

R E S O L U T I O N

WHEREAS, ZP No. 141 LLC. is the owner of a 29.44-acre parcel of land known as Parcel 195, located on Tax Map 66 in Grid F-4, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned C-S-C/D-D-O and C-O/D-D-O; and

WHEREAS, on April 11, 2008, Zimmer Development Company, LLC filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-06139 for Capitol Heights Shopping Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 17, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on July 17, 2008, 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/26/06), and further APPROVED Preliminary Plan of Subdivision 4-06139, Capitol Heights Shopping Center for Parcels A and B, including a Variation from Section 24-121(a)(3) for Parcel B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the following technical corrections shall be made:
  - a. Correct general Note 1 to demonstrate that the property is located within the C-S-C/D-D-O and C-O/D-D-O Zones.
  - b. Revise the "Development Standards" note to indicate that the applicable development standards for the site will be determined at the time of detailed site plan.
2. At the time of detailed site plan, a Type II tree conservation plan shall be approved.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan No. 32244-2005 and any subsequent revisions.

4. Prior to signature approval of the preliminary plan, the NRI, TCPI and preliminary plan shall be revised to show a single, continuous tree line for the on-site woodland.
5. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
  - a. Revise the worksheet to eliminate the use of fee-in-lieu and show it as off-site mitigation.
  - b. Remove the soil and slope symbols from the plan.
  - c. Revise the symbol for the limit of disturbance in the plan and legend so that it contains "LOD" in the graphic and show the LOD clearly on plans.
  - d. Revise the symbols for the stream centerline, 50-foot stream buffers, and 25-foot wetland buffers so that they are more visible on the plan.
  - e. Revise the TCPI worksheet as necessary after the above revisions have been completed.
  - f. Have the revised plan signed by the qualified professional who prepared the plan.
6. Development of this subdivision shall be in compliance with approved Type I Tree Conservation Plan (TCPI/26/06). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/26/06), 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. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
7. Prior to signature approval of the preliminary plan, Impact No. 4 shall be eliminated and the plans shall be revised accordingly. Impact No. 3 shall be revised so that the plans reflect the limits of disturbance necessary to construct the proposed culvert for the road crossing.
8. Prior to the issuance of any permits which impact jurisdictional 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.
9. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area and

associated plantings, except for approved impacts. 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."

10. At the time of detailed site plan, the approved technical stormwater management plan shall be submitted for review. The plan shall demonstrate the incorporation of wetland benches and forebays into the stormwater management design for the in-stream stormwater management pond and shall be correctly reflected on the associated TCPH.
11. Prior to the approval of a final plat, the applicant, the applicant's heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance.
12. The applicant, the applicant's heirs, successors and or assignees shall provide a standard sidewalk a minimum of five-feet wide along the property's entire street frontage of Walker Mill Drive. The sidewalk shall be set back from the curb edge with a green, landscaped strip of at least five feet in width, unless modified by DPW&T.
13. 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.
14. Prior to the final plat for Parcel B, the applicant, the applicant's heirs, successors and/or assignees shall convey to the Prince George's County Government 1.48± acres of land (Parcel A). The applicant, the applicant's heirs, successors and/or assignees shall submit executed deeds of conveyance by all parties for Parcel A prior to approval of the final plat.
15. The development of this property shall be in accordance with the conditions set forth in Zoning Ordinance No. 2-2005.
16. **MD 214/Shady Glen Drive/Hill Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. Provision of an exclusive southbound right-turn, a thru lane, and double left-turn approach lanes along Hill Road, per DPW&T standards.
  - b. Provision of double left turn lanes, a thru lane and a shared thru-right-turn lane along northbound Shady Glen Road, per DPW&T standards, and

- c. Provision of any intersection improvements and signal modifications as deemed necessary by the SHA and/or DPW&T.

The recommended improvement for the provision of an exclusive right turn lane along southbound Hill Road, stated in (a) above may only be waived by the DPW&T in consultation with the M-NCPPC, Transportation Planning Section, and only if it is determined by the DPW&T that adequate right-of-way to construct the needed improvements is not available.

- 17. **MD 214 at Ritchie Road:** Prior to the issuance of any building permits within the subject property, the following improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. Provision of a second left turn lane along MD 214 westbound, the recommended restriping of Ritchie Road approaches to provide for double left-turn lanes on both approaches, and provision of any additional signal modifications deemed necessary by the SHA and/or DPW&T.
- 18. **Walker Mill Drive at Shady Glen Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. Provision of a westbound exclusive right turn lane with appropriate storage lane, per DPW&T standards, and
  - b. Provision of a southbound exclusive left turn lane, per DPW&T standards.
- 19. **Central Avenue and Site Access:** Prior to the issuance of any building permits within the subject property, the applicant shall obtain access approval from the SHA and shall demonstrate to the M-NCPPC, Transportation Planning Section, that all needed improvements, and the provision of a traffic signal, if approved by SHA shall (a) have full financial assurances, (b) have been permitted for construction by the SHA Access Permit Division, and (c) have an agreed-upon timetable for construction with the SHA.
- 20. The final plat shall carry a note that direct vehicular access to Central Avenue (MD 214) from Parcel B shall be limited to the two access points shown on the preliminary plan of subdivision that are authorized pursuant to Section 24-121(a)(3) of the Subdivision Regulations. All other access shall be denied along Central Avenue (MD 214).

