PGCPB No. 09-151 File No. 4-09012

R E S O L U T I O N

WHEREAS, Highland Development Corp. is the owner of a 9.47-acre parcel of land known as Parcels C, D, E, F, and Outlot A, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned Commercial Miscellaneous (C-M); and

WHEREAS, on July 13, 2009, Highland Development Corp. filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 4 parcels and 1 outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09012 for Alexander Square 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 22, 2009, 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 22, 2009, 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 Preliminary Plan of Subdivision 4-09012, Alexander Square Business Park for 4 parcels and 1 outlot with the following conditions:

1. Development of this site shall be in conformance with Stormwater Management Concept Plan 8005220-1998-00 and any subsequent revisions.

2. Prior to the issuance of any building permits within the subject property that exceed the original unused vested trip cap of 37 AM and 13 PM peak-hour vehicle trips, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

    a. Provision of a second left-turn lane from southbound Old Alexandria Ferry Road onto eastbound MD 223 (Piscataway/Woodyard Road). This improvement shall include provision of a second receiving lane along eastbound MD 223 (Piscataway/Woodyard Road) to accommodate the proposed left-turn lane from southbound Old Alexandria Ferry Road per SHA requirements.

b. Widening of the northbound Dangerfield Road approach to provide an exclusive left-turn lane, an exclusive through lane, and a shared through/right-turn lane.

c. Widening/restriping of the westbound MD 223 (Piscataway/Woodyard Road) approach to provide an extended right-turn lane onto northbound Old Alexandria Ferry Road.

3. Prior to the approval of the initial building permit, the applicant shall submit an acceptable traffic signal warrant study to the County Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Old Alexandria Ferry Road and Ferry Avenue. 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 DPW&T, 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 DPW&T prior to the release of any building permits within the subject property, and complete installation at a time when directed by DPW&T.

4. Parcels C through F each have frontage on Ferry Avenue. None of these parcels shall have access driveways on Ferry Avenue across from any land in a residential zoning category. Access to these parcels shall be in accordance with the following:

a. The applicant shall make reasonable efforts to obtain an easement to provide vehicular ingress/egress for the subject property over the Alexander Square Condominium–Phase I property. If such an easement is obtained, said easement shall be recorded in the Land Records of Prince George's County and noted by liber and folio number on the final plat of subdivision.

b. In the event the applicant cannot obtain an easement over the Alexander Square Condominium–Phase I property, the applicant shall access Ferry Avenue by means of a private cross easement serving Parcels C through F, which easement shall access Ferry Avenue across from the commercially-zoned land on Ferry Avenue. Any such easement shall be recorded in the Land Records of Prince George's County and noted by liber number and folio number on the final plat of subdivision.

5. Total development within the subject property shall be limited to uses which generate no more than 287 AM and 244 PM peak-hour vehicle trips. These trip numbers are inclusive of and not in addition to the trip numbers contained in Condition 2. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

6. Prior to the approval of the final plat, the following notes shall be placed on the plat:

   a. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, 8005220-1998.

   b. Access from Parcels C, D, E, and F to Ferry Avenue across residentially-zoned land is denied.

   c. The easements for vehicular ingress/egress for Parcels C through F as recorded in liber number at folio number is pursuant to section 24-128(b)(9) of the Subdivision Regulations.

   d. The height of buildings and other structures shall be no greater than 150 feet unless the applicant demonstrates compliance with FAR Part 77, of the Federal Aviation Regulations.

7. 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.

8. At the time of final plat, the applicant shall dedicated a ten-foot public utility easement (PUE) along the public right-of-way (ROW) as delineated on the approved preliminary plan of subdivision.

9. 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.

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

	EXISTING	APPROVED
Zone	C-2	C-2
Use(s)	Commercial	Commercial
Acreage	9.47	9.47
Lots	0	0
Outlots	1	1
Parcels	4	4
Public Safety Mitigation Fee	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision Review Committee (SRC) on August 7, 2009.

2. **Environmental**—A signed Natural Resources Inventory, NRI/001/09, was submitted with the application. There are no streams, wetlands, or 100-year floodplain on the property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened, or endangered species do not occur on or near this property.

This site is not subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved tree conservation plan. A standard letter of exemption was issued on February 24, 2009.

According to the *Prince George's County Soil Survey,* the soils found on-site are in the Sassafras and Matawan series. These soil series generally exhibit slight to moderate limitations to development due to impeded drainage and seasonally-high water table. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan review. A soils report may be required by Prince George's County during the permit review process. Marlboro clay does not occur in this area.

A Stormwater Management Concept Plan, CSD 8005220-1998-00, approved by the Prince George's County Department of Public Works and Transportation (DPW&T), was submitted with this application. The site is developed with a stormwater management pond. A review of the information available indicates that there are no streams, wetlands, or 100-year floodplain on the subject property. The site eventually drains into Piscataway Creek in the Potomac River watershed.

The property is not within the designated network of the *Approved Countywide Green Infrastructure Plan* and is not located near any network elements. No designated historic or scenic roads will be affected by the proposed subdivision. There are no nearby sources of traffic-generated noise. The proposed development is not expected to be a noise generator. 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 site is in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan.*

3. **Community Planning**—This application is located in 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. In addition, one of the goals of the Developing Tier section of the General Plan is to, "[d]evelop compact, planned employment areas." (p 37) This application is consistent with the General Plan Development Pattern policies for the Developing Tier.

   The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (CR-61-2009) rezoned this property from the C-2 (General Commercial, Existing) Zone to the C-M Zone. (See Preliminary Subregion 5 Master Plan and Sectional Map Amendment, SMA C-5, p 198) The property to the north of the subject property is currently developed as a commercial use and the development of a commercial use on this property is in keeping with the commercial land use recommended in the 2009 *Approved Subregion 5Master Plan and Sectional Map Amendment.* Specifically, the master plan includes the following guidelines for successful infill development (Preliminary Subregion 5 Master Plan, p 62):

   - **Compatibility. Ensure buildings are appropriately scaled for their site and recognize adjacent land use and development. Give consideration to similarity in density, setback, style, bulk, materials, and site layout to surrounding residential areas. Locate new structures to maintain existing rhythms of building width and spacing, with setbacks that respect predominant setbacks in the neighborhood.**

   - **Variety. Use quality materials and architectural detailing and, where possible, provide a range of housing forms to add variety and provide diversity and choice.**

   - **Trees. Mature trees are an important part of neighborhood character. Maintain mature trees wherever possible.**

   - **Fences. Use open fences or low hedges rather than high walls.**

   - **Circulation and connectivity. Connect on-site and off-site roads, sidewalks, trails, streetscapes, and open space networks. Lay out new streets in a size and scale to maintain continuity of the existing community's circulation**

system. Avoid closed street systems, and generally restrict cul-de-sacs to a short keyhole design.

There is concern as to how all of the parcels within this development proposal would be accessed within the site and their primary ingress/egress entrance for this proposed commercial subdivision. The applicant needs to show how the individual parcels will be accessed. The application does not clearly show internal commercial roads.

4. **Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed lots on the subject subdivision are exempt from mandatory dedication of parkland requirements because the property is zoned C-M and the plans call for the development of office space for miscellaneous commercial uses.

5. **Trails**—The plan was reviewed for conformance with the *Adopted and Approved Countywide Trails Plan* and/or the appropriate area master/sector plan in order to implement planned trails.

   The subject property is located on Ferry Avenue, south of Old Alexandria Ferry Road. The 1993 Subregion 5 master plan SMA contains a recommendation on page 170 for a "system of trails and walks for pedestrians…" that should be developed to "connect neighborhoods, recreation areas, commercial areas, employment areas and transportation facilities." There are existing sidewalks on Ferry Road to service the proposed use. There should be no disturbance to the existing sidewalks on Ferry Avenue as a result of this proposal. The master plan does not contain any recommendations for bikeways on Ferry Road.

