

PGCPB No. 05-148

File No. DSP-05014

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 23, 2005 regarding Detailed Site Plan DSP-05014 for Largo Park, Lot 5B, the Planning Board finds:

1. **Request:** The subject application is for infrastructure and grading of the site.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	I-3	I-3
Use(s)	Vacant	Infrastructure
Acreage	9.15	9.15
Lots	1	1
Parcels	0	0
Square Footage/GFA	0	0
Dwelling Units:	N/A	N/A

3. **Location:** The site is in Planning Area 73, Council District 6. More specifically, it is located in the southwest quadrant of the intersection of Landover Road (MD 202) and Lottsford Road.

4. **Surroundings and Use:** The subject property is bounded to the northwest by Lottsford Road; to the southwest by existing office use; to the northeast by Landover Road (MD 202); and to the southeast, vacant I-3-zoned land.

COMPLIANCE WITH EVALUATION CRITERIA

5. The detailed site plan is in general conformance to the conceptual site plan, CSP-87168/01, approved by the Planning Board on August 3, 1989, with nine conditions. Two conditions of the conceptual site plan are applicable to this review. They are as follows:

5. **Individual trees on site that are worthy of saving will be flagged by staff from the Natural Resources Division and the Development Review Division.**

6. **Every effort will be made to incorporate these trees into the overall building and parking lot layout. This could mean the reconfiguration of the building and parking lot to accomplish this goal. The possibility that drastic overall site grading will be necessary for drainage of surface waters will be carefully reviewed at Detailed Site**

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Plan and would eliminate the tree-save requirement.

The applicant has attempted to balance the grading needs of the site with the requirements of the Woodland Conservation Ordinance. The detailed site plan meets the requirements of woodland conservation on the site. For more information regarding this issue, see Finding 7 below.

6. The detailed site plan is in general conformance with the preliminary plan, 4-98064, and applicable conditions of approval. In a memorandum dated May 2, 2005 (Thompson to Wagner), the Subdivision Section offered the following comments with regard to access and trip caps:

“The property is the subject of Preliminary Plan 4-98064, approved by the Planning Board on December 10, 1998. The resolution of approval, PGCPB Resolution 98-324, was adopted on January 7, 1999. The property is the subject of record plat VJ 189@13.

The property is subject to the conditions contained in the resolution of approval, PGCPB Resolution 98-324. The following conditions relate to the review of the detailed site plan (DSP). Additional comments are provided where appropriate:

“1. **Prior to signature approval, the preliminary plat shall be revised:**

“b. **To include an access easement across Lot 4 to serve Lot 5, a note that the easement shall remain in effect until Lot 5 is purchased for interchange improvements and a note that the easement is provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations.**

“Comment: The property was the subject of a plat of reservation VJ 161@69 that has expired. Direct access to both Lottsford Road and Landover Road was denied at the time of the approved preliminary plan. The DSP must be revised to remove direct access to Lottsford Road. Access is granted via an ingress/egress easement crossing Lot 4 (VJ 186@22) pursuant to Section 24-128(b)(9) of the Subdivision Regulations.

“2. **Total development of Lots 2 and 3, as shown on the preliminary plat, shall be limited to the general office buildings, which currently exist on the site, or other permitted uses which generate no more peak hour vehicle trips than the uses which exist. Any development other than that identified herein above shall require an additional Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.**

“3. **Total development of Lot 4, as shown on the preliminary plat, shall be limited to permitted uses which generate no more than 414 AM and 552 PM peak hour vehicle trips. Any development over that identified herein above shall require an additional Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.**

“Comment: Conditions 2 and 3 establish caps for development on abutting lots. However,

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there are no caps on Lot 5 development. This issue should be referred to the Transportation Planning Section to determine if a new preliminary plan is required for future development on Lot 5 based on adequate transportation facilities.”

For further information regarding these issues, see the Transportation Planning Section referral information under Finding 9.