21. Total development of Parcel A, excluding a public safety facility by the County, and Parcel B within the subject property shall be limited to uses which would generate no more than 621 AM, 1,612 PM, and 1,545 weekend 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 located along the south side of Central Avenue (MD 214), approximately 200 feet east of its intersection with Shady Glen 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	C-S-C/C-O/D-D-O	C-S-C/C-O/D-D-O
Use(s)	Undeveloped	Commercial Shopping Center
Acreage	29.44	29.44
Lots	0	0
Parcels	1	2
Public Safety Mitigation Fee		N/A

4. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision and Type I tree conservation plan, stamped as received by the Environmental Planning Section on May 16, 2008. A revised letter of justification was submitted on June 13, 2008. The Environmental Planning Section recommends approval of 4-06139 and TCPI/26/06 subject to conditions.

**Background**

The Environmental Planning Section has previously reviewed a Natural Resource Inventory (NRI/003/06-01), Preliminary Plan of Subdivision (4-05088), and Type I Tree Conservation Plan (TCPI/026/06) for the subject property. Preliminary Plan 4-05088 and the associated TCPI were withdrawn prior to the scheduled hearing. A Type II Tree Conservation Plan (TCPII/141/91) was approved for a portion of the subject property in 1991. This proposal is for the development of a shopping center on Parcel B, and further proposes the conveyance of Parcel A to the Prince George's County Government for a future new fire/EMS station.

## **Site Description**

The site is characterized by terrain sloping toward the east and drains into unnamed tributaries of the Southwest Branch watershed in the Patuxent River basin. A review of the available information indicates that there are areas of severe slopes, and steep slopes with highly erodible soils, streams, wetlands, and 100-year floodplain that occur on the site. There are no Marlboro clays located on or adjacent to the subject property. The soil types found to occur on the site, according to the *Prince George's County Soil Survey*, are Collington and Mixed Alluvial. These soil series generally exhibit slight to moderate limitations to development due to steep slopes, high water table, and flood hazard. The site has frontage on Central Avenue, a master planned arterial roadway that is generally regulated for noise. Because no residential uses are proposed within this subdivision, noise mitigation is not required. According to geographic information systems (GIS), information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, indicates that there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to the property. The property is located in the Developed Tier as reflected in the 2002 General Plan. The site contains no elements within the designated network of the *Approved Countywide Green Infrastructure Plan*.

## **Environmental Issues Addressed within the Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas.**

There are few specific recommendations pertaining to the environmental elements of the sector plan that relate to the subject property. The environmental elements pertaining to the subject property are stormwater management and woodland conservation. Currently, the site is marginally wooded, and partially developed, and is proposed to be developed with commercial uses. All applicable environmental elements will be addressed in detail within the Environmental Review section below.

## **Environmental Review**

The preliminary plan application included a signed Natural Resources Inventory (NRI/001/06-01), dated October 29, 2006. The NRI correctly shows all of the required information with the exception of the tree line. The tree line is shown as a double tree line on the plan, which can be confusing with regard to the limits of on-site woodland. The NRI, TCPI, and preliminary plan should be revised to correctly show a single continuous tree line for the on-site woodland.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type II Tree Conservation Plan (TCPII/141/91) was approved for a portion of the subject property in 1991.

The woodland conservation threshold for the site is 15 percent or 4.32 acres of the net tract area.

The total woodland requirement based on the proposed clearing is 4.63 acres. The plan shows the requirement being met with 0.83 acre of on-site preservation, 1.15 acres of on-site afforestation, and 2.65 acres of fee-in-lieu. Because the remaining requirement proposed for fee-in-lieu is over one acre, it should be met using off-site mitigation. The plan should be revised to eliminate the use of fee-in-lieu, and to demonstrate the requirement being met with off-site mitigation.

The symbols shown on the plan at the submitted scale are difficult to read and should be revised. The symbol for the stream centerline, 50-foot stream buffers and 25-foot wetland buffers are not clearly visible on the plan. The slopes symbols need to be removed to make the plans more legible. The symbol for the limits of disturbance should be revised, both on the plan and within the legend, so that it contains "LOD" within the graphic in order to make the feature clearly visible.

The site is within the Patuxent River Primary Management Area (PMA) as defined in Section 24-101 of the Subdivision Ordinance. Section 24-130 requires properties that are partially or totally within the Patuxent River watershed, to demonstrate that the PMA is being preserved in a natural state to the fullest extent possible. If impacts are proposed to the PMA, a letter of justification is required to be submitted which describes the impacts proposed and further justifies why they are unavoidable. A letter of justification was submitted by the applicant on June 13, 2008, which requests five impacts to the PMA. The following is an analysis of the proposed impacts:

### **Impacts No. 1 and 2**

Impacts No. 1 and 2 are permanent impacts to the PMA for an in-stream stormwater management pond (Pond "A") and associated grading. The proposed pond is located on the north side of the property where an existing culvert conveys stormwater runoff from the north side of Central Avenue, and outfalls onto the subject site. According to the justification, the pond is proposed to be designed with wetland benches and forebays that would receive and pre-treat the off-site runoff prior to entering the main pond. The pond will also serve to detain high volumes of stormwater and prevent downstream flooding.

