

R E S O L U T I O N

WHEREAS, Balla Development is the owner of a 3.49-acre parcel of land known as Parcel 112, located on Tax Map 14 in Grid F-3, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned C-O; and

WHEREAS, on May 6, 2008, Balla Development 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 4-06150 for Sylla Business Park 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 October 9, 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 October 9, 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/15/08), and further APPROVED Preliminary Plan of Subdivision 4-06150, Sylla Business Park, for Parcel A and 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. Remove the "hatching" symbol provided for the storm drain easements in order to make the plans less busy and more legible, and show only the limits and width of each easement.
 - b. Show the proposed water and sewer line connections.
 - c. If 72 rooms are proposed for the hotel use, as indicated in the submitted traffic study, revise the preliminary plan and TCPI to remove the references to 70 rooms, and indicate that 72 rooms are proposed.
2. A Type II tree conservation plan shall be approved in conjunction with a detailed site plan, or prior to the issuance of permits, whichever is required first.

3. Development of this site shall be in conformance with Stormwater Management Concept Plan No. 44138-2006-01 and any subsequent revisions.
4. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Show the existing treeline on the plan and in the legend as it was shown on the approved NRI.
 - b. Remove “Proposed” from the plan’s title block.
 - c. Revise General Notes one through six to conform to standard TCPI notes one through five and optional note six.
 - d. Revise General Note nine to include “or designee” at the end of the last sentence.
 - e. Revise the legend to include all of the symbols shown on the plan including, but not limited to, the property boundary, and the existing and proposed grading.
 - f. Provide the standard TCPI signature approval block on the plan.
 - g. Provide parcel designations and label MD 197.
 - h. Provide a note indicating that the layout shown is illustrative in nature and is subject to further Zoning Ordinance review at the time of detailed site plan, if one is required.
 - i. After all 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 made.
5. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/015/08). 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/015/08), 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.”

6. Prior to signature approval of the preliminary plan of subdivision, the applicant, the applicant's heirs, successors and/or assignees shall submit two copies of approved Stormwater Management Concept Plan No. 44138-2006-01 signed by DPW&T, and two copies of the concept approval letter to the Environmental Planning Section. The stormwater management concept plan approval number and approval date shall be delineated on the preliminary plan and TCPI. Any required stormwater management facilities shall be shown on the TCPI.
7. The applicant, the applicant's heirs, successors and/or assignees shall provide standard sidewalks along the property's entire street frontage of MD 197 unless modified by the State Highway Administration at the time of issuance of street construction permits.
8. The applicant, the applicant's heirs, successors and/or assignees shall provide standard sidewalks along both sides of the proposed internal access drive unless modified by the Urban Design Section at the time of detailed site plan.
9. Prior to the issuance of any building permits, the applicant, the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with State requirements, and upon State approval, along MD 197. If the State declines the signage, this condition shall be void. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit.
10. 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.
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 (DSP) approved by the Planning Board for the hotel use on Parcel "B" and conceptually, any other use on Parcel "A" in accordance with Part 3, Division 9 of the Zoning Ordinance. With regard to Parcel "A" the DSP shall reflect a conceptual layout for the limited purpose of understanding the parking and circulation relationships between the two parcels. Should the proposed use be revised and no use on Parcel "B" requires the approval of a detailed site plan in accordance with Part 3, Division 9 of the Zoning Ordinance, this condition shall be void.
12. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
13. Prior to the approval of the detailed site plan (if a detailed site plan is required), or prior to the issuance of any building permits within the subject property (should a detailed site plan not be required), the applicant, the applicant's heirs, successors and/or assignees shall submit an acceptable traffic signal warrant study to the SHA for signalization at the intersection of MD 197 and the site access. 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 the responsible operating agency. If a signal or other traffic control improvements are deemed warranted at that

time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by the agency.

14. Total development within the subject property shall be limited to a 72-room hotel and 16,000 square feet of office space or equivalent development which generates no more than 79 AM peak-hour and 87 PM peak-hour vehicle trips. Any development generating a traffic 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.
15. The final plat shall carry a note that direct vehicular access along the property's MD 197 street frontage shall be denied, with the exception of one shared access easement in accordance with Section 24-128(b)(9) of the Subdivision Regulations that will be implemented to serve both parcels.

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 Laurel-Bowie Road (MD 197), approximately 500 feet east of its intersection with South Laurel Drive.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-O	C-O
Use(s)	Undeveloped	72-Room Hotel (36,172 sq. ft.) & Commercial Office Building (16,000 sq. ft.)
Acreage	3.49	3.49
Lots	0	0
Parcels	1	2
Public Safety Mitigation Fee		N/A

4. **Environmental**—The Environmental Planning Section (EPS) has reviewed Preliminary Plan of Subdivision 4-06150 and TCPI/015/08 stamped as received by the Environmental Planning Section on September 2, 2008. Comments were provided to the applicant on May 29, 2008 for the plans that were initially submitted upon acceptance. The revised plans have resulted in some additional comments because of the new technical issues raised by the revisions. The Environmental Planning Section recommends approval of 4-06150 and TCPI/015/08 subject to conditions.

