



PGCPB No. 11-63(C)

File No. 4-10019

WHEREAS, ZP NO 139 LLC is the owner of a 4.14-acre parcel of land known as Tax Map 24 in Grid E-3, is also known as Parcel 88, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned Local Activity Center (L-A-C); and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-10019 for Edwards Property 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 June 16, 2011, 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, on June 16, 2011, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

1. Prior to signature approval of the subject preliminary plan of subdivision, the following technical corrections shall be made:

“Any abandoned well found within the confines of the above referenced property will be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department. Any abandoned septic tank found within the confines of the property will be pumped out by a Health Department licensed scavenger and either removed or backfilled in place.”

2. Total development within the subject property shall be limited to uses which generate no more than 23 AM and 268 PM peak-hour vehicle trips. Any development generating an impact greater

than this amount shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

3. Access to the site shall be limited to a right-in/right-out access on Adelphi Road and to a full movement intersection on Riggs Road (MD 212) opposite Metzert Plaza. Prior to the issuance of the first building permit within the subject property, the applicant shall complete a traffic queuing analyses for the Maryland State Highway Administration (SHA) at the proposed site access point on MD 212. The applicant will be responsible for any improvements required by SHA, including the provision of a center turn lane, at this location.
4. Prior to the approval of the specific design plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Adelphi Road and Edwards Way. The applicant shall utilize a new 12-hour count, and shall analyze signal warrants under total future traffic as well as existing traffic at the direction of the responsible operating agency. If a signal or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by the agency.
5. Prior to issuance of the first building permit within the subject property, the following transportation improvements (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. The installation of double left-turn lanes on the southbound/westbound approach of Riggs Road (MD 212) at Adelphi Road. This improvement will not be required if it is rescinded by the District Council *~~through~~. The applicant will be responsible for any associated pavement markings, signage, traffic signal modifications, etc. at this location. These improvements are under the purview and permitting by SHA.
 - b. An acceptable traffic signal warrant study, by the applicant, to SHA for signalization at the intersection of Riggs Road (MD 212) and Edwards Way and any signal or other traffic control improvements that are deemed warranted at that time. The applicant shall utilize a new 12-hour count, and shall analyze signal warrants under total future traffic as well as existing traffic at the direction of the responsible operating agency.
6. At the time of final plat approval, the applicant shall dedicate 35 feet from the centerline of Edwards Way, 40 feet from the master plan centerline of Riggs Road (MD 212), and 50 feet from the master plan centerline of Adelphi Road.

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

7. Provide a striped crosswalk across Riggs Road (MD 212) at the intersection of Riggs Road and Adelphi Road to be reviewed at the time of specific design plan.
8. Provide a striped crosswalk across Riggs Road (MD 212) at the main driveway entrance to the site across to the main entrance to the property across Riggs Road, to be reviewed at the time of specific design plan.
9. Provide striped crosswalks across Edwards Way at the intersection of Adelphi Road and at the intersection of Riggs Road (MD 212) to be reviewed at the time of specific design plan.
10. Provide striped crosswalks across Adelphi Road at the intersection of Riggs Road (MD 212) and at the intersection of Edwards Way to be reviewed at the time of specific design plan.
11. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to DPW&T for the placement of two fluorescent yellow-green bicycle warning signs (MUTCD W11-2 combined with W16-1P) to be placed along Riggs Road (MD 212) and Adelphi Road, subject to modification by DPW&T. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
12. Provide five-foot-wide sidewalks along Edwards Way, Riggs Road (MD 212), and Adelphi Road, unless modified by DPW&T.
13. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-016-06-01). The following note shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-015-06-01), or as modified by the Type 2 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."
14. Prior to approval of a specific design plan, copies of the approved stormwater management concept plan and letter shall be submitted that depict the proposed stormwater management features on the site. All associated plans shall be revised to reflect the final stormwater concept design.

15. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement (PUE) along all public rights-of-way as delineated on the approved preliminary plan of subdivision.
16. Any residential development on the proposed Parcel 1, 2, or A shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	L-A-C	L-A-C
Use(s)	Vacant	Commercial/ Retail— CVS Pharmacy (22,288 sq. ft.)
Acreage	4.14	4.14
Parcels	0	3
Public Safety Mitigation Fee	No	No
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	Yes (Section 24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on April 1, 2011. The requested variation to Section 24-121(a)(3) was accepted on March 15, 2011, as discussed further in this report, and was also heard on April 1, 2011 at SDRC as required by Section 24-113(b).

3. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject property 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. This preliminary plan is consistent with the General Plan Development Pattern policies for the Developed Tier by providing retail in a comprehensive zone that can accommodate a variety of uses and modes of transportation. This application conforms to the land use recommendation of the 1989 and 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66 and 67* for a village activity center. It also conforms to the recommendation of the corresponding sectional map amendment (SMA) for the development of the property through a comprehensive design zone.