The Environmental Planning Section generally considers this type of impact non-essential because most stormwater management ponds can be designed with no impacts to the PMA; however, the existing culvert from Central Avenue outfalls directly into the headwaters of the on-site stream. Because the culvert cannot be modified or relocated without extensive impacts to Central Avenue, the proposed location of the pond is the only area where the untreated runoff can be captured. It would not be possible to design a pond on the east or west sides of the existing stream channel in this location and safely convey the high volumes of off-site stormwater through the site. The total area of impact is 74,289 square feet, which includes 480 linear feet of stream. The Environmental Planning Section **does support** this impact for the reasons stated above.

### **Impact No. 3**

Impact No. 3 is for a stream crossing that is proposed to provide access to a developable portion of the site. The impact is 9,477 square feet and is located along the western end of the existing on-site 100-year floodplain. The associated exhibit also shows what appears to be a culvert under the crossing; however, the limits of disturbance for the structure are not reflected on the plan or within the exhibit. The Environmental Planning Section **does support** this impact with conditions.

#### **Impact No. 4**

Impact No. 4 is for the construction of a proposed retaining wall along the parking lot driveway aisle. The retaining wall location is within the inner edge of the PMA. This impact is not essential for the development of the site, and the design can be modified to eliminate this impact. The impact is described as 3,908 square feet. The Environmental Planning Section **does not support** this impact.

#### **Impact No. 5**

Impact No. 5 is for the construction of a stormwater outfall that will safely convey runoff from Pond B to the stream. The impact is 1,748 square feet and is located on the south side of Pond B. The Environmental Planning Section **does support** this impact because it is essential to the development of the site, and because the outfall is being required by another county agency in order to fulfill stormwater management requirements. The Environmental Planning Section recommends approval of proposed Impacts No. 1, 2 and 5 with no conditions, and approval of Impact No. 3 with conditions.

A stormwater management concept approval letter and the associated plan were submitted with the subject application. The plan is consistent with the proposed in-stream stormwater management pond, but does not show the regulated environmental features, and does not provide details for the pond with regard to the proposed wetland bench and forebay as described in the letter of justification. This information will be required for review prior to the issuance of the first grading permit for the site.

The Environmental Planning Section recommends approval of 4-06139 and TCPI/26/06 subject to conditions.

#### **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 will therefore be served by public systems.

5. **Community Planning**—The subject property is located in Planning Area 75B, and located within the limits of the Central Avenue Corridor Node as identified within the 2004 Approved Sector Plan for the Morgan Boulevard and Largo Town Center Metro Areas. This application



conforms to the land use recommendation of the 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* for retail uses per District Council Zoning Ordinance No. 2-2005.

The 2002 General Plan locates the property within the Developed Tier. The subject property is located in a designated corridor (MD 214) and the Morgan Boulevard Metro Station (Community Center) designated node within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for centers and corridors is mixed residential uses at moderate to high densities and intensities, with strong emphasis on transit-oriented development. Development and redevelopment in these locations can capitalize on existing infrastructure by locating homes, jobs and shopping closer to transit services. This application proposes a pedestrian-oriented and transit-oriented shopping center development, and is therefore consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* rezoned the property from the I-1 Zone to the C-O Zone. However, the District Council approved Zoning Ordinance No. 2-2005 to rezone a majority of the subject property from the C-O Zone to the C-S-C Zone with conditions. The subject property remains in the Development District Overlay Zone (DDOZ) (pp. 181-183)

## PLANNING ISSUES

- The proposed development is subject to detailed site plan review and should show compliance with the applicable Development District Standards (pp. 87-119 and 182).
  - The applicant shall address the sector plan's recommendations on the proposed fire and rescue facility and the proposed police substation generally located at the southeast corner of the intersection of Central Avenue (MD 214) and Shady Glen Drive (p. 48).
  - The proposed shopping center development may require improvements to Central Avenue. Amenities within the right-of-way should include wide sidewalks, improved lighting, and other appropriate improvements to encourage pedestrian activity.
6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, this 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 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* which impact the subject property. The property's street frontage along Central Avenue (MD 214) and Shady Glen Drive include standard sidewalks. This is consistent with the sector plan, which recommends sidewalks along all internal roadways. Currently, the site's street frontage along Walker Mill Drive is open section with no existing sidewalk. The Transportation Planning

Section recommends that a standard sidewalk be provided along the property's entire street frontage of Walker Mill Road.

The alignment for the planned Chesapeake Beach Rail-Trail is just south of the subject property and does not impact the site. The internal sidewalk connections will be fully evaluated at the time of detailed site plan.

The Development District standards within the Approved Morgan Boulevard and Largo Town Center Metro Areas Sector Plan recommends that sidewalks within the Central Avenue Corridor Node be a minimum of five feet wide (Page 116, Standard C3). Sidewalks should also be set back from the curb edge with a green, landscaped strip at least five feet in width separating the street from the sidewalk to allow for the planting of shade trees and to further protect pedestrians and enliven the streetscape (Page 116, Standard D).

