

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 December 4, 2008 regarding Detailed Site Plan DSP-08033 for Fairwood Office Park, the Planning Board finds:

1. **Request:** The subject application is for infrastructure only, limited to rough grading of the site and the installation of sediment control and stormwater management facilities. Ultimately, the applicant will seek approval to construct a three-story office building on the site.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-O	C-O
Use(s)	Vacant	Infrastructure
Acreage	6.64	6.64
Lots	0	1
Parcels	1	0
Square Footage/GFA	0	0
Dwelling Units:	N/A	N/A

3. **Location:** The site is in Planning Area 70 and Council District 4. More specifically, the property is located in the northeast quadrant of the Annapolis Road (MD 450)/Glenn Dale Boulevard (MD 193) intersection, south of Bell Station Road.
4. **Surrounding Uses:** The triangular-shaped subject property is bounded to the south and east by Annapolis Road, to the west by Glenn Dale Boulevard, and to the north by the Fairwood Office Park property, which was the former site of the historic Magruder Brannon house (No. 70-30). This structure was recently moved to the west side of Glenn Dale Boulevard and the property is currently improved with two three-story office buildings and a bank.
5. **Previous Approvals:** On February 28, 2008, Preliminary Plan 4-07051 and Tree Conservation Plan TCPI/35/07 were approved by the Planning Board, subject to 15 conditions. The site is also the subject of approved Stormwater Management Concept Plan 32875-2007-01, which will remain valid until May 29, 2011.
6. **Design Features:** This detailed site plan for infrastructure covers the entire 6.64-acre site, which will be rough graded pursuant to this approval. The site includes two streams and wetlands, which create an extensive headwater system critical to the Lottsford Branch watershed. This plan shows grading

and proposed sediment control facilities which will later be converted to stormwater management facilities utilizing a “Coastal Plain Outfall” type system. This method creates a series of descending catch pools, constructed of rock and stone above a thick base of sand and planted with native vegetation. Each pool collects rainwater, which is absorbed by the underlying sand. Heavier rains fill one pond then the next in descending order, absorbing the energy that would normally flush through outfall piping directly into the stream.

An underground stormwater management facility is shown in the northern portion of the site, overlapping the property line shared with Fairwood Office Park (DSP-06060). Parking associated with the previously approved Fairwood Office Park to the north is proposed to spill over the northern property line onto the subject site and can be built pursuant to the subject DSP. A revision to DSP-06060 is being reviewed by the Planning Director, as designee of the Planning Board, concurrently with this application to ensure that there are no discrepancies between the two plans. The Fairwood Office Park to the north and the subject property share common ownership. Such owner fully consents to the overlap of parking and stormwater management facilities. Building footprint, road layout, and the extension of utilities are not shown on the subject detailed site plan and will be reviewed when a full-scale detailed site plan application is submitted.

7. **Zoning Ordinance:** The detailed site plan is in conformance with Section 27-453 of the Zoning Ordinance, which governs the C-O Zone.
8. **Preliminary Plan 4-07051:** The detailed site plan is in conformance with Preliminary Plan 4-07051 (PGCPB Resolution No. 08-22) and applicable conditions of approval. The following conditions relate to the review of the subject detailed site plan:
  1. **Due to the unique nature of this site, (which includes being surrounded by recently widened arterial roads, and untreated surface runoff entering the site) the Applicant shall work with the Environmental Planning Section (“EPS”) and the Department of Public Works and Transportation (DPW&T) and hold meetings with all parties present prior to submittal of a Detailed Site Plan to design an environmentally sensitive, on-site comprehensive stormwater management system that will incorporate the PMA areas of the site. This system will utilize the “Coastal Plain Outfall” type system, or its equivalent, and shall provide quantity and quality stormwater control for the subject property and the adjoining Fairwoods Office Park, (4-05144), as well as quality stormwater control for the presently untreated stormwater which is generated off-site and currently passes through the subject property.**

**The stormwater management system shall be designed to take advantage of a constructed dam structure at MD 193 and the natural contours and to create a sustainable setting to the degree practical. The following methods shall be considered part of an environmentally-sensitive design: “living” retaining walls up to a maximum height above surrounding grade of five feet (5’), earth embankments, forebays, landscaped bio-retention islands in the parking areas,**

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

According to the Environmental Planning Section (EPS), the first section of this condition has been addressed on the approved stormwater concept. A copy of the approved Stormwater Management Concept Letter (32875-2007-01) was included in the application. The concept letter states that stormwater will be controlled through the use of retention and extended detention, and that stormdrain easements are required. The concept plan shows the use of bioretention, forebays, and a pond. The stormwater management concept has incorporated the equivalent of a "Coastal Plain Outfall" type of system for the presently untreated stormwater which is generated off-site and currently passes through the subject property.

