

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on February 16, 2006 regarding Detailed Site Plan DSP-05070 for The Brickyard–North Portion, the Planning Board finds:

1. **Request:** The subject application requests the construction of 475,062 square-feet of office/warehouse space in a six-building flex industrial park in the I-3 Zone.
2. **Development Data Summary**

<u>Zone</u>	<u>EXISTING</u>	<u>PROPOSED</u>
<u>Use(s)</u>	<u>I-3</u>	<u>I-3</u>
	<u>Manufacturing and Clay and Sand Mining</u>	<u>Flex Industrial Park</u>
<u>Acreage</u>	<u>52.94</u>	<u>52.94</u>
<u>Lots</u>	<u>Lots 20-27</u>	<u>Lots 20-27</u>
<u>Building Square Footage/GFA</u>	<u>N/A</u>	<u>475,062</u>

OTHER DEVELOPMENT DATA

	<u>REQUIRED</u>	<u>PROPOSED</u>
<u>Total parking spaces</u>	<u>566</u>	<u>1,002</u>
<u>of which handicapped spaces</u>	<u>37</u>	<u>40</u>
<u>Loading spaces</u>	<u>24</u>	<u>24</u>

3. **Location:** The site is in Planning Area 62, Council District 1. More specifically, it is located approximately 800 feet southwest of the intersection of Contee Road and Mid-Atlantic Boulevard.
4. **Surroundings and Use:** The subject property is bounded to the northwest by the CSX Transportation Railroad to the southwest by a Pepco right-of-way with utility power lines, to the southeast by various residential communities and the James H. Harrison Elementary School, and to the northeast by various undeveloped Light Industrial zoned property.
5. **Previous Approvals:** The site has also been the subject of a Preliminary Plan of Subdivision (4-04120), approved by the Planning Board on July 7, 2005, and formalized in PGCPB Resolution No. 05-155. Lastly, the site is the subject of approved Stormwater Concept Plan 5249-2005-01, approved May 3, 2005, and effective for three years, or until May 3, 2008.

6. **Design Features:** The intent of the office/warehouse development is to create a recognizable image as a distinct place; varying massing to provide visual interest, as applicable, ensuring compatibility with surrounding developments, and using building height and massing to emphasize important corners, designated points of entry, and create a visible skyline to differentiate Prince George's new office/warehouse areas from other activity nodes.

The 52.94-acre site is accessed from the extension of Mid-Atlantic Boulevard, which leads into the property from Contee Road to a series of parking areas that wrap around two to three sides of the one-story office/warehouse structures that range from 33,600 square feet to 104,950 square feet. Each building will provide both visitor and employee parking along with loading dock areas.

The office/warehouse development integrates existing natural features and open space into the overall design and layout of the development. Existing natural features and common open spaces are used to create site amenities and provide physical separators and buffers from adjacent development. The number, location and design of the independent pad sites reinforce the identity and function of the office/warehouse development. The primary facades of the buildings, typically the facade containing the primary customer entrance, are oriented in a variety of ways that include toward the primary access street, secondary streets and toward the interior of the development focal point. In addition, two of the buildings are oriented in a manner that minimizes loading areas and efficiently combines service corridors and loading dock areas.

The office/warehouse design has achieved a unity of design through compatible materials and colors throughout the development; selected building materials that are durable, attractive and have low maintenance requirements; and utilized colors that reflect natural tones found in the environment of Prince George's County. The buildings are constructed and clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including brick, high-quality painted pre-stressed concrete system and glass.

A signage package has been submitted for the development. The signage is scaled appropriately to appeal to both pedestrians walking on the adjacent sidewalks and to vehicles driving at reduced speeds. The signs are aesthetically pleasing and cohesive. The signage on the street frontages is integrated into the overall design of the buildings.

The landscaping is designed to visually tie the entire development together, define major entryways and circulation (both vehicular and pedestrian) and parking/loading patterns, and create buffers at less intensive adjacent land uses. In addition, the applicant has provided landscape enhancement of property dedicated to M-NCPPC for a dinosaur fossil park. The enhancements will include:

- a. Construction of a dinosaur fossil park
- b. Upgrading the fencing around the fossil resource area
- c. Construction of a connector "timeline" walk from the fossil park to the MARC Station

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-3 Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-473, which governs permitted uses in industrial zones. The proposed office/warehouse is a permitted use in the I-3 Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-474, Regulations, regarding additional regulations for development in industrial zones.
8. **Preliminary Plan of Subdivision 4-04120:** Preliminary Plan (4-04120) was approved by the Planning Board on July 7, 2005. Resolution PGCPB No. 05-155 adopted by the Planning Board formalized that approval. Conditions 2, 12, 13, 19, 23 and 28 of approval apply to the review of the subject detailed site plan. Please see further discussion of those conditions under Finding 11, Referrals, below.
9. **Landscape Manual:** The proposed development is subject to the requirements of Section 4.2, Commercial and Industrial Landscaped Strip, and Section 4.3, Parking Lot Requirements, of the *Landscape Manual*.

The Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*.
10. **Woodland Conservation Ordinance:** The project 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 woodland on-site. The Environmental Planning Section recommends approval of Tree Conservation Plan TCPII/118/05-01 with conditions.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation—In a memorandum dated November 15, 2005, the Historic Preservation Planning Section stated the proposed project would have no effects on designated historic resources.

Transportation—In a memorandum dated December 27, 2005, the Transportation Planning Section stated that the subject property is a portion of a larger development that was the subject of Preliminary Plan 4-04120, and that Conditions 15, 27, 21-25, 26, and 28 of that approval were transportation-related. In addition, the Transportation Planning Section noted that vehicular access within the site is acceptable. **Archeology**—In a memorandum dated December 5, 2005, the archeological consultant stated that a Phase I archeological survey is not recommended by the county on the above-referenced property. Section 106 review may require an archeological survey for state or federal agencies, however.

There is a fossil-bearing rock formation north of the PEPCO right-of-way in Parcel D (3.52 acres) that is not a part of the current submittal. The applicant plans to dedicate this parcel to M-NCPPC to ensure its preservation.

Community Planning—In a memorandum dated November 30, 2005, the Community Planning Division stated that the proposed project is not inconsistent with the 2002 General Plan Development Pattern policies, and that it conforms to the employment land use recommendation of the 1990 Master Plan for Subregion I.

It is understood that the trip generation of this site has been and will continue to be a source of discussion between transportation staff and the applicant. If revised parking schedules that fully account for multi-tenant arrangements in a building are provided, staff will review them and take them into consideration in determining trips utilized by each component of development against the trip cap.

The subject property was the concern of a 2005 traffic study and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2005 for Preliminary Plan of Subdivision 4-04120. Insofar as the basis for the preliminary plan findings is still valid, and in consideration of the materials discussed earlier in this memorandum, the transportation staff finds that the subject property will be adequately served within a reasonable period of time with transportation facilities which are existing, programmed, or which will be provided as a part of the development if the development is approved. This finding is conditional upon the submittal of traffic signal warrant studies at the intersections of Contee Road/Mid-Atlantic Boulevard and at Muirkirk Road/Muirkirk Meadows Road prior to approval of the detailed site plan, as required by Conditions 23 and 24 of Preliminary Plan 4-04120.

Subdivision—In a memorandum dated November 28, 2005, the Subdivision Section offered the following:

The property is the subject of Preliminary Plan 4-04120 approved by the Planning Board on July 7, 2005. The resolution of approval, PGCPB Resolution 05-155 was adopted on July 28, 2005. The preliminary plan remains valid until July 28, 2007, or until a final record plat is approved.

The property is subject to the conditions contained in the resolution of approval. That resolution contains 38 conditions. The following conditions relate to the review of the detailed site plan (DSP). Additional comments have been provided where appropriate:

- 1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:**
 - a. Locate the existing septic fields.**
 - b. Label the existing pond.**
 - c. In accordance with Department of Parks and Recreation (DPR) Exhibit A.**

Comment: The preliminary plan submitted for signature approval was not consistent with DPR Exhibit A, insofar as the extent of the land to be conveyed to M-NCPPC. The applicant was to review the preliminary plan submitted to DPR to resolve the issue. The preliminary plan should be signed prior to approval of the DSP.

2. **A Type II tree conservation plan shall be approved with the appropriate detailed site plan(s).**

12. **A Phase I environmental site assessment shall be submitted with the detailed site plan, for referral to the Health Department. The assessment must address the potential for methane generation especially in areas of fill. Based on the Phase I assessment, a determination will be made if a Phase II environmental assessment will be required. If methane proves to be a concern, it shall be addressed either as a separate entity or in combination with a Phase II assessment. The assessment must be completed and an acceptable remediation plan must be in place prior to final plat approval. A note shall be placed on the record plat that would prohibit construction in areas that are or could be impacted by the contamination until it has been determined that the contamination has been remediated. If groundwater contamination is detected in the initial evaluation, a complete hydrogeology study must be conducted to determine groundwater flow and depth to groundwater on the property. The assessment must include a detailed map of the property that indicates the location of the monitoring wells, piezometers, soil borings, ponds, and wetlands, and topography at two-foot contour intervals.**

Urban Design Comment: A Phase I Environmental Site Assessment, dated September 2002, was submitted to the Urban Design staff. However, a referral from the Health Department addressing the potential for methane generation especially in areas of fill on the subject property of this DSP has not been provided. As a result, a condition is provided in the Recommendation section of this staff report.

