

R E S O L U T I O N

WHEREAS, Panorama Development Corporation is the owner of a 3.40-acre parcel of land consisting of Parcel 39 and part of Parcel 159, located on Tax Map 9 in Grid F-2 and F-3, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned C-M and R-R; and

WHEREAS, on April 9, 2008, Panorama Development Corporation filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 2 lots and 1 outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07080 for Academy Place 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 September 18, 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 September 18, 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/013/08), and further APPROVED Preliminary Plan of Subdivision 4-07080, Academy Place, for Lots 1-2 and Outlot A with the following conditions:

1. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
 - a. Revise the worksheet to include the correct acreage of the 100-year floodplain, per approved Floodplain Study No. 200817, as shown on the signed NRI.
 - b. Revise the labels and worksheet on the plan as necessary to show the correct acreage of off-site clearing and woodland preservation in the 100-year floodplain.
 - c. Revise the Type I tree conservation notes to remove the notes currently numbered 6 and 7 as they are the standard Type II tree conservation plan notes. Add optional notes numbered 6 and 7 of the standard Type I tree conservation plan notes.

- d. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions.
2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/013/08). The following notes shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/013/08), 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.”
3. 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.
4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River primary management area except for approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
5. Prior to approval of the first permit, the technical stormwater management plan shall be approved and the TCPII shall reflect the same limits of disturbance as that approval. A copy of the technical approval shall accompany all applications for permits.
6. Development shall be in conformance with approved Stormwater Management Concept Plan No. 6537-2008-00 and any subsequent revisions.
7. 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.
8. Total development of the subject property shall be limited to uses which would generate no more than 26 AM and 25 PM peak-hour vehicle trips. Any development generating an impact greater

than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The proposed subdivision is located at the terminus of Academy Lane, approximately 550 feet west of US 1 (Baltimore Avenue).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-M (2.71-acre) and R-R (0.69-acre)	C-M (2.71-acre) and R-R (0.69-acre)
Use(s)	Vacant	Contractor Office (45,500 sq. ft.)
Acreage	3.40	3.40
Parcels	2	0
Lots	0	2
Outlot	0	1
Public Safety Mitigation Fee		No

4. **Community Planning**—This application is located in the Developing Tier. This application, for contractor office space, is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61 and 62* rezoned the 2.71-acre lot from the I-1 Zone to the C-M Zone and retained the R-R Zone for the 0.69-acre portion of the property. This application conforms to the service commercial land use recommendations of the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Subregion I*. The development of the subject property for contractors offices conforms to the Master Plan recommendation.
5. **Environmental**—The site is approximately 73 percent wooded and is mostly undeveloped with only an open air shelter and an unpaved road affiliated with the existing cemetery located to the west of the subject property. There is a stream on the property located within the Upper Patuxent watershed. According to the *Prince George's County Soils Survey*, the principal soils on this site are in the Christiana and Iuka series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage

Program, rare, threatened, or endangered species do not occur on this property or on adjacent properties. No designated scenic or historic roads will be affected by the proposed development. The proposed commercial use is located far enough from possible nearby noise sources (550 feet west of US 1, and approximately 1,250 feet south of Contee Road) so that noise is not an issue. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the *Approved Prince George's County General Plan*.

Environmental Issues Addressed in the Subregion I Master Plan

The master plan does not indicate any environmental issues associated with this property. The environmental requirements for woodland preservation and stormwater management are addressed in the Environmental Review section below.

Countywide Green Infrastructure Plan Conformance

The site contains regulated and evaluation areas within the designated network of the *Approved Countywide Green Infrastructure Plan*. The regulated area contains an on-site and off-site stream and its associated buffer. The remainder of the property is located within an evaluation area. The proposed woodland conservation is in priority areas of the site, including required buffer areas.

Environmental Review

The Natural Resources Inventory, NRI/095/07-01, has been revised and signed. There is a primary management area (PMA) comprised of stream buffer and 100-year floodplain that occurs on the subject property. The 100-year floodplain shown on the revised plan is from approved Floodplain Study No. 200817. The revised NRI establishes the final acreages for the site. The forest stand delineation (FSD) indicates one forest stand totaling 2.80 acres and no specimen trees. The NRI shows all of the required information correctly. No further information regarding the NRI is necessary.

