

RESOLUTION

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 7, 2007 regarding the Detailed Site Plan for infrastructure, DSP-07007 for Wood-Mar Corner, the Planning Board finds:

1. **Request:** The subject application is for infrastructure only, limited to rough grading of the site and the extension of water and sewer lines into the property from Marlboro Pike and property to the south.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-O	C-O
Use(s)	Vacant	Infrastructure
Acreage	15.61	15.61
Lots	1	1
Parcels	0	0
Square Footage/GFA	0	0
Dwelling Units:	N/A	N/A

Comment: The general notes incorrectly identify the total area of the property as 15.7598 acres. A condition of approval has been incorporated into the Recommendation section of this report requiring the correction of this information.

3. **Location:** The site is in Planning Area 82A, Council District 9. More specifically, the property is located in the southeast quadrant of the Pennsylvania Avenue (MD 4)/Woodyard Road (MD 223) intersection and on the north side of Marlboro Pike.
4. **Surroundings and Use:** The wedge-shaped subject property is bounded to the north by Pennsylvania Avenue; to the south by Marlboro Pike; to the east by C-O-zoned property owned by PEPCO, which contains overhead power lines; to the west by Woodyard Road; and to the southwest by vacant land in the C-O Zone.
5. **Previous Approvals:** On May 15, 2003, Preliminary Plan 4-02117 and Tree Conservation Plan TCPI/45/92-01 were approved subject to 12 conditions. The resolution PGCPB No. 03-103 was adopted on June 19, 2003.
6. **Design Features:** This detailed site plan for infrastructure covers the entire site of 15.61 acres but shows a total disturbed area of 6.0 acres, east and west of the existing wetlands and stream. This

detailed site plan also shows grading, tree conservation areas and proposed sewer and water connections. No building footprint or road layout is shown on the plan. An existing gravel road traverses the site and connects Woodyard Road and Marlboro Pike.

COMPLIANCE WITH EVALUATION CRITERIA

7. The detailed site plan is in general conformance with Section 27-453 of the Zoning Ordinance for the C-O Zone. A condition of approval has been incorporated in the Recommendation section of this report to require the provision of the subject property's zone on the plans.
8. The detailed site plan is in general conformance with Preliminary Plan 4-02117 and applicable conditions of approval. The property is subject to the conditions contained in the resolution of approval, PGCPB Resolution 03-103. The following condition relates to the review of the detailed site plan (DSP):

10. Prior to final plat approval, a Detailed Site Plan shall be approved. In addition to normal review, the DSP shall examine the need for acceleration and deceleration lanes on east and west side of the access driveway on South Osborne Road, and the need for an exclusive left turn lane at this location along eastbound South Osborne Road.

Comment: In a memorandum dated April 30, 2007, the Transportation Planning Section indicated that although the condition references South Osborne Road, during the original subdivision hearing it was clarified that this condition referred to Marlboro Pike. The transportation planner made the following recommendation:

“Defer the requirements of Condition 10 of the preliminary plan to a point at which a site plan actually shows a driveway along Marlboro Pike accessing a development proposal.”

9. The detailed site plan is in general conformance to the requirements of the Woodland Conservation Ordinance. In a memorandum dated May 1, 2007, the Environmental Planning Section indicated that the site is subject to the provisions of the Woodland Conservation Ordinance because it has previously approved tree conservation plans. A Type I Tree Conservation Plan, TCPI/45/92, was approved by PGCPB Resolution No. 93-03. A Type II Tree Conservation Plan, TCPII/119/94, was approved by staff prior to the issuance of a grading permit and the site was subsequently graded. TCPI/45/92-01 was approved by PGCPB Resolution No. 03-103. This application proposed no additional clearing of woodland.

The TCPII correctly calculates the woodland conservation required for this proposal as 1.70 acres based upon the woodland conservation threshold, clearing performed in accordance with TCPII/119/94, and proposed future clearing. The plan proposes to meet the requirement by providing 4.20 acres of on-site preservation. The area to be preserved includes all of the priority woodland on the site as defined by the “Prince George’s County Woodland Conservation and Tree Preservation Policy Document” and meets the requirements of the Woodland Conservation Ordinance.