In adopting the sectional map amendment, the District Council addressed this property in the following statements in County Council Resolution CR-39-1990 (p. 224 of the Master Plan):

SECTION 2, BE IT FURTHER RESOLVED that the District Council considers the Comprehensive Design Zone process the appropriate way to address concerns related to the 4.1± acre Edwards property bounded by Adelphi Road, Riggs Road, and Edwards Way, although the Sectional Map Amendment retains R-R zoning for this property. The District Council is specifically concerned about preservation, to the greatest possible extent, of the existing woodland and the control of access to the property. A sensitive approach to site development is warranted and should be facilitated through the CDZ process. Accordingly, the SMA text should incorporate this expression of intent and the SMA map should be annotated to reflect the potential for a Comprehensive Design Zone.

In the approval of Zoning Map Amendment A-9954-C, the District Council established a number of conditions that the Edwards Property would be subject to at the time of development. In previous submittals, many of these conditions were not followed per the comprehensive design plan. The conditions which are applicable to the review of this preliminary plan are listed below and include findings:

- (7) **Development of the subject property shall have a woodland conservation threshold of 20 percent. If off-site mitigation is proposed, the first priority for mitigation sites shall be within the Anacostia Watershed.**

The Type 1 tree conservation plan (TCP1) is consistent with this condition. Additionally, the Type 2 tree conservation plan (TCP2) will provide further evidence of compliance with this condition when it is filed with the specific design plan (SDP) for the site.

- (9) **Additional conditions of approval:**

G. The developer of the subject property shall work with the Prince George's Department of the Environment, to utilize low impact stormwater management techniques to the degree practicable.

H. The developer shall incorporate trees, shrubs, open areas, flowers, walkways, and lighting into the site plan.

As evidenced by the applicant's concept application, stormwater management will meet the requirements of the most recent state regulations as modified and by Prince George's County which will include the use of environmental site design to the maximum extent practicable (ESD to the MEP) for the one-year design storm.

It should be noted that a separate report for applications CDP-1001 and SDP-1001 that are associated with the subject property was submitted on April 7, 2011. That report provides determinations on those applications based on the 2002 General Plan Development Pattern policies for the Developed Tier, the 1989 Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity, and all applicable conditions of approval associated with CR-39-1990.

4. **Urban Design**—The subject preliminary plan of subdivision proposes to subdivide one 4.14-acre parcel into three parcels for 22,288 square feet of commercial development. The applicant proposes a 13,013-square-foot CVS Pharmacy building, a 9,275-square-foot retail building with associated parking, and site improvements on the currently undeveloped wooded lot. The subject project is triangular in shape bounded by Riggs Road (MD 212) to the south, Edwards Way to the west, and Adelphi Road to the east.

The site was rezoned from the R-R Zone to the L-A-C Zone through Zoning Map Amendment A-9954-C, which was approved by the District Council on September 9, 2004. The applicant has filed Comprehensive Design Plan CDP-1001 and Specific Design Plan SDP-1001 applications for concurrent review with this preliminary plan. CDP-1001 was approved on June 16, 2011 by the Prince George's County Planning Board. The preliminary plan is in conformance with the approved comprehensive design plan. Based on the review of the above preliminary plan of subdivision, the Urban Design Section offers the following comments:

- a. **Conformance with the Requirements of Zoning Map Amendment A-9954-C:** There are a number of urban design-related conditions in Zoning Ordinance No. 10-2004. Conformance with those conditions will be determined by the Urban Design Section in review of Comprehensive Design Plan CDP-1001 and Specific Design Plan SDP-1001.

The following conditions of approval reflected in Zoning Ordinance No. 10-2004 are relevant to the review of the subject preliminary plan. Those conditions are listed in bold face type below, followed by Planning Board comment.

- (2) **The Applicant will provide a double left-turn lane along southbound/westbound MD 212 at the approach to Adelphi Road. Timing of this improvement will be determined at the preliminary plan of subdivision.**

Conformance with the above condition should be determined by the Transportation Planning Section.

- (4) **During the review of Preliminary Plan of Subdivision, the Applicant shall provide more detailed operational analyses at the intersections of MD 212/Edwards Way and MD 212/site entrance. The scope of these analyses will be determined after approval of the proposed Basic Plan and in consideration of the permitted access to the site.**

Conformance with the above condition should be determined by the Transportation Planning Section.

- (5) **Total commercial development of the subject 4.14 acre site shall be limited to a maximum of 40,000 square feet.**

The development proposed in the subject application is 22,288 square feet, which is within the cap of 40,000 square feet specified in this condition.

- (6) **During the Comprehensive Design Plan and Subdivision review, the Applicant shall address the addition of public streets to accomplish access from Adelphi Road or obtain a variance from Section 24-121 of the Subdivision Regulations.**

The submitted preliminary plan does not indicate that the applicant is proposing the addition of public streets to accomplish site access. Conformance with the above condition should be determined by the Transportation Planning and Subdivision Review sections.

- (9) **Additional conditions of approval:**

- A. **The leadership of the Buck Lodge Citizen's Association, White Oak Manor Civic Association, and Hampton's Association will each nominate two representatives and one alternate to participate with the developer of the subject property in regular meetings, scheduled by the developer, during each of the phases of development (including but not limited to the Preliminary Plan of Subdivision, Comprehensive Design Plan, and Specific Design Plan) of the property.**

The applicant provided appropriate documentation satisfying this condition.

- B. **At the time of the Preliminary Plan application, the developer of the subject property shall include the intersection of Metzerott Road and Riggs Road in its traffic study, to demonstrate the adequacy of transportation facilities in the surrounding area,**

Conformance with the above condition should be determined by the Transportation Planning Section.

