

R E S O L U T I O N

WHEREAS, Enterprise Office Park, LLC is the owner of a 6.64-acre parcel of land known as Parcel 74 on Tax Map 45 in Grid E-3, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned C-O; and

WHEREAS, on January 31, 2008, Enterprise Office Park, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07051 for Zoglio Commercial 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 January 31, 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 January 31, 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/35/07), and further APPROVED Preliminary Plan of Subdivision 4-07051, Zoglio Commercial, including Variations from Sections 24-121 and 24-130 for Lot 1 with the following conditions:

1. Due to the unique nature of this site, (which includes being surrounded by recently widened arterial roads, and untreated surface runoff entering the site) the Applicant shall work with the Environmental Planning Section ("EPS") and the Department of Public Works and Transportation (DPW&T) and hold meetings with all parties present prior to submittal of a Detailed Site Plan to design an environmentally sensitive, on-site comprehensive stormwater management system that will incorporate the PMA areas of the site. This system will utilize the "Coastal Plain Outfall" type system, or its equivalent, and shall provide quantity and quality stormwater control for the subject property and the adjoining Fairwoods Office Park, (4-05144), as well as quality stormwater control for the presently untreated stormwater which is generated off-site and currently passes through the subject property.

The stormwater management system shall be designed to take advantage of a constructed dam structure at MD 193 and the natural contours and to create a sustainable setting to the degree practical. The following methods shall be considered part of an environmentally-sensitive design: "living" retaining walls up to a maximum height above surrounding grade of five feet (5'), earth

embankments, forebays, landscaped bio-retention islands in the parking areas, infiltration structures, riser pipes, core trenches, and replacing the existing trees and vegetation with moisture tolerant native plants and trees. The area where the environmentally-sensitive design features will be located shall include, at a minimum, the acreage of the present PMA delineation. Underground storage facilities with infiltration structures should also be a part of the stormwater solution, but these facilities shall be placed outside the area of the present PMA.

2. The DSP shall protect and preserve the woodlands along the perimeter of the site both on the site and within the State Highway Administration right-of-way to the fullest extent possible and within the ten (10') foot wide Public Utility Easement. The area to be evaluated for preservation shall include the area located at the point where the storm drain runs under MD 450 from Frank's Nursery to the subject site and to a point south of the 54" outfall pipe running under MD 193 (excepting necessary utility crossings for water and sewer connections to off-site facilities). The Applicant shall work with the EPS to identify individual trees and tree stands on-site that may be suitable for transplanting, utilizing a tree spade, to other locations on the subject site or the adjoining Fairwoods Office Park and shall provide additional tree plantings around the perimeter of the site, in and around the environmentally-sensitive design feature and in the bio-retention islands in the parking compounds where possible, to enhance the aesthetics of the site.

To assist the Applicant in optimizing the timing of the harvesting and transplanting of the existing trees, a rough grading plan and permit may be submitted, to allow for the clearing and grading of certain tree removal and receiving areas of the site, including but not limited to areas along the perimeter of the site and areas in and around the of the environmentally-sensitive design feature. This permit shall not be approved until the DSP has been approved by the Planning Board, if the trees are to be planted within the ESD features. If the trees are to be planted elsewhere, a rough grading permit may be approved after signature approval of the preliminary plan.

3. The DSP shall show how a minimum of 25% of the 6.64 acre gross tract area will be provided in tree canopy on-site, calculated utilizing the ten year tree canopy values for planted trees and the existing canopy provided by preserved or transplanted trees. This requirement shall be met through the use of woodlands preserved on the site or individual trees or tree stands transplanted as set forth in Condition 2, and trees planted in the environmentally-sensitive design feature, parking lot islands, and the perimeter areas adjacent to MD 450 and MD 193. All tree planting areas shall be of sufficient size to ensure long-term viability of the trees and associated plants.
4. 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.
5.
 - a. Show one continuous limit of disturbance for the proposed areas of development.
 - b. Revise the conceptual limits of disturbance to show any proposed woodland preservation areas on-site.
 - c. Show the proposed woodland treatment for on-site preservation if proposed with a

