

R E S O L U T I O N

WHEREAS, General Growth Properties is the owner of a 11.01-acre parcel of land known as Residue Lot 39, Plat Book 125, Plat 46, Tax Map 67, Grid D-1, said property being in the 13thth Election District of Prince George's County, Maryland, and being zoned I-3; and

WHEREAS, on October 6, 2005 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 4-05072 for Inglewood Business Community 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 December 15, 2005, 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 December 15, 2006, 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/30/04), and further APPROVED Preliminary Plan of Subdivision 4-05072, Inglewood Business Community for Lots 1 and 2, including a Variation to Section 24-130 with the following conditions:

1. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan shall be revised as follows:
  - a. All graphics, references and labels to "conservation in floodplain" or "conservation in floodplain (not counted)" shall be removed from the plan and legend
  - b. Areas proposed for woodland preservation on the plan should be labels as such, and the legend should be corrected to indicate the methodology proposed
  - c. Any woodland preservation area within the stormwater management easement shall be in accordance with the approved technical stormwater management plans. Woodland preservation areas which are not acceptable to the Department of Environmental Planning shall be mitigated off-site, and the TCPI shall be revised accordingly.
  - d. Have the revised TCPI signed and dated by the qualified profession who prepared it.

- e. The TCPI shall be revised to show the location of proposed bioretention pond #9.
2. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/32/05), 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 Ordinance.”
3. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated expanded stream buffer except for any areas of approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
4. Prior to the issuance of any permits which impact 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.
5. Prior to approval of the final plat the applicant shall submit a Phase I archeological investigation and Phase II and Phase III investigations, as determined appropriate by Planning Department staff. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report the same guidelines.

If the site has been filled and graded, a Phase I archeological investigation will not be necessary. In order to demonstrate this to have occurred, the applicant shall submit to the staff, data (to include a map) to indicate the areas that have been filled and graded within the site. If the staff reviews this data and concurs that the site has been filled and graded, then no Phase I investigation shall be required.
6. Development of the site shall be in accordance with the approved stormwater management concept plan (9451-2005-00) or any approved revision thereto.
7. The applicant and the applicant’s heirs, successors, and/or assignees shall provide the following:

- a. A standard sidewalk along the subject site’s entire frontage of Caraway Court unless modified by DPW&T.
  - b. The appropriateness of a multiuse trail connection within a public use easement from Caraway Court to Arena Drive shall be determined at the time of detailed site plan.
8. Prior to signature approval of the preliminary plan, the 65 dBA Ldn noise contour from the transportation-related noise generators located near to the subject property should be modeled based on information from the Transportation Planning Section and delineated on the property. In the future if residential or residential-type uses are proposed, impacts to outdoor activity areas and interior living areas shall be addressed.
9. Total development within the subject property shall be limited to 270,000 square feet of office space, or equivalent development which generates no more than 540 AM and 500 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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 undeveloped and is located on the west side of Caraway Court, 350 feet south of McCormick Drive.
- 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-3	I-3
Uses	Vacant	Commercial Office/Hotel
Acreage	11.01	11.01
Lots	1	2
Parcels	0	0
Square footage:	0	22,000 square feet 208 hotel rooms

- 4. **Environmental**—There are streams, wetlands, and 100-year floodplains found on this property. The site is approximately five percent wooded and is largely an open field that has been maintained after previous grading of the site. The soil series found on this property include the Collington and Mixed Alluvial land. Some of these soils generally have limitations with respect to impeded drainage, or seasonally high water Collington soils pose few problems for

development and have a K factor of 0.28. Mixed alluvial land may experience a high water table and flood hazard in certain circumstances. Marlboro clays are not found to occur in the vicinity of 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, no endangered species is found to occur in the vicinity. The site is also located adjacent to the Capital Beltway (I-95), which is a master-planned freeway with resultant transportation noise impacts. The property is located in the Southwest Branch watershed of the Potomac River basin. The property is located in the Developing Tier as reflected in the adopted General Plan. No elements of the Green Infrastructure Plan have been identified on this site.

### **Natural Resources Inventory**

The preliminary plan application has a signed natural resources inventory (NRI067-05) that was included with the application package. The TCPI and the preliminary plan are in conformance with the required information shown on the NRI.

### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it is greater than 40,000 square feet gross tract area, and there are more than 10,000 square feet of existing woodland. A Type I tree conservation plan (TCPI/32/05) was submitted with the preliminary plan application and has been reviewed. The Woodland Conservation Threshold for this site is 1.43 acres (15 percent of the net tract). The total amount of required woodland conservation based on the amount of clearing currently proposed is 1.47 acres.