- C. **Any required widening and improvements to the public rights-of-way for Riggs Road, Adelphi Road, and Edwards Way**

shall include five-foot wide sidewalks, in accordance with applicable State and County standards.

Sidewalks are not indicated on the submitted preliminary plan. The location of sidewalks should be addressed during the review of the specific design plan.

- E. The developer of the subject property shall be responsible for payments for all road and intersection improvements necessary to mitigate any failing traffic condition caused by the on-site development. Such improvements will be determined at the time of Preliminary Plan Review.**

Compliance with this condition shall be evaluated at the time of approval of the preliminary plan of subdivision for the project by the Subdivision and Transportation Planning sections.

- b. Conformance with the 2010 Prince George's County Landscape Manual:** The property is subject to the requirements of the 2010 *Prince's George's County Landscape Manual*. Specifically, the site is subject to Section 4.2, Landscaped Strips along Streets Requirement; Section 4.3, Parking Lot Requirements including c(1) Perimeter Landscaped Strip Requirements and c(2) Interior Planting Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscape Requirements. Compliance with these regulations will be judged at the time of specific design plan review.

- 5. Environmental—**The preliminary plan of subdivision and Type I tree conservation plan for the Edwards Property were reviewed and stamped as received on May 9, 2011, and the revised statement of justification, stamped as received on May 14, 2011.

The subject property was previously reviewed for a Zoning Map Amendment (A-9954) filed in 2002 requesting rezoning from the R-R Zone to the L-A-C Zone. Zoning Map Amendment A-9954 was approved subject to conditions contained in PGCPB Resolution No. 02-102. The site was also reviewed for a Natural Resources Inventory (NRI-063-05-01), a Comprehensive Design Plan (CDP-0502), a Preliminary Plan of Subdivision (4-06029), and a Type I Tree Conservation Plan (TCPI-015-06). The NRI was approved; however, the latter applications were subsequently withdrawn.

This application seeks to construct 22,288 square feet of retail development on a site totaling 4.14 acres in the L-A-C Zone. It is being reviewed concurrently with a Comprehensive Design Plan (CDP-1001) and a Site Design Plan (SDP-1001).

The project is subject to the requirements of Subtitle 24 of the County Code which became effective September 1, 2010 because the site does not have a previously approved development application. The project is subject to the current requirements of Subtitle 25, Division 2:

Woodland and Wildlife Habitat Conservation Ordinance, because the project site is greater than 40,000 square feet in size, contains more than 10,000 square feet of woodland, and does not have a previously approved tree conservation plan.

Site Description

The site is characterized with terrain gradually sloping toward the north of the property, and drains into unnamed tributaries of the Northwest Branch in the Anacostia River basin. The predominant soil types on the site are Chillum Urban Land, Codorus-Hatboro, Croom-Urban Land, and Glenelg-Wheaton-Urban Land. Current aerial photos indicate that the site is predominantly wooded and not developed. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this site. A review of the available information indicates that streams, 100-year floodplain, and steep slopes occur on the site; however, wetlands are not found to occur on this property. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. The subject property is adjacent to Adelphi Road, an arterial roadway generally regulated for noise; however, the proposed use is commercial. Because no residential or residential-type uses are proposed, this application was not evaluated for noise from transportation sources. This property is located in the Developed Tier as delineated on the 2002 Approved General Plan.

Master Plan Conformance

The site is within Planning Area 65 of the Langley Park-College Park-Greenbelt Master Plan and Sectional Map Amendment, adopted in 1990. The subject site is not within nor adjacent to a natural reserve area, conditional reserve area, or perceptually sensitive area as described in the master plan. There are no specific environmental recommendations or design standards that require review for conformance. The environmental requirements for woodland conservation, noise, and stormwater management are addressed in the Environmental Review section below.

Countywide Green Infrastructure Plan Conformance

The site contains a gap area within the designated network of the *Approved Countywide Green Infrastructure Plan*. The gap area is located in the northern half of the site and is associated with a wooded stream that crosses the same area. The woodland area within the gap area is bounded by Edwards Way to the west, and Adelphi Road (an arterial roadway) to the east. Based on the existing conditions of the site and the presence of roadways in this location, it would not be possible to implement the Green Infrastructure Plan without permanently removing the existing roads.

Review of Environmental Conditions of Approval for A-9954

The conditions of approval for the zoning map amendment which are environmental in nature for A-9954, as expressed in PGCPB Resolution No. 02-102, are addressed below.

- (7) **Development of the subject property shall have a woodland conservation threshold of 20 percent. If off-site mitigation is proposed, the first priority for mitigation sites shall be within the Anacostia Watershed.**

A TCP1 has been submitted with the application, which uses a threshold calculation of 20 percent as required by the condition. According to the worksheet on the TCP1, the requirement will be met with 2.46 acres of off-site woodland conservation to mitigate for the loss of on-site woodlands.

Environmental Review

Note: As revisions are made to the submitted plans, the revision box on each sheet shall be used to describe in detail the revisions made, when, and by whom.

