

R E S O L U T I O N

WHEREAS, ZP No. 140, LLC. is the owner of a 3.61-acre parcel that is a residue of the resubdivision of Parcel A (VJ 176@77), said property being in the 11th Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on January 23, 2006, ZP No. 140, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05130 for Brandywine Village 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 June 8, 2006, 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 June 8, 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/63/95-01), and further APPROVED Preliminary Plan of Subdivision 4-05130, Brandywine Village for Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Delineate existing and proposed sewer lines.
 - b. Delineate existing water lines
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 8840-2004-00 and any subsequent revisions.
4. The applicant, his heirs, successors and or assignees shall provide a standard sidewalk along the property's entire street frontage of Clymer Drive unless modified by the Department of Public Works and Transportation.

5. 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.
6. Prior to signature approval of the preliminary plan, the Historic Preservation Section shall determine the extent of the land that should be the subject of a Phase I archaeological investigation with the concurrence of the Development Review Division (DRD), which shall include research into the property history and archaeological literature for those lands determined to be subject, and four copies of the approved final report submitted to M-NCPPC Historic Preservation staff. Prior to approval of Final Plats, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall 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 following the same guidelines.
7. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
8. Total development of the subject property shall be limited to uses that would generate no more than 13 AM and 60 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.
9. The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:
 - A fee calculated as $\$1.24 \text{ per gross square foot of space } X \text{ (Engineering News-Record Highway Construction Cost index at time of payment) } / \text{ (Engineering News-Record Highway Construction Cost Index for first quarter, 1993)}$.

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
- h. Reconstruct the traffic signal at MD 5/Brandywine Road.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
- k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
- l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

10. At the time of final plat, the applicant shall submit evidence from the State Highway Administration as to whether a ten-foot-wide, public utility easement will be required on the subject property, adjacent and contiguous to Parcel G to serve the proposed C-502 master plan road. If the State Highway Administration determines in writing that the ten-foot-wide, public utility easement is not required, this condition shall be void.
11. Prior to signature approval of the preliminary plan, the NRI shall be revised to contain only the area of Preliminary Plan 4-05130.
12. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised to:
 - a. Include only the area of Preliminary Plan 4-05130.
 - b. Reflect changes on the worksheet as needed.
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan
13. 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/63/95-01), 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. This property is subject to the notification provisions of CB-60-2005.”

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 north edge of Clymer Drive just west of its intersection with Crain Highway (US 301).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	Undeveloped	Commercial Shopping Center
Acreage	3.61	3.61
Lots	0	0
Outlots	0	0
Parcels	1	1
Public Safety Mitigation Fee		N/A

4. **Environmental**—The Environmental Planning Section has reviewed the preliminary plan of subdivision for Brandywine Village, 4-05130, and the Type I tree conservation plan, TCPI/63/95-01, received on February 27, 2006. The Environmental Planning Section recommends approval of 4-05130 and TCPI/63/95-01 subject to conditions.

Background

The Environmental Planning Section has previously reviewed this site as Preliminary Plan of Subdivision 4-95086, and Type I Tree Conservation Plan I/63/95. This application proposes a commercial shopping center in the C-S-C Zone.

Site Description

The 3.61-acre property in the C-S-C Zone is located on the north and south sides of Clymer Drive, approximately 500 feet east of US 301. The current air photo indicates that approximately 90 percent of the site is wooded. This site does not contain streams, wetlands or 100-year floodplain. The site is located in the Mattawoman Creek watershed in the Potomac River Basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “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 adverse noise impacts from off-site sources or activities. According to the Prince George’s County Soil Survey, the principal soils on the site are in the Beltsville and Croom soil series. No Marlboro clay has been identified on this site. The site is in the Developing Tier according to the General Plan. The site contains gap areas within the network of the *Countywide Green Infrastructure Plan*.

Environmental Review

A signed natural resources inventory (NRI), NRI/127/05, has been submitted with the application. The NRI contains an area of 6.25 acres and encompasses the 3.61 acres of the subject property, the area of existing Clymer Drive and a property described as proposed Outparcel “A.” Neither Clymer Drive nor proposed Outparcel “A” are part of this application. The NRI contains a note indicating that the NRI must be revised if the boundaries of the companion application are different.

The NRI contains a forest stand delineation (FSD). The FSD indicates that the woodland on the subject property is of very low quality and contains no significant environmental features. Prior to signature of the preliminary plan, the NRI should be revised to contain only the area of Preliminary Plan 4-05130.

This site is subject to the provisions of the Woodland Conservation Ordinance because the property has a previously approved tree conservation plan, TCPI/63/95. A revised tree conservation plan is required.

