

R E S O L U T I O N

WHEREAS, Alfred Smith is the owner of a 22.97-acre parcel of land known as Parcel 64, located in Tax Map 135 in Grid E-3, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on July 29, 2008, Land Design filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08036 for Bunting Property 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 November 6, 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 November 6, 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/025/08), and further APPROVED Preliminary Plan of Subdivision 4-08036, Bunting Property, including a Variation from Section 24-130 for Lots 1 and 2 with the following conditions:

1. The following note shall be placed on the final plat and all future application plans:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over. Street lighting shall use full cut-off optics or as approved by the Department of Public Works and Transportation.”

2. At the time of final plat, conservation easements shall be described by bearings and distances. The conservation easements shall contain the expanded stream buffers, excluding those areas where variation requests have been approved during the review of the preliminary plan of subdivision, and be reviewed by the Environmental Planning Section prior to approval of the 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.”

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. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/025/08), 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 Planning Department.”
5. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
6. Prior to signature approval of the preliminary plan, a copy of the revised and approved stormwater management concept plan and associated letter shall be submitted. The concept shall be correctly reflected on the TCPI.
7. The applicant, the applicant’s heirs, successors, and/or assignees shall provide a standard sidewalk along the site’s frontage of US 301. Unless modified by the State Highway Administration (SHA).
8. 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.
9. Prior to approval of the initial building permit within the subject property, the applicant shall submit an acceptable traffic signal warrant study to SHA for signalization at the intersection of US 301 and Cherry Tree Crossing Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with SHA prior to the release of any building permits within the subject property, and complete installation at a time when directed by SHA.
10. Prior to approval of the initial building permit within the subject property, the applicant shall

submit an acceptable traffic signal warrant study to SHA for signalization at the intersections of US 301 and Dyson Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with SHA prior to the release of any building permits within the subject property, and complete installation at a time when directed by SHA.

11. Prior to the approval of the initial building permit within the subject property, the applicant shall obtain approval of the site access point as a public street from SHA. At the direction of SHA, the applicant shall prepare a detailed site access design plan, and verify that projected trucks from the site can queue within the US 301 median without blocking through traffic along US 301, with consideration of prohibiting outbound left turns from the site if trucks cannot safely queue within the US 301 median area.
12. Total development within the subject property shall be limited to 110,800 square feet of light industrial space or equivalent development which generates no more than 95 AM peak hour and 95 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.
13. Development shall be in conformance with approved Stormwater Management Concept Plan No. 10917-2001-01 and any subsequent revisions.

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 along the northwest side (south bound lane) of Crain Highway (US 301); 3,000 linear feet northeast of its intersection with Dyson Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	I-1	I-1
Use(s)	Undeveloped	Commercial Office
Total Gross Floor Area	0	110,800 sq. ft.
Acreage	22.97	22.97
Lots	1	2
Public Safety Mitigation Fee		No

4. **Community Planning**—This application is located in the Developing Tier. This application 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 proposal is to develop two lots for five commercial office buildings with a total gross floor area of 110,800 square feet. This application conforms to the service commercial land use recommendations of the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B* through the creation of a distinct commercial center on the two proposed sites.
5. **Environmental**—There are streams, wetlands and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. Crain Highway (US 301) is an adjacent source of traffic-generated noise; however, traffic-generated noise will not create a significant impact because of the proposed use in an industrial zone. There are no nearby noise receptors for any potential noise generated on this site. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Croom series. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, no rare, threatened or endangered species occur on the property or adjacent properties. No designated scenic or historic roads are affected by this development. The site is in the Developing Tier according to the adopted General Plan.

The approved master plan for this area is the Subregion V master plan (September 1993) and approved sectional map amendment (May 1994), which is now almost 14 years old. In the approved master plan and sectional map amendment, the environmental envelope section contains goals, objectives, and guidelines. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

1. **An open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation, natural ecological features, and estimated future population needs, should be established and maintained.**

Implementation of the *Approved Countywide Green Infrastructure Plan* will ensure compliance with this guideline.