- a. The preliminary plan application has an approved Natural Resources Inventory (NRI-063-05-01) dated November 9, 2010, which was included with the application package. The NRI shows a stream and 100-year floodplain in the northern section of the site. The stream is piped above and below the subject property because the site is bounded by public roadways on all sides (Adelphi Road, Edwards Way, and Riggs Road (MD 212)).

The site is 4.14 acres in size and contains approximately 3.35 acres of mature hardwood forest dominated by white oak and southern red oak. The understory contains a high percentage of invasive species, including greenbrier, English ivy, and multiflora rose. According to the NRI, there are 24 specimen trees on-site. The required features are correctly shown on the preliminary plan and TCP1.

- b. The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is in excess of 40,000 square feet in size, there are more than 10,000 square feet of existing woodlands on-site, and the property does not have a previously approved tree conservation plan. A Type I Tree Conservation Plan (TCP-015-06-01) has been submitted for review.

The current zoning of the subject property (L-A-C) has a woodland conservation threshold of 15 percent. The zoning condition of approval sets the required threshold at 20 percent of the net tract, or 0.73 acre, which is correctly reflected in the TCP1 worksheet. The TCP1 proposes to clear the entire 3.35 acres of on-site woodland resulting in a woodland conservation requirement of 2.46 acres. The requirement is proposed to be met with off-site woodland conservation credits.

- c. Section 25-122(b)(1)(G) of the Woodland Conservation Ordinance requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical

root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

A variance request to Section 25-122(b)(1)(G) was received and reviewed with the Comprehensive Design Plan (CDP-1001) application for the removal of 24 specimen trees located on the subject property. No additional information with regard to the removal of specimen trees is required.

- d. The site contains a primary management area (PMA) that is required to be preserved to the fullest extent possible (Section 24-130 of the Subdivision Regulations). The design should avoid any impacts to the regulated environmental features, which includes the PMA, unless the impacts are essential for the development as a whole. Impacts to regulated environmental features that are not associated with necessary road crossings or the installation of public utilities that are required to serve the development as a whole are generally not supported. If the impacts cannot be avoided, every attempt must be made to minimize the area of impact. For designs that result in a significant area of impact (more than 200 linear feet of stream beds or one-half acre of wetlands and wetland buffers), mitigation must be provided.

The PMA includes a stream valley that flows onto the site on the east side of the site from a storm drain pipe under Adelphi Road, and exits the site on the northwest side into a storm drain pipe. The TCP1 proposes the disturbance of the entire area (1.02 acres) within the delineated PMA for stream realignment, vehicular entrance, parking, and grading. This impact includes 309 linear feet of stream bed.

A statement of justification was stamped as received on May 14, 2011. The following is a summary of the proposed impacts:

Impact 1 is located in the northern corner of the property and totals 14,745 square feet. This impact is for the realignment of the stream. The realignment will serve to provide a more defined channel within the existing stream system and safely convey off-site and on-site runoff to the stream.

Impact 2 is located adjacent to the southern side of Impact 1 and totals 10,235 square feet. This impact is for the creation of a bioretention area that will serve to naturally store and treat on-site runoff before it enters the proposed realigned stream.

Impact 3 consists of two outfalls associated with the proposed bioretention area. They are located in the northern corner of the site and total 643 square feet. The outfalls are necessary to safely convey stormwater to the stream.

Impact 4 consists of an area of road dedication and a vehicular access lane and totals 9,185 square feet. The road dedication is located at the northeastern boundary of the

subject site. The access lane is located at the central eastern boundary of the site. Road dedication is required by other sections of the County Code. The proposed entrance, as shown, was determined to be the only suitable area along Adelphi Road where the site could be safely accessed. The applicant's alternative locations were located at the northeastern and southeastern portions of the site; however, access at those locations was too close to the intersections with Edwards Way on the northern end, and Riggs Road (MD 212) on the southern end.

Impacts 5 and 6 consist of grading for parking, a building foundation, and road access in the site. These impacts total 9,548 square feet and are located adjacent to the south side of the proposed bioretention area. While these types of impacts are generally not supported, the necessary realignment of the stream and the location of the proposed entrance result in secondary impacts to the PMA area. The primary impact to this area is the work associated with the realignment of the stream.

The proposed design is to relocate the stream into a more defined channel, with an improved habitat area using native planting, as well as adjacent bioretention areas that will allow natural infiltration for some of the runoff. Exhibits were submitted showing alternative designs based on minimization and avoidance of the PMA. The conclusion of the applicant's analysis is that the relocation of the stream to a natural channel with bioretention forebays is the best option for minimizing the impacts proposed. Based on the Planning Board's evaluation, this design is the best option with an open natural channel that improves the habitat area on the site, allows some natural infiltration, and controls the resulting water temperature before it reaches the confluence with another open channel on the west side of Edwards Way.

The Department of Public Works and Transportation (DPW&T) has requested that the entire 309 linear feet of the existing stream on the subject site be piped as part of the proposed development. On April 27, 2011, the Environmental Planning Section met with DPW&T and the applicant to discuss other options for the control of stormwater. DPW&T raised concerns regarding maintenance of an open channel on the site and prefers a design where the stream is piped because the potentially large volume of stormwater that enters the site during a significant rain event, in addition to the increased runoff from the proposed development, may cause degradation of the relocated stream channel. According to the applicant, the Maryland Department of the Environment (MDE) and the Army Corps of Engineers has determined that piping the stream is not an appropriate design.