The TCPI, as currently designed, proposes to meet the requirement with 0.42 acre of on-site preservation and 1.05 acres of off-site mitigation.

The woodland on the subject property is a single 1.38-acre stand, consisting of yellow poplar, red maple, and sweetgum with primarily the same species in the understory. Dominant and co-dominant trees are 20 inches diameter at breast height to 30 inches, although most trees are in the 6-inch to 12-inch diameter at breast height class. Preservation priority is high because virtually this entire stand occupies steep slopes, 100-year floodplain, or areas with streams and wetlands. Only 0.2 acre is proposed to be cleared for what appears to be a stormwater management outfall.

The TCPI has also been reviewed for conformance with the approved Green Infrastructure Plan. No elements of the green infrastructure network were identified on this site.

The TCPI requires revisions to meet the technical requirement for a Type I tree conservation plan. All graphics, references and labels to "conservation in floodplain" or "conservation in floodplain (not counted)" must be removed from the plan and legend. Areas proposed for woodland preservation on the plan should be labeled as such, and the legend should be corrected to indicate the methodology proposed.

A portion of the woodland preservation proposed is located within the stormwater management easement. Approved technical stormwater management plans must be submitted to confirm that this is acceptable to the Department of Environmental Resources. If the woodland preservation is not in conformance with the technical stormwater management plans, the TCPI shall be revised to indicate that additional off-site mitigation will be provided.

### **Impact to Environmentally Sensitive Areas and Variation Request**

Wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers, including adjacent slopes in excess of 25 percent and 15 to 25 percent slopes on highly erodible soils, compose the expanded stream buffer on the subject property in accordance with Section 24-130(b)(6) of the Subdivision Ordinance. The elements that comprise the expanded stream buffer have been fully and correctly identified on the TCPI and Preliminary Plan in accordance with the signed natural resources inventory.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands, or their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, that can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

A variation request was submitted to explain the location of the impact, the extent of the impact, and the reason for a variation request. An impact of 1,422 square feet is proposed to the expanded buffer in order to construct a stormdrain outfall to an existing stormwater management pond located north of this site.

Section 24-113 of the Subdivision Regulations contains four required findings to be made before a variation can be granted.

**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 evidence presented to it in each specific**

**case that:**

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormwater management facilities are required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The specific topography of the site requires the use of the stormwater management facilities shown on the plans to adequately serve the proposed development.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of stormwater management facilities is required by other regulations. The proposed impacts are not a violation of any other applicable law, ordinance or regulation because federal and state permits will be required.

- (4) Because of the peculiar 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 regulation is carried out.**

The topography provides no alternative for the location of the stormwater facilities that are required to serve the development. Without the required stormwater management facilities, the property could not be properly developed in accordance with the R-R Zone.

**Soils**

The soils found on this property include Collington and Mixed Alluvial land. Mixed Alluvial soils may have limitations with respect to 100-year floodplain or seasonally high water tables. Although these limitations will ultimately affect the construction phase of this development, there are no limitations that would affect the site design or layout. It is important to understand that during the review of building permits the Department of Environmental Resources will likely require a soils study addressing the soil limitations with respect to the construction of homes.

**Noise**

This property abuts the Capital Beltway (I-95), a known transportation-related noise generator, and Arena Drive, a minor arterial. Based on noise modeling prepared by the Environmental Planning Section, based on the 2004 traffic counts and modeled for 10 years, the location of the 65 dBA noise contour is located approximately 982 feet from the centerline of I-95 and 106 feet from the centerline of the Arena Drive. Because no residential use is anticipated on the site based on the I-3 zoning, noise impacts will not be a concern on this site, and the 65-dBA noise contour will not need to be delineated on the preliminary plan or TCPI. If, in the future, residential-type uses are proposed such as a day care center or hotel, noise impacts must be addressed.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The proposed development will utilize public systems.

5. **Community Planning**—The property is located in the study area of the *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas* (May 2004). The sector plan recommends an office-commercial use in recognition of a previously approved plan (CSP-80034) for the Inglewood Business Community. The sector plan contains specific development district standards to be addressed for the Largo Town Center Metro core area, but none of these is directly applicable to the subject property. The 2002 General Plan places this site in the Developing Tier directly adjacent to the Largo Town Center metropolitan center. 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. The vision for metropolitan centers is a high concentration of land uses and economic activities that attract employers, workers and customers from other parts of the Washington metropolitan area, such as large government service or major employment centers, major educational complexes, or high-intensity commercial uses.
6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the subject subdivision is exempt from the mandatory dedication of parkland requirements because it consists of a nonresidential development.
7. **Trails**—**The adopted and approved Morgan Boulevard and Largo Town Center Metro Areas sector plan recommends a trail connection that impacts the subject site. Recommendation #4 on page 43 states:**

“Provide a multiuse trail connection from the end of Caraway Court to Arena Drive. This trail would provide a convenient pedestrian connection from the existing and future office development along McCormick Drive with Arena Drive and the former Capital Centre site to the south”.