7. The detailed site plan is in general conformance to the requirements of the Woodland Conservation Ordinance. In a memorandum dated June 14, 2005 (Finch to Wagner), the Environmental Planning Section offered the following comments:

“The Environmental Planning Section has reviewed the revised TCPII for the above-referenced detailed site plan date stamped received by the Environmental Planning Section on June 8, 2005, and the forest stand delineation plan received on April 11, 2005.

“The Environmental Planning Section recommends approval of detailed site plan DSP-05014 and TCPII/136/03-02 subject to conditions listed at the end of this memorandum.

“BACKGROUND

“The Environmental Planning Section previously reviewed this site in conjunction with the approval of preliminary plan of subdivision 4-98064 and Type II Tree Conservation Plans TCPII/136/03 and TCPII/136/03-01.

“Site Description

“This 9.15-acre property in the I-3 Zone is located on the northeast quadrant of the intersection of MD 202 and Lottsford Road. A review of the available information indicates that a stream and 100-year floodplain are found to occur along the southern and southeastern property boundary. Although MD 202 is a transportation-related noise generator, the site does not exceed the State of Maryland noise standards for commercial and industrial uses. The soil series found to occur according to the Prince George=s County Soil Survey is Collington fine sandy loam and Shrewsbury, which have no significant limitations that could affect the development of this property. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George=s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads located in the vicinity of this property. This property is located in the Southwest Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

“ENVIRONMENTAL REVIEW

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“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.

- “1. The Subdivision Ordinance provides for the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. When a property is located within the Patuxent River watershed these features compose the Patuxent River Primary Management Area (PMA) that is to be protected to the fullest extent possible.

“During the review of preliminary plan 4-98064, a Patuxent River Primary Management Area consisting of a stream, a stream buffer, 100-year floodplain, nontidal wetlands, and wetland buffers was identified on Lots 2 through 4, but Lot 5 was previously placed in reservation for planned interchange improvements although a 100-year floodplain easement was previously recorded for Lot 5 (L. 7307 F. 638). At time of final plat for Lot 5, after expiration of the reservation plat, the PMA was not placed in a conservation easement on VJ 189-13 because it was not delineated during the subdivision review process.

“No PMA impacts were proposed or approved during the review of preliminary plan of subdivision 4-98064 and as such the detailed site plan cannot show any impacts.

“The revised TCPII correctly delineates the PMA, and no impacts to the PMA are proposed.

“**Discussion:** No further information is required with regard to the delineation of the PMA on the TCPII.

- “2. A forest stand delineation (FSD) that was prepared in August 8, 1989, and updated in September 10, 1998, for submittal with preliminary plan of subdivision 4-98064 has been submitted. In a memorandum dated September 22, 1998, from Stacy Miller to Alan Hirsch, it was stated that there were less than 10,000 square feet of woodlands on the site, and the site was therefore exempt from the Woodland Conservation Ordinance.

“A new FSD was submitted in February 2003 with an application for approval of a Type II Tree Conservation Plan, TCPII/136/03, after it was determined that woodlands on the site had regenerated and that the subject property was now subject to the Woodland Conservation Ordinance. A subsequent revision to the TCPII was approved on March 15, 2004, which revised the plan to add clearing required for the widening of Landover Road (MD 202).

“The FSD identified three separate woodland stands on the site totaling 5.19 acres of woodland. Forest Stand A, totaling 2.37 acres, is a mature, bottomland, mixed-hardwood

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forest dominated by tulip poplar, red maple, and Southern red oak with an average DBH of 18 to 29.9 inches, and no specimen trees were identified in this stand. The forest structure analysis sheet indicates that this stand has a structural value of 19, which is a “priority” rating. Stand A also contains significant environmental features (wetlands, intermittent stream channel, PMA buffer, specimen trees) and is classified as a Priority 1 retention area.