- corresponding symbol in the legend and on the plan. Label these areas to the closest 1/100th of an acre. Revise the worksheet accordingly.
- d. Show the proposed environmentally-sensitive design feature as a circle with the following label: "The design of the environmentally sensitive design features and all related stormwater management structures shall be determined during the review of the DSP." Do not show a design for this facility on the plans.
 - e. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.
6. Development of this subdivision shall be in conformance with the approved Type I tree conservation plan (TCPI/035/07). 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/035/07, 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."
7. The Applicant shall conduct a Stream Corridor Assessment using the Maryland Department of Natural Resources methodology for the segment of the stream that receives the water from the site (across MD 193) to a point where the stream leaves the Ivy Creek subdivision (4-05105). If stream stabilization is indicated by this investigation, it shall be completed by the applicant as part of the environmentally-sensitive design for stormwater management as part of the mitigation for the proposed impacts to the PMA. Any off-site stream restoration work, if warranted, is to be permitted prior to the issuance of a grading permit.
8. The applicant and the applicant's heirs, successors and/or assigns shall provide a six-foot-wide trail or sidewalk connection from the subject site to the existing master plan trail along MD 450, unless modified by SHA. This trail shall be marked and labeled on the approved preliminary plan.
9. 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. At the MD 450 – Bell Station Road/Fairwood Pkwy intersection
- On the Bell Station Road approach, provide:
- A left turn lane
 - A shared left-thru lane

- A shared right-thru lane

On the Fairwood Parkway approach, provide:

- A left turn lane
- A shared left-thru lane
- A right turn lane

b. At the MD 193 – Bell Station Road

- Conduct a traffic signal warrant study and install said signal if determined by SHA to be warranted.

c. At the MD 193–MD 450 approach provide:

- On the eastbound approach, a third through lane, with a length to be determined by SHA.

10. Development of this site shall be in conformance with the stormwater management concept plan, 32875-2007-00, and any subsequent revisions.
11. The final plat of subdivision shall indicate no direct access to MD 193.
12. Prior to the approval of final plat, a detailed site plan shall be approved by the Planning Board that shall consider and evaluate architectural elements including, but not limited to, the building siting, architectural materials and landscaping aesthetics. The DSP shall also address environmental issues including, but not limited to, woodland preservation and stormwater management (drainage quality and quantity))
13. The DSP shall reflect how the building will meet the base standard for LEED certification from the U.S. Green Building Council, utilizing the June 26, 2007, revisions. The Applicant will explore the feasibility of constructing the building at a bronze or silver LEED , by incorporating U.S. Green Building Council technology into the design, construction and operation of the building.
14. The Applicant shall provide informational signage on-site that explains the design, construction and maintenance of the site features, overall site, including the building, the “Coastal Plain Outfall” (or equivalent) and all related stormwater management elements.
15. Prior to release of the stormwater management construction bond, the Applicant shall record a private stormwater maintenance agreement with Prince George’s County Department of Public

Works and Transportation that specifically addresses the maintenance and upkeep of the environmentally sensitive design features on the site and all of its components, including trees and other plant material that is transferable to the permanent owners. At such time the site is transferred from the Applicant to the Condominium Owner's Association ("COA") the private stormwater maintenance agreement shall also be transferred to the COA.

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 subject property is a triangularly shaped parcel located at the northeast quadrant of MD 193 and MD 450, south of Bell Station Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development:

Zone	EXISTING	PROPOSED
Use(s)	C-O Vacant	C-O Commercial (90,000 square feet)
Acreage	6.64	6.64
Lots	0	1
Parcels	1	0
Mitigation		N/A

4. **Subdivision**—The Subdivision Section has reviewed Preliminary plan 4-07051 and recommends that development of this site should be subject to a detailed site plan. The site is in an area that is experiencing a high volume of development. Staff is recommending a detailed site plan to further evaluate environmental, architectural and landscaping aesthetics. Staff has expressed concerns about the proposed size of the building, the setting and orientation of the building on the subject site, and other issues that are further detailed in the environmental and community planning findings. There are also historic structures (Magruder-Brannon House and Marietta Mansion) located in close proximity of the subject site.
5. **Environmental**—According to available information, regulated environmental features are found on-site. These features include a stream, wetlands, 100-year floodplain, and areas of steep slopes at 25 percent or greater. Three soil series are found to occur on the site according to the Prince George's County Soil Survey. These soils include Adelphia, Collington (two types in this series), and Ochlockonee soils. The Monmouth soils have K-factors of 0.43; the Collington soils have development constraints associated with them in relation to steep slopes. Marlboro clay does not occur in the vicinity of the site. The site has frontage along MD 193 and MD 450, two existing major arterial roadways. Traffic-generated noise impacts are not anticipated because of the proposed commercial use. There are no designated scenic and historic roads located in the

vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program staff, there are no rare, threatened or endangered species in the vicinity of the site. According to the approved 2005 *Countywide Green Infrastructure Plan*, no network features, including regulated areas, evaluation areas and network gaps, are associated with the site; however, areas downstream are part of a major stream system designated on the plan. The subject property is located in the headwaters of the Lottsford Branch watershed in the Patuxent River basin, the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity* planning area and the Developing Tier of the 2002 approved General Plan.