2. **Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulations and other innovative techniques that ensure responsible environmental consideration.**

Because of the small area of the property and the I-1 zoning, the design of the proposed subdivision appropriately uses conventional design principles and does not utilize innovative techniques.

3. **Land dedicated in accordance with the subdivision regulations for the provision of**

needed recreational facilities should not consist solely of floodplains or other parts of the Natural Reserve Area.

Conformance with this guideline will be dealt with by the Department of Parks and Recreation.

- 4. The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.**

The subject site contains highly sensitive land features and vegetation, in association with Piscataway Creek. Section 24-130 of the Subdivision Regulations, the Woodland Conservation and Tree Preservation Ordinance, and implementation of the Countywide Green Infrastructure Plan will focus development in an environmentally sound manner.

- 5. Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.**

The Tree Conservation Plan TCPI/025/08, shows avoidance of unnecessary impacts to sensitive environmental features, preservation on contiguous woodland, avoids creating forest fragments, and minimizes reduction in the overall forest interior area or an increase in the edge/area ratio.

- 6. Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**

This guideline mirrors the requirements of the Woodland Conservation Ordinance. The TCPI proposes preservation of wooded stream corridors and steep slopes.

- 7. To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.**

This guideline is a standard practice for all tree conservation plans. The TCPI shows preservation of contiguous woodland, avoids creating forest fragments and minimizes reduction in the overall forest interior area or an increase in the edge/area ratio.

- 8. The Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except for agricultural, recreational and similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.**

The natural reserve areas described in the master plan are areas that have been superseded by the regulated areas in the Green Infrastructure Plan. There are extensive regulated areas designated in the plan both on and adjacent to the site. One small, necessary impact to the regulated area for the

connection to an existing sanitary sewer is proposed.

- 9. All development proposals should provide effective means for the preservation and protection of Natural Reserve Areas, the development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.**

The preservation of sensitive environmental features will be assured by the placement of conservation easements.

- 10. Limited development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.**

The Subregion VI master plan does not identify any areas of conditional reserve on the subject property; however, the Countywide Green Infrastructure Plan superseded the master plan for these designations when it was adopted in 2005. The site contains regulated areas and evaluation areas that provide connectivity of existing woodlands. A substantial portion of the evaluation area is proposed to be preserved.

- 11. In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution and other characteristics of excessive vehicular traffic should be protected by suitable construction techniques and by the enforcement of legally mandated standards.**

Crain Highway (US 301) is an adjacent source of traffic-generated noise; however, traffic-generated noise will not create a significant impact because residential uses are not proposed.

- 12. Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.**

Crain Highway (US 301) is an adjacent source of traffic-generated noise; however, traffic-generated noise will not create a significant impact because residential uses are not proposed. There are no nearby noise receptors for any potential noise generated on this site.

- 13. Farming conservation measures such as diversions, terraces, and grassed waterways in conjunction with contour strip cropping and crop rotations should be implemented.**

No farming is proposed.

14. Citizens, developers and others should be encouraged to seek current information on the area's sensitive environmental condition, and on all aspects of related regulatory systems and functional programs from the appropriate local, State and Federal agencies.

Information available at PGAtlas.com provides generalized information regarding sensitive environmental features of the region and the natural resource inventory (NRI) submitted provides detailed information regarding the subject property. The NRI shall be used to formulate the appropriate areas for development on the site.

The proposal is in general conformance with the Subregion VI master plan.

The site is within the designated network of the Green Infrastructure Plan and includes areas designated as regulated areas and evaluation areas. The regulated areas contain the same features as the natural reserve as defined in the Subregion V master plan. The evaluation areas are the forested areas contiguous with the regulated areas that contain special environmental features that should be considered for preservation.

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains regulated areas and evaluation areas. The TCPI conforms to the Countywide Green Infrastructure Plan by preserving priority woodlands within regulated areas and adjacent evaluation areas, and by meeting its entire woodland conservation requirement on-site.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices for stormwater management. It is recommended that low-impact development stormwater management methods be applied on this site, to the fullest extent possible.