8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan application for the Capitol Heights Shopping Center. A variation request (24-121(a)(3)) was also submitted by the applicant for two direct access points onto MD 214 (Central Avenue), a designated arterial facility. The western access, planned as a right-in-right-out, will be located approximately 480 feet east of the intersection of MD 214 and Shady Glen Drive. The eastern access point to MD 214 is planned as full access, or limited access which prohibits left turns from the site to westbound MD 214. The eastern access point into the shopping center is located directly opposite of the existing median break which currently serves the commercial development located along the north side of MD 214. This median break is located approximately 1,100 feet east of the MD 214/Shady Glen intersection. The applicant is proposing to dedicate Parcel A, consisting of approximately 1.48 acres, to Prince George's County for the construction of a new county fire station. Parcel B will contain all of the proposed shopping center development. The applicant proposes to develop the property with a 57,960-square-foot (GSF) grocery store, 31,959 square feet of general retail space, 18,800 square feet of restaurant space, and a 4,670-square-foot commercial bank.

At the Subdivision Review Committee meeting held on May 2, 2008, the Transportation Planning Section determined that a traffic study detailing weekday and weekend analyses was needed. On May 23, 2008, a traffic study was submitted by the applicant which was initially prepared in April of 2007, and subsequently revised on May 20, 2008. The study was referred to the Maryland State Highway Administration (SHA) and the County's Department of Public Works and Transportation (DPW&T) on June 4, 2008. At the time of the writing of the staff report, comments had not been received from either of the operating agencies. However, the Transportation Planning Section had spoken to both agencies and they have provided emails detailing their preliminary comments. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

#### **Growth Policy—Service Level Standards**

The subject property is located within the Developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the Guidelines.

**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.

**Analysis of Traffic Impacts**

In addition to the site’s proposed access points along MD 214, the traffic study examined the development’s impact at the following three intersections:

- MD 214/Shady Glen Drive/ Hill Road (signalized)
- MD 214/Ritchie Road (signalized)
- Walker Mill Drive/Shady Glen Drive (unsignalized)

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS						
Intersection	Critical Lane Volume (AM, PM & Sat.)			Level of Service (AM, PM & Sat.)		
MD 214/Shady Glen Drive/ Hill Road	1,259	1,263	997	C	C	A
MD 214/ Ritchie Road	1,130	1,375	1,351	B	D	C
Walker Mill Drive/ Shady Glen Drive	12.4*	17.0*	11.7*	B	C	B
MD 214 / Site Access	-----	-----	-----	-----	-----	-----

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest

that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

The background development includes 12 development projects which are approved, but not yet constructed. Per staff's recommendation, the existing traffic counts were adjusted to reflect a regional growth of one percent per year for two years, representing 2010 as the built-out year for the proposed shopping center. There are no programmed improvements in the County Capital Improvement Program (CIP) or the State Consolidation Transportation Program (CTP) which affect the proposed development. The background conditions are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>						
Intersection	Critical Lane Volume (AM, PM & Sat.)			Level of Service (AM, PM & Sat.)		
MD 214/Shady Glen Drive/ Hill Road	1,445	1,505	1,129	D	E	B
MD 214/ Ritchie Road	1,314	1,626	1,351	D	F	D
Walker Mill Drive/ Shady Glen Drive	12.5*	17.5*	11.9*	B	C	B
MD 214 / Site Access	-----	-----	-----	-----	-----	-----
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.						

The site is proposed for a mix of commercial retail, sit down and fast-food restaurants, and a banking service. The traffic study is based upon the development of a 4,670-square-foot banking service with a drive-thru, sit down restaurant/s totaling 14,000 square-feet, a 4,800-square-foot fast-food restaurant, and 89,919 square-feet of shopping center, which includes a food and beverage store and general retail uses that are collectively higher than the total development level proposed on the submitted plan. This quantity of development is estimated to generate 621 (336 in, 285 out) AM peak hour vehicle trips, 1,612 (826 in, 786 out) PM peak hour vehicle trips, and 1,545 weekend peak hour trips. It is important to note that approximately 60 percent of these vehicle trips are assumed to be already on the area roadway network during these peak periods. With the trip distribution and assignment as assumed, the following results are obtained under total traffic conditions:

TOTAL TRAFFIC CONDITIONS						
Intersection	Critical Lane Volume (AM, PM & Sat.)			Level of Service (AM, PM & Sat.)		
MD 214/Shady Glen Drive/ Hill Road	1,522	1,537	1,158	D	E	B
MD 214/ Ritchie Road	1,436	1,538	1,403	D	E	D
Walker Mill Drive/ Shady Glen Drive	14.3*	21.2*	31.4*	B	C	D
MD 214 / Site Access (Full access + signal)	1,220	1,462	1,144	C	E	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.						

**MD 214/Shady Glen Drive/Hill Road**

The traffic study proposes restriping northbound and southbound to provide two exclusive left-turn lanes on each approach. While this improvement, along with the recommended removal of the split phasing for the north/south approaches, provides adequate service levels, the DPW&T does not agree with the proposed restriping which would result in the elimination of the existing exclusive right-turn lanes.

**MD 214/Ritchie Road**

In addition to the provision of the second left turn lane along MD 214 westbound, the traffic study proposes restriping the northbound approach to provide for two left-turn lanes. This may necessitate the removal of the existing north/south split phasing. Based on the comments received from the DPW&T, as a result of the proposed modifications, additional modification to signal timing, such as provision of lead/lag phasing for the north and south double lefts, would be needed.