Background

The EPS has not previously reviewed any development applications for the site. The EPS previously reviewed a Natural Resources Inventory, NRI/153/06, for the subject property. The proposal is for the development of a 16,000-square-foot office building and a 72-room hotel with parking.

Site Description

The site is located in the drainage area of the Upper Beaverdam Creek within the Potomac River watershed; however, there are no streams, wetlands, or floodplain on the property. According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Christiana, Rumford and Sunnyside 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 site has frontage along Laurel-Bowie Road (MD 197), a designated collector roadway. Collector roads are not normally regulated for noise, and this proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected within the *Prince George's County Approved General Plan*.

Master Plan Conformance

The *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61, and 62* does not indicate any environmental issues associated with this property. The environmental requirements for woodland preservation and stormwater management are addressed within the Environmental Review section below.

Countywide Green Infrastructure Plan Conformance

Neither the subject property, nor any adjacent properties are within the designated network of the Countywide Green Infrastructure Plan.

Environmental Review

An approved Natural Resources Inventory, NRI/153/06, was submitted with the application. There are no streams, wetlands, or floodplain on the property. The TCPI and the preliminary plan show all the required information in conformance with the NRI.

The forest stand delineation (FSD) indicates three forest stands covering the entire site and totaling 3.49 acres. Two specimen trees were located on-site. There are no priority preservation areas on the site.

No further revisions are required for conformance to the NRI.

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/015/08) was submitted with the review package.

The woodland conservation threshold (WCT) for this 3.49-acre property is 15 percent of the net tract area or 0.52 acre. The total woodland conservation requirement based on the amount of proposed clearing is 1.26 acres. The entire requirement is proposed to be satisfied with off-site mitigation on another property which is appropriate because no priority preservation areas are located on-site.

The existing treeline that was shown on the previous TCPI submittal and on the approved NRI is no longer shown on the plan. The existing treeline should be shown on both the plan and in the legend as it was previously. The word "proposed" should be removed from the title block, and the Standard TCPI Notes should appear on the plan verbatim. The general notes should be revised to conform to standard TCPI notes one through five and optional note six. General note nine should be revised to include "or designee" at the end of the last sentence because minor revisions to the TCP are generally approved at staff level. The legend should include all symbols used on the plan including, but not limited to, the property boundary, and the existing and proposed grading. Prior to signature approval of the plan, a standard TCPI signature approval block should be added to the plan.

An unapproved stormwater management concept plan was submitted with the subject application. The unapproved concept plan, preliminary plan, and the TCPI all demonstrate underground stormwater management facilities which are proposed beneath the parking compound.

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Christiana, Rumford and Sunnyside series. This information is provided for the applicant's benefit. The County may require a soils report during the building permit review process.

The Environmental Planning Section recommends approval of Preliminary Plan 4-06150 and TCPI/015/08 subject to conditions.

Water and Sewer Categories

The 2001 Water and Sewer Plan designates the subject property in Water and Sewer Category 3, and the site will therefore be served by public systems.

5. **Community Planning**—The property is located in Planning Area 62 within the South Laurel-Montpelier Community, and is located within the limits of the 1990 approved master plan and adopted sectional map amendment for Subregion I. The master plan recommends an office/commercial land use for the subject property. This application proposes an office and a

commercial land use which is consistent with the land use recommendation within the 1990 approved master plan and adopted sectional map amendment for Subregion I.

The 2002 General Plan locates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application proposes a distinct commercial Center and an employment area, as more fully described in Finding No. 3 (Development Data Summary”) above, that are consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1990 sectional map amendment for Subregion I rezoned the subject property from the C-S-C Zone to the C-O Zone.

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 nonresidential development.
7. **Trails**—The adopted and approved Subregion I master plan designates MD 197 as a master plan bicycle/pedestrian corridor. The update of the Subregion I master plan further refines this recommendation to include a Class II trail along MD 197. The trail will facilitate non-motorized movement between Laurel and Bowie. This sidepath will also connect to the existing WB&A Trail and provide trail access along the designated East Coast Greenway Route. The majority of the road in the vicinity of the subject site is open section with no sidewalks. However, recent interchange improvements made at the Baltimore-Washington Parkway have included a six-foot-wide sidewalk along the east side of MD 197. Therefore, it appears likely that any master plan improvements for bicycles and pedestrians will be implemented along the east side of MD 197 opposite from the subject site.

