the property where an existing culvert conveys stormwater runoff from the north side of Central Avenue, and outfalls onto the subject site. According to the justification, the pond is proposed to be designed with wetland benches and forebays that would receive and pre-treat the off-site runoff prior to entering the main pond. The pond will also serve to detain high volumes of stormwater and prevent downstream flooding.

The Environmental Planning Section generally considers this type of impact non-essential because most stormwater management ponds can be designed with no impacts to the PMA; however, the existing culvert from Central Avenue outfalls directly into the headwaters of the on-site stream. Because the culvert cannot be modified or relocated without extensive impacts to Central Avenue, the proposed location of the pond is the only area where the untreated runoff can be captured. It would not be possible to design a pond on the east or west sides of the existing stream channel in this location and safely convey the high volumes of off-site stormwater through the site. The total area of impact is 74,289 square feet, which includes 480 linear feet of stream. The Environmental Planning Section **does support** this impact for the reasons stated above.

Impact No. 3

Impact No. 3 is for a stream crossing that is proposed to provide access to a developable portion of the site. The impact is 9,477 square feet and is located along the western end of the existing on-site 100-year floodplain. The associated exhibit also shows what appears to be a culvert under the crossing; however, the limits of disturbance for the structure are not reflected on the plan or within the exhibit. The Environmental Planning Section **does support** this impact with conditions.

Impact No. 4

Impact No. 4 is for the construction of a proposed retaining wall along the parking lot driveway aisle. The retaining wall location is within the inner edge of the PMA. This impact is not essential for the development of the site, and the design can be modified to eliminate this impact. The impact is described as 3,908 square feet. The Environmental Planning Section **does not support** this impact..

Impact No. 5

Impact No. 5 is for the construction of a stormwater outfall that will safely convey runoff from Pond B to the stream. The impact is 1,748 square feet and is located on the south side of Pond B. The Environmental Planning Section **does support** this impact because it is essential to the development of the site, and because the outfall is being required by another county agency in order to fulfill stormwater management requirements. The Environmental Planning Section recommends approval of proposed Impacts No. 1, 2 and 5 with no conditions, and approval of Impact No. 3 with conditions.

A stormwater management concept approval letter and the associated plan were submitted with the subject application. The plan is consistent with the proposed in-stream stormwater management pond, but does not show the regulated environmental features, and does not provide details for the pond with regard to the proposed wetland bench and forebay as described in the letter of justification. This information will be required for review prior to the issuance of the first grading permit for the site.

The Environmental Planning Section recommends approval of 4-06139 and TCPI/26/06 subject to conditions.

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 in Planning Area 75B, and located within the limits of the Central Avenue Corridor Node as identified within the 2004 Approved Sector Plan for the Morgan Boulevard and Largo Town Center Metro Areas. This application

conforms to the land use recommendation of the 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* for retail uses per District Council Zoning Ordinance No. 2-2005.

The 2002 General Plan locates the property within the Developed Tier. The subject property is located in a designated corridor (MD 214) and the Morgan Boulevard Metro Station (Community Center) designated node within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for centers and corridors is mixed residential uses at moderate to high densities and intensities, with strong emphasis on transit-oriented development. Development and redevelopment in these locations can capitalize on existing infrastructure by locating homes, jobs and shopping closer to transit services. This application proposes a pedestrian-oriented and transit-oriented shopping center development, and is therefore consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* rezoned the property from the I-1 Zone to the C-O Zone. However, the District Council approved Zoning Ordinance No. 2-2005 to rezone a majority of the subject property from the C-O Zone to the C-S-C Zone with conditions. The subject property remains in the Development District Overlay Zone (DDOZ) (pp. 181-183)

PLANNING ISSUES

- The proposed development is subject to detailed site plan review and should show compliance with the applicable Development District Standards (pp. 87-119 and 182).
- The applicant shall address the sector plan's recommendations on the proposed fire and rescue facility and the proposed police substation generally located at the southeast corner of the intersection of Central Avenue (MD 214) and Shady Glen Drive (p. 48).
- The proposed shopping center development may require improvements to Central Avenue. Amenities within the right-of-way should include wide sidewalks, improved lighting, and other appropriate improvements to encourage pedestrian activity.

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