“Forest Stand B, totaling 0.69 acre, is a mature, upland-hardwood forest dominated by ash white oak and American beech an average DBH greater than 30 inches. There were four specimen trees noted in this stand, of which three were ash trees between 30 and 40 inches in diameter, and one White oak measured 50 inches diameter at breast height. The forest structure analysis sheet indicates that this stand has a structural value of 18, which is a “priority” rating.

“Forest Stand C, totaling 2.11 acres, is an immature, upland-hardwood forest dominated by black locust and has an average DBH of 1 to 5.9 inches caliper. The forest stand analysis sheet indicates that Stand C has a structural value of 11 and has a “Good” rating. Due to the small diameters, low species diversity, and quantity of invasive species (Japanese honeysuckle), Stand C is considered to have a low retention priority.

“Five specimen trees have been identified on the FSD. One is located within the floodplain easement, and the other three are located in the southeast quadrant of the intersection of Lottsford Road and Landover Road. The specimen trees are identified on the FSD plan by number, but there is no specimen tree table on the plan sheet, and the critical root zones for specimen trees located outside of the 100-year floodplain easement have not been delineated.

“**Recommended Condition:** Prior to certificate approval of the detailed site plan, the forest stand delineation shall be revised as follows:

- “a. Add a specimen tree table to the FSD plan sheet which includes the specimen tree identifier, size, species, and condition.
 - “b. Delineate the critical root zone for all specimen trees located outside of the 100-year floodplain easement.
 - “c. Have the revised FSD plan signed and dated by the qualified professional who prepared it.
- “3. This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the property has a previously approved tree conservation plan.

“The Environmental Planning Section does not support the clearing of woodlands for grading and infrastructure purposes unless there is an overall development proposal indicating the elements for which the clearing is proposed. A review of files indicates

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that although conceptual development was previously proposed and approved on an adjacent site, because this site was in reservation for highway improvement, no development plan has been approved for this site. Approval of a tree conservation plan in conjunction with a “real” development proposal is especially important on sites where priority woodlands exist; until the footprint of structures and the layout of site elements is understood, unnecessary clearing of woodlands may be proposed. In the case of this lot, access roads have already been constructed and utilities are in place and readily accessible for development. Grading for infrastructure in the absence of a development proposal is generally considered unnecessary.

“The previously approved TCPII, as described below, proposed to fulfill all woodland conservation requirements on-site. The applicant provided information that the need for grading the site at this time is to balance the earthwork required for development of the adjacent site.

“**Discussion:** The applicant has provided additional information concerning the proposed development for Lot 5, Block B, and provided justification as to why grading of Lot 5 is desirable in conjunction with development of the adjacent lot and prior to approval of a detailed site plan for development. No further information is required at this time.

- “4. A Type II tree conservation plan, TCPII/136/03, was originally reviewed and approved on August 25, 2003, to allow for the construction of a driveway entrance and stockpile. The woodland conservation threshold for this site is 1.12 acres (15 percent of the net tract). The amount of required woodland conservation based on the amount of clearing proposed at that time was 1.22 acres. The TCPII proposed to meet the requirement with 1.22 acres of on-site preservation, which met the requirements of the Woodland Conservation Ordinance.

“The TCPII was revised and approved on March 15, 2004, in order to include additional off-site clearing required for the widening of Landover Road (MD 202). As a result, the amount of required woodland conservation based on the amount of clearing was 1.84 acres. The revised TCPII proposed to meet the requirement with 1.84 acres of on-site preservation, which also met the requirements of the Woodland Conservation Ordinance.

“The current revision to the TCPII is for infrastructure and grading only. The revised TCPII proposes to clear 2.65 acres of woodland, resulting in a woodland conservation requirement of 2.45 acres. The revised TCPII proposes to meet the requirement with 1.12 acres (the woodland conservation threshold) of on-site preservation, and 1.33 acres of off-site mitigation, which meets the requirement of the Woodland Conservation Ordinance.