Although sidewalks are currently missing or fragmented along most of MD 197 within the vicinity of the subject property, the Transportation Planning Section recommends the provision of a standard sidewalk along the subject property’s entire street frontage of MD 197, and along both sides of the proposed access road. This is consistent with the County’s goal of providing walkable communities within the Developed and Developing Tiers.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application for the Sylla Business Park. The applicant proposes a commercial subdivision with two parcels for the purpose of constructing a 72-room hotel and 16,000 square feet of office space.

Analysis of Traffic Impacts

The application is a preliminary plan of subdivision for a commercial subdivision consisting of a 72-room hotel and 16,000 square feet of office space. The proposed development would generate 79 AM (54 inbound and 25 outbound) and 87 PM (38 inbound and 49 outbound) weekday peak-hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

The traffic generated by the proposed preliminary plan would impact the following intersections, interchanges, and links in the transportation system:

- MD 197 and southbound MD 295 ramp (signalized)
- MD 197 and northbound MD 295 ramp (signalized)
- MD 197 and South Laurel Drive (signalized)
- MD 197 and site access (future/unsignalized)

The applicant submitted a traffic study that was prepared in June 2008 which was referred to the Maryland State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T). Comments from DPW&T have been received however; written comments from SHA were not received prior to the writing of the staff report. 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.

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. 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 within 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.

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS) (AM & PM)	
	MD 197 and southbound MD 295 ramp	1,343	1,246	D
MD 197 and northbound MD 295 ramp	628	903	A	A
MD 197 and South Laurel Drive	823	880	A	A
MD 197 and site access	Future*	Future*	--	--
*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.				

None of the critical intersections, interchanges or links identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. The following critical intersections, interchanges and links, when analyzed with the programmed improvements and background traffic in accordance with the Guidelines, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS) (AM & PM)	
	MD 197 and southbound MD 295 ramp	1,403	1,301	D
MD 197 and northbound MD 295 ramp	659	935	A	A
MD 197 and South Laurel Drive	850	917	A	A
MD 197 and site access	Future*	Future*	--	--
*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 following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines (including the site trip generation as described above and the distribution as described within the traffic study) operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS) (AM & PM)	
	MD 197 and southbound MD 295 ramp	1,425	1,319	D
MD 197 and northbound MD 295 ramp	672	947	A	A
MD 197 and South Laurel Drive	877	936	A	A
MD 197 and site access	65.8*	232*	--	--
*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 following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines (and shown above) were **not** found to be operating at or better than the policy service level defined for the Developing Tier:

- MD 197 and site access

It is noted that the Guidelines prescribe the use of the unsignalized intersection procedure in the *Highway Capacity Manual*. However, a different procedure was utilized in the traffic study to evaluate the one unsignalized intersection within the study area. This has been corrected within the findings above.

Through the traffic study, the applicant has not agreed to provide the following improvements to the intersections, interchanges and links in consideration of the finding above.

- MD 197 and site access—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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. As a result, the Transportation Planning Section would recommend that a signal warrant study be completed at this location prior to the time of detailed site plan (if required) or building permit (if a detailed site plan is not required).

With the improvements described above, the MD 197 and site access intersection can be found to be operating at, or better than, the policy service level defined for the Developing Tier. Although adequacy has been determined for the use(s) described, the plan should be approved with a trip cap consistent with the development quantity and type that has been assumed in the adequacy finding.

It is recommended that both parcels within the property be served by a single driveway to MD 197 created pursuant to Section 24-128(b)(9). Multiple driveways would result in safety concerns, particularly given the higher vehicle operating speeds present along MD 197. The current plan does reflect this single driveway concept.

The site is adjacent to MD 197, which is a master plan collector facility. It appears that existing dedication is consistent with the master plan dedication of 40 feet from centerline. However, the current property layer on the Prince George's County GIS website (PG Atlas) is not consistent with the current SHA right-of-way plat. In any regard, no further right-of-way dedication is required of this application.

TRANSPORTATION CONCLUSIONS

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

9. **Schools**—The Special Projects Section has concluded that the review of this preliminary plan for school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003 and CR-23-2003, is not necessary because the development is a commercial use.
10. **Fire and Rescue**—The Special Projects Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Ordinance.

The existing engine service at Laurel Fire/EMS Station, Company 49, located at 14910 Bowie Road, has a service travel time of 5.1 minutes, which is beyond the 3.25-minute travel time guideline.

The existing paramedic service at Laurel Fire/EMS Station, Company 49, located at 14910 Bowie Road, has a service travel time of 5.1 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Laurel Fire/EMS Station, Company 10, located at 7411 Cherry Lane, has a service travel time of 7.6 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

This site is within one mile of a floating symbol for a master-planned fire/EMS station (Snowden) as recommended in the 2008 *Approved Public Safety Facilities Master Plan*. 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.”