10. The detailed site plan is not subject to the *Landscape Manual* at this time, since this application is for infrastructure only.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. In a memorandum dated May 2, 2007, the Community Planning Division offered the following comments:
 - (1) “Preliminary Plan 4-02117, was approved for this site with conditions per Planning Board. One of the conditions of approval included that prior to final plat approval, a detailed site plan shall be approved. In addition to normal review, the DSP shall examine the need for acceleration and deceleration lanes on east and west side of access driveway on South Osborne Road, and the need for an exclusive left turn lane at this location along eastbound South Osborne Road. (Item 10) The Community Planning Division is concerned that this was not included in the submitted DSP for review by the Transportation Section of Countywide Planning, given this was a condition of final plat approval five years ago when the traffic at this intersection was likely better than it is today. Furthermore, the submitted DSP mistakenly identifies South Osborne Road as Marlboro Pike in several instances”.

Comment: The Transportation Planning Section indicates that it is appropriate to defer the analysis required by this condition until such time as a final development proposal is submitted on a subsequent detailed site plan and a final location for an access drive is proposed.

- (2) “The application is situated in a C-O Zone that follows the property boundaries of the applicant. Neighboring properties are zoned R-A and O-S. The application is not situated in a designated activity center in the 1993 *Subregion VI Study Area Approved Master Plan*. It is not known if this designation will change, or remain the same, once the upcoming Subregion VI master plan update, scheduled to begin in fall 2007, is completed.
- (3) “Given that the application is not complete as per the conditions laid out in Planning Board Resolution 03-103, the Community Planning Division cannot comment on proposed uses for the site and how they do or do not conform to the General Plan or the Subregion VI Study Area Approved Master Plan. In anticipation of uses allowable under the C-O Zone, however, the Community Planning Division would refer the applicant to the points included under the Community Planning Section of Resolution 03-103 related to this case: permitted C-O uses on the site would be consistent with the master plan recommendations, although the General Plan discourages, but does not prohibit, new isolated commercial activities in the Developing Tier (see page 37 of the General Plan).

- (4) “A field inspection by the staff uncovered that there is a partially constructed access road to the site from Woodyard Road. This access point must be reached by entering the on-ramp for southbound MD 4.

- b. In a memorandum dated May 21, 2007, the Subdivision Section identified the conditions of Preliminary Plan of Subdivision 4-02117 that apply to the review of this detailed site plan and the companion final plat. The subdivision planner concluded the following:

“The transportation-related conditions should be reviewed by transportation staff for their applicability at this step of the development process. Given that this DSP is for infrastructure, they may not be applicable at this time. It would seem appropriate for the acceleration/deceleration and left turn lanes to be examined as part of this application in accordance with Condition 10, but we would defer to transportation staff on this issue. Subdivision staff has no further comments at this time.”

Comment: Transportation Planning Section’s discussion of Condition 10 of the Preliminary Plan is included above in Finding 7.

- c. The Transportation Planning Section in a memorandum dated April 30, 2007, addressed the relevant conditions of Preliminary Plan of Subdivision 4-02117, as stated above, and added the following condition:

“Show the needed dedication of 35 feet from centerline along Marlboro Pike.”

Comment: This requirement has been incorporated as a condition in the Recommendation section of this report.

- d. In a memorandum dated May 1, 2007, the Environmental Planning Section indicated the following:

- “2. The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision. The Patuxent River Primary Management Area Preservation Area (PMA) is defined in Section 24-101(b)10 of the Subdivision Regulations.

“Each of the environmental features included in the Patuxent River Primary Management Area Preservation Area as defined in Section 24-101(b)10 of the Subdivision Regulations is indicated separately on the plan and the line for the PMA encompasses these features. The plan as submitted does not show any impacts to the Patuxent River Primary Management Area Preservation Area and meets the finding required by Section 24-130 of the Subdivision Regulations that the PMA be preserved in its natural state to the greatest extent possible.

“Discussion: No further action regarding sensitive environmental features is needed

as it relates to this detailed site plan review.

- “3. MD 4 is an adjacent source of traffic-generated noise. Because the site is zoned C-O, the proposed use is not expected to be affected by traffic-generated noise.

“Discussion: This information is provided for the applicant’s benefit. No further action regarding noise is needed as it relates to this detailed site plan review.

- “4. The soils information included in the review package indicates that the principal soils on the site are in Westphalia soils series. Westphalia soils are highly erodible and require special attention to erosion/sediment control in the presence of steep or severe slopes.

“Discussion: This information is provided for the applicant’s benefit. No further action is needed as it relates to this detailed site plan review. A soils report may be required by Prince George’s County during the permit process review.

- “5. According to the notes on the DSP, a Stormwater Management Concept Plan, CSD #8001230-1997-00 has been approved for this site. No approval or expiration date is provided.