The Type I Tree Conservation Plan, TCPI/63/95, was approved with Preliminary Plan 4-95086. That preliminary plan contained the area of the subject property plus additional adjacent property that is now owned by the State of Maryland as part of the US 301 project. Because that land is now owned by the state, it should be excluded from the revised plan.

The TCPI revision that was stamped as accepted by the Environmental Planning Section on February 27, 2006, contains 6.25 acres; however, much of this area must be excluded because it is not part of the area of the preliminary plan. Proposed development of the area of the subject application will remove all woodland on-site. Because the woodland is of low quality and contains no significant environmental features, the total clearing of the site and the use of off-site woodland conservation are recommended.

Prior to signature of the preliminary plan, the Type I tree conservation plan should be revised to be consistent with the finding above.

The final plat of subdivision should note the restrictions of the approved Type I Tree Conservation Plan (TCPI/63/95-01).

According to the Prince George's County Soil Survey, the principal soils on the site are in the Beltsville and Croom soil series. Bibb soils are in hydrologic group D and have limitations of flood hazard, high water table and poor drainage. Croom soils may present an erosion problem on steep slopes.

This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

A Stormwater Management Concept Plan, CSD 8840-2004-00, has been approved by the Prince George's County Department of Environmental Resources.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and the site will,

therefore, be served by public systems.

5. **Community Planning**—The property is located in Planning Area 85A within the Brandywine Community, and is within the limits of the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B*. This application conforms to the Commercial Area and Neighborhood Activity Center land use designation within the Subregion V Master Plan.

The 2002 *Prince George's County Approved General Plan* locates this property within the Developing Tier. 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. This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

6. **Parks and Recreation**—According to Section 24-134(a) of the Prince George's County Subdivision Regulations, the subject application is exempt from mandatory dedication of parkland requirements because it consists of non-residential development.
7. **Trails**—There are no master plan trails issues identified in the Subregion V Master Plan that impact the subject site. However, it should be noted that the master plan includes a master plan stream valley trail corridor immediately to the west of the subject site.

A standard sidewalk should be provided along the site's street frontages of Clymer Drive, unless modified by DPW&T.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 3.6093 acres of land in the C-S-C Zone. The property is located northwest of the corner of US 301/MD 5 and Clymer Drive. The applicant proposes a commercial development of retail uses. The site is a portion of an existing platted parcel within the 301 Commercial Center.

The applicant has not prepared a traffic impact study nor was one requested by the transportation staff. The findings and recommendations outlined below are based upon a review of all relevant 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*, and in consideration of findings made in connection with past applications.

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 subdivision would involve a resubdivision of the 301 Commercial Center, which was subdivided under Preliminary Plan of Subdivision 4-95086. That subdivision created Parcels C and G, along with the existing Parcel A. Parcels C and G have been purchased by the State Highway Administration (SHA), leaving the development within the area of the existing subdivision. As such, this amounts to a resubdivision with no net trips, and for that reason a traffic study was not required.

The original proposal for the 301 Commercial Center included 107,850 square feet of retail space. The current proposal is for 18,800 square feet of retail space within the subject property, with the remainder being on the adjacent property created under Preliminary Plan 4-04112. The proposal within the subject site, in consideration of pass-by trip rates, would generate 13 AM and 60 PM peak-hour vehicle trips.

Although the site would generate no net trips, it is noted that the Planning Board has found that several intersections in the area, including the critical intersection of US 301/MD 5/McKendree Road/Cedarville Road, would fail in consideration of traffic generated by approved development. However, there exists a means, the Brandywine Road Club, by which developments in the area have been conditioned to contribute a pro-rata share toward ultimate transportation improvements at the critical intersection.

The Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:

- a. The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Ordinance (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Many properties have been approved with a condition to pay funds toward a Brandywine Road Club, beginning in 1990. But since those initial

approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state's Consolidated Transportation Program that suggests that needed improvements are funded for construction.

- b. Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the Subregion V Master Plan. As a part of that resolution, A-9878 for Brandywine Village was approved with conditions that allow particular property to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." This has been carefully considered, and it has been determined by staff that the subject property is not technically along the identified section of US 301/MD 5. It is recognized that the subject property is along US 301 and MD 5 within the section designated above. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the Council Resolution.
- c. As noted earlier, the improvements needed to address the adequacy issues noted above would include an interchange at the MD 5/Brandywine Road intersection (the master plan does, in fact, propose an interchange at that location). There is recognition that the scope and cost of improvements needed would far exceed the ability of an applicant of this size to fund them.

It is noted that the adjacent Brandywine Village retail development (Preliminary Plan 4-04112), which is immediately north of the subject property, was approved with a condition to pay \$1.24 per square foot (to be inflated) toward the Brandywine Road Club improvements. While the Planning Board can determine that the subject development generates no net vehicle trips due to prior approvals, it is also fair that retail space to be constructed within the subject property pay toward the Brandywine Road Club just as the retail development on the adjacent parcel has been required to do.