11. **Police Facilities**—The proposed development is within the service area for Police District VI, Beltsville. 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 Department and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet is above the guideline.
12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Sylla Business Park and has no comments to offer.
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. 44138-2006-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Urban Design**—In accordance with Section 27-559 of the Prince George’s County Zoning Ordinance, only one-third of the required parking spaces may be compact spaces. This will be further evaluated at the time of detailed site plan.
15. **Historic**—A Phase I archeological survey is not recommended on the 3.49-acre property located on the south side of MD 197, near its intersection with I-295. 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. There are no County Historic Sites, Historic Resources or archeological sites within a one-mile radius of the subject property.

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

16. The subject property is zoned C-O. While the subject application is not proposing any residential development, if legislation would permit such a land use, a new preliminary plan should be approved. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivision, a new preliminary plan should be required if residential development is to be considered.
17. **At the Public Hearing, Clarification of the requirement for Detailed Site Plan Approval -** The site abuts residentially-zoned land to the south and to the west. A hotel that is abutting residentially-zoned land requires the approval of a detailed site plan in accordance with Part 3,

Division 9 of the Zoning Ordinance. This application also proposes an office building on Parcel A, which is permitted by right in the C-O Zone. At the public hearing for this application on October 9, 2008, the Planning Board requested that Condition 11 be revised to include the proposed office building on Parcel "A" as a part of any detailed site plan application that is submitted for the hotel use on Parcel B. Although separate parcels are proposed on the preliminary plan application to contain each use, the two parcels will share one common entrance onto MD 197, and the Planning Board is of the opinion that the site will function as one overall development for the purposes of parking, landscaping, and circulation. Therefore, the Planning Board determined that any detailed site plan submitted for Parcel B should include conceptual locations for the development proposed on Parcel A.

The applicant does have the ability to change the use on the property to any allowed use in the C-O Zone which generates no more traffic impact than that identified within the submitted traffic study. Therefore, the requirement for detailed site plan approval would only apply if the hotel use, or other proposed use which requires detailed site plan approval, is implemented on Parcel B. The applicant's attorney, informed the Planning Board that depending on negotiations with the perspective users of the property, and the timing of those negotiations along with current market conditions, it is very possible that each parcel may need to be developed individually. The Planning Board subsequently determined that if a detailed site plan is submitted for the proposed hotel use on Parcel B, and the ultimate use and building details for Parcel A had not yet been determined, the detailed site plan could reflect a conceptual layout for Parcel A for the limited purpose of understanding the parking and circulation relationships between the two parcels.

The Planning Board also determined that should the office building proposed for Parcel A move forward prior to the hotel use on Parcel B, a final plat of subdivision for Parcel A could be accepted and recorded, and a building permit subsequently issued without the need to obtain approval of a detailed site plan. However, if a detailed site plan is submitted for the hotel use on Parcel B, and at the time of acceptance, the office building on Parcel A has already been recorded and permitted, the detailed site plan should reflect the zoning requirements and layout for the office building on Parcel A in accordance with the approved building permit.

In summary, the development of the office building on Parcel A, or any other use that is permitted by right on Parcel A which doesn't exceed the established trip cap, will not be subject to detailed site plan approval, can be separately recorded on a final plat of subdivision, and can be developed in accordance with an approved building permit regardless of the timing or development status of abutting Parcel B.

If a detailed site plan is pursued for the hotel use on Parcel B, the detailed site plan should reflect a conceptual layout of the development proposed on abutting Parcel A for the limited purpose of understanding the parking and circulation relationships between the two parcels. If a building permit for Parcel A has been approved prior to the time a detailed site plan is accepted for Parcel B, the detailed site plan should reflect the layout demonstrated on the approved building permit.

At the public hearing on October 9, 2008, Condition 11 was revised to require abutting Parcel A to be conceptually included within any future detailed site plan application for the proposed hotel use on Parcel B. However, it was not the Planning Board's intention to require detailed site plan approval for an office building that is permitted by right in the C-O Zone, or to delay the development of Parcel A until such a time that a detailed site plan has been approved for Parcel B, but rather to provide clarity on how the site will function as a whole for the purposes of parking and circulation. Should the hotel use not be implemented on Parcel B and a new use is proposed which does not require the approval of a detailed site plan, Condition 11 will be void in its entirety. Regardless of the uses implemented on the site, or their need to obtain detailed site plan approval, Parcels A and B may be recorded together or individually at the time of final plat.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the 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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Clark and Parker voting in favor of the motion, and with Commissioner Cavitt abstaining at its regular meeting held on Thursday, October 9, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of November 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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