“Recommended Condition: Prior to certification of the Detailed Site Plan, copies of the approved Stormwater Management Concept plan and approval letter shall be submitted.”

Comment: This recommended condition has been incorporated as a condition of signature approval of this detailed site plan in the Recommendation section of this report.

- e. Historic Preservation and Public Facilities Planning Section, in a memorandum dated May 2, 2007, indicated that one National Register of Historic Places property, three county historic sites and one county historic resource are located within a one-mile radius of the subject property. The subject site was once a part of the Melwood Park Plantation and could contain remains of outbuildings associated with the main house. The property is also located along the old Washington and Marlboro Turnpike, a 19th century toll road; a toll gate is shown just to the south of the subject site in the 1878 Hopkins map. Although the western portion of the property has been extensively graded, as indicated by 1990s aerial photographs, the eastern portion of the property appears to have remained undeveloped and may yield intact archaeological deposits associated with the National Register site of Melwood Park. The archaeological reviewer recommends:

- (1) Because of the significant findings stated above, prior to approval of this detailed site plan, Phase I (Identification) archeological investigations, according to the Planning Board’s *Guidelines for Archeological Review* (May 2005), are recommended on the above-referenced property to

determine if any cultural resources are present. Only the eastern portion of the 15.75 acres that has not been previously impacted should be surveyed for archeological sites. A title search should be performed on the property tracing the title back as far as possible. A search should be made of census records to determine if past owners held slaves. The applicant should submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

- (2) Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of any detailed site plan or final plat, the applicant shall provide a plan for:
 - a. Evaluating the resource at the Phase II level, or
 - b. Avoiding and preserving the resource in place.
- (3) If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.

Comment: Conditions of approval proposed by the Historic Preservation and Public Facilities Section have been incorporated in the Recommendation section of this report.

- f. At the time the staff report was written, the Department of Environmental Resources (DER) had not yet offered comment on the subject project.
- g. At the time the staff report was written, the Department of Public Works and Transportation had not offered comment on the subject project.
- h. At the time the staff report was written, the Maryland State Highway Administration had not offered comment on the subject project.
- i. In a memorandum dated April 19, 2007, the Office of Soil Conservation, Prince George's County indicated that they had no comment.

- j. In a memorandum dated May 23, 2007, the Washington Suburban Sanitary Commission (WSSC) indicated that water is available and sewer extension will be required in order to serve the site. The WSSC reviewer indicated that an on-site plan review package should be submitted. The reviewer commented that although WSSC records show a planned hotel and bank for the subject site, the plans do not propose any structures.

Comment: Since this application is for infrastructure only the structures are not included in this review.

12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

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 Type II Tree Conservation Plan (TCPII/119/94) and further APPROVED Detailed Site Plan DSP-07007 for the above-described land, subject to the following conditions:

1. Prior to the issuance of any permits or approval of other grading disturbing activities, a revised detailed site plan shall be submitted, which contains a final development plan for the property and demonstrates conformance to Condition 10 of the Preliminary Plan Resolution, PGCPB No. 03-103.
2. Prior to signature approval of this detailed site plan, the applicant shall:
 - a. Revise the plans to include the zone of the subject property.
 - b. Revise the general notes to include the correct acreage of the subject property.
 - c. Revise the plans to reflect the required dedication of 35-feet from centerline of Marlboro Pike, which shall be dedicated at the time of final plat approval.
 - d. Provide copies of the approved Stormwater Management Concept plan and approval letter.
3. An archeological survey shall be conducted on the eastern portion of the 15.75 acres that has not been previously impacted. The survey shall include the following:
 - a. Prior to signature approval of this detailed site plan, the applicant shall provide a Phase I archeological investigation, according to the Planning Board's Guidelines for Archeological Review (May 2005), to determine if any cultural resources are present. A Phase I Research Plan shall be submitted for approval by the staff archeologist prior to commencing Phase I work. The investigation shall include:

- (1) A title search, tracing the title back as far as possible.
- (2) The examination of census records, in order to determine if past owners held slaves.
- (3) Any other investigation determined to be necessary.

Written M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

- b. Prior to Planning Board approval of any subsequent detailed site plan, if it is determined that potentially significant archeological resources exist in the project area, the applicant shall provide a plan for:
 - (1) Evaluating the resource at the Phase II and, if required, the Phase III level.
 - (2) Avoiding and preserving the resource in place.
- c. Prior to approval of any ground disturbing activities, if a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner.

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 Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, June 7, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of July 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:SL:bjs