



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

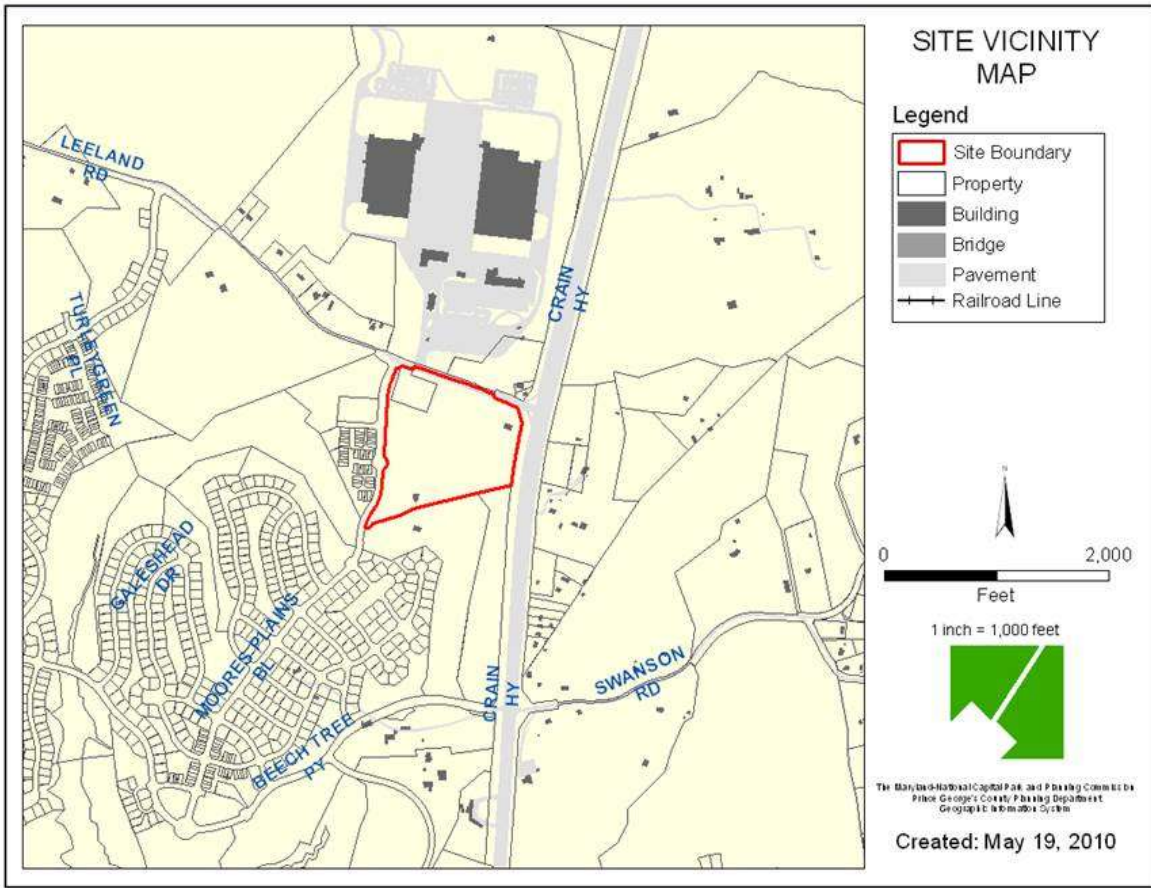
Preliminary Plan 4-09041

Waiver of Rules of Procedure, Reconsideration Request and Reconsideration Hearing

Application	General Data	
Project Name: Beechtree C-S-C Parcel 19 parcels Location: South of Leeland Road, West of Robert S. Crain Highway (US 301). Applicant/Address: VOB Limited Partnership Tysons Office Center 8133 Leesburg Pike, Suite 300 Vienna, VA 22182 Property Owner: Bill Anthony Tysons Office Center 8133 Leesburg Pike, Suite 300 Vienna, VA 22182	Planning Board Hearing Date:	7/02/15
	Memorandum Date:	06/22/15
	Date Accepted:	06/12/15
	Planning Board Action Limit:	N/A
	Mandatory Action Timeframe:	N/A
	Plan Acreage:	28.00
	Zone:	C-S-C
	Gross Floor Area:	300,000 sq. ft
	Lots/Dwelling Units:	N/A
	Parcels:	19
	Planning Area:	79
	Council District:	06
	Election District	03
	Municipality:	N/A
	200-Scale Base Map:	203SE14