Policy 3: Preserve existing woodland and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The TCPI conforms to the Countywide Green Infrastructure Plan by preserving priority woodlands within regulated areas and adjacent evaluation areas, and by meeting its entire

woodland conservation requirement on-site.

Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

The development is conceptual at the present time. In future applications, the use of environmentally sensitive building techniques and overall energy consumption should be addressed.

Policy 5: Reduce light pollution and intrusion into residential, rural and environmentally sensitive areas.

Lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally sensitive areas is minimized. The following note should be placed on the final plat and all future application plans:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over. Street lighting shall use full cut-off optics as approved by the Department of Public Works and Transportation.”

Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.

The proposed development is not predicted to be a significant noise generator.

Policy 7: Protect wellhead areas of public wells.

The site is not in a wellhead protection area and does not propose any public wells.

The proposed development and TCPI generally conform to the Countywide Green Infrastructure Plan.

Environmental Review

A Natural Resource Inventory, NRI/012/08, was submitted with the application. The NRI contains a forest stand delineation (FSD) and wetlands report. The forest stand delineation describes two forest stands totaling 12.40 acres (56 percent of the property). According to the worksheet, there are 9.58 acres of upland woodlands and 2.82 acres of woodlands within the 100-year floodplain. Twelve specimen trees were identified and all are proposed to be retained. The purpose of an NRI and FSD are to provide sufficient information to identify areas that should not be impacted by development, priority areas for preservation and areas for development that will minimize impacts to the natural environment.

Stand “A” contains 7.80 acres of upland forest dominated by sweet gum. The average diameter at breast height is six inches. Twelve specimen trees occur in this stand. No invasive species were

noted.

Stand "B" contains 4.60 acres of floodplain woodland and wooded slopes dominated by yellow poplar, red maple and sweet gum. The average diameter at breast height is five inches. No specimen trees occur in this stand. No invasive species were noted.

The FSD submitted with the NRI describes the woodland on the site after clearing was performed as indicated on TCPII/013/02. Prior to that clearing, the entire site was wooded. The TCPI submitted with the current application has been revised to compensate for the previous clearing.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations will require variation requests in conformance with Section 24-113 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. If stream crossings exist, these should be used. Staff generally will not 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), street 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 do not relate directly to public health, safety or welfare.

A variation request for two impacts, dated August 28, 2008, was submitted with the application. One proposed impact is for the connection of the proposed commercial buildings to an existing sanitary sewer line. This impact is required for any development. The second impact is to an area identified as an isolated wetland; however, staff has determined that this is not a regulated wetland as based upon a field visit.

Section 24-113(a) of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted.

- (a) **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 the evidence presented to it in each specific case that:**
 - (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of a sanitary sewer connection is required by Prince George's County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

The existing sanitary sewer line is wholly within an expanded stream buffer. Although other properties may have the ability to connect to sanitary sewers without impacting sensitive environmental features, that option is not available for this property.

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

The installation of a sanitary sewer connection is required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (4) **Because of the peculiar 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 the strict letter of these regulations is carried out.**

Without the required connection to the existing sanitary sewer that is wholly within the expanded stream buffer, the property could not be properly developed in accordance with the I-1 zoning.

The Environmental Planning Section supports the approval of the variation request by the Planning Board.

At the time of final plat, conservation easements should be described by bearings and distances. The conservation easements should contain the expanded stream buffers, excluding those areas where variation requests have been approved during the review of the preliminary plan of subdivision, and be reviewed by the Environmental Planning Section prior to certification of the plat. The following note should 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.”

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.