6. **Transportation**—The subject property consists of approximately 9.47 acres of land in the C-M Zone. The property is located on the east side of Ferry Avenue, approximately 400 feet south of Old Alexandria Ferry Road. The site encompasses the undeveloped portion of a prior Preliminary Plan, 4-98018, for Alexander Square Business Park, which has been recorded and partially developed. The applicant proposes to expand the existing trip cap on the prior subdivision to allow the development of up to 120,000 square feet of general office space.

   Analysis of Traffic Impacts
   The application is a preliminary plan of subdivision for a commercial subdivision consisting of 120,000 square feet of general office space. Using trip rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," the proposed development would generate 250 AM (225 inbound and 25 outbound) and 231 PM (44 inbound and 187 outbound) weekday peak-hour vehicle trips. The prior subdivision was approved with a cap of 112 AM and 106 PM peak-hour vehicle trips; since then, a 116-room hotel generating 75 AM and 93 PM peak-hour vehicle trips has been constructed, leaving 37 AM and 13 PM peak-hour trips as vested from the previous cap. These trips are vested by virtue of the underlying property being recorded.

It is noted that the full impact of the additional trips proposed plus the remaining trips from the prior cap are analyzed within the traffic study.

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

- Old Alexandria Ferry Road and Coventry Way (signalized)
- Old Alexandria Ferry Road and Ferry Avenue (unsignalized)
- MD 223 and Old Alexandria Ferry Road (signalized)

The application is supported by a traffic study dated March 2009 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 included with the back-up materials.

The subject property is located within the Developing Tier, as defined in the 2002 *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 Regulations, is permitted at signalized intersections within any tier 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 December 2008 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV,AM & PM)		Level of Service (LOS, AM & PM)	
Old Alexandria Ferry Road and Coventry Way	750	965	A	A
Old Alexandria Ferry Road and Ferry Avenue	22.6*	27.9*	--	--
MD 223 and Old Alexandria Ferry Road	1,663	1,378	F	D
*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 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 for the study area using fourteen approved developments in the area and 3.0 percent annual growth rate in through traffic along all routes. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follow:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV,AM & PM)		Level of Service (LOS, AM & PM)	
Old Alexandria Ferry Road and Coventry Way	864	1,056	A	B
Old Alexandria Ferry Road and Ferry Avenue	37.3*	45.7*	--	--
MD 223 and Old Alexandria Ferry Road	2,040	1,755	F	F
*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 (CLV,AM & PM)		Level of Service (LOS, AM & PM)	
Old Alexandria Ferry Road and Coventry Way	876	1,117	A	B
Old Alexandria Ferry Road and Ferry Avenue	90.0*	444.0*	--	--
MD 223 and Old Alexandria Ferry Road	2,104	1,805	F	F
*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.				

It is found that one of the critical intersections operates acceptably under existing, background, and total traffic in both peak hours, while the remaining two intersections operate unacceptably in both peak hours under total traffic.

Old Alexandria Ferry Road and Ferry Avenue: The intersection of Old Alexandria Ferry Road and Ferry Avenue operates unacceptably as an unsignalized intersection under total traffic in both peak hours. At Old Alexandria Ferry Road and Ferry Avenue, 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, a signal warrant study shall 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 installation of a signal, the intersection would operate at LOS A in both peak hours.

Strategy 6 of Policy 2 in the *Preliminary Countywide Master Plan of Transportation* recommends, in part, that signalized intersections include a requirement for a minimum of two approach lanes on each approach. It appears that two approach lanes currently exist on each approach.

MD 223 and Old Alexandria Ferry Road: The traffic study notes that under total traffic, the intersection operates below the LOS D standard. It notes that other developments have conditions to improve the intersection, and recommends that the improvements be attached to the subject development. However, the traffic study recommends that the improvements be staged beyond the current level of vested trips (37 AM and 13 PM peak-hour vehicle trips). This is reasonable, as the current situation is the result of 11 years of growth in the area since the 1998 subdivision; furthermore, uses generating 37 AM and 12 PM peak-hour vehicle trips could be realized on the site without the benefit of the subdivision and without making further improvements at this location. The improvements include the following:

- Provision of a second left-turn lane from southbound Old Alexandria Ferry Road onto eastbound MD 223 (Piscataway/Woodyard Road).

- Widening of the northbound Dangerfield Road approach to provide an exclusive left-turn lane, an exclusive through lane, and a shared through/right-turn lane.

- Widening/restriping of the westbound MD 223 (Piscataway/Woodyard Road) approach to provide an extended right-turn lane onto northbound Old Alexandria Ferry Road.

Under total traffic with these improvements in place, it is determined that the MD 223/Old Alexandria Ferry Road intersection would operate at LOS C with a CLV of 1,243 in the AM peak hour and LOS D with a CLV of 1,379 in the PM peak hour.

Therefore, with the completion of a traffic signal warrant study at Old Alexandria Ferry Road and Ferry Avenue along with the completion of physical improvements at MD 223 and Old Alexandria Ferry Road, the critical intersections can be found to be operating at or better than the policy service level defined for the Developing Tier.

The traffic study was referred to and reviewed by DPW&T and SHA. Their responses raised three issues that require discussion:

- DPW&T indicated that a signal warrant study should be required at Old Alexandria Ferry Road and Ferry Avenue. DPW&T also stated that, given the proximity of signals at Virginia Avenue and Malcolm Road, these signals should be considered in that study with regard to operations. This comment is provided for the benefit of the applicant.

- DPW&T indicated that a second receiving lane would need to be provided along eastbound MD 223 (Piscataway/Woodyard Road) to accommodate the proposed left-turn lane from southbound Old Alexandria Ferry Road. This is an important concern; the two left-turning lanes would immediately encounter a single lane along MD 223 (Piscataway/Woodyard Road). Right-of-way (ROW) should not be an issue; there is over 700 feet of widened right-of-way along MD 223 (Piscataway/Woodyard Road), east of the intersection.

- SHA stated that the agency concurs with the report findings. However, SHA also recommended that the widening of northbound Old Alexandria Ferry Road between MD 223 (Piscataway/Woodyard Road) and Coventry Way be considered for operational and safety reasons. In response to this comment, the following findings are noted:

    a. Approximately one-half of the section (between Mike Shapiro Drive and Coventry Way) is already widened to two lanes northbound.

b. Between MD 223 (Piscataway/Woodyard Road) and Mike Shapiro Drive, right-of-way acquisition would need to be accomplished to allow the needed widening to occur. SHA has not identified a source of funding or technical assistance to accomplish this widening.

c. The distance along Old Alexandria Ferry Road between signals at MD 223 (Piscataway/Woodyard Road) and Virginia Avenue is 7,000 feet, or 1.33 miles. In areas where the spacing between signals is less than two miles, the guidelines recommend the use of CLV over a link analysis.

d. Nonetheless, if a link analysis were done between Ferry Avenue and MD 223(Piscataway/Woodyard Road), and assuming the entire facility is two lanes (one lane in each direction), a volume to capacity ratio (V/C) of 0.68 in the AM peak hour and 0.64 in the PM peak hour is determined. The guidelines specify a standard V/C of 0.80 in the Developing Tier.

Based on these findings, the widening requested by SHA is not justifiable in consideration of the Board's own guidelines, and even if it could be considered, the analysis indicates that the link would not be inadequate.