This trail should be incorporated into the design of the site and should be largely separated from

the site parking lot.

Staff believes that this trail connection is an important recommendation in the sector plan pertaining to the restaurant park. During the public participation process, walkability and pedestrian access was identified as an important issue for the Inglewood Restaurant Park and Largo Government Center, and additional sidewalk construction and connector trails were recommended. Although there were limited opportunities to provide new trail connections between developments and culs-de-sac, one feasible trail connection was identified from Caraway Court to Arena Drive. Given how the development has progressed in the vicinity, this trail connection remains an important recommendation for improving pedestrian accessibility within the restaurant park and to the nearby Boulevard at Capital Center. A hotel is proposed on the subject site. The Boulevard at Capital Center is located near the subject site, just to the south of Arena Drive. This trail connection will accommodate direct pedestrian access from the hotel to the boulevard development. Staff feels that hotel patrons will want to walk to the Boulevard, and that providing this trail connection will accommodate this movement and fulfill the goal of the master plan. Issues regarding the trail connection should be addressed at the time of detailed site plan.

### **Sidewalk Connectivity**

**Standard sidewalks have been provided where road frontage improvements have been made to Caraway Court. Staff recommends the provision of a standard sidewalk along the subject site's frontage, unless modified by DPW&T.**

8. **Transportation**—The site is 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.

The application is a proposal to resubdivide an existing industrial lot. The lot to be resubdivided is the residue of Lot 39 of Inglewood Business Community, which was recorded at 125-46 in December 1985. The original lot was created by preliminary plan of subdivision 4-82133, and the residue resulted from purchase of a portion of Lot 39 by the State Highway Administration. No development beyond that which would have been anticipated by previous applications is



proposed by this application. At a floor to area ratio (FAR) of 0.4, it is anticipated that the 15.499-acre site could be developed with up to 270,000 square feet of office space. This development could generate 540 AM and 500 PM peak-hour vehicle trips.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 202 and McCormick Drive, which is signalized. This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Prince George's County Capital Improvement Program.

The staff has recent counts available at the critical intersection, and under background traffic with approved development the intersection does not operate acceptably. Nonetheless, because the application is a resubdivision of an existing lot, has an approved level of development which was the subject of an adequacy test in 1982, and no further development beyond that level is proposed, the Prince George's County Planning Board could deem the application to have no net impact on surrounding roadways. Staff believes there is sufficient evidence that the subdivision would have no net traffic impact on the critical intersection. Development of this lot, consistent with the 1982 adequacy test, has been assumed in the background in all succeeding traffic studies. Nonetheless, the site should be capped at the development level on which prior adequacy findings were based.

Based on the preceding findings, the Transportation Planning Section concludes that 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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the regulations for schools (CR-23-2001 and CR-38-2002). The proposed subdivision is exempt from the review for schools because it is a nonresidential use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

The existing fire engine service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 3.65 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 3.65 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 3.65 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Kentland Fire Station, Company 33, located at 7701 Landover Road, has a service travel time of 4.65 minutes, which is beyond the 4.25-minute travel time guideline.

In order 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.

The above 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 Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department has reviewed the application and has no comments.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has approved a stormwater management concept plan (9451-2005-00, approved April 7, 2005). A copy of the stormwater management concept approval letter for the site (9451-2005-00) has been submitted. The conditions of approval indicate that water quality will be provided on proposed #9 bioretention pond, but bioretention pond #9 is not illustrated on the plan. To ensure that development of this site does not result in on-site or downstream flooding, development must be in accordance with this approved plan.
14. **Historic Preservation**—Phase I (Identification) archeological investigations are recommended on the above-referenced property. Eleven prehistoric archeological sites are within one mile of the property, to the west and south of the property (Sites 18PR214, 18PR501, 18PR502, 18PR503, 18PR504, 18PR505, 18PR506, 18PR 507, 18PR508, 18PR509, and 18PR610). An unnamed branch of Southwest Branch runs north-south through or near the western edge of the property, and archeological sites have been identified in similar settings.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be

spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

15. **Public Utility Easement**—The preliminary plan shows the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement should be included on the final plat.

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.

\* \* \* \* \*

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 Vaughns, seconded by Commissioner Eley, with Commissioners Vaughns, Eley, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, December 15, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator