

R E S O L U T I O N

WHEREAS, Presidential Corporate Center, LLC is the owner of a 12.84-acre parcel of land known as Presidential Corporate Center, Lot 5, Parcel VJ 158@79, Tax Map 90, Grid D-4 said property being in the 15th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on May 19, 2004, Scott Boldt filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04077 for Presidential Corporate Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 29, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on July 29, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/54/04), and APPROVED a variation to Section 24-121 of the subdivision Regulations, and further APPROVED Preliminary Plan of Subdivision 4-04077, Presidential Corporate Center for Lots 6 and 7 with the following conditions:

1. Only one access driveway shall be permitted to serve Lot 6. The location of the access driveway shall be determined at the time of detailed site plan approval, subject to Department of Public Works and Transportation approval of any median break.
2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/51/04). The following notes shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/51/04), or as modified by the Type II Tree Conservation Plan, 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/Tree Preservation Policy.”

3. A Type II Tree Conservation Plan shall be approved prior to the issuance of permits.
4. Total development within proposed Lots 6 and 7 of the subject property shall be limited to 300,000 square feet of general office space and a 300-room hotel, or other uses which would generate no more than 555 AM and 573 PM peak-hour vehicle trips. Any development that generates more trips than those identified herein shall require an additional Preliminary Plan of Subdivision with a new determination of the adequacy of transportation facilities.
5. Development shall be in conformance with the approved Stormwater Management Concept Plan, #7789-2004-00, or any approved revisions thereto.
6. The following note shall be placed on the final plat:

“An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.”

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the northeast corner of Presidential Parkway and Machinists Place. To the north and east is undeveloped land in the R-A Zone.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	I-1	I-1
Uses	Vacant	Bank
Acreage	12.84	12.84
Lots	1	2
Parcels	0	0
Square-footage	0	17,400

4. **Environmental**—A review of the available information indicates that streams, wetlands and 100-year floodplain are not found to occur on this property. There is an area of severe slopes and areas of steep slopes with highly erodible soils found to occur on the property. There are no transportation-related noise sources found to impact this property, but the property is located within a noise impact zone associated with Andrews Air Force Base. The primary soil found to

occur according to the Prince George's County Soil Survey is Westphalia fine sandy loam, which has no significant limitations that would affect the proposed development of this site. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in close proximity to this property. This property is located in the Western Branch watershed of the Patuxent River Basin and in the Developing Tier as reflected in the adopted General Plan.

### **Woodland Conservation**

The Forest Stand Delineation (FSD) submitted with this application was found to address the requirements for Forest Stand Delineations in accordance with the Prince George's County Woodland Conservation and Tree Preservation Ordinance.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodlands. The revised Type I Tree Conservation Plan, TCPI/51/04, date stamped as received by the Environmental Planning Section on July 6, 2004, was reviewed and found to address the requirements of the Prince George's County Woodland Conservation Ordinance.

This 12.84-acre site in the I-1 Zone has a Woodland Conservation Threshold of 15 percent, or 1.93 acres, and replacement requirements of 0.78 associated with the clearing of woodlands above the Woodland Conservation Threshold. The 2.70-acre requirement is proposed to be satisfied by 2.70 acres of on-site preservation. Type I Tree Conservation Plan TCPI/51/04 is recommended for approval in conjunction with Preliminary Plan of Subdivision 4-04077.

### **Noise**

This property is located within the noise impact zone associated with aircraft from Andrews Air Force Base (AAFB). Based on the AAFB Air Installation Compatible Use Zone (AICUZ) Study, 1998, this property is located between the 65 dBA Ldn and 70 dBA Ldn noise contours. Because the proposed use of the site is an office building in the I-1 Zone, the noise levels present are within acceptable levels according to the State of Maryland noise standards for exterior and interior noise levels for this type of use. No further information is required with respect to noise impacts in the vicinity of AAFB.

### **Water and Sewer Categories**

The Water and Sewer Categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

5. **Community Planning**— The property is in Planning Area 78/Westphalia. It is in the Pennsylvania Avenue Corridor, with limited highway access, and a possible future Center (Westphalia) and the Developing Tier as described in the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. If designated as a Center, mixed residential and nonresidential uses at moderate to high densities and intensities with a strong emphasis on transit-oriented development are promoted. This application is not inconsistent with the 2002 General Plan Development Pattern policies for Corridor development in the Developing Tier.

The 1994 Melwood-Westphalia Master Plan recommends Employment land use. A-66, Presidential Parkway, is a new four- to six-lane arterial roadway between Woodyard Road Extended, north of MD 4, and White House Road, east of Sansbury Road. It will connect with proposed arterials connecting to interchanges with I-95 and MD 4. (Plan, page 127). The 1994 Sectional Map Amendment for the Melwood-Westphalia Master Plan retained the I-1 Zone on the subject property. This application conforms to the employment land use recommendations of the master plan.

