

C O R R E C T E D R E S O L U T I O N

WHEREAS, Randolph Scott is the owner of a 2.0-acre parcel of land known as parcels 113 and 225, located on Tax Map107, Grid D-4, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned C-M; and

WHEREAS, on October 16, 2008, Legend Homes filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for Scott Business Park; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan *~~[4-07048]~~ 4-08048 for Scott 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 December 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 December 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/003/08), and further APPROVED Preliminary Plan of Subdivision 4-08048, Scott Business Park for with the following conditions:

1. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan CSD 3124-2004-00 and any subsequent revisions.

*Denotes correction

[Brackets] denotes deletion

Underlining denotes addition

3. The final plat shall contain the following note:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/003/08), 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.”

4. Prior to issuance of any building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall have a detailed site plan approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance. The detailed site plan shall include, but not be limited to:
 - a. Landscaping, buffering, and screening between the future commercial development and the abutting residential development, preserving and incorporating natural amenities into the design of the commercial facilities to enhance the aesthetic qualities of the areas, and to break up the otherwise monotonous, barren look of parking areas.
 - b. Aesthetic and functional design of the commercial facility to reflect the prominent position of the site on Branch Avenue and ensure the proposed commercial development meets high standards of site design in relation to surrounding areas.
5. Total development within the subject property shall be limited to 18,500 square feet of retail space and 6,500 square feet of office space or equivalent development which generates no more than 36 AM peak hour and 101 PM net 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.
6. At the time of building permits, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision in order to alleviate the negative impact on fire and rescue services due to the inadequate service as discussed, unless the Prince George’s County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

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 on the west side of Branch Avenue (MD 5) at the northwest corner of the intersection of the frontage road with Springbrook Lane.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-M	C-M
Use(s)	None	Mixed Retail and Office
Acreage	2.0	2.0
Lots	0	0
Outlots	0	0
Parcels	2	1
Dwelling Units:		
Detached	0	0
Public Safety Mitigation Fee		N/A

4. **Environmental**—The Environmental Planning Section previously approved TCPII/230/90 for this site as part of a grading permit. Preliminary Plan 4-07083 and TCPI/003/08 were withdrawn before being heard by the Planning Board. The proposal is for one lot in the C-M Zone.

This two-acre site in the C-M Zone is located at the northwest corner of Branch Avenue and Springbrook Lane. The property is completely wooded. A review of available information indicates there are no streams, 100-year floodplain or wetlands on the property. Runoff from the site eventually reaches Tinkers Creek in the Potomac River watershed. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville and Sassafras series. Marlboro clay is not found to occur in the vicinity of this site. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened, and endangered species do not occur in the vicinity of the site. No designated historic or scenic roads will be affected by this development. Branch Avenue is a nearby source of traffic-generated noise; however, there is no significant impact to this C-M zoned property. The property is in the Developing Tier of the 2002 *Prince George's County Approved General Plan*.

The *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* does not note any environmental issues associated with this property. The property is not within the designated network of the *Approved Countywide Green Infrastructure Plan* and is not located near any network elements.

A signed Natural Resources Inventory, NRI/084/07, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. The property contains one forest stand containing two acres and no specimen trees. No further action regarding the NRI is required. This site is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because it contains more than 10,000 square feet of woodland and has a previously approved tree conservation plan.

The Type I Tree Conservation Plan, TCPI/003/08, has been reviewed. The plan proposes clearing 1.66 acres of the existing two acres of woodland. The woodland conservation threshold is 0.30 acre. The woodland conservation requirement has been correctly calculated as 0.72 acre. The plan proposes to meet the requirement by providing 0.34 acre of on-site preservation, 0.05 acre of on-site planting and a fee-in-lieu for 0.33 acre. As a condition of approval, the plan should note that the plan is subject to the approved TCPI.

According to the *Prince George's County Soil Survey*, the soils on the site are in the Beltsville series. Beltsville soils have a K factor of 0.43 and are considered highly erodible and may be problematic for grading on steep or severe slopes; however, there are no steep or severe slopes on the site. Sassafras soils pose no special problems for development. No further action is needed as it relates to this preliminary plan review.

The preliminary plan notes that Stormwater Management Concept Plan CSD 3124-2004-00 was approved by Prince George's County. The approved plan shows multiple trench drains connected to an underground stormwater storage facility and a bioretention area. No further action regarding stormwater management is required.

The water and sewer categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and the site will therefore be served by public systems.

5. **Community Planning**—This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application conforms to the recommendations of the 1993 approved master plan and sectional map amendment for Subregion V for commercial land use. Site plan review is encouraged to ensure: (1) an effective buffer is retained between the new commercial development and the existing residential development adjoining to the south, and (2) new development that is visible from MD 5 will be well designed and attractive.

The property is located in Planning Area 81A in the Clinton community which is within the Developing Tier of the 2002 General Plan. 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 proposed mix of retail and office uses on this 2-acre property, as described in Finding No. 3, conforms to the General Plan's vision.

The property is within the limits of the 1993 approved master plan and sectional map amendment for Subregion V which maintained this property in the C-M Zone.

This application is located in a commercial area on the west side of Branch Avenue (MD 5), north of Springbrook Lane, which is primarily developed with miscellaneous retail and service businesses. An older residential development is located to the south of this commercial area and the subject property. The site of this application is also at a location which is highly visible from

Branch Avenue, just north of an exit ramp to Springbrook Lane. The main master planning issues for review of this proposal are: (1) to maintain or reinforce a buffer along the southern boundary with residential uses, and (2) the appearance of new commercial construction at a highly visible location along a major highway. A detailed site plan review to address these issues should be required.