Master Plan and Green Infrastructure Plan Conformance

The site is in the Glenn Dale, Seabrook, Lanham and vicinity planning area. The master plan and sectional map amendment for Glenn Dale-Seabrook-Lanham and vicinity was approved in 1993. Three guidelines from the Environmental Envelope chapter of the plan apply to this site. These guidelines read as follows:

- 4. Developers are strongly encouraged to capitalize on natural assets through the retention and protection of trees, streams, and other ecological features.**
- 5. Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**
- 7. The Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except for agricultural, recreational and similar uses. Grading is discouraged.**

As defined in the plan, the natural reserve areas on-site include all of the Patuxent River Primary Management Area. These areas encumber a substantial portion of the site. The site contains two stream systems that flow from east to west on this site. Of these two stream systems, the most northern system is ephemeral. Most of it is part of the on-site 100-year floodplain. These streams form the headwaters of the Lottsford Branch watershed. The drainage area that flows into the site is over 40 acres, resulting in the subject property serving a stormwater management function. The streams discharge to the west through a 54-inch pipe; this means that the drainage area to this pipe is substantial. The existing streams drain into an area protected by a conservation easement on the adjacent property to the west.

The site is not located within the designated network of the *Countywide Green Infrastructure Plan*; however, it contains an extensive system of “headwaters” wetlands and streams that are critical to the health of the downstream systems that are within the network. In addition, the site contains substantial areas within the master plan’s natural reserve areas. The wetlands and streams on-site filter stormwater run-off from the commercial nursery site to the south and provide an important water quality function. In addition, the stream system to the west has been preserved and has been placed in a conservation easement to ensure its permanent protection.

The plans as designed are not in conformance with the master plan because the Type I tree conservation plan (TCPI) shows almost the entire site to be cleared. The property has high priority woodlands on-site that are not being shown to be preserved. The proposed building footprint is shown within the Patuxent River Primary Management Preservation Area (PMA) which defines the natural reserve on the site. The TCPI does not demonstrate how the site can be developed to minimize essential impacts and eliminate nonessential impacts to the PMA. The design must be revised to maximize on-site preservation of priority woodlands per the guidance provided by the master plan and the Woodland Conservation Ordinance.

The plan calculates the site's woodland conservation threshold (WCT) as 0.74 acre and the woodland conservation requirement, based on the clearing of the entire site as shown on the TCPI, is 4.45 acres. The requirement is proposed to be met entirely with off-site mitigation. This is not in conformance with the Woodland Conservation Ordinance which describes the top three priorities for preservation to be:

- Wooded 100-year floodplains (present on-site)
- Wooded nontidal wetlands (present on-site)
- Wooded stream corridors (present on-site)

The plan as currently designed proposes significant impacts to the wetland and stream systems on-site. There are limited areas that are outside the regulated features, access to which would necessitate impacts to the PMA. Alternative designs could minimize these impacts below that shown on the plan. One design option is to show a smaller building near the intersection of MD 450 and MD 193 with parking areas outside the PMA. In order to access this area, a crossing of the stream will be necessary. Staff Exhibit A shows a development concept that maintains the PMA and ensures its preservation, while allowing for development of the site.

The approved stormwater management concept plan shows the construction of retaining walls 11 to 16 feet in height around the main stream system, in essence creating a stormwater management pond in the middle of the stream. In addition, the plans note the acreage of the 100-year floodplain (1.70 acres), but the limits of the floodplain are not shown on any of the four sheets included in that plan. It is not clear from the information submitted whether the Prince George's County Department of Public Works and Transportation (DPW&T) is aware that the floodplain is located on this property because the floodplain is not shown on the stormwater management concept plan.

An alternative design should be considered that maintains the PMA, provides for greater flood control, preserves some of the existing vegetation, and provides for a natural drainage system and some infiltration. The idea of using an embankment on the MD 193 side of the property has merit and should continue to be the concept implemented; however, if natural features are incorporated into the design, the discharge will be cleaner and a lower temperature. An "embankment only" design that allows some of the natural vegetation to remain should be used. Because this is the same concept as that approved by DPW&T, it does not appear that a new concept plan will be

required—the design needs to be expanded to preserve more of the natural features and preserve the PMA to the fullest extent possible.

The proposed impacts and the letter of justification for the impacts are discussed later in this report. Prior to signature approval of the preliminary plan, a revised TCPI, with a proposed building footprint and associated parking that maintains the PMA and provides the preservation of the priority woodlands on-site, should be submitted in conformance with Staff Exhibit A. One crossing of the stream to access the area outside the PMA is appropriate, as are any impacts associated with necessary utility connections or stormwater outfalls.

ENVIRONMENTAL REVIEW

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

A staff signed natural resources inventory (NRI/071/06-01) was included in the preliminary plan submittal. An intermediate forest stand delineation (FSD) was conducted in February 2006. The total woodland on-site is 6.55 acres. One forest stand (Stand 1) was identified on the FSD. Yellow poplar is the dominant tree species. There are 20 specimen trees located on the NRI. The one stand is identified as a high priority for retention based on the overall forest structure and the presence of three kinds of regulated features: streams, wetlands and floodplain. No additional information regarding the natural resources inventory is required.

The site contains regulated features including a stream, wetlands, and 100-year floodplain within the Patuxent River basin. The Patuxent River Primary Management Area (PMA) is to be preserved to the fullest extent possible as required in Section 24-130(b)(5) of the Subdivision Regulations. Generally, impacts to the PMA are only supported for essential development features. Essential development includes such features as public utility lines (including sanitary sewer and stormwater outfalls), road crossings, etc., which are mandated for public health and safety. Nonessential activities are those such as grading for lots, construction of buildings, stormwater management ponds and parking areas, and roadways that do not relate directly to public health, safety or welfare.

A letter of justification has been submitted. The following table summarizes the proposed environmental impacts.

Impact Number	Comments	Quantity of Impact	Staff Recommendation
1	This impact is for the construction of a building. The justification letter states that “the disturbance is the ancillary result of constructing the entrance road to the site.” Because the road impacts in this area can also be reduced (see comments for Impact #5), the impact directly associated with this building can be avoided by redesigning and/or relocating the building.	2,028.86 square feet	Not supported
2 and 4	These impacts include the construction of two underground stormwater management facilities, retaining walls around the existing stream, and parking areas located above the underground facilities. The smaller facility is located on the south side of the stream. The larger facility is located on the north side of the stream. The exact area of impact needed for the retaining walls was not specified because it was included in the areas of impact for the stormwater management facilities, with the exception of parking areas east of the smaller storage facility. Parking and underground storage are not considered essential impacts because they can be designed to be located outside the PMA. Although on-site water quality/quantity control is necessary for most developments, this feature should be designed outside the PMA. These impacts are not supported because the development concept can be redesigned to eliminate the impacts as illustrated in Staff Exhibit A.	40,746.04 square feet	Not supported
3	This impact is for the grading and construction of a dam where the stormwater currently leaves the site through a concrete pipe. The justification letter states the following: “The design will convey the 1 year extended detention however for a 24 to 48 hour period standing water will occur in the area of the stream.” The current design of using a dam structure and retaining walls	9,005.98 square feet	Supported

	to create a basin in the stream channel is problematic because the trees left within the basin will die from being periodically flooded. The concept of using an embankment at MD 193 has merit, but the remainder of the design that creates retaining walls to create the basin is inappropriate and creates unnecessary impacts to the PMA. Staff supports the impact for the dam embankment, but not for the construction of the retaining walls to create the basin.		
5	This impact is for the extension of an existing outfall and construction of a road crossing to the southern part of the site. The crossing is in a southwesterly direction from the north part of the site. The proposed crossing, as shown on the exhibit, forks into two roads within the PMA just prior to crossing the stream. One road continues to curve west, extending more into the PMA where parking is proposed. The other road curves south into an existing wetland, also impacting more of the PMA. The proposed forked road widens the road system within the PMA and causes a significant increase in the impacts than what is necessary to simply cross the stream to access the southern portion of the site. The impacts can be reduced by limiting the crossing to a single road crossing, and shifting that crossing closer to the site boundary. Along with redesigning/ relocating the proposed building as mentioned earlier, this will provide for more preservation of the PMA and adequate access to the southern portion of the site, with access to both the rear and front of the building as illustrated in Staff Exhibit A.	13,349.08 square feet	Supported with conditions