The 1998 AICUZ study designates the subject property within the 65-70 DNL noise contours (Day-Night Average A-Weighted Sound Level). This indicates that the area is subject to a moderate level of aircraft noise from operations at Andrews Air Force Base. Commercial land uses within this noise contour are deemed to be compatible with Air Force base operations (AICUZ, Table 5-4, page 5-8). This application conforms to the land use recommendations in AICUZ insofar as commercial uses at this location are deemed to be compatible with base operations. However, the site plan should indicate the location of the 65-70 DNL noise contours identified in the AICUZ Study.

The master plan designates the site within Employment Area 3. The planning concept for Employment Area 3 is to capitalize on its strategic location close to the Capital Beltway, MD 4 and Andrews Air Force Base. The concept recommends:

- Large-scale planned employment parks rather than scattered employment areas to minimize land use compatibility problems, encroachment of incompatible uses into employment areas, or from employment areas into surrounding living areas.
- New employment areas where public facilities are available or programmed.

- Employment uses for the areas within the flight pattern, as designated in the AICUZ Study.
6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the preliminary plan is exempt from the requirements of mandatory park dedication because it is in a nonresidential zone and no dwellings are proposed.
  7. **Trails**—The Adopted and Approved Melwood-Westphalia Master Plan recommends a master plan trail along Presidential Parkway, including the frontage of the subject property. This trail has already been constructed for the entire length of Presidential Parkway. There are no further trails issues associated with this proposal.
  8. **Transportation**—The applicant has not prepared a traffic impact study nor did the transportation staff require one. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy - Service Level Standards**

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

#### **Staff Analysis of Traffic Impacts**

The application is a proposal to resubdivide existing Lot 5 of Presidential Corporate Center. This lot was created under Preliminary Plan of Subdivision 4-87119 for Presidential Corporate Center. When application 4-87119 was reviewed, adequacy was found for 300,000 square feet of general office space and a 300-room hotel. Lot 4 of Presidential Corporate Center, created under application 4-87119 and shown in vertical hatching, is developed with 120,125 square feet of general office space. The remainder of the area of 4-87119 is shown as a light dotted area, and this area was never recorded and currently has no valid preliminary plan. No areas of the vertical

hatching or the light dotted area are included in the subject application.

Therefore, existing Lots 4 and 5 are covered by a condition that restricts development to the equivalent number of trips generated by 300,000 square feet of general office space and a 300-room hotel. Lot 4 is fully developed with 120,125 square feet of general office space, leaving 179,875 square feet of general office plus a 300-room hotel for development. This is the equivalent of 555 AM and 573 PM peak-hour vehicle trips that are permitted by right.

The applicant indicated the intent to develop a 17,400-square-foot credit union building. There are no trip rates in either the guidelines or the Institute of Transportation Engineers' *Trip Generation Manual* for a credit union with drive-in windows. Staff has made the following determinations regarding trip generation:

- a. The building is intended to offer credit union services plus administrative functions. Therefore, it is assumed that 50 percent of the building functions as general office, with the remaining portion of the building serving the credit union function.
- b. There are trip rates for drive-in bank in the *Trip Generation Manual*. Staff considers these rates to be too high to be representative of a credit union. There is a general public perception that, in contrast to a bank, a credit union does not offer its services to persons who do not have accounts there. Furthermore, a credit union is more likely to receive deposits by payroll deduction and more visits during work hour because the membership is more likely to be employed by a sponsoring organization or group of organizations. For these reasons, the peak-hour drive-in bank rates shown in the *Trip Generation Manual* are reduced by 40 percent in the AM peak hour and 50 percent in the PM peak hour.
- c. Most banks have a significant rate of pass-by traffic (i.e., trips entering the site are already using the immediate roadway). Credit unions generally have a single office that serves the organization in a large area. Therefore, the pass-by rate, unless the credit union is adjacent to the employment site of a sponsoring organization, would likely have a very low pass-by rate. The rate assumed for the subject property relative to MD 4 is 5 percent.
- d. Estimated trip generation for the administrative functions would be 17 AM and 16 PM peak-hour trips. Estimated trip generation for the credit union function, taking into account pass-by trips, would be 61 AM and 189 PM peak-hour trips. Therefore, the trip generation associated with proposed Lot 6, as currently proposed for development on a site plan, is 78 AM and 205 PM peak-hour trips. This would leave 477 AM and 368 PM peak-hour trips to be utilized by proposed Lot 7.