**Walker Mill Drive/Shady Glen Drive**

The report recommends and proffers the provision of an exclusive right-turn lane with appropriate storage. The DPW&T concurs with this recommendation, but also recommends the provision of an exclusive left-turn lane along the southbound lanes of Shady Glen Drive to prevent traffic queue spillback into the MD 214 and Shady Glen Drive intersection. This recommendation has been analyzed more closely, and it is noted that the two intersections are only 200 feet apart, a length which only allows about 10 vehicles to queue. Given that this proposal significantly increases the southbound left-turn movements at this intersection, the

safety concern noted by DPW&T is justified, and therefore, the condition is warranted. It is further noted that the computations in the traffic study assumed the existence of this southbound left-turn lane, possibly because of the wider pavement at the intersection. The southbound left-turn lane should be carried forward as a recommendation as a means of achieving the operational service indicated within the traffic study.

#### **MD 214/Site Access (Full access + signal)**

The applicant proposes the provision of a traffic signal, an exclusive westbound left-turning lane, and the provision of double left-turn lanes and an exclusive right-turn lane for the traffic leaving the subject site. The SHA does not concur with this recommendation, and offers the following two alternate options:

- a. The provision of double left-turn lanes along MD 214 westbound, the elimination of outbound left turns from the site, and the provision of traffic signal, or
- b. The provision of a limited access driveway, allowing only right-in/right-out access to and from MD 214 as this location, similar to the proposed western access point.

#### **Plan Comments**

##### **MD 214 (Central Avenue) Site Access—(Variation Request from Section 24-121(a)(3))**

The applicant proposes two direct access points along Central Avenue (MD 214). Since Central Avenue is an existing and planned arterial roadway, direct access to this facility can only be granted by the Planning Board. While the Transportation Planning Section concurs with the justification statement prepared by the applicant in support of the request for direct access to MD 214, additional modifications are necessary to obtain approval from the appropriate operating agency having jurisdiction over this roadway.

The following is an analysis of the variations. The text in **bold** represents text from the Subdivision Ordinance.

**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 will not be detrimental to the public safety, health, or injurious to other property;**

**Comment:** The access to this site has been reviewed extensively from the standpoint of health, safety, and welfare by both the Maryland State Highway Administration (SHA) and the Department of Public Works & Transportation, and both agencies have conceptually concurred with the provision of two access points along MD 214. However, the SHA has indicated that both access points may have to be designed as limited access, allowing only right-in/right-out movements to and from MD 214.

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

**Comment:** The property has street frontage along Walker Mill Drive, however, the roadway is constructed as a two-lane primary residential roadway, (designated as P-402 within the Morgan Boulevard and Largo Town Center Areas Sector Plan). The use of a service roadway to serve the proposed commercial development is not practical or desirable. Orienting the site-generated traffic to this two-lane residential street would result in a severe operational problem along this roadway, and its unsignalized intersection with Shady Glen Drive, which will be the prime access point for the planned fire station. The property's orientation toward Walker Mill Drive and its proximity to the unsignalized intersection with Shady Glen Drive, as well as the on-site the stream system, collectively distinguish this property from others in the area.

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

**Comment:** The applicant must demonstrate compliance with all applicable state regulations during the access permit process, which includes a sight distance evaluation for both access points proposed along MD 214. Approval of the variation will not constitute a violation of any other applicable law, ordinance, or regulation.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

**Comment:** The presence of a stream system, which bisects the property from north to south, has resulted in separation of the proposed commercial development into two separate pods, and therefore, the need for two access points is necessary. Channeling all of the project traffic into one access point would create operational difficulties and

possibly an unsafe situation. The use of a service roadway along MD 214 to serve the proposed development is not practical, given the amount of right-of-way that would be needed for construction of a service road.

For the reasons stated above, the Transportation Planning Section supports the requested variation from Section 24-121(a)(3) of the Subdivision Regulations, for the purpose of obtaining two direct access points to an arterial roadway (MD 214).

**Walker Mill Drive entrance:**

The plan proposes an additional full access point along Walker Mill Drive, a two-lane primary residential roadway, designated as P-402 within the Morgan Boulevard and Largo Town Center Areas Sector Plan.

**Trip Cap**

It has been determined that on weekdays and weekends all critical intersections within the study area would operate acceptably under existing, background, and total traffic conditions with the recommended improvements. Although adequacy has been determined, the plan should be approved with a trip cap consistent with the development quantity that has been assumed. This development quantity has been assumed to occur wholly within Parcel B, with Parcel A currently proposed to be conveyed to the county for a future Fire/EMS Station. In the event that Parcel A is not conveyed to the county at the time of final plat, it is recommended that any future development proposed on Parcel A be conditional upon the approval of a new preliminary plan of subdivision, with a new finding of transportation adequacy.

**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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded that the subdivision is exempt from APF test for schools because it is a commercial use.
10. **Fire and Rescue**—The Special Projects Section has reviewed the preliminary plan of subdivision for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Ordinance and found the following:
  - a. The existing engine service at Seat Pleasant Fire/EMS Station, Company No. 8, located at 6305 Addison Road, has a service travel time of 4 minutes, which is beyond the 3.25-minute travel time guideline.