On this site, only three types of impacts are essential to the development of the property: an impact to access the southern part of the site with a stream crossing, an impact for dam construction, and impacts associated with stormwater management outfalls. The current application proposes eight types of impacts: buildings, parking areas, site grading, stream crossing, dam construction, retaining walls, underground stormwater management, and stormwater management outfall

construction. As noted above, the site can be redesigned to substantially reduce or eliminate nonessential impacts to the regulated features through redesign and relocation. Retaining walls outside the PMA may be required due to the existing topography of the site; however, proposed walls should be located outside of the PMA.

Prior to signature approval of the preliminary plan, the development concept should be revised to result in a tree conservation plan that limits the proposed impacts to the PMA to those necessary for the construction of the dam embankment, a single road crossing of the stream placed as close to MD 450 as possible, and impacts associated with stormwater outfalls from facilities located outside the PMA. The redesign shall be in conformance with Staff Exhibit A with respect to the general placement of buildings, pavement and impacts.

At the time of final plat, a conservation easement should be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Preservation Area, except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. A note should be placed on the plat stating the requirements of the conservation easements. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, including evidence that the applicant has complied with the approval conditions and associated mitigation plans.

The site is subject to the Prince George's County Woodland Conservation Ordinance because the site is greater than 40,000 square feet in area and there are more than 10,000 square feet of existing woodlands on-site. A Type I tree conservation plan, TCPI/035/07, has been submitted and reviewed. The TCPI shows the overall property totals 6.64 acres, of which 6.55 acres are woodlands. There are 1.70 acres of 100-year floodplain on-site, all of which is wooded. The plan shows the site has a woodland conservation threshold (WCT) of 15 percent, or 0.74 acre, and a woodland conservation requirement of 4.45 acres. The submitted worksheet shows that all of the existing woodland on-site is proposed to be cleared with the exception of 0.1 acre within a limited area of the stream channel. The plan proposes to meet the requirement with off-site mitigation. As noted above, priority woodlands exist on-site and every effort must be made to preserve these woodlands on-site.

In order for the plan to meet the requirements of the Woodland Conservation Ordinance revisions are necessary. The proposed limits of disturbance (LOD) must reflect the proposed development. If the entire site is not going to be cleared, then the plans should reflect this. The LOD along the east side of MD 450 is confusing because there is a second LOD in that area. The location of the LOD appears to propose to clear all of the trees along MD 450 within the State Highway Administration right-of-way. It is unclear as to why all of these existing trees must be cleared since there is no proposed development or need for clearing shown in that area. The TCPI must show one consistent LOD for the proposed development.

As submitted, the TCPI shows no on-site preservation on the net tract. The 0.1 acre of preservation within the 100-year floodplain provides no significant protection to the on-site stream. The proposed design should be revised to meet the goals of the Woodland Conservation Ordinance, as well as

the 1993 master plan. Staff Exhibit A provides an alternative development concept that shows how woodland can be preserved on the site. After redesign, the plan needs to show the on-site woodland that will count toward the site's requirement with corresponding symbols in the legend and on the plan.

The site contains a stormdrain outfall and easement from the adjacent property to the north. The applicant should show the location of the easement as shown on TCPII/110/06-01 for the Fairwoods Office Park and show how this outfall ties into the proposed development. After these revisions have been made, have the qualified professional who prepared the plan sign and date it. Prior to signature approval of the preliminary plan, the TCPI should be revised (as noted in the recommended conditions). Development of this subdivision should be in conformance with the approved Type I tree conservation plan (TCPI/035/07). A note should be placed on the final plat of subdivision describing the restrictions shown on the approved Type I tree conservation plan, TCPI/035/07.

The site abuts existing MD 193 and MD 450. Both roads are major arterials and traffic noise generators. Traffic-generated noise impacts are not anticipated because the proposed use is nonresidential. No further information regarding traffic-generated noise impacts is required.

An approved stormwater concept plan letter (32875-2007-00) and plan were submitted. The overall area of impact proposed on the approved concept plan is the same as the current TCPI; however, the proposed concept is inconsistent with that shown on the current TCPI because it does not show nor does it reference the underground facilities. The existing conditions on the approved concept plan are inconsistent with the current natural resources inventory. The approval letter references a pond with a forebay; however, a forebay is not shown on the plans. Although the PMA is correctly delineated on the concept plan, the 100-year floodplain is not shown. It is not clear if the limits of the 100-year floodplain were considered during the review of this plan. The concept shows substantial impacts to the PMA.