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site has a previously approved Type II Tree Conservation Plan, TCPII/013/02. The Type I Tree Conservation Plan, TCPI/025/08, has been reviewed. The woodland conservation threshold is 3.02 acres. Based upon the prior and proposed clearing, the total woodland conservation requirement has been correctly calculated as 6.11 acres. The plan proposes to meet the requirement by providing 6.11 acres of on-site preservation. An additional 2.44 acres of woodland will be retained on-site that are not part of any requirement. The TCPI proposes preservation of the best on-site woodlands, unavoidable impacts to sensitive environmental features, and preservation of most of the specimen trees.

The following note should be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/025/08), 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 Planning Department.”

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Croom series. Development has been placed in areas where the soils should not pose special problems for foundation or drainage. This information is provided for the applicant's benefit. A soils report may be required by Prince George's County during the permit process review. The Environmental Planning Section recommends approval of TCPI/013/08 by the Planning Board.

Water and Sewer

The 2001 Water and Sewer Plan, as amended, designates this property in water and sewer Category 4. A change to Category 3 must be obtained before the approval of a final plat. A water mainline extension is required to serve the site. A sewer line traverses the property. Water and sewer extensions required to serve the proposed property must be approved by the Washington Suburban Sanitary Commission (WSSC) 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

nonresidential.

7. **Trails**—There are no master plan trails issues identified in the 1993 Subregion V study area master plan that impact the subject site. Access to the property from US 301 is proposed. Crain Highway (US 301) is a state-planned freeway facility. Although no trails are planned along this roadway, the frontage of the site can be an improved streetscape with street trees and sidewalks. A shared use roadway is proposed for this section of roadway to accommodate bicyclists. This can only be considered as a temporary shared road facility since the road is a planned freeway.
8. **Transportation**—The proposed development would generate 95 AM (76 inbound and 19 outbound) and 95 PM (19 inbound and 76 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:

- US 301 and Cherry Tree Crossing Road (unsignalized)
- Southbound US 301 and Dyson Road (unsignalized)
- Northbound US 301 and Dyson Road (unsignalized)
- US 301 and site access (future/unsignalized)

The application is supported by a traffic study dated August 2008 provided by the applicant and referred to the Maryland State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T). Comments from both agencies were received and are attached.

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 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.

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

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 301 and Cherry Tree Crossing Road	532*	+999*	--
Southbound US 301 and Dyson Road	32.8*	+999*	--	--
Northbound US 301 and Dyson Road	55.0*	33.1*	--	--
US 301 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 and links identified above are programmed for improvement with 100% 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." Background traffic has been developed in the traffic study using approved development encompassing over 600 proposed residences and 2.0 percent annual growth rate in through traffic along US 301. The following critical intersections, interchanges and links, when analyzed with the programmed improvements and background traffic as developed using the Guidelines, operate as follow:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 301 and Cherry Tree Crossing Road	+999*	+999*	--
Southbound US 301 and Dyson Road	+999*	+999*	--	--
Northbound US 301 and Dyson Road	692.3*	138.0*	--	--
US 301 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 in above and the distribution as described in the traffic study, operate as follow:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 301 and Cherry Tree Crossing Road	+999*	+999*	--
Southbound US 301 and Dyson Road	+999*	+999*	--	--
Northbound US 301 and Dyson Road	779.9*	140.4*	--	--
US 301 and site access	184.3*	+999*	--	--
*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:

- US 301 and Cherry Tree Crossing Road
- Southbound US 301 and Dyson Road
- Northbound US 301 and Dyson Road
- US 301 and Site Access

Through the traffic study, the applicant has noted that the following improvements to the intersections, interchanges and links in consideration of the finding above may be imposed, but has not specifically indicated agreement with them:

- At US 301 and Cherry Tree Crossing Road, 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 staff 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).

- At southbound US 301 and Dyson Road, 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 staff 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).
- At northbound US 301 and Dyson Road, 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 staff 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).

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:

- At US 301 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. Because it is strictly an access to the site, SHA has full authority to require any needed traffic controls and land configurations.