Notwithstanding the above findings, a trip cap consistent with the current adequacy finding is established as a means of regulating the overall off-site transportation impact of this site. Considering the uses proposed plus the vested trips, the site is capped at 287 AM trips and 244 PM trips. The site is not within or adjacent to any master plan rights-of-way.

In general, commercial lots should front on a street having a minimum right-of-way of 70 feet. It appears that the past approval appropriately addressed the concerns of access to Ferry Avenue; therefore, the existing 60-foot right-of-way along Ferry Avenue shall be deemed adequate as a result of this review.

At the time of the Subdivision Review Committee meeting, the applicant indicated a desire to have access along the site's entire frontage of Ferry Avenue. Under the current plat, access to existing Parcels C, D, E, and F (which together form the developable area for the proposed preliminary plan) is limited to approximately 60 feet opposite from existing commercially-zoned land on the west side of Ferry Avenue. At this time, the zoning and land use situation is no different along Ferry Avenue than it was in 1998. Having commercial entrances and exits opposite private residences presents a noise and visual impact that is difficult if not impossible to mitigate. Access along Ferry Avenue was limited in 1998 and nothing has changed to prompt that the access be planned

differently. The condition approved in 1998 limiting access onto Ferry Avenue shall be carried forward.

7. **Schools**—There are no residential dwelling units proposed in the development. There are no anticipated impacts on schools. The Prince George's County Board of Education (BOE) has evaluated the proposed preliminary plan of subdivision and has no comments to offer.

8. **Fire and Rescue**—This preliminary plan of subdivision has been reviewed 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. There are no Capital Improvement Program (CIP) projects for public safety facilities proposed in the vicinity of the subject site.

   The existing engine service at Clinton Fire/EMS Station, Company 25, located at 9025 Woodyard Road has a service travel time of 3.90 minutes, which is beyond the 3.25-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 3.90 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 3.90 minutes, which is within the 4.25-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 3.90 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 should be provided 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 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

9. **Police Facilities**—The proposed development is within the service area for Police District V located at 6707 Groveton Drive, Clinton, Maryland. 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 July 1, 2008

(U.S. Census Bureau) county population estimate is 820,852. Using 141 square feet per 1,000 residents, it calculates to 115,740 square feet of space for police. The current amount of space, 267,660 square feet exceeds the guideline.

10. **Water and Sewer—**Section 24-122.01(b)(1) of the Subdivision Regulations 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 System.

11. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments to offer.

12. **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, 8005220-1998, was approved on May 14, 2009 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.

13. **Cemeteries**—No Cemeteries have been identified on the property.

14. **Historic**—A Phase I archeological survey is not recommended on the above-referenced 9.47-acre property located on the east side of Ferry Avenue, about 400 feet south of Old Alexandria Ferry Road in Clinton, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. However, the applicant should be aware that there is one previously identified archeological site, a late 20th century standing farmstead, located within a one-mile radius of the subject property.

    Moreover, Section 106 of the National Historic Preservation Act (NHPA) and the Maryland Historical Trust Act of 1985 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.

15. **Andrews Air Force**—This property is not located within any identified noise contour or Accident Potential Zone (APZ), as documented in the 2007 Andrews AFB Air Installation Compatible Use Zone (AICUZ) study.

    This property is located underneath the inner horizontal airspace imaginary surface for Andrews AFB, with a threshold elevation of 150 feet. Section 27-548.39(b) of the Zoning

Ordinance requires that every application for permit and preliminary plan shall demonstrate compliance with the height restrictions of Section 27-548.42(b). This section restricts the height of buildings and other structures to no greater than 150 feet unless the applicant demonstrates compliance with FAR Part 77, of the Federal Aviation Regulations.

16. **Use Conversion**—The subject property is zoned C-M. 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 subdivisions, a new preliminary plan should be required if residential development is to be considered.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * * * * * * * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Vaughns and Clark absent at its regular meeting held on Thursday, October 22, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of November 2009.

Patricia Colihan Barney
Acting Executive Director

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:QN:arj