At the conclusion of the meeting, it was agreed that the alternative design of diverting large storm events into a piped system and maintaining some level of base flow of water into the channel will be brought by the applicant to MDE for their input. To date, no update regarding this design has been reviewed.

Whether the stream is piped or relocated, the resulting design would require the entire PMA to be impacted. Because of the existing condition of the stream it would be more beneficial to realign the stream with a more defined channel. The proposed design would result in the restoration of a significant portion of the PMA. As shown on the submitted TCPI, the design demonstrates the preservation of the PMA to the fullest extent possible.

- e. The Environmental Technical Manual recommends that mitigation be provided when impacts to a regulated environmental feature exceed 200 linear feet of stream bed or one-half acre of wetlands and wetland buffer. The proposed design results in impacts to 309 linear feet of stream bed on the subject property.

Mitigation for proposed impacts can take many forms and is generally provided on an off-site property because the impacts are usually permanent. The subject application proposes to relocate the stream on-site and provide a reconstructed channel and habitat. This on-site mitigation is the best possible option for mitigation as it restores the lost functions as close to the point of impact as possible.

- 6. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 2925-2005-01, was approved on March 18, 2010 and is valid until March 18, 2012. The approved concept plan has conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with that approved plan.

According to the approval letter, extended detention and a filtration system is required for water quality and quantity control. The submitted concept plan shows an underground infiltration system; however, the TCPI proposes a re-aligned stream and adjacent bioretention areas. The concept plan is not consistent with the submitted TCPI or with the concepts that have been discussed for the site. Because DPW&T is requiring a design to pipe the stream, additional discussion is anticipated with regard to stormwater conveyance, and the proposed concept plan will be subject to revisions in the future.

- 7. **Parks and Recreation**—In accordance with Section 24-134(3)(a) of the Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because proposed Parcels A, 1, and 2 consist of nonresidential development.
- 8. **Trails**—The proposed preliminary plan was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The site is within the area covered by the approved Langley Park-College Park-Greenbelt master plan and is subject to the MPOT.

Master Plan Compliance and Prior Approvals

The proposal does not conflict with the conditions of approved Basic Plan A-9954-C. The zoning map amendment was approved with conditions related to bikeways and sidewalks. Conditions 8c and 9c require streetscape improvements to create a pedestrian-friendly environment. Walkways must be included in the site plan per Condition 9k. The subject preliminary plan shows sufficient land for these improvements, including five-foot-wide sidewalks. The specific details of these improvements will be reviewed for conformance with the basic plan requirements at the time of review of the specific design plans. At a minimum, the comprehensive and specific design plans must show five-foot-wide sidewalks along Adelphi Road, Riggs Road (MD 212), and Edwards Way. The streetscapes must contain street furniture, pedestrian lighting, trash receptacles, bike racks, contrasting pavement material in sidewalks (internal), and a bus stop location.

Approved Countywide Master Plan of Transportation (MPOT)

Adelphi Road

Condition 9c of the basic plan approval requires a five-foot-wide sidewalk along Adelphi Road. The applicant's proposed dedication along this road appears to be sufficient for the construction of the five-foot-wide sidewalk. The location of the sidewalk will be reviewed at the time of specific design plan.

Adelphi Road is recommended in the MPOT for a sidepath between New Hampshire Avenue (MD 650) to University Boulevard (MD 193). This road is maintained by DPW&T and provides pedestrian and bicyclist access to the University of Maryland. The subject proposal includes the required basic plan dedication of 50 feet from the centerline of Adelphi Road for the widening of Adelphi Road to ultimate 100-foot-wide right-of-way for wide sidewalk development. A sidepath and bike lanes could be constructed by the county in the future to fulfill the MPOT recommendation, but this cannot be determined at this time. The location of a sidepath on Adelphi Road has not been determined by the county, and no analysis by DPW&T regarding the provision of a bikeway or sidepath has been provided.

Bicycle warning signage shall be placed along the frontage of Adelphi Road to warn motorists of the presence of bicyclists on this road until such time that the county implements either a sidepath or bike lanes on Adelphi Road.

Riggs Road (MD 212)

Condition 9c of the basic plan approval requires a five-foot-wide sidewalk along Riggs Road (MD 212) and Condition 8c requires streetscape elements along the road. Condition 8c of the basic plan does not specifically reference Riggs Road, but this is the main entrance to the site. Staff assumes that Riggs Road is the subject of Condition 8c. The applicant's proposed dedication along this road appears to be sufficient for the construction of a five-foot-wide sidewalk. The location of the sidewalk and streetscape elements that are required by the basic plan approval will be reviewed at the time of specific design plan.

The MPOT recommends Riggs Road contain sidewalks and on-road bicycle facilities from Powder Mill Road (MD 212) to Washington D.C. No analysis by the Maryland State Highway Administration (SHA) regarding the provision of bicyclists has been provided. The MPOT recommends that continuous sidewalks and on-road bicycle accommodations are necessary along this corridor. Currently, sidewalks are fragmented or missing along some segments of the road. Right-of-way constraints may prohibit bike lanes.