13. **Detailed site plan(s) for site development shall provide a pedestrian connection to the MARC station property in either a public use easement or on a business association common open space element, encumbered by a public use easement in the vicinity of Lots 5 and 6, or other location determined appropriate. A second connection should be provided serving pedestrian movements from Mid Atlantic Boulevard to Cedarhurst Drive, using a public or private sidewalk system. Adequate signage shall be required for both connections. The width, design, and timing for the construction of the pedestrian connection shall be determined at the time of review of the site development DSP (not infrastructure). The DSP shall require the recordation of a public use easement.**

Urban Design Comment: The pedestrian connection aforementioned is addressed in the senior trails planner referral and conditioned in the recommendations section of this staff report.

19. **In conformance with the adopted and approved Subregion I master plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide:**

- b. Standard sidewalks along both sides of the subject site's portion of Mid Atlantic Boulevard, unless modified by DPW&T.**

Urban Design Comment: The sidewalks aforementioned are addressed in the senior trails planner referral and conditioned in the recommendations section of this staff report.

- 23. Contee Road at Mid-Atlantic Boulevard: Prior to the approval of the initial detailed site plan under Phase IA (1,321 AM/1,321 PM peak-hour trips) within the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T for a possible signal at the intersection of Contee Road and Mid-Atlantic Boulevard. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T.**

Muirkirk Road at Muirkirk Meadows Road: Prior to the approval of the initial detailed site plan under Phase IA (1,321 AM/1,321 PM peak-hour trips) within the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T for a possible signal at the intersection of Muirkirk Road and Muirkirk Meadows Road. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. Such signalization shall consider north/south split phasing for optimal operations, but the resulting phasing to be implemented will ultimately be determined by DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T.

Urban Design Comment: The transportation issues aforementioned are addressed in the Transportation Planning Section referral and conditioned in the recommendations section of this staff report.

- 28. Approval of any detailed site plan proposing new development shall include a determination by transportation staff of the trip generation of the uses proposed. If the applicant desires a reduction from published trip rates due to the implementation of transportation demand management strategies and/or proximity to MARC facilities or other transit facilities, the applicant must document such reduction at the time of detailed site plan submittal.**
- 29. At the time of the DSP and final plat(s) for the lots north of the cul-de-sac of Cedarhurst Drive the applicant shall:**
 - a. Provide vehicular access to the dedicated parkland via an extended Mid-Atlantic Boulevard (70-foot-wide dedicated public right-of-way), or**

- b. **If Mid-Atlantic Boulevard is not extended to the dedicated park parcel, the applicant shall convey to M-NCPPC a 50-foot-wide fee-simple right-of-way for public access to the dedicated parkland from existing and/or extended Mid-Atlantic Boulevard at a location acceptable to DPR.**

If Mid-Atlantic Boulevard is dedicated to public use and extended to the park property via a record plat and the applicant subsequently proposes the vacation of that right-of-way, the approval of M-MNCPPC as an abutting property owner will be required. With the vacation petition (24-112), the applicant shall provide an exhibit to DPR for review and approval of the alternative route to the dedicated parkland, as described in B above. The alternative access, 50-foot-wide fee-simple right-of-way, shall be reflected on the new DSP reflecting the modification to Mid-Atlantic Boulevard and conveyed to M-NCPPC at the time of the new final plat reflecting the vacation of Mid-Atlantic Boulevard.

Urban Design Comment: The transportation issues aforementioned are addressed in the Transportation Planning Section referral and conditioned in the recommendations section of this staff report.

31. **Prior to final plat of subdivision for any lots north of Cedarhurst Road cul-de-sac, the applicant, M-NCPPC and DER (if applicable) shall enter into an easement agreement or memorandum of understanding to construct and maintain a stormwater management facility on existing parkland. The location of the facility is shown on attached DPR Exhibit A.**

Urban Design Comment: The parkland issues aforementioned are addressed in the Department of Parks and Recreation referral and conditioned in the recommendations section of this staff report.

32. **A bond or other suitable financial guarantee shall be submitted to the DPR four (4) weeks prior to issuance of grading permits for the construction of the stormwater management pond on park property. DPR may be named as an “additional insured” on the county-required bond(s) in lieu of a separate set of bonds.**

Urban Design Comment: The parkland issues aforementioned are addressed in the Department of Parks and Recreation referral and conditioned in the recommendations section of this staff report.