“Three areas of preservation are proposed on the revised plan. Preservation Area #1 is a 0.52-acre area of priority woodlands adjacent to the 100-year floodplain easement and PMA. The TCPII shows the preservation of priority woodlands (Stand A) within the

minimum 50-foot-wide stream buffer/Patuxent River Primary Management Area located on the site and as a landscape buffer adjacent to Landover Road.

“Preservation Area #2 is located adjacent to Lottsford Road and contains four of the five specimen trees located on the site. The area proposed for protection during construction and preservation includes the on-site critical root zone to support the survivability of the specimen trees. In addition, Stand B is also priority woodlands. The TCPII includes specific management notes and details related to fertilization and aeration for the retention of specimen trees. When the TCPII is revised for development, addition techniques, such as pruning, aeration, fertilization, top dressing, or other appropriate arboricultural practices, should be readdressed. A split rail fence is proposed as a permanent tree protection device for this area.

“Preservation Area #3 is a 0.47-acre area of priority woodlands adjacent to the 100-year floodplain easement and PMA. The TCPII shows the preservation of priority woodlands (Stand A) within the minimum 50-foot-wide stream buffer/Patuxent River Primary Management Area located on the site.

“**Recommended Condition:** When the detailed site plan is revised to allow for development of the site beyond infrastructure, the specimen trees to remain shall be re-evaluated by a licensed or certified arborist. The TCPII shall be revised to incorporate the recommendation of the licensed or certified arborist, which may include, but not be limited to, specific management notes and details related to the retention of specimen trees, such as pruning, aeration, fertilization or other appropriate arboricultural practices.

“5. The final plat for Lot 5, Block B (VJ 189-13) includes the following note:

““3). Development of this property must conform to the Conceptual Site Development Plan which was approved by Prince George’s County on 10-11-79 No. P-79029 or as amended by any subsequent revisions thereto, including that variance numbered VP-98054 (A) approved by Prince George’s County Planning Board together with Preliminary Plan No. 4-98064.’

“The Planning Board approved the revised concept plan for Largo Park (SP-87168/01) on August 3, 1989. The CSP indicates an existing tree line in the area at the intersection of Lottsford Road and Landover Road, which would later become Lot 5, and includes the following note:

““Mixed hardwoods 50’ – 60’ high (oaks, sweetgums and poplars). Selectively maintain specimens in site integration and lot separation.’

“It appears that the specimen trees were intended to be preserved on Lot 5. For the proposed detailed site plan to be found in conformance with the conceptual site plan, a finding of conformance must be made. The revised TCPII proposes to maintain select specimen trees in conformance with (C)SP-87168/01.

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“Discussion: No further information is required to find general conformance with the approved conceptual site plan, CSP-87168/01.

- “6. The final plat for Lot 5, Block B (VJ 189-13) includes that following note:

““No access shall be permitted along Maryland Route 202 and/or Lottsford Road.”

“The TCPII shows the location of a major access point onto Lottsford Road, which does not appear to conform to the final plat.

“Discussion: The Transportation Planning Section and the Development Review Division need to determine whether the detailed site plan can be found in conformance with this plat note. If a revision to the detailed site plan is required to find conformance, which results in a revision to the TCPII, then the revised plan shall be forwarded to the Environmental Planning Section for review and comment.

- “7. The applicant has submitted a reapproved stormwater management (SWM) concept approval, #8000070-1992-01, for Largo Park, Parcel 6, Site 3, which was originally approved July 8, 1992, and remains valid through July 20, 2007. The SWM approval is based on the old stormwater management regulations, but is grandfathered through re-approval by the Department of Environmental Resources.

“The Environmental Planning Section has not been able to verify that the SWM concept approval letter submitted is for the parcel in question, since no plans were submitted. Previously, the applicant provided an approved stormwater management concept plan, #918001350, that was valid through September 2, 2001.