- b. The existing paramedic service at Capitol Heights Fire/EMS Station, Company No. 5, located at 6061 Central Avenue, has a service travel time of 7 minutes, which is within the 7.25-minute travel time guideline.
- c. The existing ladder truck service at Capitol Heights Fire/EMS Station, Company No. 5, located at 6061 Central Avenue, has a service travel time of 7 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 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 existing engine service located at Seat Pleasant Fire/EMS Station, Company No. 8, and the ladder truck service located at Capitol Heights Fire/EMS Station, Company No. 5, is beyond the recommended travel time guideline. The nearest Fire/EMS Station, Seat Pleasant Fire/EMS, Company No. 8, is located at 6305 Addison Road, which is 4 minutes from the development. This facility would be within the recommended travel time for ladder truck if an operational decision to locate this service at that facility is made by the county.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

#### **Master-Planned Fire and Rescue Facilities**

The 1990 Public Safety Master Plan, the 1993 Landover and Vicinity Master Plan, the 2004 Morgan Boulevard and Largo Town Center Sector Plan, and the 2008 *Approved Public Safety Facilities Master Plan*, all recommend the addition of a Fire/EMS station on the southeast corner of MD 214 and Shady Glen Drive. Prince George's County currently owns part of Parcel 194, which consists of approximately .49± acre, and is situated at the southeast corner of MD 214 and Shady Glen Drive. The preliminary plan submitted proposes the conveyance of approximately 1.48± acres of additional land to the Prince George's County Government for the construction of this station. The additional land that is proposed to be conveyed to Prince George's County through this preliminary plan will directly abut the County's existing .49± acre of land. Once the new land area is conveyed at the time of final plat, Prince George's County will have a contiguous tract of land consisting of approximately 1.97± acres to contain the new Fire/EMS station at the southeast corner of MD 214 and Shady Glen Drive.

#### **CIP Status**

The FY 2008-2013 Capital Improvement Program (CIP) contains a project for constructing a new Fire/EMS station at this site. The proposed station is funded for construction in FY 2008, 2009, and 2010, and is estimated to cost \$5,100,000.

11. **Police Facilities**—The Special Projects Section has reviewed the preliminary plan of subdivision for police services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Ordinance. The proposed development is within the service area for Police District III, Palmer Park.

The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future developments. The Plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 county residents.

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police and the latest population estimate is 825,520. Using the 141 square feet per 1000 residents, 116,398 square feet of space is needed for police facilities. The current amount of space, 267,660 square feet is above the guideline.

The subject property is located in an area recommended by the *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas* for a proposed fire station and police substation. The police substation located in the general vicinity of the intersection of Hill Road and Central Avenue is no longer to be considered. Since the release of the *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas*, the Police Department has changed policy and will no longer consider the proposed substation.

The 2008 *Approved Public Safety Facilities Master Plan* amends the Morgan Boulevard/Largo Town Center Sector Plan and deletes the floating symbol for a police substation within this area. The applicant has designated additional land on the preliminary plan (Parcel A) for the proposed fire station. The Fire/EMS Department has indicated that the additional land will be adequate to construct the proposed station.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Capitol Heights Shopping Center and has the following comments to offer:

Any abandoned well found within the confines of the above referenced property should be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit.

Any abandoned septic tank should be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system should be located on the preliminary plan.

13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, No. 32244-2005, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development should be in accordance with this approved plan.

14. **Historic**—A Phase I archeological survey was completed on the 29.44-acre Capitol Heights Shopping Center property in June, 2006. Four copies of the final report entitled, “*A Phase I Archeological Survey of the Capitol Heights Shopping Center Property: A 31-Acre± Parcel*

*Located on Central Avenue (Route 214) In Capitol Heights, Prince George’s County, Maryland,”* has been received by the Historic Preservation Section on December 5, 2006.

Five historic archeological sites were identified: 18PR826, 18PR827, 18PR828, 18PR829 and 18PR830. Site 18PR826 included an early 20<sup>th</sup> century four-square house, a related 20<sup>th</sup> century tobacco barn, a series of fence lines, and a network of paved and unpaved roads. Sites 18PR827, 18PR828, 18PR829, and 18PR830 were trash scatters containing 20<sup>th</sup> century artifacts. Due to the limited research potential of these sites, no further archeological investigations were recommended. The Historic Preservation Section concurs with the report’s findings that no further archeological work is necessary on the Capitol Heights Shopping Center property. All archeological conditions for this property have been fulfilled.

15. **Urban Design**—The site is subject to the Development District standards within the *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas*, and the conditions within Zoning Ordinance No. 2-2005. All of the development will be located on Parcel B, with the bank and restaurant space being proposed in the northeastern portion of the site, and the grocery store and retail space being proposed along the southwestern portion of the site.

#### **Conformance with the *Landscape Manual***

The application is subject to the requirements of Section 4.2 Commercial and Industrial Landscaped Strips, Section 4.3 Parking Lot Requirements, and Section 4.4 Screening Requirements. The property’s conformance with the *Landscape Manual* will be fully evaluated at the time of detailed site plan.

#### **Other Design Issues**

The architecture for the project will be highly visible from the surrounding roadways, but most notably from Central Avenue. Therefore, consideration should be given to requiring additional landscaping and additional treatments to the architectural elevation fronting Central Avenue to ensure a pleasing aspect. Additionally, the applicant should consider coordinating design efforts with the County’s planned Fire Department/EMS facility, which is proposed at the southeastern quadrant of the Central Avenue (MD 214) and Shady Glen Drive intersection. Because the site is

located within the Morgan Boulevard and Largo Town Center Metro Areas Development District Overlay Zone (DDOZ), detailed site plan review is required for the project in order to accomplish the urban design goals stated above. In addition, the detailed site plan should demonstrate compliance with the applicable Development District Overlay Zone (DDOZ) standards.

### **Urban Design Section Recommendations**

Based on the foregoing analysis, the Urban Design Section recommends approval of Preliminary Plan 4-06139 subject to conditions.

16. **Residential Conversion**—The subject property is zoned C-S-C/D-D-O and C-O/D-D-O. While the application is not proposing any residential development, if legislation would permit such a land use, a new preliminary plan should be approved. Because different adequate public facility tests exist and there are considerations for recreational components for residential subdivisions, a new preliminary plan should be required if residential development is to be considered.
17. **Background**—The subject property is located on Tax Map 66 in Grid F-4, and is known as Parcel 195. The property has a gross tract area of approximately 29.44 acres, and is situated along the southeast quadrant of the Central Avenue Corridor Node, as identified within the 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas*. The property contains split zoning designations, with a majority of the property being located within the C-S-C/D-D-O Zone, and approximately .66 acres being situated within the C-O/D-D-O Zone. The property was previously improved with four accessory farming buildings, all of which have been razed to make way for new development. The applicant is now proposing the development of a 113,389-square-foot shopping center, consisting of a grocery store (57,960 square feet) and retail building (31,959 square feet) along the southwest portion of the site, and three restaurants (totaling 18,800 square feet) and a banking service (4,670 square feet) along the northeastern portion of the site.

The property will be subdivided into two parcels, with Parcel B (26.34 acres) containing all of the proposed development, and Parcel A (1.48 acres) being conveyed to the Prince George's County Government for the construction of a new county Fire/EMS Station at the corner of MD 214 and Shady Glen Drive.

The 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* was adopted by the Planning Board on March 18, 2004 (PGCPB Resolution No. 04-50), and was further amended and adopted by the District Council on May 27, 2004, pursuant to CR-36-2004(DR-2). The approved sector plan and sectional map amendment rezoned the subject property from the I-1 Zone to the C-O/D-D-O Zone, and further recommended a townhouse style, low-rise office park with a police substation and a fire station within the southeast quadrant of the Central Avenue Corridor Node.

However, the District Council adopted Zoning Ordinance No. 2-2005 on February 14, 2005, for the abutting 6-acre Santos Property and the Zimmer Property, which is the subject of this

application, in response to a revisory petition filed by the property owners on the basis of mistake within the sectional map amendment (SMA). The District Council adopted the decision of the Zoning Hearing Examiner (ZHE), and its legislative findings, having determined that factual error was made in the SMA, and that the two properties should have been changed from the I-1 Zone to the C-S-C/D-D-O Zone and not the C-O/D-D-O Zone. Therefore, Zoning Ordinance No. 2-2005 amended the zoning classification of the Santos and Zimmer properties from the C-O/D-D-O Zone to the C-S-C/D-D-O Zone. Both properties were retained within the Development District Overlay (D-D-O) Zone for Morgan Boulevard.

Section 2 of Zoning Ordinance No. 2-2005 states that the future use and development of the subject properties shall be limited by the following amendments to the applicable development district standards.

- A. The shopping center on the properties shall be anchored by a national grocery chain store, a food or beverage store which includes a bakery, pharmacy, deli, and seafood counters.
- B. No store on either property may exceed 125,000 square feet of gross floor area. If any development standard amendments are held invalid for any reason, as they apply to either or both of the subject properties, then the underlying zoning classification of both properties shall revert to the C-O Zone.

The applicant's proposed development is consistent with the conditions established by the District Council within Zoning Ordinance No. 2-2005. As proposed, the shopping center will be anchored by a Giant Grocery Store consisting of 57,960 square feet. The proposed Giant will include a bakery, pharmacy, deli, and seafood counters, and no store on the subject property will exceed 125,000 square feet of gross floor area.

The development of this property will be subject to detailed site plan review. Page 103 of the 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* states the following:

"New development in the Development District is subject to detailed site plan review. New development must show compliance with the Development District Standards in the site plan review process."

Map No.12 on page 46 of the 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* demonstrates that a fire station and police substation are proposed within a portion of the subject property. The sector plan reaffirms the Capital Improvement Program (FY 2003-2008) (Item LK510083) relocation of the Seat Pleasant Fire and Rescue Facility (Company 8) to the intersection of Central Avenue and Shady Glen Drive. The sector plan further states that the use should be co-located with a recommended police substation. With the addition of this facility, the entire study area will be within response time standards for emergency services.

A referral memo from the Historic Preservation and Public Facilities Planning Section, dated May 4, 2006, states that the subject property is located in an area recommended by the sector plan for a proposed fire station and police substation. The police substation, located in the general vicinity of the intersection of Hill Road and Central Avenue, is no longer to be considered. Since the release of the sector plan and sectional map amendment, the police department has changed policy and will no longer consider the proposed police substation.