While portions of the second section of this condition have been addressed, including a design to take advantage of a constructed dam structure at MD 193 as well as incorporating an embankment, forebays, bioretention, infiltration structures, etc., other portions of the second section such as the design of "living" retaining walls, planting details, and an area calculation confirming that the area of environmentally-sensitive design features includes, at a minimum, the acreage of the present primary management area (PMA) delineation, need to be addressed with the DSP for construction. At least 35 days prior to a Planning Board hearing on the DSP for construction, a technical stormwater management plan should be submitted which incorporates, into the final design, the use of environmentally-sensitive design techniques as outlined in Condition 1 of PGCPB Resolution No. 08-22. A condition indicating such has been incorporated in this approval.

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

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

According to the Environmental Planning Section (Reiser to Silor, October 27, 2008), the TCPII, as submitted, shows the trees within the 10-foot public utility easement (PUE) to remain; however, in additional comments provided on November 13, 2008, the Environmental Planning Section provided the following analysis:

“The DSP for infrastructure and the TCPII submitted show different details and a different limit of disturbance. The two plans must match all details including rip-rap placement and other elements necessary for construction. In addition, it is absolutely necessary that the limits of disturbance match on all plans. The area of particular concern regarding the limits of disturbance is near the intersection of MD 450 and MD 193 where the public utility easement is shown on the TCPII as “woodland preserved but counted as cleared” and on this DSP this area is shown as cleared. This area was subject to Condition 2 of the preliminary plan approval. If this area needs to be cleared, as shown on the DSP, then it must be evaluated at the time of the review of the DSP for construction.”

The Environmental Planning Section recommended two conditions of approval which have been incorporated as conditions of this detailed site plan.

According to the Environmental Planning Section, during the review of the preliminary plan, EPS staff evaluated the on-site trees and determined that the number, size, and species of existing trees were not of a quantity or have a probable survivability rate to make transplantation viable.

- 3. The DSP shall show how a minimum of 25% of the 6.64 acre gross tract area will be provided in tree canopy on-site, calculated utilizing the ten year tree canopy values for planted trees and the existing canopy provided by preserved or transplanted trees. This requirement shall be met through the use of woodlands preserved on the site or individual trees or tree stands transplanted as set forth in Condition 2, and trees planted in the environmentally-sensitive design feature, parking lot islands, and the perimeter areas adjacent to MD 450 and MD 193. All tree planting areas shall be of sufficient size to ensure long-term viability of the trees and associated**

**plants.**

According to the Environmental Planning Section, this condition should be addressed as part of the DSP for construction.

- 4. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition is relevant to the current DSP for rough grading and infrastructure and has been carried over as a condition of approval of this detailed site plan.

- 6. Development of this subdivision shall be in conformance with the approved Type I Tree Conservation Plan [sic] (TCPI/035/07). The following note shall be placed on the final plat of subdivision:**

**“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan [sic], TCPI/035/07, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission.”**

This condition will be addressed at time of final plat.

- 7. The Applicant shall conduct a Stream Corridor Assessment using the Maryland Department of Natural Resources methodology for the segment of the stream that receives the water from the site (across MD 193) to a point where the stream leaves the Ivy Creek subdivision (4-05105). If stream stabilization is indicated by this investigation, it shall be completed by the applicant as part of the environmentally-sensitive design for stormwater management as part of the mitigation for the proposed impacts to the PMA. Any off-site stream restoration work, if warranted, is to be permitted prior to the issuance of a grading permit.**

According to the Environmental Planning Section, this condition has been addressed. A Stream Corridor Assessment using the Maryland Department of Natural Resources methodology was submitted for the segment of the stream that receives water from the site (across MD 193) to the point where the stream leaves the Ivy Creek subdivision (4-05105). Although portions of the stream system are degraded, the system appears to have become

stable due to the presence of a hardpan layer that is now serving as the bed of the stream. Stream restoration is not recommended for this segment at this time. No further information regarding Condition 7 of PGCPB Resolution No. 08-22 is required.

- 8. The applicant and the applicant's heirs, successors and/or assigns shall provide a six-foot-wide trail or sidewalk connection from the subject site to the existing master plan trail along MD 450, unless modified by SHA. This trail shall be marked and labeled on the approved preliminary plan.**

Since this detailed site plan is for rough grading and infrastructure only, the proposed location of this trail is not shown. This condition will be addressed when the full-scale detailed site plan is submitted for review.