“Recommended Condition: Prior to certificate approval of the detailed site plan, a copy of the stormwater management concept approval plan or other documentation shall be submitted that confirms that there is an approved and valid stormwater management concept approval for the subject property.

8. The detailed site plan for infrastructure is not subject to the *Landscape Manual* at this time, since this application is for infrastructure and grading only.
9. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Archeology In comments dated June 14, 2005, the staff archeologist stated that no archeological investigations would be suggested for the proposed project.

Transportation In a memorandum dated June 13, 2005, the Transportation Planning Section stated the following:

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“The site is governed by preliminary plan of subdivision 4-98064. While it is noted that the associated resolution includes conditions involving trip caps, neither condition relates to Lot 5. Nonetheless, Lot 5 was created under the 1998 preliminary plan from a partly developed platted parcel recorded pursuant to preliminary plan of subdivision 4-79155, and while no trip cap is specified, it is a legal and developable lot. From the standpoint of transportation, other traffic studies have assumed the development of 159,000 square feet of general office space on this lot. As no development is proposed at this time, however, the Transportation Planning Section would offer no further comment on this issue.

“It is noted that access is proposed via an easement across adjacent Lot 4 and via direct driveway access onto Lottsford Road. The easement was created under 4-98064 for the specific purpose of serving Lot 5. However, Lottsford Road is an arterial facility, and driveway access onto arterial and higher facilities is controlled by the Subdivision Ordinance. Specifically, Subtitle 24 allows such driveway access only by a variation. Such a variation was not granted during the subdivision process, and is reviewed further below.

“Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on roadways of arterial classification or higher. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior street and to not be developed with direct driveway access onto a higher-classification roadway. Lot 5 has frontage on MD 202 and Lottsford Road, and both are arterial or higher facilities. The applicant proposes direct vehicular access to Lottsford Road only.

“Insofar as this plan proposes only grading, the transportation staff finds that the subject property meets the requirements of Section 27-285 regarding transportation adequacy if the development is approved. This finding is conditional upon the granting of a variation to Section 24-121(a)(3), a variation that is supported by the Transportation Planning Section, for driveway access onto Lottsford Road.”

Department of Environmental Resources (DER) In a memorandum dated April 29, 2005, the Department of Environmental Resources (DER) has indicated that the site plan is consistent with the approved stormwater concept plan, # 8000076-1992-01.

Department of Public Works & Transportation (DPW&T) As of the writing of this staff report, DPW&T has not offered comment on the proposed project.

City of Glenarden The City of Glenarden has indicated that they have no objections to the proposed project.

10. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's

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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 Type II Tree Conservation Plan (TCPII/136/03-02) and further APPROVED Detailed Site Plan DSP-05014 for the above-described land, subject to the following conditions:

1. Unless a variation to Section 24-121(a)(3) of the Subdivision Regulations is granted, the access to Lottsford Road shall be eliminated.
2. Prior to certificate approval of the detailed site plan, the forest stand delineation shall be revised as follows:
 - a. Add a specimen tree table to the FSD plan sheet that includes the specimen tree identifier, size, species, and condition.
 - b. Delineate the critical root zone for all specimen trees located outside of the 100-year floodplain easement.
 - c. Have the revised FSD plan signed and dated by the qualified professional who prepared it.
3. When the detailed site plan is revised to allow for development of the site beyond infrastructure, the specimen trees to remain shall be reevaluated by a licensed or certified arborist. The TCPII shall be revised to incorporate the recommendation of the licensed or certified arborist, which may include, but not be limited to, specific management notes and details related to the retention of specimen trees, such as pruning, aeration, fertilization, or other appropriate arboricultural practices.
4. Prior to certificate approval of the detailed site plan, a copy of the stormwater management concept approval plan or other documentation shall be submitted that confirms that there is an approved and valid stormwater management concept approval for the subject property.

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.

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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 Harley, with Commissioners Squire, Harley, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 23, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of July 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:GW:rmk