Staff supports the use of a dam embankment in this location because of the existing pipe under MD 193 and the configuration of the stream on the site. The concept can be implemented with a more environmentally sensitive design method that incorporates the wooded stream buffers and 100-year floodplain, as illustrated on Staff Exhibit A. It will be the decision of DPW&T whether or not a new stormwater concept approval is required to address the revisions needed to the overall design that eliminate the excessive impacts to the PMA.

Prior to signature approval of the preliminary plan, written documentation should be provided from DPW&T regarding whether or not a revised stormwater management concept plan and letter are required to implement the revised design proposed with the Planning Board's approval. If the stormwater management concept plan is revised, it should be reflected on the TCPI prior to signature approval.

Water and Sewer

The Department of Environmental Resources (DER), Development Services Division, has

determined that the 2001 Water and Sewer Plan designated this property in water and sewer Category 4. Category 3 must be obtained before recordation of a final plat. There is a water line in Glenn Dale Boulevard (MD 193) that abuts the property. Water and sewer line extensions are required to serve the property and must be approved by the Washington Suburban Sanitary Commission before approval of a final plat. The preliminary plan should show the existing and proposed water and sewer lines.

6. **Community Planning**—This application is located in the Developing Tier. The application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The subject site is located within the Enterprise Road Corridor Development Review District. The application was forwarded to the Enterprise Road Review District Review Committee for review per Section 24-148 of the Subdivision Regulations.

The proposal is to construct a three-story commercial office building with a garage and surface parking. The application conforms to the land use recommendation of the 1993 *Approved Master Plan And Sectional Map Amendment for Glenn Dale-Seabrook-Lanham And Vicinity (Planning Area 70)* for limited office uses. The subdivision plan does not meet some of the master plan's guidelines (listed on page 70) for the subject site.

The 1993 master plan classified the property in the C-O Zone. There are pertinent development guidelines highlighted in the master plan (page 70) that should be considered as part of the review of the detailed site plan for the subject site. The master plan makes the following recommendations regarding any proposed development on the subject property:

- (a) **Development should be oriented toward MD 450.**
- (b) **Development should have integrated access on MD 450 and Bell Station Road only.**
- (c) **Buffering/screening should be provided along western (MD 193) and northern (Bell Station Road) boundaries to include landscaping and berms.**
- (d) **There should be no signage on MD 193.**

The proposed development is not oriented to either MD 193 or MD 450. The building should be oriented to MD 450 by bringing the development closer to the intersection and removing parking from the site's focal point near the intersection. The proposal illustrates two drive aisles that connect on to the adjacent property to the north allowing alternative access to both MD 193 and MD 450 via the Fairwoods Office Park development (4-05144). The office building should include landscaping and berms along the western boundary of MD 193. The detailed site plan evaluation should include a review of the building's orientation, property access, landscaping along roadways, and how signage, if any, would be displayed on the subject site.

7. **Parks and Recreation**—According to Section 24-134(a) of the Prince George's County

Subdivision Regulations, the above-referenced subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.

8. **Trails**—The 1993 *Approved Master Plan And Sectional Map Amendment for Glenn Dale-Seabrook-Lanham And Vicinity (Planning Area 70)* includes two master plan trails in the vicinity of the subject site. The master plan recommends a side path along MD 450. This trail has been constructed by SHA through a number of capital improvement projects and currently exists from Race Track Road in Bowie to Seabrook Road in Seabrook. This trail includes the frontage of the subject site. The master plan also designates MD 193 as a bikeway. SHA has accommodated this bikeway on the existing wide shoulders through the provision of bicycle compatible pavement markings and signage. No additional recommendations are necessary with regard to these master plan facilities. However, staff does recommend a connector trail from the subject site to the existing master plan trail along MD 450, unless modified by SHA. This connector trail will provide access from the subject site to the existing regional master plan trail.
9. **Transportation**—The proposed commercial development consisting of a medical office building totaling 90,000 square feet of gross floor area would generate 257 (207 in; 50 out) AM peak-hour trips and 342 (108 in; 234 out) PM peak-hour trips at the time of full build-out. The traffic generated by the proposed preliminary plan would impact the following intersections:
 - MD 450—MD 193 (Glenn Dale Boulevard)
 - MD 450—Bell Station Road/Fairwood Parkway.
 - MD 193 (Glenn Dale Boulevard)—Bell Station Road (unsignalized)
 - MD 450—Site Access (unsignalized)
 - MD 193—Site Access (unsignalized)

None of the intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The subject property is located within the Developing Tier as defined in the 2002 *Approved 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.