33. **Tree preservation credited to meet the requirements of the Brickyard will be allowed on dedicated parkland, with the exception of the fossil resource area.**

Urban Design Comment: The parkland issues aforementioned are addressed in the Department of Parks and Recreation referral and conditioned in the recommendations section of this staff report.

- 34. The applicant shall provide tree conservation or reforestation, as required by law, for construction within the stormwater management easement area on existing parkland.**

Urban Design Comment: The parkland issues aforementioned are addressed in the Department of Parks and Recreation referral and conditioned in the recommendations section of this staff report.

- 35. Prior to final plat for the lots adjacent to dedicated parkland, the applicant shall install an eight-foot-high, black PVC-coated chain link fence around the exposed boundaries of the fossil resource area. The fence shall include two 5-foot-wide gates, forming a 10-foot-wide opening for vehicular access. DPR staff will locate the gates prior to fence construction. The applicant will also install a gravel driveway 22 feet wide from the park property line to a gravel parking lot for four cars and a school bus. The exact location of the driveway and parking lot will be determined by DPR staff at the time of detailed site plan for lots north of the Cedarhurst Road cul-de-sac. The gravel (CR-6) will be placed four inches thick over cleared, lightly graded ground on geo-textile fabric and rolled tight.**

Urban Design Comment: The parkland issues aforementioned are addressed in the Department of Parks and Recreation referral and conditioned in the recommendations section of this staff report.

- 36. The dedicated park parcel shall not be disturbed without written consent of the DPR. Measures shall be taken during design and construction of the parcel around the dedicated parkland to preserve and protect the fossil resource area. The limits of the fossil resource area shall be staked and flagged in the field prior to construction. A six-foot-high orange construction safety fence shall be erected and maintained around the area. A temporary sign reading, "Fossil Resources, Do Not Disturb" shall be installed prior to grading of the site close to the resources.**

Urban Design Comment: The parkland issues aforementioned are addressed in the Department of Parks and Recreation referral and conditioned in the recommendations section of this staff report.

- 37. At the time of the detailed site plan or infrastructure detailed site plan, whichever is first for those lots that include the required buffer yard along the Montpelier Woods subdivision, a determination shall be made by staff, whether or not the required 50-foot landscaping bufferyard be conveyed to M-NCPPC. If conveyed to M-NCPPC, DPR agrees to allow this 50-foot buffer to satisfy the applicant's *Landscape Manual* requirement adjacent to the Montpelier Woods subdivision.**

Urban Design Comment: The parkland issues aforementioned are addressed in the Department of Parks and Recreation referral and conditioned in the recommendations section of this staff report.

1. The site plan proposes to serve Lots 21 and 22 with “cross access and parking easements.” Section 24-128 of the Subdivision Regulations restricts the use of access easements unless authorized by the Planning Board. The use of access easements was not proposed or anticipated with the north section of the development, at the time of review and approval of the preliminary plan by the Planning Board. Each lot must provide direct vehicular access to the public street.

Urban Design Comment: The applicant has agreed with staff that revisions to the detailed site plan are required and will satisfy the requirements as conditioned in the recommendations section of this staff report.

2. The applicant proposes to access required loading on Lot 21 via an access easement from Lot 22. The loading spaces proposed on the north side of the building do not have adequate access on-site. If the applicant intends to develop Lots 21 and 22 as one site, the easement should be removed and the site would be made up of one or more record lots. As proposed these lots cannot stand independently and should be one site.

Urban Design Comment: The applicant has agreed with staff that revisions to the detailed site plan are required and will satisfy the requirements as conditioned in the recommendations section of this staff report.

3. The applicant has labeled a “private drive” along the east property lines of Lots 21 and 22. The Subdivision Regulations do not provide for the use of private streets in the I-3 Zone, and one was not anticipated with the review and approval of the preliminary plan.

Urban Design Comment: The applicant has agreed with staff that revisions to the detailed site plan are required and will satisfy the requirements as conditioned in the recommendations section of this staff report.

There are no other subdivision issues at this time.

Trails—In a memorandum dated August 1, 2005, the senior trails planner stated that trails and pedestrian connectivity were addressed for the entire Brickyard application at the time of Preliminary Plan 4-04120. Several conditions of approval were included in the resolution for the preliminary plan that require trail connections, sidewalks, and wide sidewalks throughout the site. These conditions include:

- a. A wide sidewalk (six to eight feet wide) along Cedarhurst Drive
- b. A six-foot-wide sidewalk along at least one side of Street A (does not impact the subject application)
- c. A public walkway from the end of Street A to the adjacent MARC property (does not impact the subject application)
- d. A wide sidewalk (six to eight feet wide) along the subject site’s entire frontage of Muirkirk Road (does not impact the subject application)

- e. Standard sidewalks along both sides of the subject site's portion of Mid Atlantic Boulevard

As noted above, several of these conditions will pertain only to the southern portion of the Brickyard development and do not impact the subject application. However, the sidewalks recommended for the northern portion of the Brickyard development will be important in connecting the various parts of the development and providing sidewalk facilities to the nearby MARC station. The revised DPW&T road code includes a minimum width of five feet for standard sidewalks. However, due to the presence of the MARC station and the county's transportation objective to "incorporate appropriate pedestrian, bicycle and transit-oriented and transit supporting design (TOD and TSD) features in all new developments" (General Plan, page 65), wide sidewalks were recommended at the time of preliminary plan along Muirkirk Road and Cedarhurst Drive. Staff recommends that the sidewalk be eight feet wide along Muirkirk Road (as this is a master plan trail facility) and a minimum of six feet wide along Cedarhurst Drive.

SIDEWALK CONNECTIVITY:

Existing Mid-Atlantic Boulevard has sidewalks along both sides. Staff recommends that the extension of this road onto the subject site continue this cross-section and include sidewalks along both sides. This is reflected on the submitted site plan. Staff also recommends a six-foot-wide sidewalk along the site's entire frontage of Cedarhurst Drive. Staff also recommends that all sidewalks be separated from the curb by a grass or planting strip. This will serve to enhance the appearance of the corridors and also buffer pedestrians from the adjacent motor vehicle movement.

Staff supports the provision of the standard sidewalk along the private drive from Cedarhurst Drive to Mid-Atlantic Boulevard, as shown on the site plan. This will provide pedestrian connectivity between the northern and southern portions of the Brickyard development.

Existing public facilities in the vicinity of the subject site include the James H. Harrison Elementary School, Muirkirk West Neighborhood Park, Muirkirk South Community Park, and the Blue Ponds Conservation Area, as well as the previously mentioned Muirkirk MARC station. The senior trails planner's suggestions are included in the recommended conditions below.

Department of Parks and Recreation—In a memorandum dated February 8, 2006, the Park Planning and Development Division offered numerous comments that will require revisions to the detailed site plan, in order to satisfy the requirements as conditioned in the recommendations section of this staff report.

Permits—In a memorandum dated November 22, 2005, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below.

Environmental Planning—In a memorandum dated January 27, 2006, the Environmental Planning Section offered the following:

The approval of Preliminary Plan 4-04120 included 38 conditions, 7 of which dealt with environmental planning-related issues that were to be addressed during subsequent reviews. These seven environmental conditions to be addressed during the review of the Detailed Site Plan are provided below. The respective conditions are in **bold** type face, the associated comments, additional information, plan revisions and recommended conditions are in standard type face.

Preliminary Plan of Subdivision, 4-04120 conditions from Planning Board Resolution No. 05-155:

- 2. A Type II Tree Conservation Plan shall be approved with the appropriate detailed site plan(s).**

Comment: Submittal of the subject DSP included a corresponding TCPII for this portion of the site to address this condition.

- 3. Development of this site shall be in conformance with stormwater management concept plan #5249-2005-00 and any subsequent revisions.**

Comment: A copy of the stormwater management concept approval letter was included in the subject submittal. DER issued an -01 revision to case number 5249-2005 on May 3, 2005. The developer has entered into an agreement with the Department of Parks and Recreation for establishment of a stormwater management easement on property they own that is part of the adjacent Longwood site. A portion of this stormwater management facility will have reforestation; however, this parcel is currently entirely wooded as shown on sheet T-4. Any reforestation in the stormwater management easement area on the land owned by the Department of Parks and Recreation must be shown on The Brick Yard-North Portion approved technical stormwater management plans prior to signature approval of said plans. In addition, the Department of Parks and Recreation staff reviewer must sign the plans that propose impacts to property they own. Impacts at the Longwood site for construction of stormwater management facility #3 shall be calculated on the Brick Yard - North Portion TCPII/118/05-01 worksheet as off-site impacts.

Recommended Condition: Prior to certificate approval of DSP-05070, the TCPII shall be revised to add a note to its cover sheet that reads: "Any reforestation in the stormwater management easement area on property owned by the Department of Parks and Recreation in the Longwood subdivision must be shown on The Brick Yard-North Portion approved technical stormwater management plans prior to signature approval of said plans."

Recommended Condition: Prior to the signature approvals of The Brick Yard-North Portion technical stormwater management plan and TCPII/118/05-01, the Department of Parks and Recreation staff reviewer shall sign both plans to accept the reforestation area(s) proposed for stormwater management facility #3 or provide conformation of such an approval in writing. Impacts at the Longwood site for construction of stormwater management facility #3 shall be calculated on the Brick Yard - North Portion TCPII/118/05-01 worksheet as off-site impacts. Subsequently, TCPII/2/95 shall be revised to provide for the off-site mitigation based on a 2:1 replacement for the area outside of the reforestation proposed at this stormwater facility, and to show the area of on-site reforestation consistent with the approved Brick Yard-North Portion technical stormwater management plans.

- 8. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/11/05). The following note shall be placed on the final plat of subdivision:**

“Development is subject to the restrictions shown on the approved Type I Tree Conservation Plan (TCPI/11/05), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specified 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.”

Comment: TCPI/11/05 has been signed and the current TCPII has been reviewed. Revisions are needed to the TCPII in order to comply with the requirements of the Woodland Conservation Ordinance. See the Environmental Review section of this memo for further comments regarding required revisions to the TCPII.

- 10. A detailed site plan shall be approved by the Planning Board for development of the I-2-zoned portion of the property, in accordance with Section 27-270 of the Zoning Ordinance, prior to the final plat.**

Comment: Submittal of the subject detailed site plan addresses this condition because the south portion is zoned I-2.

- 30. The plans for the construction of the stormwater management pond shall be reviewed and approved by DPR staff prior to construction. A stormwater management pond shall be designed in accordance with the Park and Recreation Facilities Guidelines. The applicant shall replant the disturbed, revertible easement area adjacent to the stormwater management pond. Tree Conservation Plan (TCPII/118/05-01) shall not be approved without the prior written consent of the DPR staff. A reforestation plan shall be based on using native species of trees of minimum 1.5” caliper trees at 15 feet on center.**

Comment: This condition is addressed in Condition 3 above with the recommended conditions to ensure the DPR staff person provides approval of the Brick Yard-North Portion technical stormwater management plans and TCPII/118/05-01.

- 33. Tree preservation credited to meet the requirements of the Brickyard will be allowed on dedicated parkland, with the exception of the fossil resource area.**

That portion of the parcel where the fossil resource area is located that can have tree preservation located on it that counts toward The Brick Yard’s woodland conservation requirements in TCPII/118/05-01 shall be clearly labeled as such on the appropriate TCPII. The remainder of the woodland requirement for The Brick Yard-North Portion in relation to this parcel shall be located on another property as off-site mitigation at a replacement ratio of 2:1. A separate TCPII for this off-site mitigation shall be approved prior to the issuance of any county permits for The Brick Yard-North Portion site.

Recommended Condition: Prior to the issuance of any county permits, The Brick Yard-North Portion's woodland conservation requirements in relation to the parcel where the fossil resource is located shall be clearly shown on TCPII/118/05-01. The remainder of the woodland requirement for The Brick Yard-North Portion in relation to this parcel shall be located on another property as off-site mitigation at a replacement of 2:1. A separate TCPII for this off-site mitigation shall be approved prior to the issuance of any county permits for The Brick Yard-North Portion site.

34. The applicant shall provide tree conservation or reforestation, as required by law, for construction within the stormwater management easement area on existing parkland.

Comment: This condition is addressed in Condition #3 above and the woodland conservation requirements for The Brick Yard-North Portion in TCPII/118/05-01 on existing land owned by the Department of Parks and Recreation shall be met partially on-site where area is available and the balance shall be provided in off-site mitigation on another property.

The Environmental Planning Section staffs' suggestions are included in the recommended conditions below.

Department of Environmental Resources—In comments dated November 30, 2005, DER stated that the site plan for The Brickyard- DSP-05070 is consistent with approved stormwater concept 5249-2005-01.

Fire Department/EMS—As of the date of this report, the Specials Operation Command Bureau of Fire Prevention Special Hazards Section had not provided comments to the submitted plans.

Department of Public Works & Transportation (DPW&T)—In a memorandum dated December 29, 2005, DPW&T offered the following:

- a. The north portion parcels are located at the termination of Mid-Atlantic Boulevard, approximately 440 feet west of its intersection with Contee Road. Mid-Atlantic Boulevard is a county-maintained collector roadway. Full frontage improvements and right-of-way dedication in accordance with DPW&T's specifications and standards are required.
- b. A traffic study is to be performed at Contee Road and Mid-Atlantic Boulevard; if warranted a traffic signal is to be installed.
- c. Street construction permits are required for improvements within private roadway right-of-way. Maintenance of private streets is not the responsibility of Prince George's County.
- d. All improvements within the public right-of-way as dedicated to the county are to be in accordance with the county road ordinance, DPW&T's specifications and standards and the American Disabilities Act.