The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan (TCPI/013/08) was submitted with the review package and was found to meet the requirements of the Woodland Conservation Ordinance. The woodland conservation threshold (WCT) for this 3.40-acre property is 16.13 percent of the net tract area or 0.49 acre. The total woodland conservation requirement is 1.06 acres. This requirement is proposed to be satisfied by 0.47 acre of on-site preservation and 0.59 acre of fee-in-lieu, for a total of 1.06 acres of woodland conservation provided.

Several revisions are required to the Type I tree conservation plan and the worksheet. The floodplain acreage shown at the top of the worksheet is incorrect. The acreage is shown as 0.53 acre, when it should be 0.35 acre. The total acreage for the off-site clearing areas differs from the total shown in the worksheet. The total acreage of the areas labeled as tree preservation in the floodplain, when subtracted from the total existing woods in the floodplain, does not equal the floodplain clearing shown in the worksheet. Revise the labels and worksheet on the TCPI to resolve these acreage discrepancies. Notes numbered 6 and 7, as shown on the plan, are standard

for a Type II tree conservation plan. The plan needs to show optional notes numbered 6 and 7 for a Type I tree conservation plan. Prior to signature approval of the preliminary plan, the Type I tree conservation plan should be revised. Development of this subdivision should be in compliance with Type I Tree Conservation Plan TCPI/013/08. A note citing the restrictions of the tree conservation plan should be placed on the final plat of subdivision.

The site contains areas of environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. Along the western/northwestern portion of the property are two proposed outfalls that impact an area designated as a Patuxent River primary management area. The design should avoid any impacts to streams, wetlands, or their associated buffers unless the impacts are essential for the development as a whole. The Planning Board will not generally support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. The Subdivision Regulations require that the PMA be “preserved in a natural state to the fullest extent possible.”

The TCPI shows two impacts to the PMA for stormwater management outfalls. A letter of justification was submitted. Both of the proposed impacts are for stormdrain outfalls to safely convey stormwater from the site. The submitted letter of justification states that the outfalls are necessary to provide a functioning stormwater management system that will properly handle stormwater for the proposed development, while also protecting adjoining properties. The Planning Board supports the proposed impacts. The impacts have been combined where possible to reduce the overall impact. Two previously proposed impacts at the southern discharge point were combined, per the Environmental Planning Section memo dated April 30, 2008, to reduce impacts to the PMA.

Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the Patuxent River primary management area except for approved impacts and should be reviewed by the Environmental Planning Section prior to approval of the final plat. A note describing the conservation easements should be placed on the plat.

An approved stormwater concept plan was submitted; however, the stormwater management design shown on the TCPI does not match the approved stormwater management concept plan. A revised and approved concept plan is necessary and must be submitted for the record so that the limits of disturbance are consistent with the TCPI. The concept should be correctly reflected on the TCPI.

According to the *Prince George's County Soils Survey*, the principal soils on the site are in the Christiana and Iuka series. This information is provided for the applicant's benefit. The Planning Board approves TCPI/013/08.

Water and Sewer

The 2001 Water and Sewer Plan designates the portion of the property zoned C-M in water and sewer Category 4 and the portion zoned R-R in water and sewer Category 5. Category 4 would need to be obtained before approval of a preliminary plan if the R-R portion of the property were to be developed. However, the R-R zoned portion of the property is proposed as an outlot and will not be developed at this time. Therefore, the category change is not required at this time. A category change will be required prior to the development of Lot 2. Category 3 must be obtained on the portion zoned C-M before the recordation of a final plat. A water line in Academy Lane abuts the property. The sewer line in Academy lane is in close proximity. Water and sewer extensions required to serve the proposed property must be approved by the Washington Suburban Sanitary Commission before the approval of a final plat.

6. **Parks**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the subject subdivision is exempt from the mandatory dedication of parkland requirements because the development is over an acre in size and the proposed use is non-residential.
7. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Subregion I Master Plan that impact the subject site. Existing Academy Lane is open section with no sidewalks for its entire length. There are no master plan trails recommendations.
8. **Transportation**—The subject property is located within the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

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

A traffic study was initially requested; however, that request was later amended to a traffic count

at the time that the proposal was further specified. Due to the trip generation of the site as proposed, transportation staff determined that a traffic study was not needed; however, traffic counts at the critical intersection were requested and provided by the applicant. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

Analysis of Traffic Impacts

The intersection of US 1 and Contee Road is determined to be the critical intersection for the subject property. This intersection is the nearest intersection to the site. It has the most direct access to I-95, and is estimated to serve approximately 50 percent of the site-generated traffic. The intersection is signalized.

The application is a preliminary plan of subdivision for a commercial subdivision for the development of 5,000 square feet of office space and 40,500 square feet of warehouse space. The proposed development would generate 26 AM and 25 PM peak-hour vehicle trips as determined using the rates in the Guidelines. There are no projects to improve the critical intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program. The existing conditions at the study intersection are summarized as follows: AM peak hour, a critical lane volume (CLV) of 1,174, operating at Level-of-Service (LOS) C; and PM peak hour, a CLV of 1,175 operating at LOS C.

Three approved, but unbuilt developments that would directly affect the critical intersection were identified. Annual through traffic growth of 1.2 percent per year was added to account for development and traffic growth in the general area. With background growth added, the following results are obtained: AM peak hour, a CLV of 1,273, operating at LOS C; and PM peak hour, a CLV of 1,307 operating at LOS D.

A commercial subdivision consisting of 5,000 square feet of office space and 40,500 square feet of warehouse space is proposed. This amount of development would generate 26 AM (20 in and 6 out) and 25 PM (6 in and 19 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

- 25% — North along US 1
- 10% — West along Contee Road
- 15% — East along Contee Road
- 50% — South along US 1

Given this trip generation and distribution, staff has analyzed the impact of the proposal and the following results are obtained: AM peak hour, a CLV of 1,284, operating at LOS C; and PM peak hour, a CLV of 1,319 operating at LOS D. It is noted that this intersection operates adequately and within the standards identified. Although adequacy has been determined, the plan should be approved with a trip cap consistent with the development quantity that has been assumed.

The site is not within or adjacent to any master plan transportation facilities. It has been determined that Academy Lane serving the site is adequately sized. A conceptual plan has been reviewed by transportation staff, and site access and circulation are acceptable.

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 Subdivision Regulations.

9. **Police**—The proposed development is within the service area of Police District VI, Beltsville. The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The Plan includes planning guidelines for police facilities 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 are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the standard of 141 square feet per 1,000 residents, 116,398 square feet of space for police facilities are needed. The current amount of space available, 267,660 square feet, is above the guideline.

10. **Fire and Rescue**—The Special Projects Section has reviewed this preliminary plan application for a church for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations. The existing fire engine service at Laurel/EMS Fire Station, Company 10, located at 7411 Cherry Lane has a service travel time of 3.25 minutes, which is within the 3.25-minute travel time guideline. The existing paramedic service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service travel time of 6.06 minutes, which is within the 7.25-minute travel time guideline. The existing ladder truck service at Laurel/EMS Fire Station, Company 10, located at 7411 Cherry Lane has a service travel time of 3.25 minutes, which is within the 4.25-minute travel time guideline. An automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. The above findings are in conformance with the standards and guidelines contained in the March 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."
11. **Schools**—The Special Projects Planning Section has reviewed this preliminary plan of subdivision for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded that the above subdivision is exempt from a schools review because it is a commercial use.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and has no comments to offer.
13. **Stormwater Management**—A Stormwater Management Concept Plan, No. 6537-2008-00, was approved April 30, 2008, by the Prince George’s County Department of Public Works and Transportation with conditions. Development of the site must be in accordance with this approved plan and any revisions.
14. **Public Utilities Easement (P.U.E.)**—The PUE should be provided along all public rights-of-way and clear of all obstructions.
15. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 3.4-acre property located at 7805 Contee Road in Laurel, Maryland. This plan proposes two commercial lots for contractors’ offices and one outlot. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. However, the applicant should be aware that there are three County historic sites, Oaklands and Cemetery (PG:62-003), Muirkirk Furnace Site (PG:62-008), and Abraham Hall (PG:62-023-17), and one historic resource, Thomas Matthews House (PG:62-023-17), located within a one-mile radius of the subject property. In addition, there is one known prehistoric and four historic archeological sites within a one-mile radius of the subject property.

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

16. **Historic Preservation**—The subdivision for two commercial lots will have no effect on historic resources.
17. **The City of Laurel**—The City of Laurel has reviewed the subject application and has no comments regarding the application.

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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Cavitt, with Commissioners Clark, Cavitt and Vaughns voting in favor of the motion, and with Commissioners Squire and Parker absent at its regular meeting held on Thursday, September 18, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of October 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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