

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 December 13, 2001, regarding Specific Design Plan SDP-9025/02 for Konterra Business Campus, Lot 4, Block C, the Planning Board finds:

1. The purpose of the subject application is for review of a Specific Design Plan for Infrastructure for proposed rough grading including Lot 4, Block C, and proposed Muirkirk Meadows Drive. This plan is necessary in order for the applicant to balance the earthwork associated with the development of the roadway and surrounding lots. The Specific Design Plan does not include the development of parking facilities or gross floor area.
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 was 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 Intercounty Connector is constructed.**

The revision to the Comprehensive Design Plan CDP-8510/01 modified the condition above and substituted the following Condition 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.**

Comment: The conditions above are included in this report for information purposes only. The subject applicant does not propose development of gross floor area; it is only a grading plan for development of Muirkirk Meadows Drive. Therefore, the conditions above do not apply to this plan.

5. The Preliminary Plan for Muirkirk Road Employment Park, 4-85056, was approved with conditions by the Planning Board on August 7, 1986. Conditions of approval were fulfilled prior to Final Plat. The site was the subject of a consolidation plat which was approved on February 2, 2001. The proposed Specific Design Plan is in conformance with the Preliminary Plan and Final Plat, as recorded in Plat Book CH 191, Plat No. 70.

6. The Muirkirk Road Employment Park was renamed Konterra Business Campus, and Specific Design Plan review for the development began in 1990.
7. According to Section 27-528(d) of the Zoning Ordinance, an approved Specific Design Plan (SDP) is valid for not more than six years, unless construction has begun. The original Specific Design Plan (SDP-9025) for this property was approved by the Planning Board on July 19, 1990. The original Specific Design Plan expired in July of 1996. On January 8, 1998, the Prince George's County Planning Board approved a second Specific Design Plan, SDP-9025/01 (previously known as Lot 2, Block C), for development of 263,750 square feet of gross floor area. The plan proposed two office buildings and two structured parking garages. The subject SDP for infrastructure is an intermediate rough grading plan. SDPs for infrastructure are valid for three years.
8. Containing 15.40 acres of E-I-A-zoned land within Lot 4, Block C, and 4.03 acres of land within Muirkirk Meadows Road, the subject application covers land located approximately 600 feet northeast of the intersection of US 1 and Muirkirk Meadows Drive.
9. Pertinent development data is contained in the following table:

Zone	E-I-A Zone
Gross Area	19.43 acres
Area Within a 100-Year Floodplain	0.31 acre
Proposed Use:	rough grading and infrastructure
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 Specific Design Plan includes provisions for draining surface water to prevent adverse effects on the subject property or any adjacent property. A stormwater management concept plan for the proposed rough grading (#21046-2001-00) was approved by the Department of

Environmental Resources (DER) on August 20, 2001. The concept approval indicates that the applicant needs to obtain a separate conceptual stormwater plan prior to building permit.

12. The Environmental Planning Section has reviewed the plans for Konterra Business Campus, Lot 4, Block C, SDP-9025/02, stamped as accepted for processing on October 8, 2001. The Environmental Planning Section recommends approval of TCPII/105/97-01 subject to conditions noted below.

Background

The Environmental Planning Section previously reviewed applications on this property numbered CDP-8510, SDP-9025, and SDP-9025/01. A Tree Conservation Plan, TCPII/105/97, was approved with SDP-9025/01. Land formerly in reservation for the Intercounty Connector has been added to Lot 2, Block C (which created the current configuration of Lot 4, Block C), the subject of SDP-9025/01. This plan is a major revision to SDP-9025/01 because of the additional acreage and new lot number.

Site Description

The property is in the northeast quadrant of the Konterra Business Campus. Current air photos indicate that none of the site has been recently graded. There are no streams, wetlands, or floodplain on the site. No historic or scenic roads are affected by this proposal. Because of the zoning of the property, no significant noise impact is expected. No rare/threatened/endangered species are known to occur in the project vicinity. According to the Sewer Service and Water Service maps produced by DER, the property is in categories W-3 and S-3. A Stormwater Design Plan has been approved by DER.

Environmental Review

This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required to satisfy the requirements of the Woodland Conservation Ordinance.

A Forest Stand Delineation and Tree Conservation Plan, TCPII/105/97, were reviewed and approved with SDP-9025/01. The development plan currently under review, SDP-9025/02, is a larger tract of land as shown on record plat CH 191 @ 70.

There are four Tree Conservation Plans that cover the northern four lots of the Konterra Business Campus. For each of the lots there is a worksheet to determine the amount of woodland conservation required for that particular lot.

Lot 1, Block B: TCPII/106/97-01 and SDP-9027/02

Lot 2, Block B: TCPII/120/97 and SDP-9026

Lot 3, Block C: TCPII/119/97 and SDP-9024/03
Lot 4, Block C: TCPII/105/97-01 and this application

Sheet 1 of 3 of TCPII/105/97-01 shows planting of 2.87 acres of woodland. The worksheet on sheet 2 of 3 of TCPII/105/97-01 indicates that the development of Lot 4, Block C, requires only 1.89 acres of planting. The reason for the additional planting is clarified on sheet 3 of 3 of TCPII/105/97-01, which shows the relationships of the four Tree Conservation Plans established in the Konterra Business Campus and the transfer of required woodland conservation from Lot 1, Block B, to Lot 4, Block C, as approved by TCPII/106/97-01.

The revised Tree Conservation Plan, TCPII/105/97-01, is in conformance with the Woodland Conservation Ordinance, but needs minor changes for clarification, as stated in the Recommendation section of this report. There are no other significant environmental issues relating to this project.

13. Section 27-528(a)(2) requires that the Planning Board find that the development will be adequately served within a reasonable period of time with existing or programmed public facilities, either shown on the appropriate Capital Improvement Program or provided as part of the private development. However, since this Specific Design Plan for infrastructure does not include building area, the finding is not applicable to this application.
14. This Specific Design Plan does not include any improvements within Lot 2, Block C. All improvements are located within the public right-of-way of Muirkirk Road. Therefore, the project is not subject to the *Landscape Manual*.
15. This Specific Design Plan for Infrastructure conforms to the Approved Comprehensive Design Plan, 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/105/97), and further APPROVED Specific Design Plan SDP-9025/02 for the above-described land, subject to the following conditions

1. Prior to certification of the revised Tree Conservation Plan, TCP II/105/97-01, the following additional revisions shall be made:
 - a. Replace the TCP approval block on sheet 1 of 3 with an unfilled block.
 - b. Fix the label on the worksheet on sheet 2 of 3 to indicate that it is for Lot 4, Block C.

- c. Clearly define and label the boundaries of the four TCPs on sheet 3 of 3.
- d. Add the four TCP worksheets on sheet 3 of 3.
- e. Remove the signed TCP approval block from sheet 3 of 3.
- f. Place four blank TCP approval blocks on sheet 3 of 3.
- g. Have a qualified professional review, sign, and date the plan.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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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 Eley, seconded by Commissioner Lowe, with Commissioners Eley, Lowe, Brown and Hewlett voting in favor of the motion, and with Commissioner Brown absent at its regular meeting held on Thursday, December 13, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of January 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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