

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific 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 June 1, 2000, regarding Specific Design Plan SDP-9024/02 for Konterra Business Campus, Lot 1, Block C, the Planning Board finds:

1. This Specific Design Plan revision is for the purpose of redesigning the site including the building, parking and loading configuration. The original Specific Design Plan (SDP-9024) was approved by the Prince George's County Planning Board on July 19, 1990, and expired in July 1996. Another Specific Design Plan (SDP-9024(01)) was reviewed and approved by the Planning Board on June 11, 1998. The original plan had proposed two buildings of 259,252 square feet of office/research and development space. The revised plan also proposes two buildings; one is a three-story building and the second is a two story building. One is 80,325 square feet and the second is 47,250 square feet, for a total of 127,575 square feet.
2. The Basic Plan for Muirkirk Road Employment Park (A-8093, A-8094, A-8792) was approved by the Planning Board on March 17, 1977. On November 15, 1977, the District Council adopted the land use quantities, conditions, considerations and land use types as recommended by the Planning Board and rezoned the properties from the R-R to the E-I-A Zone (CR-102-1977).
3. The original Comprehensive Design Plan (CDP) for Muirkirk Road Employment Park, CDP-8510, was approved by the Planning Board on July 17, 1986 with conditions. On March 23, 1987, the Planning Board's decision in Resolution PGCPB No. 86-167 to approve CDP-8510 was affirmed by the District Council. A total development program of 1,721,000 square feet of gross floor area is approved under the original CDP. Various uses were to be distributed among 13 lots which varied in size from 1.8 to 4.3 acres. Four phases of development were proposed. Phases I and II were defined as development up to 641,000 square feet located within the land area south of Muirkirk Road, and Phases III and IV were defined as development beyond 641,000 square feet located within the land area north of Muirkirk Road.
4. Condition 8 of the original CDP approval provided that development beyond the total maximum for Phases I and II (641,000 square feet) was prohibited until such time as the Intercounty Connector is constructed. In 1994, the Prince George's County Planning Board approved a revision to the Comprehensive Design Plan (CDP-8510/01) for the purpose of modifying Condition 8, which originally stated the following:

- ✧ **Development beyond the total maximum of Phases I and II is prohibited until such time as the Inter County Connector is constructed.**

The revision to the Comprehensive Design Plan CDP-8510/01 modified the condition above and substituted the following Condition No. 2 of PGCPB No. 94-88:

- ✧ **Prior to the issuance of any building permits for development beyond the total maximum of Phases I and II, one of the following shall occur:**
 - a. **The Intercounty Connector (Master Plan alignment A-44) between I-95 and US 1 has received its "notice to proceed" approval for construction.**
 - b. **Ammendale-Virginia Manor Road (between I-95 and US 1) has been advertised for construction.**
 - c. **Other transportation or travel demand management projects agreed to by the Department of Public Works and Transportation (DPW&T), the State Highway Administration (SHA) and the Planning Board (or its designee) that have been "advertised" for construction or have been financially secured and permitted by the applicant, his heirs, successors and/or assigns in a manner acceptable to DPW&T and/or SHA.**
- ✧ **Prior to the issuance of any building permits for Phase III or IV, and if the Intercounty Connector has not received its notice to proceed for construction, the applicant, his heirs, successors and/or assigns shall provide full financial assurances, received a permit to construct and reached an agreement with SHA on a timetable to construct a double left-turn lane from northbound US 1 to Muirkirk Meadows Drive and exclusive double left-turn lanes from Muirkirk Meadows Drive to northbound US 1.**
- ✧ **Upon receiving reasonable notice from DPW&T at an appropriate time prior to the construction of Ammendale-Virginia Manor Road, all property indicated in DPW&T Right-of-Way Plats 1500, 1501, 1502 and 1503 and identified as Parcels 26 and 191 of Tax Map No. 13 (Liber 5548, folio 921) shall be conveyed to Prince George's County by the applicant, his heirs, successors and/or assigns, in the manner prescribed by DPW&T.**

5. The Preliminary Plat for Muirkirk Road Employment Park 4-86056 was approved with conditions by the Planning Board on August 7, 1986. Conditions of approval were fulfilled prior to Final Plat. The proposed Specific Design Plan is in conformance to the Preliminary Plat and Final Plat as recorded in Plat Book VJ 165, Plat No. 73.

6. The Muirkirk Road Employment Park was renamed Konterra Business Campus, and Specific Design Plan review began in 1990. Most of the Specific Design Plans approved in 1990 have since expired. Only those properties on which construction had commenced are still valid. In June of 1997 the Planning Board reviewed and re-approved four of the Specific Design Plans that had previously expired. The following Specific Design Plans were approved either in 1990 or re-approved in 1997 or 1998 (indicated by the /01 revision designation) for the Konterra Business Campus development. Included in the chart is a compilation of square footage approved for each Specific Design Plan.