Purpose of Application	Notice Dates	
STAFF NOTE: See attached memorandum dated June 22, 2015 and a revision to Condition 12 addressing: Waiver of Rules of Procedure – Discussion Reconsideration Request – Discussion Reconsideration Hearing – Approval with conditions	Previous Parties of Record (Applicant)	06/12/15
	Previous Parties of Record (M-NCPPC)	06/18/15

Staff Recommendation		Staff Reviewer: Whitney Chellis Phone Number: 301-952-4325 E-mail: Whitney.Chellis@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION



June 22, 2015

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Whitney Chellis, Planning Supervisor Subdivision Section, Development Review Division

SUBJECT: Reconsideration of Beech Tree C-S-C Parcel
Preliminary Plan of Subdivision 4-09041

The preliminary plan of subdivision (PPS) was approved by the Planning Board on January 13, 2011 and the resolution (PGCPB No. 11-02(C)) was adopted and mailed out on February 15, 2011. The PPS remains valid until December 31, 2015. The subject property consists of approximately 28 acres of land in the C-S-C Zone and is located in the southwest quadrant of the intersection of Leeland Road and Robert Crain Highway (US 301). The PPS was approved for the development of a 300,000-square-foot shopping center on 19 parcels.

Robert J. Antonetti, Jr. of Shipley & Horne, P.A. by letter dated June 8, 2015 and received June 12, 2015, requests a waiver of the Planning Board's Rules of Procedures (Section 10), a reconsideration, and a same day hearing on the reconsideration limited to Condition 12, and Finding 8 only. Condition 12 was required by the Planning Board to address transportation adequacy required by Section 24-124(a), and is as follows:

- 12. Prior to the issuance of any building permit, in lieu of construction along US 301, the applicant shall pay to DPW&T an amount calculated as \$1,165,325.00 x (Engineering News Record (ENR) Construction Cost Index at time of payment) / (ENR Construction Cost Index for 2nd quarter, 1989).**

In part Transportation Findings 8 states the following:

“To provide adequate levels of service at the facilities mentioned above, the traffic study cited improvements along US 301 between Central Avenue (MD 214) and Chevy/Chrysler Drive, which are described in the current Prince George's County Capital Improvement Program (CIP) FY 2011-2016, Project FD669161. Specifically, the CIP describes the improvements as “providing one to three additional through lanes along north and south bound US 301 between MD 214 and MD 725 and further widening, as needed at Trade Zone Avenue, MD 214 and MD 725. Associated

intersection improvements at Old Central Avenue, Trade Zone Avenue, Leeland Road and Village Drive West also will be undertaken.”

“In addition to analyzing the projected levels of service for the intersections along US 301, the traffic study also identified the overall cost of the CIP improvements, the capacity created as a result of the improvements, and the site’s proportion of the capacity created by the improvements. According to the applicant’s traffic study, the total cost of CIP improvements as used in the analyses would be \$33,295,000. The study also indicated that approximately 3.5 percent of the capacity created by the CIP improvements would be needed for the proposed development. The study concludes therefore, that a reasonable fair share contribution towards the CIP improvements would be \$1,165,325 ($\$33,295,000.00 \times 3.5\%$).”

Condition 12 requires the payment of the fair share contribution towards the CIP improvement in one lump sum prior to a building permit on the 28-acre property. The applicant’s request would modify Condition 12 to allow a phasing of this payment.

If the reconsideration is approved, staff will prepare an amended resolution reflecting the adjustment of Finding 8 related to amended Condition 12 only.

Staff recommends approval of the reconsideration based on other good cause in furtherance of substantial public interest in accordance with the Planning Board’s Rules of Procedure, Section 10(e).

RECOMMENDATION

Staff Recommends **Approval** of Type 1 Tree Conservation Plan TCP1-011-10, and Variance to Section 25-122(b)(1)(G) and

The revision of Condition 12 as follows:

12. Prior to the issuance of ~~any~~ a building permit for each of the following stages of development, in lieu of construction along US 301, the applicant shall pay to DPW&T an amount calculated as $\$1,165.325.00 \times (\text{Engineering News Record (ENR) Construction Cost Index at time of payment}) / (\text{ENR Construction Cost Index for 2nd quarter, 1989})$. The aforementioned fee shall be prorated for each of the proposed development stages as follows:

Stage I – 125,000 square feet

Stage II – 75,000 square feet

Stage III – 25,000 square feet

Stage IV – 25,000 square feet

Stage V – 50,000 square feet

NOTE: additions are shown as underline text and deletions are shown as ~~strikethrough text~~.