The preliminary plan submitted demonstrates that adjacent Parcel 194, located at the corner of Central Avenue and Shady Glen Drive, is already under the ownership of the Prince George's County Government. In addition, the applicant has proffered to convey approximately 1.48 acres to Prince George's County (Parcel A) for the development of the new County Fire/EMS Station. In a July 31, 2006, memo to the M-NCPPC, Historic Preservation and Public Facilities Planning Section, the Prince George's County Fire Department stated that the additional land is necessary to accommodate their prototype Fire/EMS station design. The letter also demonstrates the Fire Department's desire to have the proposed station facing Shady Glen Drive, which would result in a safer response path than directly accessing Central Avenue.

While the development of the proposed fire station building itself is not part of this preliminary plan, any direct access to Central Avenue (MD 214) would require Planning Board approval of a variation request for direct access to a roadway of arterial classification. Therefore, staff requested that the Fire Department provide their proposed access points in writing to ensure that access to all required streets has been provided for. A variation request was submitted by the applicant for two direct access points to Central Avenue, however, both access points are for the development of the shopping center parcel (Parcel B). A variation request for the Fire Department access is not required, as no direct access to Central Avenue is being proposed by the Fire Department. By letter dated July 31, 2006, the Fire Department stated that it is their intention to coordinate with the State Highway Administration (SHA) in order to provide them the ability to control the existing traffic signal at Central Avenue and Shady Glen Drive, and to utilize Shady Glen Drive for emergency apparatus response which would result in a safer response path than directly accessing Central Avenue.

Although Zoning Ordinance No. 2-2005 placed a majority of the subject property within the C-S-C/D-D-O Zone, the property does have split zoning. A small portion of C-O/D-D-O zoned land remains within the limits of Parcel 195. The portion of property that contains the split zoning (C-O/D-D-O and C-S-C/D-D-O) is contained within proposed Parcel A. This parcel will be dedicated to the Prince George's County Government, which in conjunction with Parcel 194, located at the corner of Central Avenue and Shady Glen Drive, will contain the new Seat Pleasant Fire Station. The conveyance of Parcel A to Prince George's County will leave the remaining portion of land proposed for the shopping center to be entirely located within the C-S-C/D-D-O Zone.

This property has been the subject of two previous preliminary plans of subdivision applications. Preliminary Plan 4-89087 was disapproved by the Planning Board on September 7, 1989, due to

inadequate transportation facilities (PGCPB Resolution No. 89-435). Four of the five major intersections determined to be critical for ensuring adequate transportation facilities were operating at unacceptable levels-of-service. In addition, the applicant's traffic study did not account for the entire 383,742 square feet of warehouse space, that at the time, was proposed in the I-1 Zone. The traffic study further asserted that only two of the five intersections that the Transportation Planning Section determined to be major were critical for the development.

Prior Preliminary Plan 4-05088 was accepted by the Planning Department on May 25, 2006, and proposed an identical shopping center development as the current preliminary plan application. At the time of the writing of the staff report for that case, staff was compelled to recommend disapproval due to inadequate transportation facilities. The applicant withdrew Preliminary Plan 4-05088 prior to the scheduled hearing date.

The current preliminary plan application is proposing five impacts to the Patuxent Primary Management Area (PMA). The Environmental Planning Section is supporting four of the five impacts due to their necessity for the development of the site. Impact No. 3 is being supported subject to specific revisions being addressed within the Type I tree conservation plan, and Impact No. 4 is not being supported by the Environmental Planning Section because it is non-essential for the development of the site, and can be further eliminated through redesign. More information regarding the proposed impacts can be found within Finding No. 4 of this resolution.

18. **At the Public Hearing**—At the public hearing for this application on July 17, 2008, the attorney for the applicant, Mr. Andre Gingles, requested a revision to the language within Condition 21. As currently written in the staff report, Condition 21 caps the total development on Parcel B to uses which would generate no more than 621 AM, 1,612 PM, and 1,545 weekend peak hour vehicle trips. The applicant is proposing the entire shopping center development to be contained within Parcel B, with Parcel A proposed to be conveyed to Prince George's County at the time of final plat for a future Fire/EMS Station. Mr. Gingles informed the Planning Board that the requested revision to Condition 21 would allow Parcel A to be included within the established trip cap for the shopping center. This would allow the applicant to spread out the proposed development to both parcels, and to utilize their entire tract of land, should the Prince George's County Government not accept the conveyance of Parcel A for a future public safety facility. The Planning Board concurred with Mr. Gingle's requested revision to Condition 21 and the condition has been revised accordingly.

The development of the Fire Station itself is not a part of this preliminary plan application, and the gross floor area of the proposed Fire/EMS Station has not been provided to the Planning Department. Condition 21 will cap the total development of the shopping center only (whether it is constructed entirely on Parcel B, or constructed on both Parcels A and B). Condition 21 does not include any restrictions for the future development of the Fire/EMS Station building on Parcel A, and it is not the Planning Department's intention to require a new preliminary plan of subdivision for the future development of the Fire/EMS Station.

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 date of notice of 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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, July 17, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of September 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:JF:bjs