Konterra Business Campus		
Specific Design Plan	Gross Floor Area Constructed or Under Construction	Total Gross Floor Area
SDP-8916	119,475 sq. ft.	119,475 sq. ft.
SDP-8925	44,275 sq. ft.	44,275 sq. ft.
SDP-8926/02	32,699 sq. ft.	32,669 sq. ft.
SDP-9016/01		40,500 sq. ft.
SDP-9017/01		41,390 sq. ft.
SDP-9018/01	21,440 sq. ft.	21,440 sq. ft.
SDP-9019/02	111,458 sq. ft.	111,458 sq. ft.
SDP-9023	64,905 sq. ft.	64,905 sq. ft.
SDP-8823 (bank)	3,000 sq. ft.	3,000 sq. ft.
SDP-9024/02		127,575 sq. ft.
SDP-9025/01		263,750 sq. ft.
SDP-9026/01		212,955 sq. ft.
SDP-9027/01		127,355 sq. ft.
Total	397,252 sq. ft.	1,210,747 sq. ft.

7. Containing 11.24 acres of E-I-A-zoned land, Lot 1, Block C, the subject of SDP-9024/02 now under review, is located at the intersection of Muirkirk Road and Muirkirk Meadows Drive, approximately 500 feet south of Virginia Manor Road.

8. The proposed buildings are brick clad with accent bands and are harmonious with all other buildings in the Campus. A system of coordinated project signs, including an entrance sign and building/tenant signs, is proposed throughout the entire development.

9. Pertinent development data is contained in the following table:

Zone	E-I-A Zone
Gross Lot Area	11.24 acres
Area Within a 100-Year Floodplain	.38 acre
Net Lot Area	10.86 acres

Proposed Use:	Research and development
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Proposed Building Area	127,575 square feet of gross floor area.
Building N1	80,325 square feet
Building N2	47,250 square feet

Number of Parking Spaces Required	
(1 sp/250 sq. ft. for the 1 st 2000 sq. ft.)	8 spaces
(1 sp/400 sq. ft. for the remainder)	
Total number of spaces required	322 spaces

Number of Parking Spaces Provided	476 spaces
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Number of Loading Spaces Required	4 spaces
Number of Loading Spaces Provided	4 spaces

Green Area Required (20%)	2.17 acres
Green Area Provided (45.8%)	4.98 acres

Interior Landscaping Required (10%)	19,541 sq. ft.
Interior Landscaping Provided (11.3%)	22,163 sq. ft.

10. The proposed development is in general conformance with approved CDP-8510 and CDP-8510/01. A number of conditions of the Comprehensive Design Plan apply to the review of the Specific Design Plan and warrant discussion:

- **A floodplain study shall be required for Department of Environmental Resources approval prior to Specific Design Plans.**

Comment: A floodplain study was approved by the Department of Environmental Resources (DER) on November 14, 1989.

- **Restrictive slopes and sensitive areas shall be maintained in vegetation to the extent practicable and shown on the Specific Design Plans.**

Comment: There are no steep slopes on this property.

11. The previously approved Specific Design Plan (SDP-9024/01) for Lot 1, Block C included eleven (11) conditions of approval. All of the previous conditions continue to apply.
12. This revision to the Specific Design Plan includes provisions for draining surface water to prevent adverse effects on the subject property or any adjacent property. An existing stormwater management pond for the entire campus was built under the original stormwater management concept (#948010340) approved by the Department of Environmental Resources (DER). A stormwater management concept approval (#008004270) dated March 24, 2000, indicates that the applicant has obtained separate conceptual stormwater plan approval from DER for the subject application.
13. The Natural Resources Division has reviewed the original Specific Design Plan and Tree Conservation Plan (TCP) in the review of SDP-9024/01. In an e-mail dated May 5, 2000, Jim Stasz to Susan Lareuse, the Natural Resources Division indicated that the revised plan creates no new issues in the development of this site as proposed in the revised submittal. The originally approved TCP continues to be valid, and the revised SDP-9024/02 is in conformance to it.
14. This project is subject to Sections 4.3(a), (b) and (c) of the *Landscape Manual*. The plan has been reviewed and conforms to each of these Sections of the *Landscape Manual*.
15. The Transportation Planning Section has reviewed the revised Specific Design Plan and finds that the proposal will impact the road systems. However, the Transportation Planning Section has found that the access and on-site circulation is acceptable. In a memorandum dated May 5, 2000 (Masog to Lareuse), the following comments were provided:

The transportation staff recently reviewed SDP-9024/01 for this identical property. The past application, however, proposed the development of 259,252 square feet of general office space on the subject property. The transportation findings for the site have recently been based upon the total development for the entire Konterra site being capped at 1,360,000 square feet of space. As the subject application involves a significant reduction of nearly 122,000 square feet from the application previously approved, this plan is in conformance with the total quantity of development which has been subjected to a transportation review.