- 10. Development of this site shall be in conformance with the Stormwater Management Concept Plan [sic], 32875-2007-00, and any subsequent revisions.**

Stormwater Management Concept Plan 32875-2007-01 was submitted with the detailed site plan application. The concept letter states that stormwater will be controlled through the use of retention and extended detention, and that stormdrain easements are required. In a memo dated October 27, 2008, the Department of Public Works and Transportation (DPW&T) stated that the detailed site plan is consistent with the stormwater management concept plan. According to the Environmental Planning Section, no additional information is required with respect to stormwater management.

- 12. Prior to the approval of final plat, a detailed site plan shall be approved by the Planning Board that shall consider and evaluate architectural elements including, but not limited to, the building siting, architectural materials and landscaping aesthetics. The DSP shall also address environmental issues including, but not limited to, woodland preservation and stormwater management (drainage quality and quantity).**

Since this detailed site plan is for rough grading and infrastructure only, building location, architectural elements, and landscaping are not shown at this time. These items will be reviewed with the full-scale detailed site plan application. This detailed site plan does, however, include information regarding woodland preservation and stormwater management. See Finding 9 and the discussion of Condition 10 of PGCPB Resolution No. 08-22 above for a detailed analysis of these items.

- 13. The DSP shall reflect how the building will meet the base standard for LEED certification from the U.S. Green Building Council, utilizing the June 26, 2007, revisions. The Applicant will explore the feasibility of constructing the building at a bronze or silver LEED, by incorporating U.S. Green Building Council technology into the design, construction and operation of the building.**

Since this detailed site plan is for rough grading and infrastructure only, the building location and architectural elements are not shown at this time. Conformance with this condition will be determined when a full-scale detailed site plan application is reviewed.

- 14. The Applicant shall provide informational signage on-site that explains the design, construction and maintenance of the site features, overall site, including the building, the “Coastal Plain Outfall” (or equivalent) and all related stormwater management elements.**

According to the Environmental Planning Section, this condition should be addressed as part of the DSP for construction.

- 15. Prior to release of the stormwater management construction bond, the Applicant shall record a private stormwater maintenance agreement with Prince George’s County Department of Public Works and Transportation that specifically addresses the maintenance and upkeep of the environmentally sensitive design features on the site and all of its components, including trees and other plant material that is transferable to the permanent owners. At such time the site is transferred from the Applicant to the Condominium Owner’s Association (“COA”) the private stormwater maintenance agreement shall also be transferred to the COA.**

According to the Environmental Planning Section, this condition will be addressed by DPW&T later in the construction process.

9. **Woodland Conservation Ordinance:** In a memorandum dated October 27, 2008, the Environmental Planning Section indicated that the property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because it has an approved Type I Tree Conservation Plan (TCPI/035/07). The Environmental Planner provided the following analysis of the Type II tree conservation plan:

The woodland conservation threshold for this site is 0.74 acre, or 15 percent of the net tract. The total woodland conservation requirement based on the proposed clearing is 4.45 acres. The worksheet shows that all of the existing woodland on-site is proposed to be cleared and the site’s requirement is proposed to be met with off-site mitigation.

Some technical revisions are required. The existing tree line needs to be shown in its entirety on-site and extending off-site 100 feet. The PMA needs to be clearly shown and labeled on the plan. The floodplain line type shown on the plan is very similar to the proposed water surface elevations of the proposed basin area and needs to be revised to be more distinct. The off-site clearing area needs to be identified with a label including the acreage to the nearest 1/100th of an acre. The areas currently labeled as “woodland area preserved not counted” need to be revised to read “woodland area counted as cleared,” and the associated area labels need to be revised to the nearest 1/100th of an acre. The

edge of the areas counted as cleared need to be protected with temporary tree protection fence.

After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions.

The Environmental Planning Section's recommendations have been incorporated as conditions of approval of this detailed site plan.

10. ***Prince George's County Landscape Manual:*** 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 October 10, 2008, the Subdivision Section listed the conditions of approval of the preliminary plan of subdivision that are applicable to review of this detailed site plan. In addition, Subdivision staff indicated that, in accordance with Finding 9 of PGCPB Resolution No. 08-22, the record plat should reflect the peak-hour trip limits consistent with the findings that adequate transportation facilities will exist on-site. Subdivision staff recommended a condition of approval to that effect for this detailed site plan; however, the condition in the preliminary plan remains valid and fully enforceable, and it will not be necessary to repeat it in the subject DSP.

Subdivision staff also indicated that although the plans indicate that there are no wetlands on site, several findings within PGCPB Resolution No. 08-22 reference the existence of wetlands.

According to the Environmental Planning Section, the approved Natural Resources Inventory, NRI/071/06, shows wetlands on-site. Therefore, the plans should be revised to indicate that wetlands are present on the subject property.

- b. In a memorandum dated October 27, 2008, the Environmental Planning Section provided a detailed analysis of the detailed site plan's conformance with the applicable conditions of approval of Preliminary Plan 4-07051 (see Finding 8 above) and the Woodland Conservation Ordinance (see Finding 9 above). In addition, the Environmental planner indicated that the site has an approved Natural Resources Inventory, NRI/071/06, that shows regulated streams, wetlands, 100-year floodplain, areas of steep slopes at 25 percent or greater comprising the PMA, and one forest stand totaling 6.55 acres. No additional information regarding the NRI was requested and the Environmental Planning Section recommended approval of the detailed site plan and Type II tree conservation plan subject to three conditions, which have been incorporated as conditions of approval of this detailed site plan.
- c. In a memorandum dated October 27, 2008, the Department of Public Works and



Transportation indicated that the subject site does not impact any county maintained roadways and that the proposed detailed site plan is consistent with the approved stormwater management concept plan.

- d. In a memorandum dated September 29, 2008, the Historic Preservation Section indicated that the proposed development would have no effect on historical resources since the Magruder-Brannon House, No. 70-030, has been moved across Glenn Dale Boulevard to a new location.
- e. In comments stamped received on September 26, 2008, the State Highway Administration indicated that it did not wish to comment on the project.
- f. In a memorandum dated October 1, 2008, the Department of Environmental Resources (DER) indicated that the amended Water and Sewer Plan designates this property in water and sewer Category 4; however, Category 3 must be obtained before recordation of a final plat. In addition, DER indicated that water and sewer line extensions are required to serve the property and must be approved by Washington Suburban Sanitary Commission prior to the recordation of the final plat.

The extension of water and sewer lines to the property is not shown on the subject detailed site plan, since the plan is for rough grading, sediment control and stormwater management only. The location of these utilities will be analyzed during review of the full-scale detailed site plan application when the building and other site details are shown.

- g. In comments dated October 1, 2008, the Office of Soil Conservation, Prince George's County, indicated that application SC 11-09 is under review at this time, and the Office of Soil Conservation has no comments regarding the project.
  - h. Enterprise Road Corridor: At the time of the writing of the staff report, comments have not been received from the Enterprise Road Development Review District Commission.
12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan for infrastructure 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/067/08) and further APPROVED Detailed Site Plan DSP-08033 for the above-described land, subject to the following conditions:

- 1. Prior to certificate of approval of the detailed site plan for infrastructure, the TCPII shall be revised

as follows:

- a. Revise the existing tree line to extend off-site 100 feet, as shown on the approved NRI.
  - b. Clearly show and label the PMA.
  - c. Revise the floodplain line type to be distinct and dissimilar from other line types shown on the plan.
  - d. Label the off-site clearing and include the acreage to the nearest 1/100th of an acre.
  - e. Revise the labels which currently state "woodland area preserved not counted" to read "woodland area counted as cleared," and revise the associated area labels to the nearest 1/100th of an acre.
  - f. Show temporary tree protection fence along the edge of the areas counted as cleared.
  - g. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions.
2. Prior to certification of the detailed site plan, the plans shall be revised to indicate that wetlands are present on the subject property.
  3. Prior to signature approval of the DSP for infrastructure, the DSP shall be revised to show the limits of disturbance shown on the TCPII and both plans shall be revised to show the same construction details including rip-rap placement.
  4. At the time of the review of the DSP for construction, the plans shall be evaluated for conformance with Condition 2 of PGCPB Resolution No. 08-22 for Preliminary Plan 4-07051 to ensure that every effort has been made to preserve the trees in the public utility easement and adjacent land within the right-of-way.
  5. At least 35 days prior to a Planning Board hearing on the DSP for construction, a technical stormwater management plan shall be submitted which incorporates, into the final design, the use of environmentally-sensitive design techniques as outlined in Condition 1 of PGCPB Resolution No. 08-22.
  6. Prior to final plat, a revised detailed site plan shall be submitted, which contains a final development plan for the property and demonstrates conformance to Condition 12 of PGCPB Resolution No. 08-22 for Preliminary Plan 4-07051.
  7. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns and Parker voting in favor of the motion, and with Commissioners Clark and Cavitt absent at its regular meeting held on Thursday, December 4, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8<sup>th</sup> day of January 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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