The following master plan guidelines (pp. 63–64) for commercial development that are relevant to review of this application include:

1. **Commercial areas as they are developed, renewed, and/or expanded should be subjected to high standards of site design and should be designed in relation to surrounding areas so as to provide safe, visually pleasing vehicle and pedestrian access. Site plan review should be required for all new development.**
 2. **The design of commercial areas as they are developed, renewed, and/or expanded should be subject to aesthetic as well as functional design review criteria and, where possible, include open space such as parks, malls, plazas, and similar areas. Natural amenities should be preserved and incorporated into the design of commercial facilities.**
 10. **Innovative site design and/or ample landscaping should be used within and around new, renewed and/or expanding commercial areas, to enhance the aesthetic qualities of the areas and to break up the otherwise monotonous, barren look of parking areas.**
 11. **Where feasible, building setbacks and/or acoustical fencing should be utilized to deflect noise and to screen visual impacts, especially at major road intersections and interchanges, or where conflicts may develop between land uses.**
6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because it is a non-residential use.
 7. **Trails**—The Transportation Planning Section has reviewed the preliminary plan of subdivision for the Scott Business Park for conformance with the Countywide Trails Plan and appropriate area master plan and has no comments to offer.
 8. **Transportation**—The application is a preliminary plan of subdivision for a commercial subdivision consisting of approximately 25,000 square feet of mixed commercial space, with 18,500 square feet of retail space and 6,500 square feet of office space. The traffic study indicates that these numbers will be utilized, but then assumes the use of non-specific Commercial (Miscellaneous) rates in the “Guidelines for the Analysis of the Traffic Impact of Development

Proposals” rather than specific retail rates. It is furthermore not apparent which rates were used to estimate AM peak-hour traffic for the retail use. Given that it would appear that true retail trip rates could be accommodated by the surrounding network, the staff analysis will use trip rates in accordance with the guidelines. Therefore, the proposed development would generate 36 AM (26 inbound and 10 outbound) and 101 PM (47 inbound and 54 outbound) weekday peak-hour vehicle trips, taking into account the pass-by rate as allowed by the guidelines.

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

- MD 5 Service Road/Ramp and Springbrook Lane (unsignalized)
- MD 5 Service Road and north and south site accesses (future/unsignalized)
- Coventry Way and MD 5 Service Road (unsignalized)

The application is supported by a traffic study dated July 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 DPW&T and SHA have been received and are attached. 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.

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 using counts taken in April 2008, and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 Service Road/Ramp and Springbrook Lane	9.4*	10.4*	--	--
MD 5 Service Road and south site access	Future*	Future*	--	--
MD 5 Service Road and north site access	Future*	Future*	--	--
Coventry Way and MD 5 Service Road	13.6*	20.7*	--	--
<p>*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.</p>				

None of the critical intersections, interchanges, and 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. Background traffic has been developed in the traffic study using approved development encompassing over 400,000 square feet of commercial space in the area and one percent annual growth rate in through traffic along Coventry Way. 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)	
	MD 5 Service Road/Ramp and Springbrook Lane	9.4*	10.4*	--
MD 5 Service Road and south site access	Future*	Future*	--	--
MD 5 Service Road and north site access	Future*	Future*	--	--
Coventry Way and MD 5 Service Road	14.3*	23.8*	--	--
*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 in the traffic study, operate as follow:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 5 Service Road/Ramp and Springbrook Lane	9.5*	10.8*	--
MD 5 Service Road and south site access	8.7*	9.0*	--	--
MD 5 Service Road and north site access	8.9*	9.4*	--	--
Coventry Way and MD 5 Service Road	14.6*	41.8*	--	--
*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.				

All of the 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 found to be operating at or better than the policy service level defined for the Developing Tier. Consequently and in consideration of this finding, through the traffic study, the applicant has not proposed any off-site transportation improvements.

DPW&T and SHA have reviewed the traffic study and have offered no comments.

Therefore, 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 site is adjacent to the F-9 right-of-way. No further right-of-way dedication is required of this plan. All needed right-of-way along the site's frontage was acquired for the service roadway. While it is noted that the property is adjacent to a freeway right-of-way, access is proposed to a service roadway within the right-of-way and not to the freeway itself. Therefore, the three driveways receive access in accordance with Section 24-121(a)(3), and no variations are required for these driveways.

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

9. **Schools**—The Special Projects Section reviewed this preliminary plan of subdivision and had no comments to offer because the applicant proposes retail use on one parcel.
10. **Fire and Rescue**—The Special Projects Section reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(B)–(E) of the Subdivision Ordinance.

The existing engine service at Clinton Fire/EMS Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 3.8 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Clinton Fire/EMS Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 3.8 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Clinton Fire/EMS Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 3.8 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 3.8 minutes, which is within 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.

11. **Police Facilities**—The proposed development is within the service area for Police District V, Clinton. The police facilities test for nonresidential development 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. Based on 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**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community Systems.
13. **Stormwater Management**—DPW&T, Office of Engineering, determined that on-site stormwater management is required. Stormwater Management Concept Plan, CSD 3124-2004-00, 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. **Cemeteries**—No cemeteries have been identified on the property.
15. **Historic**—A Phase I archeological survey was not recommended by staff on the above-referenced two-acre property located at 8051 Branch Avenue in Clinton, Maryland. 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. A portion of the property has probably already been impacted by the construction of Branch Avenue to the east. However, the applicant should be aware that there are two previously identified archeological sites, 18PR47 (a late 18th to early 19th century house and tavern) and 18PR446 (a 20th century farmstead), located within a one-mile radius of the subject property.

Moreover, 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.

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, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, December 18, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of January 2009 *and corrected on November 30, 2009.

Patricia Colihan Barney
Executive Director

By Frances J. Guertin
Planning Board Administrator

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