The subject property is required to make roadway improvements and contribute to other roadway improvements in the area pursuant to a finding of adequate public facilities made in 1998 for SDP-9024/01 and supported by traffic studies submitted in 1997 and 1998. Insofar as the basis for that finding is still valid, the

transportation staff finds that the subject property will be adequately served within a reasonable period of time with transportation facilities which are existing, programmed, or which will be provided as a part of the development if the development is approved. Furthermore, the submitted plans are in conformance with past approved plans, including the approved Comprehensive Design Plan.

Notwithstanding the above finding, the transportation staff notes that CDP-8510/01, approved in 1994, allows the development of up 1,721,000 square feet over four phases. That CDP approval allows the first two phases, containing up to 641,000 square feet, to proceed without major capital projects in the area. To move into the third and fourth phases, however, the following condition has been placed on the subject property by the CDP approval:

■Prior to the issuance of any building permits for development beyond the total maximum of Phases I and II, one of the following shall occur:

- a. The Intercounty Connector (Master Plan alignment A-44) between I-95 and US 1 has received its ■notice to proceed• approval for construction.
- b. Ammendale-Virginia Manor Road (between I-95 and US 1) has been ■advertised• for construction.
- c. Other transportation or travel demand management projects agreed to by the Department of Public Works and Transportation (DPW&T), the State Highway Administration (SHA) and the Planning Board (or its designee) that have been ■advertised• for construction or have been financially secured and permitted by the applicant, his heirs, successors and/or assigns, in a manner acceptable to DPW&T and/or SHA.

Transportation and urban design staff agree that this condition represents a phasing according to square footage, and in no way restricts where and when buildings may be constructed within the Konterra Business Campus. To date, the following represents the development status within the entire Konterra Business Campus site:

Built/Permitted and/or under construction	397,252
	square feet
Subject application	127,575 square feet
Other approved SDP•s	685,950 square feet
Total	1,210,747 square feet

The above summary indicates that 397,222 square feet has either been constructed or has an advanced stage of approving (meaning that construction is underway or imminent). Upon approval of the subject application, that total will increase to 524,797 square feet. Therefore, the transportation staff finds that, provided other lots within Konterra Business Campus do not advance to building permit issuance prior to the subject application, that the subject application can be counted as a part of Phases I and II, and is therefore not subject to the above-cited condition on CDP-8510/01.

Transportation Section Conclusions and Recommendations

The staff finds that the submitted plans are in conformance with past approved plans, including the approved Comprehensive Design Plan. A Specific Design Plan also requires a finding that the site be served adequately within a reasonable period of time by transportation facilities which are existing, programmed or which will be provided as a part of the development. The transportation staff believes that this finding can be made if the Specific Design Plan application is approved with the following conditions (which are identical to the transportation conditions approved as a part of SDP-9024/01):

1. Prior to the issuance of any additional building permits on any lot within the Konterra Business Campus property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:
 - a. US 1 and Contee Road intersection: Provide an exclusive left-turn lane from westbound Contee Road onto US 1.
 - b. Signalization: Submit an acceptable traffic signal warrant study to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T) for the following intersections:
 - i. US 1 and Ammendale Road
 - ii. Muirkirk Road and Muirkirk Meadows Road
 - iii. Muirkirk Road and Virginia Manor Road

If deemed warranted by the SHA and/or the DPW&T (depending upon the location), the applicant shall bond the signal with the appropriate agency prior to the release of the building permit, and install the signal if directed prior to the release of the bonding for the signal.
2. Prior to the issuance of building permits on any lot within the Konterra Business Campus which would exceed 340,000 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have

been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:

- a. US 1 and Contee Road intersection: Provide an exclusive right-turn lane from eastbound Contee Road onto US 1.
 - b. Signalization: Submit an acceptable traffic signal warrant study to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T) for the intersection of Ritz Way and Virginia Manor Road. If deemed warranted by the SHA and/or the DPW&T (depending upon the location), the applicant shall bond the signal with the appropriate agency prior to the release of the building permit, and install the signal if directed prior to the release of the bonding for the signal.
3. Prior to the issuance of building permits on any lot within the Konterra Business Campus which would exceed 480,000 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:
- a. US 1 and MD 212 intersection: Provide an exclusive right-turn lane from westbound MD 212 onto US 1.
4. Prior to the issuance of building permits on any lot within the Konterra Business Campus which would exceed 600,000 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:
- a. US 1 and Muirkirk Meadows Road intersection: Provide an exclusive left-turn lane from northbound US 1 onto Muirkirk Meadows Road.
5. Prior to the issuance of building permits on any lot within the Konterra Business Campus which would exceed 1,000,000 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:
- a. Muirkirk Road and Muirkirk Meadows Road intersection: Provide an exclusive right-turn lane from westbound Muirkirk Road onto Muirkirk Meadows Road.