The applicant shall provide crosswalk locations along Riggs Road at the intersection of at the main site entrance and at Edwards Way, which will be reviewed at the time of specific design plan. The MPOT specifically recommends that crosswalk improvements and other pedestrian safety features along Riggs Road may be appropriate at some locations.

As with Adelphi Road, it is recommended that bicycle warning signage be placed along the frontage of Riggs Road to warn motorists of the presence of bicyclists on this road until such time that the state implements other bicycle facilities.

Edwards Way

Edwards Way is not specifically described in the MPOT, but as with all roads contained within the Developed Tier, Edwards Way should not be overlooked when it comes to accessible and safe roads. Complete Streets Policy 5 contained in the MPOT recommends that new development proposals in the Developed and Developing Tiers be evaluated for conformance with the Complete Streets principles. The principles recommend increasing road crossing opportunities, encouraging medians and pedestrian refuge islands, and encouraging pedestrian-scaled land use and urban design while reducing crossing distances for pedestrians. It is recommended that the applicant provide crosswalk locations along Edwards Way that provide access to the subject property from properties across from Edwards Way. The specific locations will be reviewed at the time of specific design plan.

Bicycle facilities are not specifically recommended along Edwards Way in the MPOT; however, because bicyclist currently utilize this road and because increased bicycle use can be expected because of the proposed development, it is recommended that bicycle warning signage be placed along the frontage of Edwards Way to warn motorists of the presence of bicyclists on this road until such time that the county implements other bicycle facilities. This recommendation also fulfills the MPOT's Complete Streets Policy 2, which recommends that "All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical" (p. 10).

9. **Transportation**—The findings contained herein are based on the review of a traffic impact study submitted on December 6, 2010. This updated traffic impact study was found acceptable and was referred to DPW&T and SHA for their review and comments.

The property is located on Riggs Road (MD 212) and Adelphi Road. The triangular piece of land is also bordered on the west by Edwards Way. The proposed use is for a shopping center of 22,288 square feet consisting of two buildings. One of the buildings will contain a pharmacy with drive-through service. The subject property consists of 4.14 acres of land in the L-A-C Zone.

Riggs Road (MD 212) is listed in the *Approved Countywide Master Plan of Transportation* as a collector with four lanes and 80 to 100 feet of right-of-way. Adelphi Road is listed as an arterial with four to six lanes and 100 to 120 feet of right-of-way. Edwards Way is not listed as a master plan road. Basic Plan A-9954-C conditions rights-of-way of 40 feet from the centerline of Riggs Road, 50 feet from the centerline of Adelphi Road, and 35 feet from the centerline of Edwards Way. While the right-of-way shown along Riggs Road appears to be correct, the remaining dedications are not clear and need to be resolved prior to approval of the specific design plan.

The subject property is located within the Developed Tier as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections subject to meeting the geographical criteria in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

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

The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by staff consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

Analysis of Traffic Impact

The application is a preliminary plan of subdivision for 22,288 square feet of commercial/retail space. The findings and recommendations outlined below are based upon a review of materials and analyses conducted by staff of the Transportation Planning Section.

A traffic impact study was submitted for two signalized intersections and three unsignalized intersections. These critical intersections are listed below. The traffic counts in the study were taken in October 2010.

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Adelphi Road and Edwards Way	84.1*	238.5*	--	--
Riggs Road (MD 212) and Edwards Way	28.1*	48.6*	--	--
Riggs Road (MD 212) and Metzerott Plaza	11.3*	14.5*	--	--
Riggs Road (MD 212) and Adelphi Rd	1,256	1,363	C	D
Riggs Road (MD 212) and Metzerott Road	971	1,209	A	C
*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.				

Under existing conditions, delay at the intersection of Adelphi Road and Edwards Way exceeds 50.0 seconds during both peak hours indicating inadequate traffic operations. 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.

For background traffic conditions, the applicant applied a growth rate of 1.5 percent to existing traffic volumes. The growth rate was projected for two years, the expected build-out date for the site. Background conditions are shown in the chart below.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Adelphi Road and Edwards Way	102.9*	283.4*	--	--
Riggs Road (MD 212) and Edwards Way	29.7*	54.3*	--	--
Riggs Road (MD 212) and Metzerott Plaza	11.4*	14.8*	--	--
Riggs Road (MD 212) and Adelphi Rd	1,295	1,404	C	D
Riggs Road (MD 212) and Metzerott Road	999	1,244	A	C

*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.

Under background conditions, delay at the unsignalized intersection of Adelphi Road and Edwards Way exceeds 50.0 seconds during both peak hours indicating inadequate traffic operations. During the PM peak hour, the unsignalized intersection of Riggs Road (MD 212) and Edwards Way exceeds 50.0 seconds.

The applicant's traffic consultant added the new trips expected to be generated by the proposed retail space to background traffic to obtain future traffic conditions. A pass-by trip rate of 50 percent was used. This accounts for trips already using MD 212 and Adelphi Road and stopping at the retail center. In the AM peak hour there will be 23 total trips (14 in/9 out) and in the PM peak hour 268 total trips (134 in/134 out). Total net new trips will be 12 AM peak hour trips and 134 PM peak hour trips.

Under future or total traffic conditions, the intersection of Adelphi Road and Edwards Way exceeds 50.0 seconds. During the PM peak hour, the unsignalized intersection of MD 212 and Edwards Way exceeds 50.0 seconds. 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.

FUTURE TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Adelphi Road and Edwards Way	104.3*	368.9*	--	--
Riggs Road (MD 212) and Edwards Way	29.8*	63.5*	--	--
Riggs Road (MD 212) and Metzert Plaza	11.4*	15.8*	--	--
Riggs Road (MD 212) and Adelphi Rd	1,299	1,420	C	D
Riggs Road (MD 212) and Metzert Road	1,002	1,273	B	C

*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.

In terms of adequacy, the intersection of Adelphi Road and Edwards Way exceeds the threshold of 50.0 seconds during the AM and PM peak hours. Several traffic signal warrant studies have already been completed for the intersection of Adelphi Road and Edwards Way indicating that a traffic signal is warranted at this location. However, the applicant will be responsible for a new traffic signal warrant study. DPW&T recommends a traffic signal at this location.

Intersection delay also exceeds 50.0 seconds at the intersection of MD 212 and Edwards Way during the PM peak hour under future traffic conditions. A traffic signal warrant study will also be required at this intersection.

Site Access and Circulation

The right-in/right-out access point on Adelphi Road, a roadway designated as an arterial in the MPOT, will require a variation from Section 24-121(a)(3) of the Subdivision Regulations. The variation request was submitted with the preliminary plan. Section 24-121(a)(3) states that "When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road."

The site is surrounded on all sides by public roadways. By itself, this situation lends uniqueness to the site. As the applicant points out, the property has 650 feet of frontage along Adelphi Road. The proposed access point is approximately 350 feet from Riggs Road (MD 212). The planned traffic signal at Adelphi Road and Edwards Way should provide gaps in traffic to allow right turning vehicles to safely access Adelphi Road. Environmental features in the north section of the site and topographical conditions (hill slope and an environmental feature) along Edwards Way present some challenges to an entrance on Edwards Way on the west side of the property. Two access points will provide better on-site circulation and reduce traffic conflicts on all three adjacent roadways. If the variation were not granted, it is believed that these conditions would contribute to a degree of hardship by limiting access to the site.

A second access point is proposed on Riggs Road (MD 212) opposite the Metzert Plaza driveway. This will serve as the main entrance/exit point for the proposed retail space based on the traffic study. It will also take pressure off of the Adelphi Road right-in/right-out access point. The two access points will work together to ensure safe access to the site. Therefore, it is determined that the request for a variation to Section 24-121(a)(3) is justified and is granted.

Overall traffic circulation on the site and the location of the drive-through service appear reasonable. Driveways on the site are adequate. One driveway is shown as one-way to prevent conflicts with the drive-through service.

Variation from Section 24-121(a)(3)

The subject site is not currently served by access driveways to Adelphi Road. This right-of-way is an existing arterial facility and, pursuant to Section 21-121 of the Subdivision Regulations, lots that front on arterial roadways shall be developed to provide direct vehicular access to either a service road or an interior street. This requirement requires an applicant to develop alternatives to direct access onto an arterial roadway. Section 24-121(a)(3) of the Subdivision Regulation states:

- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

The site is triangular-shaped and, at just over four acres in size, would be severely impacted if a public street were to be platted into or through the property. Two access points are proposed. Safe access from Edwards Way is not possible: environmental features prohibit access at the northern end; the southern end is too close to the intersection of Riggs Road (MD 212) to provide safe access; and the middle is too steep to provide safe access. A full movement access is proposed along Riggs Road. This access, which requires no variation, is located directly across from the entrance to the existing shopping center on the south side of Riggs Road. The applicant is requesting a variation for a single right-in/right-out vehicular access point on Adelphi Road. This is reasonable given that the property has approximately 650 feet of frontage on Adelphi Road. The right-in/right-out access has been located to provide a safe distance from the intersection of Adelphi Road and Riggs Road.

Since Adelphi Road is an existing arterial facility, a request was submitted for a variation from Section 24-121(a)(3) to construct one point of access on Adelphi Road. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests and reads as follows:

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

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121(a)(3) of the Subdivision Regulations could result in inadequate access and circulation for the retail development proposed.

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

The District Council determined that the subject property should be rezoned from R-R to L-A-C, which is primarily a commercial zone. In doing so, the Council determined that new commercial uses will significantly benefit the surrounding area. Of the three street frontages, only two (Riggs Road and Adelphi Road) can accommodate an entrance. Failure to approve the requested variation, thus limiting the points of access, may cause a detrimental impact to the public safety, health, or welfare. Reducing the points of access to this site will also result in the reduction of the potential density and thus conflict with the goals and objectives of the county and smart growth principles.

- (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;**

The triangular shape created by the convergence of three different rights-of-way, modest size, and its infill location are unique to the property. Environmental constraints including stream and nontidal wetlands combined with the slope of the property from Edwards Way to Adelphi Road are unique and do not allow for an entrance onto Edwards Way, it can be reasonably argued that the variation sought is not applicable to other properties due to its size, location, and unique condition.

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

In all other regards, if approved, the improvements that result from the requested variance will be constructed to meet or exceed all applicable laws and safety regulations of the federal, state, and county governments via the permit review process.

- (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;**

Finally, because of the triangular shape and modest size of the property, and the fact that the site is limited to one access if the second access on the arterial roadway is not permitted, a particular hardship to the owner would result if the strict letter of these

regulations is carried out. This would severely limit vehicular access to the property due to the extreme topographical and environmental constraints that exist on the property. Internal site operations would be operating inefficiently for the proposed use including, but not limited to, awkward truck turning movements and less desirable parking, which would reduce the retail experience and possibly provide other retail establishments with a competitive advantage.

SHA and DPW&T Comments

DPW&T recommends the widening of Adelphi Road at Riggs Road (MD 212) and the provision of an exclusive left-turn lane on southbound Adelphi Road. This was not a condition of Basic Plan A-9954-C, in addition, the intersection operates below the threshold of LOS E (CLV 1,600) for the Developed Tier. For this reason, this DPW&T recommendation cannot be carried forward. While it is agreed that this improvement would improve capacity, the intersection is shown to operate within the policy standard for level-of-service.

DPW&T also recommends double left-turn lanes along southbound/westbound MD 212 at the approach to Adelphi Road. This is a condition in Basic Plan A-9954-C. The applicant will be responsible for this improvement unless rescinded by the District Council through a revision to the basic plan. In addition, an operational improvement, providing a crosswalk with pedestrian signals, is recommended by DPW&T at the intersection of MD 212 and Adelphi Road.

The applicant is proposing a full movement intersection on MD 212 opposite Metzert Plaza. SHA will allow a full movement intersection at this location. A traffic queuing study will be required. In addition, SHA is requesting dedication of additional right-of-way beyond what is recommended in the MPOT. Riggs Road (MD 212) is listed as a collector with four lanes and 80 to 100 feet of right-of-way. SHA recommends a 150-foot right-of-way on MD 212 and dedication of 75 feet from the centerline of MD 212. SHA based this recommendation on their Highway Needs Inventory that proposes widening MD 212 at some point to a four-lane divided roadway with a median. They also recommended acceleration and deceleration lanes on Adelphi Road at the proposed site entrance. SHA had some concerns with the applicant's traffic study and traffic counts. SHA recommended the use of a February 15, 2011 traffic count which was higher than the traffic count submitted by the applicant taken in October 2010. Operational improvements, i.e. crosswalk improvements, are also recommended by SHA at MD 212/Edwards Way and MD 212/Adelphi Road.

Based on the preceding findings, it is determined that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations if the application is approved with conditions.

10. **Schools**—The preliminary plan of subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.

11. **Fire and Rescue**—The proposed preliminary plan has been reviewed 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 Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
34	Chillum-Adelphi	Engine	7833 Riggs Road	2.94	3.25	Within
34	Chillum-Adelphi	Ladder Truck	7833 Riggs Road	2.94	4.25	Within
12	College Park	Paramedic	8115 Baltimore Ave.	4.47	7.25	Within
34	Chillum-Adelphi	Ambulance	7833 Riggs Road	2.94	4.25	Within

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

12. **Police Facilities**—The police facilities test is performed on a countywide basis for nonresidential development in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department, and the July 1, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using 141 square feet per 1,000 residents, it calculates to 117,672 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
13. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* reflects this property in water and sewer Category 3, Community System, and the site will therefore be served by public systems.

14. **Health Department**—The Prince George’s County Health Department has evaluated the proposed preliminary plan of subdivision. The site plan indicates an existing well and includes a note regarding disposition of wells and septic fields on the site (General Note 23). This note should be reworded. The abandoned shallow well on proposed Lot1 must be backfilled and sealed,

in accordance with Code of Maryland Regulations (COMAR) 26.04.04, by a licensed well driller or witnessed by a representative from the Health Department.

15. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner's dedication reflected on the final plat:

"Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748."

The preliminary plan of subdivision correctly delineates a ten-foot public utility easement (PUE) along the public right-of-way as requested by the utility companies.

16. **Historic**—A Phase I archeological survey was completed on the 4.14-acre Edwards Property in September 2006. Four copies of the final report, *A Phase I Archeological Survey of the Edwards Property: A 4-Acre +/- Parcel Located at the Intersection of Adelphi and Riggs Roads in Adelphi, Prince George's County, Maryland (Development Case No. CDP-0502)*, have been received by the Historic Preservation Section and were accepted on May 19, 2008. One early to mid-20th century sanitarium park or garden, 18PR841, was identified in the survey. The site did not contain significant information and no further archeological work was recommended. Staff concurs with the report's findings that no further archeological work is necessary on the Edwards Property.
17. **Residential Conversion**—Proposed Parcels A, 1, and 2 are zoned L-A-C. While the subject application is not proposing any residential development on the property, the existing zoning would permit such a land use. If residential development is proposed in the future, a new preliminary plan should be approved. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivision, a new preliminary plan should be required if residential development is to be considered.

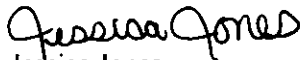
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Cavitt, seconded by Commissioner Clark, with Commissioners Cavitt, Clark, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, June 16, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of July 2011 *and corrected on July 25, 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JT:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 7/27/11

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language