The site is near the C-502 and the F-9 facilities but not within or adjacent to them. No dedication along either facility is required of this plan. It is noted that Parcel G of Preliminary Plan 4-95086 was purchased by SHA, presumably for a roadway facility. Since the preliminary plan was reviewed and recommendations were made, the right-of-way for a future north/south collector facility was set approximately 400 feet west of Parcel G. Therefore, it is highly unlikely that the SHA property at the northwest corner of this site will ever be used for a public roadway. The collector was moved, and the property is not needed for a roadway to serve any property adjacent to it.

Transportation Staff Conclusions

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 with conditions.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003, and concluded that the subdivision is exempt from the public facilities review for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The existing fire engine service at Brandywine Fire Station, Company 40 located at 14201 Brandywine Road, has a service travel time of 5.16 minutes, which is beyond the 3.25 minutes travel time guideline.

The existing paramedic service at Brandywine Fire Station, Company 40 located at 14201 Brandywine Road, has a service travel time of 5.16 minutes, which is within the 7.25 minutes travel time guideline.

The existing ladder truck service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road, has a service travel time of 9.50 minutes, which is beyond the 4.25 minutes 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 should 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 1990 *Approved Public Safety Master Plan-Corrections* 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 V-Clinton. 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 Environmental Engineering Program has reviewed the preliminary plan of subdivision for Brandywine Village and has no comments to offer.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 8840-2004-00 has been approved with conditions 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**—A structure labeled “Zed Robinson” (no longer standing) is shown on the 1861 Martenet map as being located either within or just to the northwest corner of the subject property. The property to the north contains Archeological Site 18PR416, Pheasant’s Thicket, a late 18th century to early 19th century farmstead. Portions of Pheasant’s Thicket may be present on the subject property.

Conclusions

There is a moderate to high probability that archeological sites can be located within the subject property.

Phase I archeological investigations are recommended for the subject property.

Recommendations

In accordance with Subtitle 24-104, Section 24-121 (18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George’s County, including the possible existence of slave quarters and graves, as well as archeological evidence of the presence of Native American peoples. Potential archeological sites must be considered in the review of development applications, and potential means for preservation of these resources should be considered.

In accordance with the approved Planning Board *Guidelines for Archeological Review* (May 2005), a qualified archeologist must conduct all investigations and follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George’s County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation shall follow MHT guidelines and the *American Antiquity* or *Society of Historical Archeology* style guide.

Archeological excavations should 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. These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation and Public Facilities Planning staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval of the preliminary plan.

The Phase I archeological field investigations should also include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.

Upon receipt of the report by the Planning Department, if it is determined that potentially

significant archeological resources exist in the project area, prior to signature approval of the preliminary plan of subdivision, the applicant shall provide a plan for:

- i.) Evaluating the resource at the Phase II level, or
- ii.) Avoiding and preserving the resource in place.

Section 106 review may also require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

15. The subject property is zoned C-S-C. While the subject application is not proposing any residential development, if legislation would permit such a land use, a new preliminary plan should be approved. Because there exist different adequate public facility tests, and there are considerations for recreational components for residential subdivision, a new preliminary plan should be required if residential development is to be considered.
16. The property is within the C-S-C Zone and consists of approximately 3.61 acres. The plans that were originally submitted with this application also included a proposed outparcel that consists of 1.29 acres. This outparcel (Outparcel A) was proposed to be used for a stormwater management facility and is located directly across Clymer Drive from the subject property. During the initial review of this application, staff had asked the applicant to demonstrate how the proposed outparcel was created, as it is not delineated on the 1982 or the current tax maps, and appeared to be subdivided out of an abutting larger tract of land. The applicant did submit a deed (Liber 21602, Folio 149) that demonstrated that the land for the stormwater management facility was conveyed to the applicant on February 18, 2005, and then recorded in land records on March 10, 2005. The conveyance of this land by deed does not meet any of the preliminary plan exemptions contained in Section 24-107(c) of the Subdivision Regulations. Any subdivision of land after January 1, 1982, that does not meet an exemption would require approval of a preliminary plan of subdivision by the Planning Board. This 1.29-acre outparcel was subdivided by deed from abutting Parcel 30, which is owned by 301 Associates and consists of approximately 21.12 acres. The entire limits of Parcel 30 would need to be included in this preliminary plan of subdivision to legitimize the 1.29-acre outparcel that was subdivided by deed, and to allow it to remain. Parcel 30 is under different ownership, and the property owners of this parcel have indicated an objection to including their property as part of this preliminary plan application. Therefore, the applicant has submitted revised plans that have removed this outparcel from the application. Some referral memos included in this application may include the review of the 1.29-acre outparcel.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, June 8, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of July 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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