- b. US 1 and Contee Road intersection: Provide an exclusive left-turn lane from eastbound Contee Road onto US 1.
 - c. Signalization: Submit an acceptable traffic signal warrant study to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T) for the intersection of Ammendale Road and Virginia Manor Road. If deemed warranted by the SHA and/or the DPW&T (depending upon the location), the applicant shall bond the signal with the appropriate agency prior to the release of the building permit, and install the signal if directed prior to the release of the bonding for the signal.
6. Development within Phases III and IV of the Konterra Business Campus, or development which would exceed 641,000 square feet on the entire property, shall conform to Condition 2 of PGCPB No. 94-88 which approved CDP-8510/01.
7. Prior to the connection of the north site access road (Muirkirk Meadows Road extended) to US 1, the applicant, his heirs, assigns or successors shall submit an acceptable traffic signal warrant study for US 1 and the site access road to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T). If deemed warranted by the SHA and/or the DPW&T, the applicant shall bond the signal with the appropriate agency prior to the connection of the roadway, and install the signal if directed prior to the release of the bonding for the signal.

Comment: These conditions are identical to the conditions contained in the approval of SDP-9024/01. They continue to apply to the site as revised in this application.

17. The Public Facilities Planning Section has reviewed the Specific Design Plan for Konterra and examined the adequacy of existing and programmed public facilities.

Fire Service

The existing fire engine service at Beltsville Fire Station, Company 31 located at 4911 Prince Georges Avenue has a service response time of 3.94 minutes, which is beyond the 3.25-minute response time guideline.

The existing ambulance service at Beltsville Fire Station, Company 31, located at 4911 Prince Georges Avenue has a service response time of 3.94 minutes, which is within the 4.25-minute response time guideline.

The existing paramedic service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road has a service response time of 5.93 minutes, which is within the 7.25-minute response time guideline.

The existing ladder truck service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane has a service response time of 6.45 minutes, which is beyond the 4.25-minute response time guideline.

The above findings are in conformance with the Adopted and Approved Public Safety Master Plan 1990 and the Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all commercial structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County Laws.

Comment: This condition was contained in the approval of SDP-9024/01 and continues to apply to the site.

Police Service

The proposed site is within the service area of District IV - Beltsville Police Station. Staff concludes that the existing County police facilities will be adequate to serve the proposed business campus. However, the recommendations for consideration previously made by the Police Department still apply.

The Police Department provided five recommendations for consideration in 1985, at the time of CDZ approval. The five suggestions are as follows:

- I. The Police Department needs to have access totally around the buildings in this type of development to check the security of the buildings.
- II. The use of larger building numbers is recommended. Building numbers have frequently been found to be too small, or nonexistent in other similar types of development.
- III. A sign with the name of the business on both the front and the back of the building is useful in locating specific addresses when an officer is responding to alarms and/or calls for service. Night lighting is needed above the numbers and signs.
- IV. Street names should be clearly identified, otherwise, they can create confusion when only a building number has been provided to the officer and other buildings in the development have the same number.
- V. Bright lighting should be provided in parking areas which can serve as a crime deterrent.

Comment: The Urban Design staff recommends that the site plan and architecture be revised as necessary to demonstrate compliance to these recommendations prior to signature approval.

18. The four loading spaces encroach into the required 22-foot-wide access aisle. Prior to signature approval, the plans should be revised to remove the encroachment into the access aisle. This can be achieved by either adjusting the buildings in location or adjusting the architectural design to create deeper loading bays.

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 Specific Design Plan for the above-described land, subject to the following conditions:

1. Prior to signature approval, the plans shall be revised as follows:
 - a. The architectural elevations shall be revised to comply with the recommendations of the Police Department as stated in Finding 17.
 - b. The plans shall be adjusted to accommodate the loading spaces without encroaching into the 22-foot-wide aisles.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court 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 McNeill, seconded by Commissioner Boone, with Commissioners McNeill, Boone and Hewlett voting in favor of the motion, and Commissioner Brown absent at its regular meeting held on Thursday, June 1, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of June 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin

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Planning Board Administrator

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