

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 26, 2001, regarding Comprehensive Design Plan CDP-9006/01 for Collington Center the Planning Board finds:

1. The requested revision to the Comprehensive Design Plan is to eliminate requirements for provision of recreational facilities in CDP-9006, the Comprehensive Design Plan for Collington Center. CDP-9006 was approved for Collington Center by the Planning Board on October 18, 1990 (PGCPB No.90-455) with 16 conditions of approval.

Condition #10 of CDP-9006 reads as follows:

APrior to submission of Final Plats, the applicant, his successors and/or assigns, shall record and execute a formal agreement with the M-NCPPC to provide a combination of public and private recreational facilities. This Recreation Facilities Agreement shall be reviewed by the Department of Parks and Recreation (DPR) prior to execution. To ensure the satisfactory construction of the recreational facilities, a performance bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office of the M-NCPPC) shall be posted. The bond for the public recreational facilities shall be submitted to DPR. The bond for private recreational facilities shall be submitted to the Development Review Division. All bonds shall be posted within two weeks of applying for building permits. The facilities to be constructed on public park lands shall include the following:

- a. two (2) lighted tennis courts;
  - b. parking facility with a minimum of 40 spaces;
  - c. a minimum eight-foot wide asphalt hiker-biker trail along Collington Branch; and
  - d. a secondary pathway system to link the recreational facilities within the park.@
2. A number of Specific Design Plans have been filed after the Comprehensive Design Plan was approved. During the review of a Specific Design Plan application (SDP-9904) for Lot 14, Block C, in Collington Center in December 1999, the County Executive=s office indicated that the specific applicant in that case should not be considered responsible for

provision of the facilities (memorandum from Errico to Piret, December 21, 1999). The memorandum indicated that the county would be submitting a revision to the Comprehensive Design Plan to address Condition #10.

3. The subject revision to the Comprehensive Design Plan is being filed to eliminate CDP conditions requiring provision of public recreational facilities in the Collington Center development. The county (Holtz to Adams, February 1, 2001) has stated that the park is nearly fully developed and there has been no interest from the tenants in having recreational facilities included as a part of the park. Therefore, the county requests that the CDP be amended and the requirement for recreational facilities be eliminated. Since the county is the owner of Collington Center, a fee waiver is also being requested for the subject revision to the Comprehensive Design Plan.
4. Condition #10 of CDP-9006 was carried forward and applied to the Preliminary Plat application (4-96051) for subdivision of Lot 6, Parcel A, Block A, and Lots 5 and 8, Parcel B, Block E, in Collington Center. Preliminary Plat 4-96051 was approved by the Planning Board on November 21, 1996 (PGCPB No. 96-318) with 15 conditions of approval. Condition #10 of CDP-9006 was retained as Condition #9 of Preliminary Plat 4-96051. Preliminary Plat 4-96051 expires on November 21, 2002. The county is, at present, pursuing a record plat for one of the last remaining parcels in the park. Therefore, it is requesting that the subject revision to the Comprehensive Design Plan be approved prior to the recordation of the final plat. Revision of Condition #9 of Preliminary Plat 4-96051 may also be required.
5. Staff agrees with the applicant regarding the lack of interest in recreational facilities in the park. The park is substantially built out and Condition #10 was never implemented during the Specific Design Plan stage for all the previous projects in Collington Center. The Department of Parks and Recreation and the Subdivision Section have no Public or Private Recreational Facilities Agreements on file for Collington Center as required by the above condition. However, the ability to eventually implement the hiker-biker trail segment through Collington Center should be retained to maintain the connectivity of the trail system recommended by the *Master Plan*. The referral comments below also address the issue of retaining the hiker-biker trail in Collington Center. Condition #8 of the Preliminary Plat 4-96051 requires the county to dedicate 144+ acres to M-NCPPC as open space along with the Final Plat. Some portions of the trail will be included in the subject 144+ acres. The applicant will have to dedicate the subject 144+ acres prior to approval of the next Final Plat in Collington Center.

#### Referral Responses

6. The Subdivision Section has no comments at this time.
7. The Transportation Planning Section (Shaffer to Srinivas, March 8, 2001) has stated that the Collington Branch Stream Valley Trail should be retained for conformance with the Adopted and Approved *Bowie-Collington-Mitchellville and Vicinity Master Plan*. The

trail is an important link within the area-wide trail and bikeway network and will ultimately link to the Western Branch Stream Valley Trail and Chesapeake Beach Rail-Trail to the south and the MD 450 trail to the north. The County Executive's office has agreed to dedicate land that will accommodate the trail. A condition of approval requiring dedication of land along Collington Branch to accommodate the future multi-use trail has been added, along with a condition to eliminate conditions requiring other recreational facilities.

8. The Transportation Planning Section (Masog to Srinivas, March 17, 2001) has expressed concerns that the elimination of on-site recreational facilities may result in increased trips due to workers travelling off-site to other recreational facilities. However, the proposal technically meets the requirements pertaining to transportation facilities.
9. The Environmental Planning Section (Markovich to Srinivas, February 8, 2001) has stated that the site was previously evaluated by the Environmental Planning Section

during the review of various Basic Plans, Comprehensive Design Plans, Preliminary Plans, Specific Design Plans and Tree Conservation Plans. A Type I Tree Conservation Plan (TCPI/59/95) and a Type II Tree Conservation Plan (TCPII/67/96) were previously reviewed and approved for the overall site. The elimination of the recreational facilities will not result in adverse impacts to any environmental features.

10. The Community Planning Division (D'Ambrosi to Srinivas, February 15, 2001) has stated that the master plan shows a trail connection from Leeland Road to Commerce Drive. A private open space for the Collington Center near US 301 and around Collington branch is shown on the plan. The Division recommends that the trail segment be retained.
11. The City of Bowie (Robinson to Hewlett, April 2, 2001) has stated that the elimination of the trail segment through the Collington Center would be contrary to the *Master Plan* and would create a gap in the Collington Center Branch Trail network. Therefore, the hiker-biker trail should be retained.
12. The Department of Parks and Recreation (Palfrey to Srinivas, February 27, 2001) has no comments at this time.
13. In addition to Condition #10, other related conditions as indicated below deal with recreational facilities and should also be eliminated if Condition #10 is eliminated:

#11 The applicant, his successors and/or assigns, shall submit a detailed recreational/landscape plan for the public park site to DPR for review and approval prior to the next Specific Design Plan approval.

#12 The developable land behind Lots 1 and 2, Block E, shall be used for active recreational amenities.

#13 All recreational facilities shall be built in accordance with standards set forth in the Parks and Recreation Facilities Guidelines.

#14 Access to the active recreational area behind Lots 1 and 2, Block E, shall be provided via Prince George=s Boulevard.

Therefore, a condition of approval has been added to eliminate the above conditions.

14. Section 27-521 of the Zoning Ordinance, Required Findings for Approval, requires the Planning Board to find conformance with the following findings for approval of a Comprehensive Design Plan:

(1) *The plan is in conformance with the approved Basic Plan;*

The subject CDP revision will be in conformance with the approved Basic Plan. Although Consideration 6 of the approved Basic Plan references provision of tennis courts to be available to employees of Collington Center, the circumstances of this case

justify the conclusion that the consideration should not be enforced when the tenants have not expressed any desire for the tennis courts.

(2) *The proposed plan would result in a development with a better environment than could be achieved under other regulations;*

The subject CDP revision will not alter the existing development in Collington Center.

(3) *Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;*

With the proposed conditions, the elimination of the tennis courts will not significantly alter the previous findings regarding the existing and proposed design elements, facilities, and amenities that are intended to satisfy the needs of the residents, employees, or guests of the project.

(4) *The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;*

The elimination of the recreational facilities proposed by the subject CDP revision will not significantly impact the previous determination that the Collington Center is compatible with existing land uses, zoning, and facilities in the immediate surroundings.

(5) *Land uses and facilities covered by the Comprehensive Design Plan will*

*be compatible with each other in relation to:*

- (A) Amounts of building coverage and open space;*
- (B) Building setbacks from streets and abutting land uses; and*
- (C) Circulation access points;*

With the proposed conditions, the subject CDP revision will not alter the existing land uses and facilities that have previously been determined to be compatible with each other in the ways stated.

- (6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;*

Collington Center is almost built out. Each phase of development in Collington Center has existed as a unit capable of sustaining an environment of continuing quality and stability. The proposed elimination of the recreational facilities will not alter the project's capability to exist as staged units and as total development.

- (7) The staging of development will not be an unreasonable burden on available public facilities;*

Almost all the parcels in Collington Center are built out and therefore, the subject CDP revision will not be an unreasonable burden on public facilities that are existing, under construction, or for which 100% construction funding is contained in the county CIP or the State CTP, and so the request technically meets the requirements pertaining to public facilities.

- (8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:*
  - (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;*
  - (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;*
  - (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;*

The above section is not applicable to this CDP revision.

- (9) *The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d); and*

The above section is not applicable to this CDP revision.

- (10) *The Plan is in conformance with an approved Tree Conservation Plan.*

The elimination of the recreational facilities will not alter the approved Tree Conservation Plan.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Comprehensive Design Plan for the above-described land, subject to the following conditions:

1. Prior to approval of the next Final Plat in Collington Center, the applicant, his successors and/or assigns shall dedicate the land (approximately 144 acres) along the Collington Branch Stream Valley to M-NCPPC for the planned stream valley park and to accommodate the future multiuse trail according to the requirements and specifications for land dedication specified by the Department of Parks and Recreation.
2. Conditions #10, #11, #12, #13 and #14 of CDP-9006 shall be eliminated.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

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 Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 26, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of May 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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