- e. Conformance with street tree and street lighting standards is required.
- f. All storm drainage systems and facilities are to be in accordance with the requirements of DPW&T and DER.
- g. Existing utilities may require relocation and/or adjustment. Coordination with the various utility companies is required.
- h. A soils investigation report that includes engineering evaluation for public streets is required.

Please note that compliance with DPW&T's requirements is enforced through their separate permitting process.

Washington Suburban Sanitary Commission (WSSC)—In comments dated November 23, 2005, WSSC stated that water and sewer extension will be required for the site. In addition, an on-site plan review package should be submitted and the Phase II system integrity package should be submitted for review.

- 12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/118/05-01) and further APPROVED Detailed Site Plan DSP-05070 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of DSP-05070 the TCPII shall be revised to add a note to its cover sheet that reads: "Any reforestation in the stormwater management easement area on property owned by the Department of Parks and Recreation in the Longwood subdivision must be shown on The Brick Yard-North Portion approved technical stormwater management plans prior to signature approval of said plans."
- 2. Prior to the signature approvals of The Brick Yard-North Portion TCPII/118/05-01, the Department of Parks and Recreation staff reviewer shall sign the plan to accept the reforestation area(s) proposed on revertible slope easements or provide confirmation of such an approval in writing. Impacts at the Longwood site for construction of stormwater management facility #3 shall be calculated on the Brick Yard - North Portion TCPII/118/05-01 worksheet as off-site impacts. Subsequently, TCPII/2/95 shall be revised as a sheet revision at staff level.
- 3. Prior to certificate approval of DSP-05070 the TCPII shall be revised as follows:

- a. Provide the phased worksheet on the plan currently used by the Environmental Planning Section that includes information in TCPII/118/05 and provide each column with the information relating to that phase and a total.
- b. Remove the small plan and worksheet on sheet T-1 that refers to the TCP on the property owned by the Department of Parks and Recreation and revise that plan separately.
- c. Label the existing site feature on sheet T-8 in the southeast portion that appears to be a shed in reforestation area RA-2. Note on the plan whether the shed will be relocated outside of this woodland treatment area.
- d. Provide a specimen tree table for the several specimen trees that are located in Phase II. In the table include information regarding how the trees were located (field or survey located), in separate columns provide a tree number, size, species, condition, proposed disposition and any comments and/or special preservation treatments recommended.
- e. On sheets T-2 and T-3 the reference to “Lots 16-19 are not a part of the subject DSP” should also state “and not part of TCPII/118/05-01.”
- f. In the TCPII standard note 2, remove reference to the “Inspection and Code Compliance Section (301-883-6033).” In standard note 4, remove the last sentence.
- g. On sheet T-8 label and identify the two existing woodland areas along the east property line adjacent to the Longwood subdivision. Adjust the worksheet accordingly based on the proposed type of woodland treatment.
- h. Revise the legend and plan to provide a solid square symbol for reforestation protection signage and locate these symbols along the edges of the reforestation areas at the required spacing.
- i. Provide the required tree preservation signage along the common property lines in relation to the Longwood subdivision on sheets T-7 and T-8 and on sheet T-9 in relation to the abutting properties. Show the signs at the required spacing.
- j. On sheet T-7, show a minimum of five feet between the edge of the proposed parking lot in the northeast portion of the site in relation to proposed reforestation area RA-4.
- k. On sheet T-4, relabel the ‘Special Clearing Area’ as an “off-site impacts area part of TCPII/118/05-01.”
- l. The TCPII shall be approved prior to final plat. All approved reforestation areas shall be placed in conservation easements at time of final plat.
- m. Revise the plan to show the use of larger plant stock or provide split rail protective fence details along the edge of exposed reforestation areas; and show the location of the fencing on the plan with a corresponding symbol in the legend.