The intersection of MD 4 and Presidential Parkway/Suitland Parkway is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve virtually all of the site-generated traffic. The transportation staff has older findings dating from 1993 and 1994 that indicate that the critical intersection operates at a failing level of service (LOS) in both peak hours. While traffic has grown since those findings

were made, no significant improvements to roadway or intersection capacity have occurred.

Nonetheless, the level of trip generation proposed by this plan is within the trip cap that exists for the existing lot; therefore, there is evidence that the Planning Board can find that the proposed resubdivision would generate no net trips as a result. There would be no resulting impact on traffic operations at the MD 4/Presidential Parkway/Suitland Parkway intersection as a result of the resubdivision. The level of development for proposed Lot 5 has been consistently considered as background in reviewing other cases in the area.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** One of the purposes of limiting access to an arterial is to enhance public safety, health and welfare. In this case, two curb cuts onto Presidential Parkway are proposed when only one is necessary. It is important to limit access points on this arterial to one to enhance public safety.
- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** This is a unique situation because without the variation, no access would be granted and the property would be denied development rights. The alternative solution, to require access to Lot 6 from Machinists Place over proposed Lot 7 would create an awkward circulation pattern. In fact, patrons of the proposed credit union might pass Machinists Place and realize they can not access the bank from the road causing them to make quick judgments and possibly causing unsafe driving conditions on the road.
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** This will not result in a violation of

other applicable laws, ordinances or regulations.

- D. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.** The applicant would suffer a particular hardship if the strict letter of the regulations were followed since access would be denied altogether. This would deny the property owner access, and therefore use, of the property.

In addition to these findings, the Planning Board also finds the following:

- a. The entire property potentially has access onto Machinists Place as well as Presidential Parkway. However, proposed Lot 6, which is proposed for development at this time, only has frontage on Presidential Parkway.
- b. The concept plan that has been provided in the case file suggests that the request actually appears to involve two variations, with one driveway serving only Lot 6 and the second driveway serving both proposed Lot 6 and proposed Lot 7. While the access that serves the two lots jointly is located at a proposed median break, the other one would be right-in/right-out only. This second access point is superfluous and should be removed.
- c. Any access onto Presidential Parkway must have the support of DPW&T, which is the responsible operating agency for the adjacent section of Presidential Parkway. Any proposed median breaks must also have the approval of DPW&T. The location of the single direct access driveway on to Presidential Parkway will be subject to approval by the Department of Public Works and Transportation at the time of Detailed Site Plan review.
- d. Other properties along Presidential Parkway have utilized limited driveway access onto Presidential Parkway to serve several buildings or one large lot. This should be the case with the subject property as well.
- e. Upon realization of buildout in accordance with the master plan, Presidential Parkway could serve as primary access to an area containing more than 20,000 jobs. Once interchanges are constructed along MD 4 and the area begins to develop, Presidential Parkway could begin to resemble Gude Drive, Tower Oaks Parkway, or Democracy Boulevard. Limiting access for Lot 6 to just one point at an approved median break should not compromise long-term access to the area.

For these reasons, the variation from Section 24-121(a)(3) for Lot 6 is approved for one access



point to Lot 6 only.

### **Transportation Issue Conclusions**

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the two transportation-related conditions included in this report.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposed subdivision is exempt from the requirements for school adequacy because it is in a nonresidential zone and no dwellings are proposed.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
  - a. The existing fire engine service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 1.94 minutes, which is within the 3.25-minute travel time guideline.
  - b. The existing ambulance service at Forestville Fire Station, Company 23, has a service travel time of 1.94 minutes, which is within the 4.25-minute travel time guideline.
  - c. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road, has a service travel time of 9.38 minutes, which is beyond the 7.25-minute travel time guideline. The nearest fire station, Forestville, Company 23, is located at 8321 Old Marlboro Pike, which is 1.94 minutes from the development. This facility would be within the recommended travel time for paramedic service if an operational decision to locate this service at that facility is made by the county.
  - d. The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike, has a service travel time of 7.30 minutes, which is beyond the 4.25-minute travel time guideline

To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

These findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department reviewed the application and offered no comments.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #7789-2004-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. This plan incorporates the Low Impact Development technique. The approval is valid through June 14, 2007. Development must be in accordance with this approved plan or any revisions thereto.
14. **Cemeteries**—There are no known cemeteries on or adjoining the subject property, nor is it likely that archeological investigation would reveal evidence of slave dwellings or burials. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.
16. **Other Public Facilities**—The property is located in an area recommended by the Approved and Adopted Melwood Westphalia Master Plan for a proposed library station, elementary school and police. Staff submitted a copy of the preliminary plan and case file cover sheet to the appropriate departments for their comments. As of this writing, no agency has expressed an interest in the property.

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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of September 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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