Transportation Findings

The applicant submitted a traffic study that was prepared in September 2007. The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
MD 450–MD 193 (Glenn Dale Boulevard)	B/1,012	C/1,150
MD 450–Bell Station Road/Fairwood Parkway	B/1,124	B/1,032
MD 193 (Glenn Dale Boulevard)–Bell Station Road **	F/>999 secs.	F/>999 secs.
** Unsignalized intersections are analyzed using the highway capacity software. The results show the level of service and the intersection delay measured in seconds/vehicle. A level-of-service (LOS) D, which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a critical lane volume (CLV) of 1,450 or less is deemed acceptable as per the guidelines.		

The authors of the traffic study, in collaboration with staff, identified 15 background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of one percent was applied to the existing traffic counts at the identified intersections. A second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following resultss

BACKGROUND CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
MD 450–MD 193 (Glenn Dale Boulevard)	D/1,326	E/1,467
MD 450–Bell Station Road–Fairwood Parkway	D/1,360	D/1,300
MD 193 (Glenn Dale Boulevard)–Bell Station Road **	F/>999 secs.	F/>999 secs.
MD 450–Site Access **	C/20.9 secs.	C/18.0 secs.
MD 193 (Glenn Dale Boulevard)–Site Access **	B/11.8 secs.	B/12.4 secs.

Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the study has indicated that the proposed development of 90,000 square feet of medical office would be adding 257 (207 in; 50 out) AM peak-hour trips and 342 (108 in; 234 out) PM peak-hour trips at the time of full build-out. A third analysis was done, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
MD 450–MD 193 (Glenn Dale Boulevard)	D/1,445	E/1,531
MD 450–Bell Station Road–Fairwood Parkway	D/1,389	D/1,321
MD 193 (Glenn Dale Boulevard)–Bell Station Road **	F/>999 secs.	F/>999 secs.
MD 450–Site Access **	C/24.4 secs.	E/38.1 secs.
MD 193 (Glenn Dale Boulevard)–Site Access **	B/12.0 secs.	B/13.2 secs.

The preceding results revealed that all of the study intersections would operate adequately with the exception of:

- MD 193 (Glenn Dale Boulevard)–Bell Station Road (unsignalized)
- MD 193 (Glenn Dale Boulevard)–MD 450

To ameliorate the inadequacy at the MD 193/MD 450 intersection, the traffic study proposed a restriping of the eastbound approach of MD 450 to provide three through lanes. This improvement will result in a level of service (LOS/CLV) of D/1,445 during the AM peak hour and C/1,291 during the PM peak hour.

Regarding the MD 193/Bell Station Road intersection, information contained in the traffic study has indicated that this intersection was the subject of previous signal warrant analyses, and that signalization was not warranted.

Staff Review and Comments

In response to staff's request, the traffic study was reviewed by two other agencies, the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). Since all of the studied intersections are under the control of SHA, the staff of DPW&T acknowledged that the final decisions on how to improve those facilities rest with SHA. However, the November 7, 2007, letter to staff from DPW&T (Issayans to Burton) included the following proposals to address deficiencies:

- Conduct a new signal warrant study for the MD 193–Bell Station Road intersection.
- Provide queuing analysis for southbound MD 193 left movement at Bell Station Road.
- Provide queuing analysis for eastbound MD 450 left movement at MD 193.

Based on its review of the study, SHA outlined its comments in a November 6, 2007, letter (Foster to Foster) to staff. SHA's issues are summarized as follows:

- A new signal warrant study for the MD 193–Bell Station Road intersection is required.
- A two percent growth rate is more appropriate than the one percent assumed in the traffic.

Both DPW&T and SHA have stated the need for an updated traffic signal warrant study at the MD 193/Bell Station Road intersection. Consequently, staff will recommend that this warrant analysis be placed as a condition of approval. Regarding the issue of growth rate, the one percent growth rate assumed appears to be consistent with a similar assumption that was made in a January 2006 traffic study done by the same consultant for an adjacent property. It is worth noting that SHA offered no objection to the one percent growth rate in that study. The traffic analysis also included a significant amount of background development that will contribute to the overall growth in through traffic. While traffic from background development is not the sole determinant of overall traffic growth along certain transportation corridors, staff does assert that a combination of a one percent growth rate in addition to the background development represents a reasonable representation of growth, and therefore finds the traffic study assumptions to be acceptable. Staff further finds that the additional through lane along eastbound MD 450 that is being proffered by the applicant will be sufficient to meet the appropriate adequacy threshold. If SHA is willing to provide empirical evidence that the through traffic along MD 193 and MD 450 has exceed one percent since the 2006 traffic study was deemed acceptable, staff will be willing to accept the new information and amend its findings accordingly.

Since the analyses at the MD 450/Bell Station Road–Fairwood Parkway intersection were all predicated on improvements being provided by others, then all of those improvements will be carried forward as conditions of approval for the subject property.

As indicated in the traffic study, the unsignalized intersection of MD 193 and Bell Station Road will operate with a delay of greater than 50 seconds in one or more movement. Consequently, at the request of both SHA and DPW&T, the applicant will be required to conduct a traffic signal warrant study. If a signal is determined to be warranted, then the applicant will be required to bear the cost of said installation.

The intersection of MD 450 and MD 193 was projected to operate inadequately under the total traffic condition. The applicant has proffered to provide an additional through lane on the eastbound approach. Such a provision would bring about adequate levels of service during both peak periods. While the intersection of MD 450 and Bell Station Road/Fairwood Parkway is projected to operate adequately, all of the analyses leading to such a conclusion are predicated on improvements to be provided by others. Since these improvements are the basis of a finding of adequacy being made for the subject application, then it too must be conditioned on the provision of said improvements.

The applicant has proposed access to MD 450, which is an arterial road and requires a variation request pursuant to Section 24-121(a)(3). The following is an analysis of the variations for vehicular access to MD 193 and MD 450; the text in **bold** represents the text from the Subdivision Ordinance.

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

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

The access points have been reviewed by the State Highway Administration and have been designed to facilitate right-in/right-out movements. This will help facilitate safe and efficient movements along MD 450.

- (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;**

It is not generally applicable that a single property has access to two roads that are both classified as arterial roadways. Access to MD 193 is not feasible due to the topography of the site and other environmental features contained on the site.

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

The proposed access point to MD 450 must be permitted for construction by the State Highway Administration in accordance with their requirements.

- (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;**

The only road frontage available to the subject property is that of an arterial; to deny the variation would render the property undevelopable and therefore be a particular hardship.

Staff is in general support of this variation request.

Conclusion

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with

conditions consistent with the above findings.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary 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 above subdivision is exempt from a public facilities review for schools because it is a commercial use.

11. **Police**—The proposed development is within the service area for Police District II, Bowie. The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police of station space per capita: 141 square feet per 1,000 residents

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the guideline of 141 square feet per 1,000 residents, 116,398 square feet of space for police is needed. The current amount of space, 267,660 square feet, is above the guideline.

12. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The existing fire engine service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 1.14 minutes, which is within the 3.25-minute travel time guideline. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 1.14 minutes, which is within the 7.25-minute travel time guideline. The existing ladder truck service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road, has a service travel time of 7.85 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. The above findings are in conformance with the 1990 *Approved Public Safety Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

13. **Stormwater Management**—The Department of Environmental Resources, Development Services Division, has determined that private stormwater management is required. Stormwater Management Concept Plan 32875-2007-00 was approved with conditions. Development must be in accordance with this approved plan.
14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Zoglio Commercial and has no comments to offer.

15. **Archeology**—A Phase I archeological survey was completed on the 6.64-acre Zoglio commercial property in December 2005. Four copies of the final report, *A Phase I Archaeological Investigation of the Zoglio Commercial Property, Prince George's County, Maryland, Preliminary Plan 4-07051*, have been received by the Historic Preservation and Public Facilities Planning Section and was accepted on October 12, 2007. No archeological sites or standing structures were identified on the property. No further archeological investigations were recommended. Staff concurs with the report's findings that no further archeological work is necessary on the Zoglio Commercial Property. All archeological conditions for this property have been fulfilled..
16. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.
17. **City of Bowie**—The City of Bowie has offered no comments.
18. **Glenn Dale Citizens Association**—The Glenn Dale Citizens Association has offered no comments.

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 date of notice of 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 Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, January 31, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of March 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:IT:bjs