- n. In note 5 regarding planting specifications for re/afforestation areas, include a sentence that reads: “No planting shall be done while the ground is frozen.”
 - o. All reforestation (and associated protective fencing if seedlings are used) shall be in accordance with a phasing schedule approved by the Environmental Planning Section. The phasing schedule shall be shown on TCPII/118/05-01 prior to approval. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation areas and associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
 - p. Note 16 under the same heading as Note 10 should be revised to remove reference to the source of seedlings at the Bowie, Maryland office because the Maryland Forest, Park and Wildlife Service no longer use this location. Provide current information regarding the source of the plant materials.
 - q. After all preceding revisions have been made, have the qualified professional who prepared the plan sign and date it.
4. Prior to signature approval of the detailed site plan, the following revisions shall be made to the Detailed Site Plan, Landscape Plan and Architectural Elevations:
- a. Building Materials and Color: Submit a color palette and building materials board as part of the detailed site plan application.
 - g. Signage: On all street frontages, provide signage material that is integrated into the overall design of the building. Signs shall be located to complement the architectural features of a building such as above the building entrance or other similar feature. Provide additional information to the signage package if tenant identification signs will be located directly to the office/warehouse buildings.
5. In conformance with the Adopted and Approved Subregion I Master Plan and approved Preliminary Plan 4-04120, the applicant and the applicant’s heirs, successors, and/or assignees shall provide:
- a. Standard sidewalks along both sides of the subject site’s portion of Mid-Atlantic Boulevard, unless modified by DPW&T.
 - b. A six-foot wide sidewalk along the subject site’s entire frontage of Cedarhurst Drive, unless modified by DPW&T.
 - c. A standard sidewalk along the private drive from Cedarhurst Drive to Mid-Atlantic Boulevard, as shown on the submitted detailed site plan.
6. Prior to certificate approval of the Detailed Site Plan DSP-05070, the applicant shall revise the plans to incorporate proposed improvements on dedicated parkland.

7. Prior to issuance of the building permit for construction of the 3rd building in the north portion, the applicant shall develop, and DPR staff shall review and approve, detailed construction drawings for the additional improvements on dedicated parkland (Dinosaur Park Entry Plaza, gravel driveway and parking lot, six-foot tall black iron picket fence, sidewalk and landscaping). The improvements shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
8. Prior to applying for building permit for construction of the 4th building in The Brick Yard, North Portion of development, the applicant shall enter into a maintenance agreement for the maintenance of the proposed improvements on dedicated parkland.
9. The applicant shall complete construction of the Dinosaur Park Entry Plaza, gravel driveway and parking lot, six-foot-tall black iron picket fence and landscaping and any other improvements mutually agreeable by the applicant and the DPR staff prior to applying for building permit for construction of the 5th building in The Brick Yard, North Portion of development. All triggers for design and construction of other park improvements shall be in accordance with the conditions of the Preliminary Plan 4-04120 Resolution PGCPB No.05-155
10. Prior to application for a grading permit for construction of the stormwater management pond on M-NCPPC property, the applicant shall develop construction drawings for the stormwater management facility and a rock waterfall at SWM outfall and wooden pier/deck over de-watering structure and submit to DPR staff for review and approval.
11. The additional improvements (rock waterfall at SWM outfall and wooden pier/deck over de-watering structure) around the stormwater management pond shall be incorporated into the maintenance agreement between the applicant, M-NCPPC and DER.
12. Prior to a submission of a final plat of subdivision, the applicant shall enter into a public recreational facilities agreement (RFA) for construction of the improvements on park property. The applicant shall submit three original executed RFA's to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plat. Upon approval by DPR, the RFA shall be recorded among the Land Records of Prince George's County.
14. The applicant shall submit a performance bond, letter of credit or other suitable financial guarantee, for the construction of the improvements on dedicated and existing parkland, in an amount to be determined by the DPR, prior to the construction of the 4th building.
15. The 50-foot landscaping buffer yard along the south and southeast property lines shall be conveyed to M-NCPPC. DPR agrees to allow the use of this 50-foot buffer to satisfy the applicant's Landscape Manual (Section 4.7) buffering requirement and woodland conservation requirements.
16. Prior to the certificate approval of the detailed site plan, a referral from the Health Department shall be provided to the Urban Design Section verifying that the Phase I environmental assessment addresses the potential for methane generation especially in areas of fill and also indicating if a Phase II environmental assessment will be required.

17. Prior to the certificate approval of the detailed site plan, Lots 21 and 22 shall be revised to provide adequate access on each respective lot to the designated loading areas on that lot.
18. Prior to certificate approval of the Detailed Site Plan, proposed Lots 20, 21 and 22 shall be revised to reflect compliance with the requirements of Section 27-466.01 of the Prince George's County Code and Section 24-128 of the Subdivision Regulations.
19. Any significant revision to the site plan or the architectural elevations shall be referred to the Transportation Planning Section for review in order to evaluate whether the number of peak hour trips assigned to the building should be altered.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, Vaughns and Hewlett voting in favor of the motion at its regular meeting held Thursday, February 16, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of February 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:EE:bjs