SHA and DPW&T have reviewed the traffic study. DPW&T provided three comments, but then followed those comments with a fourth comment indicating that SHA would have jurisdiction and would make the final decision regarding any recommendations. SHA provided four comments which are summarized as follows:

- At US 301 and site access, in response to such a finding, SHA has determined that the intersection will not warrant a future signal.
- In response to the adequacy issue at the US 301 and site access intersection, SHA recommends that the applicant prepare a detailed site access design plan, and verify that projected trucks from the site can queue within the US 301 median without blocking through traffic along US 301. SHA has indicated that if trucks cannot safely queue within the US 301 median areas, SHA will prohibit outbound left turns from the site.
- At US 301 and Cherry Tree Crossing Road, SHA recommends that a traffic signal warrant study be done. SHA recommends that the warrant study examine alternatives that would reduce minor street delays.

- At the US 301 and Dyson Road intersections, SHA recommends that traffic signal warrant studies be done. SHA recommends that the warrant studies examine alternatives that would reduce minor street delays.

With the improvements described above as modified in accordance with recommendations by the operating agencies, the critical intersections 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.

The plan proposes that both lots within the preliminary plan be served by a single public street intersecting US 301. The 1999 “US 301 Access Control Study” recommends access from this property via a service roadway down to Dyson Road. A further review of the SHA study, along with published master plan requirements, indicates that adequate provision within proposed dedicated area has been made for this service roadway. Because the service roadway must transverse at least one other property before reaching Dyson Road, it does not appear to be feasible to require this applicant to implement that service road at this time. Therefore, it is recommended that the site access be allowed pursuant to SHA approval of the access.

The public street proposed on this plan stubs along the north property line to adjacent Parcel 16 (which was submitted and later withdrawn as Quail Hollow, 4-00067). It is believed that Parcel 16 would need to utilize this public street for access. While Parcel 16 has frontage along US 301, the bulk of Parcel 16 is connected to US 301 by a narrow “pipestem” that is insufficient for constructing a public street. An initial concern was that the placement of the public street within the subject property connected to the “pipestem” portion of Parcel 16 rather than to the developable area of Parcel 16. Upon further investigation, it is determined that the implementation of the public street within the subject site, with any required access improvements at US 301, would greatly enhance access to Parcel 16 as well, and that no changes to the public street are required.

The site is adjacent to US 301, which is a master plan freeway facility. The 1999 “US 301 Access Control Study” shows the US 301 freeway facility plus a service roadway within a 350-foot right-of-way. The 50 feet of additional dedication along existing US 301 shown on the submitted plan is acceptable for implementing the planned service roadway.

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 V, Clinton. 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 commercial offices 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 engine service at Brandywine Fire/EMS Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5 minutes, which is beyond the 3.25-minute travel time guideline. The existing ambulance service at Brandywine Fire/EMS Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5 minutes, which is beyond the 4.25-minute travel time guideline. The existing paramedic service at Brandywine Fire/EMS Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5 minutes, which is within the 7.25-minute travel time guideline. The existing ladder truck service at Clinton Fire/EMS Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 11 minutes, which is beyond 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 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 have no comments to offer.
13. **Stormwater Management**—A Stormwater Management Concept Plan, No. 10917-2001-01, was approved May 8, 2008, by the Prince George's County Department of Public Works and Transportation with conditions. The existing stormwater management pond is shown on the tree conservation plan. Development of the site must be in accordance with this approved plan and any revisions.
14. **Public Utility Easement (PUE)**—Public utility easements (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 22.97-acre Bunting Property located northeast of the intersection of Crain Highway and Dyson Road. 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. Aerial photographs and topographic data indicate that most of the property was previously graded and the remainder contains steep slopes. Archeological sites are rarely found on landforms containing slopes over ten percent. However, the applicant should be aware that two historic resources, the House of Reformation Site and Cemetery (82A-019) and the John Townshend Grave (85A-005), are located within a one-mile radius of the subject property. No archeological sites have been identified 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 funds or federal permits are required for a project.

16. **Historic Preservation**—The subdivision for two commercial lots will have no effect on historic resources.

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 Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, November 6, 2008, in Upper Marlboro, Maryland.

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

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator