

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

WHEREAS, VOB Limited Partnership is the owner of a 28-acre parcel of land known as Tax Maps 85-C1 and 85-C2, in Grid C-4, and is also known as Lot 1 (NLP 135 @ 38) and Parcel 16, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on July 21, 2010, VOB Limited Partnership filed an application for approval of a Preliminary Plan of Subdivision for 19 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09041 for Beech Tree C-S-C Parcel 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 January 13, 2011, 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 January 13, 2011, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

†*WHEREAS, by letter dated June 8, 2015, the applicant requested a reconsideration of Condition 12 and Finding 8 relating to transportation; and

†*WHEREAS, on July 2, 2015, the Planning Board approved the request for reconsideration based on other good cause in furtherance of substantial public interest; and

†*WHEREAS, on July 2, 2015, the Planning Board heard testimony regarding the reconsideration; and

††WHEREAS, by letter dated September 20, 2019, the applicant requested a waiver and reconsideration of Condition 21(c) and Finding 18 relating to denial of access; and

††WHEREAS, on October 10, 2019, the Planning Board approved the waiver and request for reconsideration based on other good cause in furtherance of substantial public interest; and

††Denotes 2019 Amendment

†*Denotes 2015 Amendment

*Denotes 2015 Correction

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††WHEREAS, on November 21, 2019, the Planning Board heard testimony regarding the reconsideration; and

†††WHEREAS, by letter dated June 10, 2020, the applicant requested a waiver and reconsideration of Conditions 7, 12, and 13(a) through (d), and Finding 8, relating to the trip cap and associated transportation improvements; and

†††WHEREAS, on July 9, 2020, the Planning Board approved the waiver and request for reconsideration based on other good cause, inadvertence, and in furtherance of substantial public interest; and

†††WHEREAS, on September 10, 2020, the Planning Board heard testimony regarding the reconsideration.

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 1 Tree Conservation Plan (~~*[TCP1-073-97-02]~~ TCP1-011-10), and APPROVED Variance Application No. VWC-09041, and further APPROVED Preliminary Plan of Subdivision 4-09041, Beech Tree C-S-C Parcel for 19 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. In accordance with Applicant's Exhibit A which revises the lotting pattern around the historic house and preserves the PMA south of Effie Bowie Drive.
 - b. Provide a note that a standard sidewalk shall be provided along the subject site's entire frontage of Moores Plains Boulevard, unless modified by the Department of Public Works and Transportation (DPW&T).
 - c. Combine Notes 7 and 8 to reflect "Water and Sewer Category 3."
 - d. Label the existing sign easement at the northwestern portion of the site and indicate ownership of the sign and benefitted party to the proposed easement, as appropriate.
 - e. Note each parcel's proposed ownership.

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- f. Re-label commercial parcels in numeric order and open space parcels alphabetically.
 - g. Provide a revised cover sheet excluding the overall Beech Tree development.
 - h. Label Leeland Road as under DPW&T jurisdiction.
 - i. Remove the parcel designation for Effie Bowie Drive.
 - j. Label conveyance of Parcel K to business owners association.
 - k. Provide zoning and ownership of abutting properties.
 - l. Amend General Note 18 to include the approval date of the stormwater management concept plan.
 - m. Delineate and label the Hilleary farm and cemetery on the preliminary plan.
 - n. Provide matchlines that cannot be mistaken as parcel lines.
 - o. Provide gross and net tract area on Parcels G, M, L, and A-3.
 - p. Restate General Note 36 to fully explain how access for the entire site is being provided.
 - q. Delineate the 20-foot scenic road easement outside the 10-foot public utility easement (PUE) along Leeland Road, and add a note stating that the full width and location of any scenic road easement may be modified at the time of DSP.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 27465-2007-00 and any subsequent revisions.
 3. At the time of final plat, the applicant shall grant a ten-foot PUE along the public and private rights-of-way as delineated on the approved preliminary plan of subdivision. The PUE shall remain free and clear of site improvements unless express permission is granted by all of the affected utility companies. The ten-foot PUE along the private street may be relocated within the street if permission is granted by all affected utility companies prior to approval of the DSP.
 4. Prior to the issuance of building permits, the applicant shall demonstrate that the abandoned shallow well and abandoned deep well (PG-73-0730) adjacent to the existing historic house (Beechwood) has been backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department. The location of both wells shall be located on the preliminary plan. Any modification to this condition requires approval by the Health Department.

5. Any residential development on this site other than a residential use of the Beechwood Historic Site will require the approval of a new preliminary plan of subdivision prior to the approval of building permits for new residential structure(s).
6. At the time of final plat approval, the applicant shall dedicate rights-of-way along Leeland Road, Effie Bowie Drive, and US 301 in accordance with the approved preliminary plan of subdivision.
7. The total development within the subject property shall be limited to uses which generate no more than †††~~[105 (64 in, 41 out)]~~ 236 AM peak-hour trips and †††~~[672 (336 in, 336 out)]~~ 813 PM peak-hour trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. 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.
8. Development of this subdivision shall be in compliance with approved Type 1 Tree Conservation Plan (*~~[TCP1-007-10]~~ TCP1-011-10). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (*~~[TCP1-007-10]~~ TCP1-011-10), or as modified by the Type 2 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, Planning Department.”
9. Prior to the issuance of a grading or building permit for any lot south of Effie Bowie Drive a DSP shall be approved by the Planning Board or its designee for the Beechwood Historic Site (#79-60) environmental setting. A detailed site plan shall not be required for the lot containing the Beechwood Historic Site if it is to be used as a residence, however, all exterior rehabilitation or site modifications related to the Beechwood Historic Site lot shall be referred to the Historic Preservation Commission for review and approval through the HPC’s Historic Area Work Permit (HAWP) process prior to issuance of any grading or building permits. Notwithstanding, a detailed site plan and variance will be required for a disturbance to any historic or specimen tree on the Beechwood Historic Site lot not approved as part of preliminary plan 4-09041.

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10. Prior to the approval of any grading permit for parcels north of Effie Bowie Drive, a DSP shall be reviewed by the Historic Preservation Commission and approved by the Planning Board.
11. 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.
12. Prior to the issuance of †*[~~any~~] a building permit †*for each of the following stages of development, in lieu of construction along US 301, the applicant shall pay to DPW&T an amount calculated as †††[~~\$1,165,325.00~~] \$1,268,549.00 x (Engineering News Record (ENR) Construction Cost Index at time of payment) / (ENR Construction Cost Index for 2nd quarter, 1989).

†*The aforementioned fee shall be prorated for each of the proposed development stages as follows:

- Stage I – 125,000 square feet
- Stage II – 75,000 square feet
- Stage III – 25,000 square feet
- Stage IV – 25,000 square feet
- Stage V – 50,000 square feet

13. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant, his heirs, successors and/or assignees:

Leeland Road/Moores Plains Boulevard

†††[~~a. Construct a right turn lane at the eastbound approach~~]

†††[~~b. Construct a left turn lane at the westbound approach~~]

†††[~~e.~~] a. Install a traffic signal if deemed †††warranted and necessary by DPW&T. †††This would also include any turn lanes deemed necessary by DPW&T.

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Oak Grove Road/Church Road

†††[~~e~~] b. Construct a separate left lane and a shared through and right turn lane on the eastbound approach, †††unless modified by DPW&T. Further, this improvement is not required if relocated Oak Grove Road is bonded to create the new relocated intersection of Oak Grove Road at Church Road.

Oak Grove Road/MD 193

†††[~~e~~] c. Widen the existing one-lane roundabout to provide two travel lanes

†††[~~f~~] d. On the southbound (MD 193) leg of the roundabout, provide a through lane and a shared through and left turn lane

†††[~~g~~] e. On the northbound (MD 193) leg of the roundabout, provide a through lane and a shared through and right turn lane

†††[~~h~~] f. On the westbound (Oak Grove Road) leg of the roundabout, provide a left turn lane and a shared right and left turn lane

14. Prior to the issuance of any building permit, the following improvement shall be in place or under construction:
- Widen the Leeland Road culvert located at Eastern branch, approximately 3,000 feet west of US 301 to provide two continuous travel lanes along Leeland Road between Moores Plains Boulevard and MD 193.
15. Unless modified by DPW&T the applicant shall:
- a. Provide striped or decorative crosswalks, within the right-of-way, at all approaches to both traffic circles (Moores Plains Boulevard at Effie Bowie Drive and Effie Bowie Drive at High Street).
 - b. Construct an eight-foot-wide sidepath, within the right-of-way, along the subject property's frontage of Leeland Road west of High Street.
16. Prior to signature approval of the preliminary plan, the preliminary plan and TCP1 shall correctly reflect the information on the revised and approved natural resources inventory (NRI).

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17. Prior to signature approval of the preliminary plan, the TCP1 shall be revised as follows:
- a. Revise Notes 7 and 8 to reflect the location of the site in the Developing Tier and adjacent to a designated scenic road.
 - b. Revise the “Specimen, Champion, and Historic Tree” table to show the proposed disposition of each tree based on the decision of the Planning Board regarding the variance requests for removal. Said table shall show that trees numbered 23, 25, and 33 shall be removed. A note shall be added to the TCP1 that states that the condition and continued retention of trees 21, 22, 24, 30, 32, and 34 shall be reviewed and considered at time of DSP.
 - c. Provide additional on-site woodland conservation credit on the worksheet if desired, based on the decision of the Planning Board regarding the variance requests for removal, for specimen and historic trees outside of a woodland conservation area.
 - d. Add the TCP1 number to the approval block.
 - e. Revise the limits of disturbance to eliminate grading into the critical root zones of the specimen and historic trees to be preserved.
 - f. Add the following note:

“TCP1-011-10 is separated from TCPI/073/97 with the review and approval of Preliminary Plan 4-09041.”
 - g. Have the revised plan signed and dated by the qualified professional who prepared them.
 - h. Add the following note:

“This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (date): The removal of 88 specimen or historic trees (Section 25-122(b)(1)(G))”
18. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-011-10). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-011-10 or most recent revision), or as modified by the Type 2 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 and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the

subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”

19. The Type 2 tree conservation plan (TCP2) shall be approved with the detailed site plan (DSP) and shall include an invasive species management plan to address the invasive plant populations identified in the priority preservation woodlands located in Stand 1 and as identified on the NRI.
20. Prior to the approval of the DSP, Beech Tree C-S-C shall demonstrate compliance with Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, by the addition of a tree canopy coverage schedule to the landscape plan.
21. Prior to signature approval of the preliminary plan, the preliminary plan and TCP1 shall be revised to eliminate all impacts to the PMA identified as Area A. Impacts for stormwater outfalls may be considered at the time of detailed site plan review.
22. Prior to the issuance of any grading permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, demonstrate that approval conditions have been complied with, and submit any associated mitigation plans.
24. Prior to the approval of the first detailed site plan for the property, the applicant, his heirs, successors and/or assigns, shall provide examples of signage and other interpretive and commemorative measures describing the history and significance of the Beechwood property including its agricultural, social and cultural heritage as well as the Hilleary Family cemetery. The location, quantity, and character of any required interpretive measures shall be determined by the Historic Preservation Commission and the Planning Board as part of their review and approval of the first detailed site plan for the property.
25. The DSP shall ensure that underground utilities or stormwater management conveyances shall not be installed within delineated critical root zones of specimen or historic trees to be retained within the environmental setting of the historic site.
26. The final plat shall reflect a 20-foot scenic easement outside the 10-foot PUE along Leeland Road.
27. The detailed site plan(s) shall address the protection of significant environmental areas on-site; the retention and protection of specimen/historic trees and their critical root zones on one lot with the historic site to support conservation and management of the resource; sensitive treatment of the environmental setting of the historic site; appropriate lotting patterns to retain one-acre of contiguous unencumbered area on a lot for development; and the location of any utility easements which may impact the retention or conservation of specimen and historic trees.
28. Roadway improvements on Leeland Road shall be carried out in accordance with the “Design Guidelines and Standards for Scenic and Historic Roads” prepared by the Department of Public Works and Transportation (DPW&T).

29. Prior to approval of the detailed site plan, an inventory of significant visual features shall be submitted for evaluation of the frontage of the subject property related to scenic Leeland Road, and appropriate treatment identified at that time.
30. The detailed site plan(s) shall address views from Leeland Road and the preservation, conservation, and enhancement of the scenic road elements. The detailed site plan shall address the following:
 - a. Views from the scenic road;
 - b. Preservation, conservation, and/or enhancement of the key scenic elements identified in the inventory;
 - c. Conservation enhancement of the key scenic element of the site;
 - d. Landscape buffers and planting areas along and adjacent to the right-of-way;
 - e. The placement of buildings and site features; and
 - f. Entrance features.
31. The following notes shall be placed on the final plat:
 - a. “Leeland Road is a county designated Scenic Road.”
 - b. “Access is authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations.”
 - ~~††[e. Label denial of access along Leeland Road, Moores Plains Boulevard, and US 301.]~~
 - ††c. Label denial of access along US 301 (Robert Crain Highway), Moores Plains Boulevard, and Leeland Road (between Moores Plains Boulevard and High Street), and add a plat note indicating that access from Leeland Road (between High Street and US 301) shall only be permitted subject to approval of an access permit by the appropriate permitting agency.
32. The detailed site plan for the subject property shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is

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minimized. At the time of DSP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on the DSP:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”

33. Prior to signature approval of the preliminary plan, the TCP1 shall be revised to show a conceptual layout and limits of disturbance that preserve the specimen and historic trees that are required to be preserved.
34. At the time of detailed site plan review, careful consideration shall be given to the preservation of at least the critical root zones of the specimen and historic trees that are required to be preserved. Fragmentation of root zone areas and the use of retaining walls shall be minimized.
35. Prior to signature approval of the TCP2, a detailed tree preservation plan shall be prepared and submitted for review as part of the final TCP2. The tree preservation plan shall include the methods to be implemented to ensure long-term survival of the specimen and historic trees required to be preserved. These methods shall include, but not be limited to, appropriate tree protective devices, tree care treatments, and watering during droughts.
36. If woodland conservation credit is claimed for the preservation of specimen or historic trees, a bond equal to the amount of removal and replacement of the specimen or historic trees shall be posted per Section 25-122(d) of the County Code.
37. Prior to issuance of the first grading permit impacting the vicinity of the tobacco barn at the northeast corner of the property, the applicant shall either relocate the tobacco barn to an area within the Environmental Setting of Beechwood Historic Site (#79-060) or seek to integrate and preserve the existing barn as a themed feature within the proposed shopping center. If the barn is utilized as a themed feature within the proposed shopping center, the applicant shall be allowed to continue to display fabric signage from the side(s) of the structure to advertise the site. In the event that the barn is relocated within the Beechwood Historic Site's environmental setting, a Historic Area Work Permit (HAWP) shall be required.
38. Prior to issuance of any grading permit, the applicant shall secure the required authorization from the Maryland State's Attorney office to relocate the Hilleary Family Cemetery (18PR978), as well as any required permit from the County Health Department, and ensure that proof of notice of the relocation of the cemetery is published in a local newspaper according to the requirements of the Maryland State's Attorney office.
39. Prior to the issuance of any grading permit, the applicant, his successors and/or assigns, shall submit a plan for the relocation of the cemetery to the Historic Preservation Section. The plan shall indicate the re-interment location of the Hilleary Family Cemetery and demonstrate acceptance of the remains by the new cemetery.

40. The applicant shall be required to submit semi-annual condition reports for the Beechwood Historic Site (#79-060) to the HPC staff for review. These reports are to be filed April 1st and October 1st each year beginning in 2011 and will be required until the issuance of a Use & Occupancy permit for the Historic Site. Within 15 days of the receipt of the semi-annual reports, the HPC staff shall acknowledge in writing to the applicant the receipt of the report, its adequacy, the potential need for on-site inspection, and any required remedies necessary to avoid the initiation of demolition-by-neglect based on documented conditions. The applicant's semi-annual condition reports shall include photographs and written descriptions of conditions at the property including but not limited to: security and stabilization measures already in place and potentially necessary to address current conditions; the general architectural and structural integrity of roof, exterior walls and carpentry details and paint film, foundations and steps; the general condition of interior details including but not limited to interior carpentry such as floors, walls, ceilings and stairs with specific attention to water infiltration and vermin- or insect-related damage or deterioration. Other conditions to be noted should include but are not limited to: the condition of existing landscape features and topography and any affects from grading or construction activities in the vicinity of the Historic Site; the inappropriate or unauthorized storage of vehicles or building materials or trash within the Historic Site's Environmental Setting (other than the existing contractor storage on the property, which shall not be enlarged). The Historic Preservation Section staff shall certify that the required semi-annual reports are received and accepted prior to the approval of any concurrent applications for the property as a whole.
41. Prior to the issuance of the building permit representing 60% or 180,000 square feet of the total floor area approved for the proposed shopping center, the applicant, his successor and/or assigns, shall submit the HAWP for the rehabilitation of the Beechwood Historic Site. The HAWP shall be approved prior to the issuance of a Use & Occupancy permit for the first 180,000 square feet or 60% of the total square footage of the development.
42. Prior to acceptance of the first detailed site plan, a final technical stormwater plan shall be prepared and submitted to DPW&T, the Prince George's Soil Conservation District, and M-NCPPC for review and comment. The final technical plan shall demonstrate the use of environmental site design techniques to the maximum extent practicable. After comments from all agencies have been received and addressed, the detailed site plan shall be revised to reflect the proposed plan.
43. Prior to acceptance of the first detailed site plan a stream and/or wetland restoration package shall be resubmitted that is at least generally equivalent to, or a greater benefit than, the total of all impacts proposed. The package will be evaluated as part of the detailed site plan review and a recommendation shall be made to the Planning Board.

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. **Setting**—The subject property is located in the Developing Tier along the southern edge of Leeland Road and along the western edge of Robert S. Crain Highway (US 301).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the approved development.

	EXISTING	APPROVED
Zone	C-S-C	C-S-C
Use(s)	Vacant/Historic House and Barn	Commercial/Retail Historic House and Barn
Acreage	28.0	28.0
Lots	1	0
Outlots	0	0
Parcels	1	19
Public Safety Mitigation Fee		No
Gross Floor Area	0 sq. ft.	300,000 sq. ft.
Variance	No	Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on August 6, 2010.

4. **Environmental**—The Environmental Planning Section has reviewed a revised preliminary plan and Type 1 Tree Conservation Plan for Beech Tree C-S-C Parcel, stamped as received by the Environmental Planning Section on December 10, 2010, and other supplemental materials received over the review period.

The Planning Board approves Preliminary Plan 4-09041 and Type 1 Tree Conservation Plan TCP1-011-10 subject to conditions. A variance to Section 25-122(b)(1)(G) of the County Code was also requested with the review for the removal of 13 specimen and 84 historic trees located on the subject property. The Planning Board does not approve a variance for the removal of Specimen Tree 34 or the removal of Historic Trees 21, 22, 24, 30, and 32 as discussed further. The other requested variances to Division 2 of Subtitle 25 are approved.

Background

The overall Beech Tree development was the subject of the following approved cases and plans: Zoning Map Amendments A-9762 and A-9763-C; Comprehensive Design Plan CDP-9706; and Type I Tree Conservation Plan TCP I/73/97. There is no prior preliminary plan on this portion of the Beech Tree development, which is identified as Lot 1 (NLP 135 @ 38) and Parcel 16. As such, it is not grandfathered from the environmental provisions of Subtitle 24 that became effective September 1, 2010.

Lot 1 and Parcel 16 were recently rezoned from L-A-C to C-S-C, and are therefore no longer subject to conditions related to the comprehensive design zone approval for the overall Beech Tree development. Lot 1 and Parcel 16 were previously included in the TCPI for the overall Beech Tree site with the intention that all of the woodland conservation required for the development of this site would be provided on other parcels within the Beech Tree development. A separate TCPI has been submitted with the subject application, which will allow portions of the woodland conservation requirements to be provided off-site of the Beech Tree development. Because the applicant has chosen to separate this TCP from the previously approved TCPI and that this site has not been the subject of a preliminary plan, the TCPI associated with this application must meet all of the current requirements of the Woodland and Wildlife Habitat Conservation Ordinance and is not grandfathered.

The current application is a proposed subdivision of a 28.0-acre parcel in the C-S-C Zone for the development of a commercial shopping center consisting of 19 parcels.

Site Description

According to the approved natural resources inventory (NRI), streams, wetlands, and associated wetland buffers are found to occur on this property. The NRI indicates that the site is approximately 33 percent wooded. According to the Web Soil Survey for Prince George's County (USDA Natural Resources Conservation Service (NRCS)), the principal soils on this site are in the Dodon, Marr-Dodon, and Widewater and Issues soil series. Dodon and Marr-Dodon soil pose few specific problems related to land development. Widewater and Issues soils are hydric and present development problems related to high water table and frequent flooding. According to a letter received from the Maryland Department of Natural Resources, Natural Heritage Program, there is a state-listed endangered species found downstream of this property; and five rare, threatened, or endangered (RTE) plant species have been documented in the vicinity of the project site. Leeland Road, a scenic road designated in the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* and the 2009 Subregion 6 Master Plan, is located along the northern boundary of this property. Although a master-planned freeway exists to the east, the proposed commercial use is generally not regulated for noise impacts. The proposed use is not expected to be a noise generator. The property is located in the East Branch subwatershed, in the Collington Branch watershed of the Patuxent River basin, the Subregion 6 master planning area and the Developing Tier of the *Prince George's County Approved General Plan*. The subject property is not located within the designated network of the *Approved Countywide Green Infrastructure Plan*.

Conformance with the Master Plan

The current Subregion 6 Master Plan and Sectional Map Amendment, adopted in 2009, contains the following policies, guidance, and strategies with regards to the long-term view of sustainability for this portion of the county in the Environment Section:

Subregion 6 contains environmental assets of county, state, and even national importance... protecting and enhancing the ecological integrity of the subregion depends upon smart transportation and land use development choices both in and

around the study area, as well as individual decisions on energy and water consumption, waste disposal, etc.

The term green infrastructure is used to encompass the interconnected system of public and private lands containing significant areas of woodlands, wetlands, wildlife habitat, and other sensitive areas that provide valuable ecological functions to current and future generations. Maintaining the longevity of the assets within this environmental infrastructure requires minimal intrusions from land development, light, and noise pollution, as well as an overall orientation to creating a sustainable subregion.

The following sustainability goals relate to restoring the integrity of environmental infrastructure in Subregion 6:

Protect and restore the quality of air, water, and land to preserve biodiversity and environmental health while providing a natural resource base for current and future generations.

In order to mitigate land use-related impacts of climate change and development to ecological functions, implement a watershed-level approach to preserving and restoring the natural environment.

The master plan further identified Collington Branch as a primary corridor, and provides the following strategy:

- 2. Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect specific environmentally-related guidelines pertaining to the subject site.**

The revised proposal can be found to be in conformance with the policies and strategies. A more detailed analysis is provided below in the Conformance with the Green Infrastructure Plan section and the Environmental Review section.

Conformance with the Green Infrastructure Plan

The green infrastructure network identified in the *Approved Countywide Green Infrastructure Plan* is a comprehensive framework for conserving significant environmental ecosystems in Prince George's County. The network is divided into three categories: countywide significant regulated areas, evaluation areas, and network gaps. One of the strategies for implementation of the Green Infrastructure Plan states that network boundaries should be refined during the master plan process to reflect areas of local significance and consider additional opportunities for connectivity and resource protection.

The property does not contain regulated features of countywide significance identified within the designated network of the Countywide Green Infrastructure Plan, but does contain regulated features of local significance located within the primary management area (PMA), and provides an opportunity for refinement of the green infrastructure network at the subwatershed level. In addition, the site is located within the Patuxent River watershed which is designated as a special conservation area in the Countywide Green Infrastructure Plan. Preservation of resources within this corridor is critical to the long-term viability and preservation of the overall green infrastructure network and is critical to preserving the subregion's water quality.

Conservation and preservation of the headwater areas located on the subject property will preserve and improve downstream water quality.

The revised proposal is in conformance with the policies and strategies above.

Environmental Review

A signed Natural Resources Inventory, NRI-005-07, was submitted with the original review package. The NRI indicates that there is one stream, with associated wetlands and wetland buffer on the site, and one additional area of wetlands and wetland buffers. The forest stand delineation (FSD) notes two stands totaling 7.16 acres and 26 specimen trees. The stream, wetlands, and their associated buffers were shown correctly on the original NRI submittal at the time of signing. County Council Bill CB-26-10, effective September 1, 2010, revised the minimum stream buffers and PMA requirements. The previously signed NRI does not meet the current requirements and should be revised.

A revised, approved NRI is required for review of this application that shows the 75-foot-wide minimum stream buffer required in the Developing Tier, the location of all slopes 15 percent or greater, and a revised delineation of the PMA to include all appropriate features. The evaluation of specimen, champion, and historic trees on the site was also required to conform to the requirements of the Environmental Technical Manual, and the critical root zone for the specimen and historic trees present must be expanded to 1.5 feet of critical root zone for every one inch of diameter at breast height.

The environmental features and PMA shown on the revised preliminary plan and TCP1 meet the current requirements and are acceptable; however, an approved NRI is required. Prior to signature approval of the preliminary plan, the preliminary plan and TCP1 should correctly reflect the information on the revised and approved NRI.

The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan (TCPI/073/97) was previously approved with the CDP which included this parcel.

A revised Type 1 tree conservation plan was submitted and stamped as received by the Environmental Planning Section on October 15, 2010. The new TCP1 is separated from the TCP1 previously approved for the comprehensive design zone and from the CDP condition of approval requiring that all woodland conservation be provided on the overall Beech Tree site.

It should be noted that if the newly separated TCP1 for the subject C-S-C-zoned parcel seeks off-site woodland conservation on the overall Beech Tree site subject to the comprehensive design zone, that this off-site woodland conservation must meet the required off-site replacement ratios for preservation at a ratio of 2 to 1 and afforestation may be provided at a ratio of 1 to 1.

The Type 1 Tree Conservation Plan (TCP1-011-10) has been reviewed. The woodland conservation requirement for this site is 4.20 acres (15 percent of the net tract area) plus additional acres due to clearing, for a total requirement of 8.56 acres. The TCP1 proposes to meet the requirement with 0.58 acre of on-site preservation and 7.98 acres of off-site mitigation.

To meet the woodland conservation requirements, a hierarchy of priorities has been established in Division 2 of Subtitle 25, in Section 25-121(b). This site contains priority areas for preservation. In addition, before the off-site option can be considered, all on-site priority areas must be evaluated for preservation and/or habitat enhancement as described in Section 25-122, Conservation Method Priorities. Because the site contains priority areas for preservation and on-site preservation is the highest priority for meeting the woodland conservation requirements, the preservation of on-site resources must be the first consideration in the design of the site.

The 0.58 acre of on-site preservation proposed is a portion of Stand 1B located in conjunction with the PMA in the southwest corner of the site, which is identified as a Priority 1 stand for preservation and for restoration. Another section of Stand 1, labeled as Stand 1A is located centrally along the western property boundary and contains regulated environmental features and PMA; it is also a high-priority preservation and restoration area and is 2.15 acres in size. The plan proposes the removal of all but 0.58 acre of Stand 1B and the entirety of Stand 1A. While Stand 1 does contain invasive and exotic plant materials in the subcanopy, as indicated in the forest stand delineation, the dominant species present are native trees and plants. Preservation of these high-priority woodland areas and the application of management practices to reduce invasive plant species in the understory, both retain and improve these woodlands. The preliminary plan and TCP1 should be revised in accordance with Applicant Exhibit A. The TCP1 must be revised to show the preservation of all of Stand 1 priority preservation areas identified by the NRI in accordance with woodland conservation priorities established in the Woodland and Wildlife Habitat Conservation Ordinance. If a management plan is proposed for removal and control of exotic and/or invasive species for these priority preservation areas, additional woodland conservation credits can be granted towards fulfillment of the requirement on-site.

Another high priority for preservation is the on-site specimen and historic trees associated with Beechwood historic site. An extensive table of 117 specimen and/or historic trees located on the site has been placed on the TCP1 plan, which will be evaluated in conjunction with the variance request below. The existing specimen and historic trees may receive woodland conservation credit by counting twice the square footage of the critical root zone area if they are not within a

designated woodland conservation area and if the site has been designed to ensure long-term survival. The “Specimen, Champion and Historic Table” does not indicate the proposed disposition of the individual trees. The table must be revised to include the disposition of the individual trees identified based on the approval of the variance for removal, and a note placed under the table denoting the outcome of the variance request.

The standard and applicable TCP1 notes have been placed on the plan. However, Note 7 should be revised to indicate that the property is within the Developing Tier and Note 8 that the site is located adjacent to Leeland Road, a designated scenic road.

The TCP1 includes conceptual grading which shows removal of the PMA, and extensive grading into the critical root zones of specimen and historic trees proposed for retention. The TCP1 should be revised to reflect a limit of disturbance which reflects the decision of the Planning Board with regard to impacts to environmental features and the preservation or removal of specimen and historic trees as appropriate. The TCP1 should show no grading into the critical root zone of specimen and historic trees to be preserved and is recommended. At the time of detailed site plan (DSP) and Type 2 tree conservation plan (TCP2) review, grading within the critical root zones of trees to be preserved will be evaluated on a tree-by-tree basis, taking into consideration the size, species, and condition of each tree.

The TCP2 for the subject property should be reviewed with the DSP and include an invasive species management plan to address the invasive plant populations identified in the priority preservation woodlands located in Stand 1 and as identified on the NRI.

The TCP2 must demonstrate compliance with the tree canopy coverage requirements of Division 3 of Subtitle 25. The requirement in the C-S-C Zone is ten percent of the gross tract area; woodland conservation can be credited towards this requirement.

This site contains regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. Impacts to these features are prohibited unless the Planning Board finds that the regulated environmental features have been preserved and or restored to the fullest extent possible. The Planning Board will generally not support impacts to regulated environmental features that are not associated with essential development activities, however, the Planning Board finds that the proposed impacts are appropriate.

The current site design shows disturbance of the delineated PMA in Area B on this site for the construction of stormwater management facilities, commercial buildings, construction of a drive aisle, and parking facilities. The Environmental Technical Manual provides guidance regarding avoidance and minimization of impacts to the PMA.

A statement of justification for the requested impacts was submitted on October 15, 2010. Two areas of PMA impacts are proposed, labeled as Areas A and B.

Analysis of Area A Impacts

Impacts proposed in the southwest corner of the site are identified as Area A. The statement of justification states that the plan has been revised to eliminate all impacts to this area, but the TCP1 indicates that the proposed level of disturbance (LOD) is located inside the required wetland buffer and proposes the removal of high-quality woodlands for the extension of a parking lot to the south. To be consistent with the statement of justification, the TCP1 must be revised to reflect no impacts to Area A because the impacts shown are easily avoidable through minor design changes. At the Planning Board hearing the applicant agreed to remove and disturbance to Area A.

Prior to signature approval of the preliminary plan, the preliminary plan and TCP1 shall be revised to eliminate all impacts to the PMA identified as Area A.

Analysis of Area B Impacts

The second proposed area of PMA impacts is Area B, located along the western boundary adjacent to existing Moores Plains Boulevard. Area B includes approximately 77,265 square feet of PMA associated with 4,840 square feet of nontidal wetlands in an area of high-quality woodlands which have a high priority rating for retention. The statement of justification contends that grading of the entire PMA area is necessary for appropriate grades on-site, efficient site circulation patterns, and efficient stormwater management. The statement also states that the preservation of the PMA is "...unreasonable due to the location of the existing environmental features in this area and their conflict with developing a practical, economical and marketable layout for the site..."

Avoidance Analysis

As discussed herein the analysis addresses the avoidance guidance provided in the Environmental Technical Manual.

Minimization Analysis

As discussed herein the analysis addresses the minimization guidance provided in the Environmental Technical Manual.

While there are high points along the northern portion of the site, Area B has a relatively flat grade of between 108 to 112 feet in elevation. The basic circulation pattern of the site with the east-west axis of Effie Bowie Drive (a public road) and north-south axis of High Street can also be maintained if the PMA is preserved. The grading impacts proposed are for the placement of buildings, parking facilities, and access to rear service areas. The justification statement states that the efficient and effective placement of stormwater management facilities in this area requires impacts to the PMA, to which the Planning Board agrees.

Mitigation Analysis

The application package contains a plan that shows a stream stabilization project that is needed downstream to the west of the subject property. It appears that this is the applicant's proposal for stream mitigation because the proposed impacts exceed 200 linear feet of stream beds (the threshold provided in the Environmental Technical Manual for stream mitigation). The U.S.

Army Corps of Engineers (USACE) identified the need for this stream enhancement project downstream because the channel is already degraded and “head cutting” (the severe erosion of a stream from downstream to upstream locations) is occurring.

Summary of Analysis and Recommendations

Because of the large and regular-shaped size of the site, as well as the control points necessitated by the public traffic pattern negotiated with the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA), the retention of Area B imposes undo restrictions on the development of the site as a commercial shopping center.

Section 24-130(b)(5) of the Subdivision Regulations states:

Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible.

Further, guidance is provided in the Environmental Technical Manual with regard to demonstration of the concept of “fullest extent possible” preservation and/or restoration of the PMA. The statement of justification and the plans submitted demonstrate the preservation and/or restoration of the PMA to the fullest extent possible for Area B, which is proposed to be eliminated (77,265 square feet or 1.77 acres of PMA, and 430 linear feet of stream bed) as discussed.

Wetland alteration permits were issued for the impacts proposed with the overall Beech Tree development in 1999, which expired in 2007. The 1999 wetland permits did not include disturbance to wetlands located on the subject property, which were first delineated on an NRI approved in 2007. No previous comprehensive design zone approval took into consideration the location of these wetlands and their required buffers because these approvals preceded the delineation of the newly identified wetlands on Parcel 16.

The applicant made application to the USACE for reissuance of these wetland alteration permits for the overall Beech Tree site in 2007 and included impacts to the wetlands proposed on Parcel 16. These wetland permits have not been approved. As identified by the Historic Preservation Section, issues have arisen with regard to the issuance of the wetland permits related to the appropriate conservation of the Beechwood historic site under the Section 106 review process.

USACE issuance of wetland alteration permits is required for wetland alteration, but it does not override local authority to protect and preserve regulated environmental features in accordance with local ordinances.

Prior to the issuance of any grading permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, demonstrate that approval conditions have been complied with, and submit any associated mitigation plans.

An approved Stormwater Management Concept Plan (27465-2007) was originally submitted with the subject application. The concept approval indicates the payment of a fee-in-lieu of providing any on-site attenuation or quality control facilities with quantity control being accommodated at Lake Presidential. The stormwater management concept plan shows the total disturbance of the PMA delineated on this site with the 2007 NRI approval and the reconfiguration of a stormwater management quality pond to an in-stream location. The approved stormwater management concept plan was not reviewed concurrently with the NRI, which identified the stream and wetland areas on this property as early as December 2006, predating the approval of the stormwater management concept.

A revised stormwater concept plan and approval letter dated July 12, 2007 has been submitted, which shows the PMA limits defined. In addition, a revised NRI is under review for approval which now reflects the required 75-foot-wide stream buffer.

The stormwater management concept plan indicates the relocation of an existing stormwater management pond which is adjacent to, but outside of the PMA, to a direct in-line facility with the complete removal of the PMA.

There is also an aesthetic concern for a facility at the entrance to the community. Residents across the county have expressed their displeasure with the unsightly appearance of stormwater management ponds and have been pressuring DPW&T to conduct more maintenance and retrofit the ponds to improve their appearance. To place a standard design pond at the entrance to this community would be contrary to the desire to provide an attractive view on a heavily traveled road which is one of the primary entrances to the residential development. The pond and the related systems could be designed as an amenity that provides both a pleasant entrance feature to the property and a recreational amenity in conjunction with the shopping center.

The stormwater management concept plan shows the location of a 27-inch diameter stormdrain pipe extending across the historic setting of the Beechwood site to reach a water quality pond, with substantial impacts to the critical root zone of the historic and specimen trees to be retained, and to the retained environmental setting. The placement of this pipe and ground disturbance, which may be caused by other utilities, is inappropriate to the historic site and must be relocated with respect to the environmental setting.

During the review of CDP-9407 in 1995, the Stripeback Darter (*Percina notogramma*), a state endangered fish, was found in the main stem of the Collington and Western Branch watersheds. Prior to 1994, the Stripeback Darter had not been observed in Maryland since the 1940's. Even though it has been documented in the Western Branch, the Stripeback Darter is more prolific in the less developed Collington Branch subwatershed.

Although the subject property is no longer part of the area covered by the CDP for the overall Beech Tree development, it is located upstream of and feeding into Lake Presidential. Because of this location, protection of the water quality and control of water quantity are of importance on this site as they contribute to the overall quality of the rare, threatened, or endangered (RTE) habitat related to a fish of concern. It is acknowledged that the Stripeback Darter does not migrate any further north than the dam of Lake Presidential; however, the lake provides a water control function which is beneficial to this fish's habitat downstream.

In lieu of developing a separate RTE management plan for the site, it is recommended that any future development go forward under the previous agreement made in the final Beech Tree Surface Water Quality Monitoring Program for East Branch (Report #20: July 2009 to December 2009) developed in conjunction with the Environmental Planning Section and the Maryland Department of Natural Resources, and demonstrate that water quality and any species of state concern will not be adversely impacted by the proposed development.

The final Surface Water Quality Monitoring Program for East Branch (Report #20) was submitted on January 29, 2010. The data was collected in accordance with the methodology outlined in the Surface Water Quality Monitoring and Habitat Management Program (prepared by McCarthy & Associates, Inc. and dated May 1998, revised) and as approved by the Maryland Department of Natural Resources in a memorandum dated October 8, 1998 from Ray C. Dintamin, Jr. to Dave Boellner, Maryland Department of the Environment.

The Surface Water Quality Monitoring Program included the following elements:

- (1) Biannual reporting, with the first report shall be submitted within 6 months from the date of initial sampling.
- (2) Monthly turbidity measurements.
- (3) Water chemistry conducted on a bimonthly basis, and in addition to the base flow monitoring, including at least three storm events that are roughly twice the volume of base flow conditions during the baseline phase, construction phase, and each year of the operations monitoring phase for the listed pollutants.
- (4) Habitat assessment twice a year.
- (5) Two thermographs installed on-site to measure water temperature during the baseline, construction, and post construction phases outlined in the Water Quality and Habitat Management Report, with temperature gauges shall be installed at the outfall of the lake and further south in East Branch, near its confluence with Collington Branch.

The habitat assessment field data sheets in the final report indicate that, for Station No. 2 (the testing station downstream of the subject property), several important factors were ranked as marginal. These included: bottom substrate/available cover, bottom substrate/characterization, poor variability, sediment deposition, channel flow status, bank vegetative cover, and bank stability.

The report summary provides the following conclusions:

“During the second half of 2009, Maryland experienced an above average rainfall. Base flow levels at both stations remained stable through late-summer and into the winter. Physio-chemical data for year had remained generally with previously observed ranges.

“During the past 11 years the East Branch has seen above average rainfall, drought, the construction of the golf course as well as the construction of the lake. The physio-chemical data that has been collected during that time revealed that the East Branch has generally remained within acceptable limits with the exception of a few brief periods of time. Turbidity exceeded MDE’s normal limits only a few select times while the project was under construction. Dissolved oxygen was below MDE’s acceptable limits numerous times during the two severe drought cycles Maryland had experienced in the past 11 years. In addition, drought also played a significant role in decreasing the density and numbers of macro-invertebrate species with the stream system. Very little has changed in the way of physical effects on the stream. Since the creation of the lake, the East Branch no longer dries up during the summer months. On the other hand, flow volumes have increased which has caused some minor bank erosion along a few stream bends.”

Considering the overall high quality of the Collington and Eastern Branch watersheds, the protection of sensitive environmental features on the site related to water quality is key to, at a minimum, maintaining the water quality and habitat of the identified RTE fish species. At the Planning Board hearing on January 13, 2011, the applicant requested the Board's approval of the impact of the Priority Management Area B. Impacts to this area would require additional findings and conditions in order to implement these impacts.

Section 24-130(b)(5) states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible.”

Guidance is provided in the Environmental Technical Manual with regard to demonstration of the concept of “fullest extent possible” preservation and/or restoration of the PMA.

The applicant demonstrated during the hearing held on January 13, 2011, that the PMA for Area A will be preserved and/or restored to the fullest extent possible. The applicant will eliminate Area B which is composed of 77,265 square feet or 1.77 acres of PMA and 430 linear feet of

stream bed. The Planning Board agreed with the applicant that the proposed impact to Area B is necessary per the Manual and can be eliminated.

A change in stormwater management may be necessary to ensure that the downstream degradation of offsite stream channels will not continue with the proposed development. The final technical plan should demonstrate the use of environmental site design techniques to the maximum extent practicable.

A stream and/or wetland restoration package is required that is at least generally equivalent to, or a greater benefit than, the total of all impacts proposed. The applicant identified a restoration package with its application, and elaborated on said proffer in detail at the Planning Board hearing on January 13, 2011.

The applicant proposes to subdivide the subject property into 19 separate parcels based on a conceptual design for a shopping center. Based on previous comments, the proposed layout of the subdivision may require possible alterations in the future in order to respond to Section 106 concerns related to the re-approval of wetland permits for the overall site, which include the wetland permits necessary for the subject property.

Marlboro Clay presents a special problem for development of the overall Beech Tree site. Comprehensive design plan Consideration 6 of A-9763-C was adopted to address this issue. The greatest concern was the potential for large scale slope failure with damage to structures and infrastructure. Marlboro clay creates a weak zone in the subsurface; areas adjacent to steep slopes have naturally occurring landslides. Grading in the vicinity of Marlboro Clay outcrops on steep slopes can increase the likelihood of a landslide, and special engineering treatments may be required.

The Planning Board directed that the following note be added to CDP-9407, which was applicable to this property:

The envelopes shown on this plan are conceptual and may be modified at time of approval of the Specific Design Plan to minimize risks posed by Marlboro Clay. Prior to the approval of any SDP which contains a High Risk Area, a Geotechnical Study, following the “Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments” prepared by the Prince George’s County Unstable Soils Taskforce, shall be submitted for review and approval by the Natural Resources Division and the Prince George’s County Department of Environmental Resources to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-297 of the Building Code.

The following condition was approved by the Planning Board for 4-00010, PGCPB Resolution No. 00-127:

Condition 8. As part of the submission of a Specific Design Plan (SDP) for any High Risk Area, the applicant shall submit a geotechnical report for approval by M-NCPPC Environmental Planning Section, the Prince George's County Department of Public Works and Transportation, and the Prince George's County Department of Environmental Resources. The SDP shall show the proposed 1.5 Safety Factor Line. Adjustments to lot lines and the public rights-of-way shall be made during the review of the SDP. No residential lot shall contain any portion of unsafe land.

A geotechnical report, dated March 2006, was previously submitted for the C-S-C-zoned portion of the Beech Tree site, which was reviewed and found to meet all requirements. Environmental Planning determined that high risk areas do not occur on this portion of the Beech Tree site, although in some areas special drainage measures, road construction, and foundation construction methods may be needed.

DPW&T may require a soils report in conformance with CB-94-2004 during the permit review process. According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Bibb and Westphalia soil series. Westphalia soils pose no particular problems related to land development. Bibb soils are hydric and present development problems related to high water table and flooding. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review.

Leeland Road was designated a scenic road in the 2009 Subregion 6 and Bowie and Vicinity Master Plans, and has the functional classification of a collector. Improvements within the right-of-way of a scenic road are subject to approval by DPW&T under the *Design Guidelines and Standards for Scenic and Historic Roads, Prince George's County*. The applicant will be required to make available adequate base information so that attending agencies can make fundamental design decisions. Roadway design criteria will be determined for the roadway by DPW&T with consideration of the scenic features of the site. Design decisions will represent a compromise agreement based on the design guidelines and standards for scenic and historic roads, minimum DPW&T safety standards, and minimum AASHTO (American Association of State Highway and Transportation Officials) design standards.

Evaluation of the right-of-way and viewshed of a scenic and/or historic road requires the submittal of an inventory of significant visual features. For guidance in preparing a visual inventory, see *National Register Bulletin 18: How to Evaluate and Nominate Designed Historic Landscapes* and *National Register Bulletin 30: Guidelines for Evaluating and Documenting Rural Historic Landscapes* or consult with the Environmental Planning Section. Inventory information may be included on the forest stand delineation or tree conservation plan for the site if appropriate, or in a separate document, and may include text, photographs, or other items which provide information necessary to evaluate visual quality.

The recommended detailed site plan should address views from the road and the preservation, conservation, and enhancement of the scenic road elements. The detailed site plan should address the following:

- a. Views from the scenic/historic road;
- b. Preservation, conservation, and/or enhancement of the key scenic elements identified in a submitted and reviewed viewshed inventory;
- c. Conservation enhancement of the key scenic element of the site;
- d. Landscape buffers and planting areas along and adjacent to the right-of-way;
- e. The placement of buildings and site features; and
- f. Entrance features.

An inventory was not requested with the preliminary plan application, but must be submitted at the time of detailed site plan review related to the scenic road.

The placement of a scenic easement to retain scenic elements and features is appropriate and should be required to enhance the scenic quality.

Policy 5 in the Environmental Infrastructure chapter of the General Plan calls for the reduction of overall sky glow, minimizing of the spill-over of light from one property to the next, and a reduction of glare from light fixtures. This is of particular concern on a commercial site such as the subject application because of the nearby residential uses and the adjacent uses in the Rural Tier which will be directly impacted. Lighting is also of particular concern in this location because it is adjacent to environmentally-sensitive areas.

The proposed lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized, and so that sky glow does not increase as a result of this development. A lighting analysis should occur at the time of detailed site plan review.

Variance for Specimen Tree Removal

A total of 117 specimen and historic trees were identified and evaluated on the site. Information on these trees is provided in a table on the TCP1. A revised variance request to Section 25-122(b)(1)(G) was received on December 10, 2010 requesting approval for the removal of 13 specimen and 84 historic trees located on the subject property.

Specimen trees are defined as trees having a diameter at breast height of 30 inches or more; trees having 75 percent or more of the diameter at breast height of the current champion or that species; or a particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species.

Historic trees are defined in Section 25-118(b) of the County Code as “A tree that is part of a historic site or associated with a historic structure.”

The location of the environmental setting for the site is critical to the evaluation of the variance request to remove specimen and historic trees. It should be noted that the original environmental setting for the subject property was the entire Beech Tree parcel, and now the environmental setting has been reduced to 5.33 acres as approved by the Historic Preservation Commission. Many of the trees that are being requested for removal are within the 5.33-acre environmental setting.

Environmental Planning and Historic Preservation Section staff visited the site on November 5, 2010. During the visit, the historic and specimen trees within the Beechwood environmental setting (5.33 acres) and along the property’s historic entry lane were observed and their conditions were noted. It was determined that the historic circular drive to the north of Beechwood and the trees and landscaping associated with the circular drive contributed directly to the site’s integrity and character and are conservation priorities. There are approximately 96 historic and specimen trees within the environmental setting of Beechwood, and 32 historic and specimen trees are located in the immediate vicinity of Beechwood, which contribute directly to the site’s integrity and character. These 32 trees are considered a high priority for preservation within the environmental setting due to the direct contribution provided to the character of the historic site.

The variance request to Section 25-122(b)(1)(G) contains a total of 97 specimen and historic trees requested for removal, of the 117 which exist on the site. Environmental Planning evaluated whether they were located in the contributing landscape setting in the vicinity of the historic site, which is the highest priority for preservation. Trees that were included in the contributing landscape setting were then reviewed for their existing condition. If the condition quality was found to be poor or lower, staff would support the removal of the tree. The table below summarizes the recommendations of staff using this methodology.

In summary, staff supports the removal of 88 of the 97 specimen and historic trees requested to be removed.

Tree(s) for which Variance for Removal is Requested	Comment	Recommendation
Tree #2	Within contributing setting, poor or lower condition	Support variance for removal
Tree #6	Within contributing setting, poor or lower condition	Support variance for removal
Tree #11	Within contributing setting, poor or lower condition	Support variance for removal

Tree(s) for which Variance for Removal is Requested	Comment	Recommendation
Tree #12	Within contributing setting, poor or lower condition	Support variance for removal
Tree #14	Outside of contributing setting	Support variance for removal
Tree #20	Outside of contributing setting	Support variance for removal
Tree #21	Within contributing setting, in fair or better condition	Preserve tree
Tree #22	Within contributing setting, in fair or better condition	Preserve tree
Tree #23	Within contributing setting, in fair or better condition	Support variance for removal
Tree #24	Within contributing setting, in fair or better condition	Preserve tree
Tree #25	Within contributing setting, in fair or better condition	Support variance for removal
Tree #26	Within contributing setting, poor or lower condition	Support variance for removal
Tree #28	Within contributing setting, poor or lower condition	Support variance for removal
Tree #29	Within contributing setting, poor or lower condition	Support variance for removal
Tree #30	Within contributing setting, in fair or better condition	Preserve tree
Tree #31	Within contributing setting, poor or lower condition	Support variance for removal
Tree #32	Within contributing setting, in fair or better condition	Preserve tree
Tree #33	Within contributing setting, in fair or better condition	Support variance for removal
Tree #34	Within contributing setting, in fair or better condition	Preserve tree
Trees #35 through 39	Outside contributing setting, located in proposed public right- of-way	Support variance for removal

Tree(s) for which Variance for Removal is Requested	Comment	Recommendation
Tree #40	Outside contributing setting	Support variance for removal
Tree #41	Outside contributing setting, located in SHA dedication	Support variance for removal
Tree #42 through 44	Outside contributing setting, located in SHA dedication	Support variance for removal
Tree #47	Outside contributing setting, located in SHA dedication	Support variance for removal
Tree #48	Outside contributing setting, grading impacts due to SHA	Support variance for removal
Tree #49	Outside contributing setting, grading impacts due to SHA	Support variance for removal
Tree #50	Outside contributing setting, outside of PMA	Support variance for removal
Tree #51	Outside contributing setting, outside of PMA	Support variance for removal
Trees #52 through 106	Outside contributing setting	Support variance for removal
Trees #107 through 117	Outside contributing setting	Support variance for removal

Section 25-119(d) contains six required findings [text in bold below] to be made before a variance from the Woodland and Wildlife Habitat Conservation Ordinance can be granted. An evaluation of this variance request with respect to the required findings is provided below.

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The subject property was previously proposed for L-A-C development and is now zoned C-S-C which allows for commercial development of the site.

The majority of the specimen and historic trees are clustered in the landscape setting of a historic site, which is a high priority for conservation during the development process. This is a special condition peculiar to the property, but is not an unwarranted hardship because it has long been considered in the overall design of the Beech Tree development. A careful evaluation of the contributing character of the landscape setting for the historic resource was performed. After the limits of this reduced landscape setting within the entire environmental setting were established, careful consideration was given to the location, species, and condition of the identified scenic and historic trees. A determination of unwarranted hardship was based on whether the preservation of a particular tree contributed significantly to the integrity of the landscape setting and whether the preservation of a tree resulted in the ability of the designers to meet other requirements of the

design. As a result, the preservation of **Trees 2, 6, 11, 12, 14, 20, 26, 28, 29, and 31** are found to be an unwarranted hardship and their removal is supported. An unwarranted hardship was not found to exist relative to the other trees requested for removal in this area.

Trees 14 and 35 through 40 are located in the proposed right-of-way of Effie Bowie Drive, which has been located within the fixed design points of the circle at Moores Plains Boulevard and the allowable access point to US 301 approved by SHA. The alignment of this road is a special condition which limits the flexibility of the road alignment. Retention of these trees would pose an unwarranted hardship with regard to the previously established transportation pattern for the site. Their removal is supported.

Trees 41 through 49 are located adjacent to or within the required SHA dedication adjacent to US 301, which represents a special condition peculiar to the site. Retaining these trees would cause an unwarranted hardship because they will need to be removed in the future due to the reconstruction of US 301. Their removal is supported.

Trees 50 and 51 are isolated specimens located outside of a PMA. Due to the special circumstances of their location and species, preservation of these trees in a developable portion of the site would represent an unwarranted hardship due to impacts on site grading. Their removal is supported.

Although located within the delineated environmental setting, **Trees 52 through 117** represent a mixture of plant species, lacking in landscape quality, which were located outside of the contributing landscape setting. Retention of **Trees 52 through 117** was found to result in an unwarranted hardship for development of the site because their preservation would result in significant grading challenges and potential limitations on the design of Effie Bowie Drive. Their removal is supported.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

If other properties encounter trees in similar conditions and in similar locations on a site, the same considerations would be provided during the review of the required variance application.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

If other properties encounter trees in similar conditions and in similar locations on a site, the same considerations would be provided during the review of the required variance application.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The removal of the trees as a result of their location on the site and the limitations on site design are not the result of actions by the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The request to remove the trees does not arise from any condition on a neighboring property.

(F) Granting of the variance will not adversely affect water quality.

Granting a variance to remove the specimen trees will not directly affect water quality because the specimen trees are not located within regulated environmental features, and the reduction in tree cover due to specimen tree removal is minimal in comparison to the clearing of 6.58 acres (91 percent) of the woodlands on the site. Specific requirements regarding stormwater management for the site will be further reviewed by DPW&T.

The Planning Board does **not support** the removal of **Trees 21, 22, 24, 32, and 34**, based on the preceding findings.

A detailed site plan has been recommended to address a variety of site-design related issues that remain unresolved. Because the site contains a significant number of specimen and historic trees that are required to be preserved and the current design shown for utilities and grading results in considerable impacts to the critical root zones of trees to be preserved, a tree preservation plan is recommended as part of the detailed site plan and TCP2 review process to designate what methods will be implemented to ensure that the trees required to be preserved will survive long term.

5. **Community Planning**—The applicant proposes to subdivide the property into 20 parcels for the construction of an integrated shopping center. In accordance with the 2002 *Prince George's County Approved General Plan*, 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. The preliminary plan of subdivision application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The proposed land use is consistent with the 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, which rezoned the property from L-A-C to C-S-C. The master plan recommends commercial use on this property, which is consistent with the current zoning.

The commercial uses are consistent with the Subregion 6 Master Plan. The Beech Tree residential development is in a comprehensive design zone, which requires specific design plan (SDP) approval for building layout and design. To ensure compatibility and the attractive design that was originally contemplated for this commercial development, a detailed site plan (DSP) is required as a condition of this approval. The DSP shall address the massing and design of all commercial buildings proposed.

6. **The Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed preliminary plan is exempt from the requirements of mandatory dedication of parkland because it consists of nonresidential development.
7. **Trails**—The preliminary plan was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* (MPOT).

The subject application is located along the south side of Leeland Road, west of US 301. The subject site is within the area covered by the *Approved Subregion 6 Master Plan and Sectional Map Amendment* (area master plan). The application proposes an integrated shopping center on a C-S-C-zoned lot on the periphery of the Beech Tree development. A gross floor area of 300,000 square feet of commercial space is proposed. This center will serve the Beech Tree development and is connected to the existing development via Moores Plains Boulevard and Effie Bowie Drive.

While the Basic Plan (A-9763-C) is no longer the controlling zoning element, it does include the following consideration related to trail connections:

Consideration 11. The trails system shall be designed to link all residential areas to all commercial and recreational elements of the proposed development.

Approved Comprehensive Design Plan CDP-9706 included the following condition related to trail connections:

- 1.1. **The trails system shall be expanded to show links from all residential areas to all commercial and recreational elements and school sites within the proposed development. The trails shall be for the most part separated from vehicular rights-of-way.**

CDP-9706 also included a comprehensive trails plan. This plan includes the master plan trail along Collington Branch and homeowners association (HOA) feeder trails on private open space. No trail connections are reflected on the subject site.

Preliminary Plan 4-00010 did not include the subject site, but did cover all of Beech Tree immediately south and west of the commercial center. Sidewalks are provided along one side of most of the internal roads of Beech Tree. Moores Plains Boulevard includes a six-foot-wide sidewalk along the west side. This sidewalk currently ends at the traffic circle located at proposed Effie Bowie Drive. The submitted tree conservation plan (TCP) shows the sidewalk being continued along the west side of Moores Plains Boulevard to Leeland Road.

Sidewalks also appear to be shown along both sides of the roads within the commercial center, as well as along the frontages of the commercial space. This includes both sides of High Street and both sides of Effie Bowie Drive, west of High Street. Several walkways also appear to be indicated in the parking lot between the proposed retail uses. In order to link the existing wide sidewalk along Moores Plains Boulevard with the proposed commercial center (consistent with

Condition 11 of the CDP), curb cuts and either striped or decorative crosswalks are recommended across all intersecting roads at both traffic circles (Moores Plains Boulevard at Effie Bowie Drive and Effie Bowie Drive at High Street).

The Complete Streets Section of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The MPOT also recommends a sidepath along Leeland Road. This will connect to existing and planned sidepaths along both Oak Grove Road and Church Road. However, it should be noted that the approved master plan and sectional map amendment for the Subregion VI Study Area did not include a master plan recommendation for this section of Leeland Road. At the time of the earlier approvals for Beech Tree (A-9763-C, CDP-9706, and 4-00010), no master plan trail recommendations were made for Leeland Road.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

8. **Transportation**—The subject property consists of approximately 28 acres of land in the C-S-C Zone. The site of this application is located in the southwest quadrant of the intersection of Leeland Road and US 301. The application proposes the development of a 300,000-square-foot shopping center.

Plan Comments

With regard to the master plan, the site is affected by several facilities:

- Existing US 301 is a planned freeway facility within a 300-foot right-of-way (ROW). Adequate right-of-way needed to complete the overall 300-foot planned right-of-way is being dedicated by the submitted plan. There shall be no street or driveway access from the site to US 301.
- The MC-600 facility (Leeland Road) is along the northern frontage of the site. Adequate right-of-way needed to complete the overall 120-foot planned right-of-way is being dedicated by the submitted plan. Dedication is acceptable as shown.
- Effie Bowie Drive is a master plan collector facility. The plan demonstrates adequate right-of-way of 40 feet from centerline.

Analysis of Traffic Impacts

The application is a preliminary plan of subdivision for a commercial/retail development. The site will include a mix of retail uses totaling 300,000 square feet.

The subject property is located in 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.

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.

Roundabouts are evaluated with an adequacy threshold of 0.85 v/c ratio.

†††Reconsideration

†††On July 9, 2020 the Planning Board granted the applicant's request for a waiver of the Planning Board's Rules of Procedures (Section 10) and a reconsideration, which was approved based on other good cause, inadvertence, and in furtherance of substantial public interest. A hearing was held on September 10, 2020 for the merits of the reconsideration, limited to Conditions 7, 12, and 13(a) through (d), and Finding 8. The reconsideration sought to reevaluate the trip cap and associated transportation improvements, in order to account for specific commercial uses (a food or beverage store and gas station), which were shown with the original application, but not specifically analyzed in the original traffic study. An updated traffic study was provided, and the findings and conditions herein are updated to reflect the revised analysis and reconsideration approved by the Planning Board.

On August 4, 2010, the applicant submitted a traffic study in support of the preliminary plan for the subject property. The study identified the following critical intersections and links as ones on which the proposed development would have the most impact:

†††Denotes 2020 Amendment

††Denotes 2019 Amendment

†*Denotes 2015 Amendment

*Denotes 2015 Correction

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EXISTING CONDITIONS		
Intersection/Link	(LOS/CLV) AM	(LOS/CLV) PM
Leeland Road (Church Rd. to Moores Plains Blvd.)	0.10 – v/c ratio	0.09 – v/c ratio
US 301 SB/ Old Central Avenue **	66.8 secs.	125.6 secs.
US 301 NB/ Old Central Avenue **	253.6 secs.	97.5 secs.
US 301/Trade Zone Ave.	C/1158	E/1475
US 301/Leeland Road	C/1294	C/1291
US 301/Swanson/Beech Tree **	519.3 secs.	1805 secs.
US 301/Village Drive	B/1104	D/1160
US 301/MD 725	C/1254	D/1341
US 301/Chrysler Drive-Chevy Drive	C/1152	C/1271
Leeland Road/Safeway Access **	10.3 secs.	10.3 secs.
Leeland Road/Moores Plains Blvd. **	10.6 secs.	10.7secs.
Oak Grove Road/Church Road **	15.0 secs.	13.7 secs.
MD 193/Oak Grove Road (Roundabout) *	1.01 – v/c ratio	0.58 – v/c ratio
<p>**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.</p> <p>*For roundabouts, a v/c ratio in excess of 0.85 is considered to be unacceptable.</p> <p>Results in boldface are considered to be unacceptable.</p>		

The study cited 19 approved background developments that, collectively, will impact the above critical intersections and links during the morning and evening peak hours. An analysis of the background developments was done based on a five-year (2015) build-out. Those analyses yielded the following results:

BACKGROUND CONDITIONS		
Intersection/Link	(LOS/CLV) AM	(LOS/CLV) PM
Leeland Road (Church Rd. to Moores Plains Blvd.)	0.42 – v/c ratio	0.47 – v/c ratio
US 301 SB/ Old Central Avenue **	>999 secs.	>999 secs.
US 301 NB/ Old Central Avenue **	>999 secs.	>999 secs.
US 301/Trade Zone Ave.	F/2223	F/2713
US 301/Leeland Road	F/2397	F/2608
US 301/Swanson/Beech Tree	F/2049	F/2540
US 301/Village Drive	F/1704	F/2080
US 301/MD 725	F/2072	F/2186
US 301/Chrysler Drive-Chevy Drive	F/1658	F/1946
Leeland Road/Safeway Access **	25.7 secs.	33.5 secs.
Leeland Road/Moores Plains Blvd. **	542.1 secs.	603.2 secs.
Oak Grove Road/Church Road **	587.3 secs.	1947.0 secs.
MD 193/Oak Grove Road (Roundabout) *	2.56 – v/c ratio	1.27 – v/c ratio
** Unsignalized		
* Roundabout		

Using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” as well as the Institute of Transportation Engineer (ITE) *Trip Generation Manual, 8th Edition*, the traffic study has indicated that the proposed development ~~†††[(300,000 square foot shopping center) will add 105 (64 in, 41 out) AM peak hour trips and 672 (336 in, 336 out) PM peak hour trips at the time of full build-out.]~~ will generate the following traffic:

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- ††Denotes 2019 Amendment
- †*Denotes 2015 Amendment
- *Denotes 2015 Correction
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†††Trip Generation Summary: 4-09041: Beech Tree C-S-C Parcel								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
<u>Food and Beverage Store with Gasoline Pumps</u>	<u>16</u>	<u>Fueling positions</u>	<u>132</u>	<u>133</u>	<u>265</u>	<u>152</u>	<u>153</u>	<u>305</u>
<u>Less Pass-By (50 percent AM and PM)</u>			<u>-66</u>	<u>-67</u>	<u>-133</u>	<u>-76</u>	<u>-77</u>	<u>-153</u>
<u>Net Gas/Food and Beverage Store Trips</u>			<u>66</u>	<u>66</u>	<u>132</u>	<u>76</u>	<u>76</u>	<u>152</u>
<u>Retail</u>	<u>295,000</u>	<u>Square feet</u>	<u>183</u>	<u>117</u>	<u>300</u>	<u>944</u>	<u>944</u>	<u>1,888</u>
<u>Less Internal Trips (30 percent from 2010 TIS)</u>			<u>-55</u>	<u>-35</u>	<u>-90</u>	<u>-283</u>	<u>-283</u>	<u>-566</u>
<u>Less Pass-By (50 percent from 2010 TIS)</u>			<u>-65</u>	<u>-41</u>	<u>-106</u>	<u>-330</u>	<u>-331</u>	<u>-661</u>
<u>Net Retail Trips</u>			<u>63</u>	<u>41</u>	<u>104</u>	<u>331</u>	<u>330</u>	<u>661</u>
<u>Total Trips</u>			<u>129</u>	<u>107</u>	<u>236</u>	<u>407</u>	<u>406</u>	<u>813</u>
<u>Trip Cap</u>					<u>236</u>			<u>813</u>

As was the case for the background analyses, the study assumed full build-out up to the year 2015. Applying a growth rate of three percent per year for through traffic along US 301 and combining the site-generated traffic along with background developments, the following results were determined:

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††Denotes 2019 Amendment

†*Denotes 2015 Amendment

*Denotes 2015 Correction

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TOTAL CONDITIONS		
Intersection/Link	(LOS/CLV) AM	(LOS/CLV) PM
Leeland Road (Church Rd. to Moores Plains Blvd.)	0.42 – v/c ratio	0.49 – v/c ratio
US 301 SB/ Old Central Avenue ** US 301 NB/ Old Central Avenue **	>999 secs. >999 secs.	>999 secs. >999 secs.
US 301/Trade Zone Ave. US 301/Leeland Road US 301/Swanson/Beech Tree	††† [F/2235] <u>F/2237</u> ††† [F/2410] <u>F/2413</u> ††† [F/2049] <u>F/2053</u>	††† [F/2811] <u>F/2816</u> ††† [F/2872] <u>F/2861</u> ††† [F/2672] <u>F/2675</u>
US 301/Village Drive US 301/MD 725	††† [F/1716] <u>F/1719</u> ††† [F/2080] <u>F/2082</u>	††† [F/2139] <u>F/2142</u> ††† [F/2244] <u>F/2245</u>
US 301/Chrysler Drive-Chevy Drive	F/1668	F/1995
Leeland Road/Site Access	††† [A/526] <u>A/620</u>	††† [A/678] <u>A/781</u>
Leeland Road/Safeway Access **	††† [26.2] <u>17.5</u> secs.	††† [40.1] <u>29.3</u> secs.
Leeland Road/Moores Plains Blvd. ** Oak Grove Road/Church Road **	††† [314.4] <u>172.5</u> secs. ††† [1051.0] <u>>999</u> secs.	††† [331.2] <u>253.3</u> secs. ††† [2603.0] <u>>999</u> secs.
MD 193/Oak Grove Road (Roundabout) *	††† [2.57] <u>1.980</u> – v/c ratio	††† [1.29] <u>1.418</u> – v/c ratio
** Unsignalized		
* Roundabout		

To provide adequate levels of service at the facilities mentioned above, the traffic study cited improvements along US 301 between Central Avenue (MD 214) and Chevy/Chrysler Drive, which are described in the current Prince George’s County Capital Improvement Program (CIP) FY 2011–2016, Project FD669161. Specifically, the CIP describes the improvements as “providing one to three additional through lanes along north and south bound US 301 between MD 214 and MD 725 and further widening, as needed at Trade Zone Avenue, MD 214 and MD 725. Associated intersection improvements at Old Central Avenue, Trade Zone Avenue, Leeland Road and Village Drive West also will be undertaken.”

Improvements along Leeland/Oak Grove Road were also identified; those improvements will be provided by the applicant.

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The improvements that have been identified in the applicant's traffic impact study as needed to provide adequate levels of service for the 2010 build-out are as follows:

US 301 (NB, SB)/Old Central Avenue (CIP)

1. Construct one additional northbound through lane along US 301.
2. Construct one additional southbound through lane along US 301.

US 301/Trade Zone Avenue (CIP)

1. Construct an additional northbound left turn lane along US 301.
2. Construct a third eastbound left turn lane along Trade Zone Avenue.
3. Construct three additional southbound through lanes along US 301.
4. Construct two additional northbound through lanes along US 301.

US 301/Leeland Road (CIP)

1. Construct two additional northbound through lanes along US 301.
2. Construct an additional eastbound left turn lane along Leeland Road.
3. Construct three additional southbound through lanes along US 301.
4. Construct an additional northbound left turn lane along US 301.

US 301/Beech Tree Parkway—Swanson Road (CIP)

1. Construct two additional northbound through lanes along US 301.
2. Construct two eastbound left turn lanes along Beech Tree Parkway.
3. Construct three additional southbound through lanes along US 301.
4. Construct an additional northbound left turn lane along US 301.

US 301/Village Drive (CIP)

1. Construct two additional northbound through lanes along US 301.
2. Construct one additional southbound through lane along US 301.

US 301/MD 725 (CIP)

1. Construct two additional northbound through lanes along US 301.
2. Construct two additional southbound through lanes along US 301.
3. Construct an additional eastbound left turn lane along MD 725.

US 301/Chrysler—Chevy Drive (CIP)

1. Construct one additional northbound through lane along US 301 pursuant to Maryland State Highway Administration (SHA) standards.

2. Construct one additional southbound through lane along US 301 pursuant to SHA standards.

Leeland Road/Site Access

1. Construct a right turn lane at the eastbound approach.
2. Construct a left turn lane at the westbound approach.
3. Construct a separate left and right turn lane at the northbound approach.
4. Install a traffic signal if deemed necessary by the Department of Public Works and Transportation (DPW&T).

Leeland Road/Moores Plains Boulevard

- ~~†††1. Construct a right turn lane at the eastbound approach.]~~
- ~~†††2. Construct a left turn lane at the westbound approach.]~~
- †††1. Install a traffic signal if deemed ~~†††warranted and~~ necessary by DPW&T. ~~†††This would also include any turn lanes deemed necessary by DPW&T.~~

Oak Grove Road/Church Road

1. Construct a separate left lane and a shared through and right turn lane on the eastbound approach, ~~†††unless modified by DPW&T. Further, this improvement is not required if relocated Oak Grove Road is bonded to create the new relocated intersection of Oak Grove Road at Church Road~~

Oak Grove Road/MD 193

1. Widen the existing one-lane roundabout to provide two travel lanes.
2. On the southbound (MD 193) leg of the roundabout, provide a through lane and a shared through and left turn lane.
3. On the northbound (MD 193) leg of the roundabout, provide a through lane and a shared through and right turn lane.
4. On the westbound (Oak Grove Road) leg of the roundabout, provide a left turn lane and a shared right and left turn lane.

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††Denotes 2019 Amendment

†*Denotes 2015 Amendment

*Denotes 2015 Correction

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Citing these improvements, the traffic study projected the following levels of service:

TOTAL CONDITIONS with improvements		
Intersection/Link	(LOS/CLV) AM	(LOS/CLV) PM
US 301 SB/ Old Central Avenue	††† [B/1083] <u>B/1084</u>	††† [D/1361] <u>D/1362</u>
US 301 NB/ Old Central Avenue	††† [D/1399] <u>D/1401</u>	††† [D/1340] <u>D/1341</u>
US 301/Trade Zone Ave.	††† [C/1197] <u>C/1198</u>	††† [D/1373] <u>D/1375</u>
US 301/Leeland Road	††† [D/1313] <u>D/1315</u>	††† [D/1413] <u>D/1410</u>
US 301/Swanson/Beech Tree	††† [D/1427] <u>D/1428</u>	††† [D/1401] <u>D/1403</u>
US 301/Village Drive	††† [B/1132] <u>B/1133</u>	††† [D/1339] <u>D/1341</u>
US 301/MD 725	††† [D/1414] <u>D/1415</u>	††† [D/1371] <u>D/1372</u>
US 301/Chrysler Drive-Chevy Drive	<u>B/1145</u>	<u>D/1409</u>
Leeland Road/Safeway Access **	††† [26.2] <u>17.5</u> secs.	††† [40.1] <u>29.3</u> secs.
Leeland Road/Moores Plains Blvd.	††† [A/847] <u>A/881</u>	<u>A/760</u>
Oak Grove Road/Church Road (signalized)	††† [D/1377] <u>D/1434</u>	††† [D/1344] <u>C/1296</u>
MD 193/Oak Grove Road (with 2-lane roundabout)	††† [0.70] <u>0.820</u> – v/c ratio	††† [0.55] <u>0.799</u> – v/c ratio

Based on the results shown in the aforementioned table, all of the critical intersections were shown to operate at adequate levels of service.

In addition to analyzing the projected levels of service for the intersections along US 301, the traffic study also identified the overall cost of the CIP improvements, the capacity created as a result of the improvements, and the site's proportion of the capacity created by the improvements. According to the applicant's traffic study, the total cost of CIP improvements as used in the analyses would be \$33,295,000. The study also indicated that approximately †††~~[3.5]~~ 3.9 percent of the capacity created by the CIP improvements would be needed for the proposed development. The study concludes therefore, that a reasonable fair share contribution towards the CIP improvements would be †††~~[\$1,165,325 (\$33,295,000.00 x 3.5%)]~~ \$1,268,549 (\$33,295,000.00 x 3.9%).

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Review

Upon review of the applicant's traffic study (including revisions) the Planning Board concurs with its findings and conclusion. In addition to Transportation Planning staff, the August 4, 2010 study was reviewed by two other agencies, the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). In an August 26, 2010 memorandum (Issayans to Burton), most of the comments expressed by Mr. Issayans were confined to issues relating to Leeland Road/Oak Grove Road, a county-maintained facility. Among the issues raised by DPW&T are the following:

- The report recommends installing new traffic signals on Leeland Road at Moores Plains Boulevard and at the proposed site access, east of the Safeway access. The distance between US 301 and Moores Plains Boulevard is approximately 1,300 feet. It is unclear what the distance is between the proposed site access and both Moores Plains Boulevard to the west and the signal at US 301 to the east. In addition to the Manual on Uniform Traffic Control Devices (MUTCD) signal warrants, the proximity of these three intersections would affect the feasibility of signalizing either or both of the two proposed locations.
- We recommend that a signal warrant study be conducted by the developer at Leeland Road at Moores Plains Boulevard. If warranted, funding for design and construction of the proposed signal will be the responsibility of the developer.
- If signalization is approved and warranted at the Moores Plains Boulevard intersection, a four-legged intersection will need to be created with the existing Safeway access, requiring realignment/relocation as needed.
- The proposed site access may need to operate as a right-in/right-out only due to its proximity to US 301 and other surrounding/proposed intersections as well as the amount of traffic it is forecasted to handle and the potential queuing problems. If this access is approved as is (full movement), a signal warrant study should be conducted by the developer, and if warranted, funding for design and construction of the signal will be the responsibility of the developer.

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††Denotes 2019 Amendment

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- It is forecasted that more than 300 vehicles would be turning left from westbound Leeland Road into the proposed site access during the PM peak hour. If this access is approved, a queuing study should be performed to ensure that vehicles would not spill back into the intersection at US 301.
- The improvements should address the one-lane box culvert over the Collington Branch tributaries, located on Leeland Road approximately 2,000 feet west of Moores Plains Boulevard. This section of roadway should be widened to accommodate two lanes, one lane of traffic in each direction.

Most of the issues raised by DPW&T are operational and engineering-related, and the Planning Board is in general support of the requirements being sought by this agency. However, the Planning Board cannot support a recommendation which may require a relocation of the Safeway access to create a four-legged intersection at Moores Plains Boulevard. While that geometry would be most desirable from an operational perspective, the Planning Board cannot require an applicant to make improvements on properties not owned by the said applicant.

The Transportation Planning Section received a letter from SHA dated September 2, 2010, as well as a revised letter dated September 16, 2010. The following represents the salient points raised by SHA:

- Access to the 300,000-square-foot shopping center is proposed from one right-in/right-out site access driveway on US 301, one full-movement site access driveway on Leeland Road, and one full-movement site access driveway on Moores Plains Boulevard.
- The report estimated that \$33,295,000 worth of roadway improvements along US 301 and at the MD 193/Oak Grove Road intersection would be necessary to achieve adequate levels of service.
- The traffic report estimated, based upon critical lane volume (CLV) analyses, that the proposed Beech Tree CSC retail development will utilize 3.5 percent of the roadway capacity achieved by the proposed \$33,295,000 worth of improvements along US 301 and at the MD 193/Oak Grove Road intersection. Therefore, the traffic report recommended that this same 3.5 percent be applied to the needed \$33,295,000 worth of improvements as a fair share contribution for the proposed Beech Tree CSC retail development. Thus, the report recommended a contribution of \$1,165,325 (3.5% of \$33,295,000).
- The traffic report recommended that the Beech Tree CSC developer construct actual roadway improvements along US 301 or at the MD 193/Oak Grove Road intersection equivalent to the \$1,165,325 determined fair share contribution towards off-site state-maintained roadway improvements. SHA understands that the applicant will be proposing specific roadway improvements for SHA to review and consider.

- In conclusion, SHA concurs with the report findings as long as the \$1,165,325 worth of roadway improvements is dedicated towards off-site improvements along US 301 or at the MD 193 at Oak Grove Road intersection. Specific roadway improvement plans should be submitted to SHA for our review and comment.

The Planning Board is in general support of SHA's position regarding the fact that the applicant's contribution represents only 3.5 percent of the total cost of the improvements required to provide an acceptable level of service. However, there is a provision in the CIP project that allows for developers to make contributions towards the total cost of the CIP project. Previous actions by the Planning Board have established precedents for the use of developer contributions in the case of Beech Tree (PGCPB Resolution No. 98-50) and other nearby subdivisions along the US 301 CIP project. To date, the Beech Tree, Buck Property, and Karington developments have all been conditioned to provide various improvements along US 301.

†***Reconsideration**

†*On July 2, 2015 the Planning Board granted the applicants request for a waiver of the Planning Board's Rules of Procedures (Section 10), a reconsideration based on other good cause in furtherance of substantial public interest, and a same day hearing on the reconsideration, limited to Condition 12 only. Condition 12 is required to address transportation adequacy required by Section 24-124(a). Condition 12 originally required the payment of the fair share contribution towards the CIP improvement for US 301 in one lump sum prior to the first building permit on the subject property. The applicant requested and the Planning Board approved the modification of Condition 12 to allow a phasing of the payment for improvements to US 301.

It is also worth mentioning that the cost estimates of \$33.2 million represents improvement along US 301 only. It does not include any improvement at the MD 193/Oak Grove intersection as was implied in SHA's letter dated September 16, 2010. Consequently, the full cost of any improvements except those along US 301 must be borne by the applicant.

Transportation Findings

- a. The application is a preliminary plan for commercial retail development consisting of a 300,000-square-foot †††[shopping] commercial center. The proposed development will generate †††[105-(64 in, 41-out)] 236 (129 in, 107 out) AM peak-hour trips and †††[672-(336 in, 336-out)] 813 (407 in, 406 out) PM peak-hour trips at the time of full build-out.

†††Denotes 2020 Amendment

††Denotes 2019 Amendment

†*Denotes 2015 Amendment

*Denotes 2015 Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

These trip rates have factored in the effect of pass-by traffic as well as trips that were captured internally, given the site's proximity to the Beech Tree residential development. If the historic site and barn which are to remain are utilized as commercial, they are subject to the trip cap and all transportation conditions as opposed to being utilized as residential.

- b. The traffic generated by the proposed development would impact the following intersections and links:
- Leeland Road – Church Road to US 301
 - US 301 SB/ Old Central Avenue**
 - US 301 NB/ Old Central Avenue**
 - US 301/Trade Zone Avenue
 - US 301/Leeland Road
 - US 301/Swanson/Beech Tree Parkway
 - US 301/Village Drive
 - US 301/MD 725
 - US 301/Chrysler Drive/Chevy Drive
 - Leeland Road/Site Access
 - Leeland Road/Safeway Access
 - Leeland Road/Moores Plains Boulevard
 - Oak Grove Road/Church Road
 - MD 193/Oak Grove Road (Roundabout)
- c. All of the intersections (along US 301) identified in (b) above are programmed for improvement with 100 percent construction funding within the next six years in the current Prince George's County Capital Improvement Program (CIP) (FY 2011–2016). While the CIP identifies this project as being fully funded, there is also a provision for developer contributions should funding from the State of Maryland be delayed. This applicant has proffered a contribution of †††~~[\$1,165,325]~~ \$1,268,549, †*to be made in phase with development.

To date, the following developments have made financial commitments towards the aforementioned CIP improvements through Planning Board resolutions:

†††Denotes 2020 Amendment

††Denotes 2019 Amendment

†*Denotes 2015 Amendment

*Denotes 2015 Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Project Name	Plan Number	PGCPB Resolution	Amount Contributed
Collington (Safeway)	4-97044	No. 97-214(C)	\$456,000.00
Marlboro Square	4-96084	No. 96-342	\$30,880.00
Meadowbrook	4-89227	No. 90-102	\$106,948.31
Karington	4-04035	No. 04-247(C)	\$725,094.25
Beech Tree	CDP-9706	No. 98-50	\$1,194,805.08
Buck Property (Balmoral)	4-03100	No. 04-21	\$172,252.64
Willowbrook	4-06066	No. 07-43	\$1,096,920.00
Locust Hill	4-06075	No. 07-28	<u>\$858,700.00</u>
TOTAL			\$4,641,600.28

d. All of the intersections along US 301 identified in (b) above were found to operate at adequate levels of service under total traffic conditions when analyzed with the CIP-funded improvements outlined in (c) above.

e. The following critical intersections, when analyzed with total future traffic as developed using the guidelines, were not found to be operating at LOS D or better:

- Leeland Road/Moores Plains Boulevard
- Oak Grove Road/Church Road
- MD 193/Oak Grove Road (Roundabout)

f. The applicant has agreed to provide the following improvements to the intersections, in consideration of the findings in (f) above:

Leeland Road/Moores Plains Boulevard

1. Construct a right turn lane at the eastbound approach
2. Construct a left turn lane at the westbound approach
3. Install a traffic signal if deemed necessary by DPW&T

Oak Grove Road/Church Road

1. Construct a separate left lane and a shared through and right turn lane on the eastbound approach

Oak Grove Road/MD 193

1. Widen the existing one-lane roundabout to provide two travel lanes
2. On the southbound (MD 193) leg of the roundabout, provide a through lane and a shared through and left turn lane

3. On the northbound (MD 193) leg of the roundabout, provide a through lane and a shared through and right turn lane
 4. On the westbound (Oak Grove Road) leg of the roundabout, provide a left turn lane and a shared right and left turn lane
- g. The property has frontage on Leeland Road, US 301, and Moores Plains Boulevard.
- h. The traffic study evaluated the link of Leeland Road as a two-lane road facility. At approximately 3,000 feet west of US 301, Leeland Road crosses over Eastern Branch via a culvert that is wide enough for just one travel lane. Consequently, this applicant will be required to widen the existing culvert such that Leeland Road can maintain two continuous travel lanes between US 301 and Oak Grove Road. This condition has been placed on previous approvals of the Beech Tree development, as well as other developments (Locust Hill and Willowbrook) in close proximity to the subject property.

The genesis of the condition to widen the culvert across Eastern Branch began with the District Council's approval of the Basic Plan (A-9763-C) for the adjacent Beech Tree development in October 1989. In February 1998, the Planning Board approved CDP-9706 for the Beech Tree development, where that condition to widen the culvert was reaffirmed. On September 9, 1998, the Planning Board approved Preliminary Plan of Subdivision for Beech Tree (4-99026, PGCPB Resolution No. 99-154) also requiring the actual construction of the culvert widening or, as an alternative, providing financial assurance by way of a bond.

Over the years, it has been the practice of the Planning Board to give applicants (in most circumstances) the option of actual construction of an improvement or the bonding of an improvement. Information provided by DPW&T has indicated that a \$100,000 bond was posted in December 2003 by the applicant (the same applicant for the adjacent Beech Tree subdivision). Since the bond was posted, pursuant to the Planning Board's conditions of approval, the applicant was allowed to apply for building permits and commence construction within the Beech Tree development. It has been seven years since the applicant has commenced construction within the Beech Tree subdivision. The Transportation Section is in receipt of a letter dated September 10, 2010 from the applicant (Rizzi to Burton), which represents a status report of building permits issued in relation to transportation improvements, as required by Condition 11 of SDP-9907.

According to the applicant, approximately 620 building permits have been issued as of September 2010. Those 620 permits are estimated to add 1,000 daily trips to Leeland Road. The pending shopping center is likely to add an additional 3,150 daily trips following its completion. All told, the daily traffic on Leeland Road has increased significantly since the culvert widening has been bonded, and to date, no improvement has occurred. A six-year time frame (the same time period as a CIP or CTP) is considered a reasonable period of time within which construction would be expected to occur for a bonded or funded improvement. Given the increase in traffic from both the pending

shopping center, as well as the already approved residential development at Beech Tree, it is the judgment of the Planning Board that the one-lane culvert should have been improved to two lanes by this time. To that end the applicant be required to widen the existing culvert prior to the release of any building permit, or at least be under construction before the release of any building permit.

Based on the preceding findings, adequate transportation facilities exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

9. **Schools**—There are no residential dwelling units proposed in the development. There are no anticipated impacts on schools, in accordance with Section 24-122.02 of the Subdivision Regulations and the “Adequate Public Facilities Regulations for Schools” (County Council Resolutions CR-23-2001 and CR-38-2002).
10. **Fire and Rescue**—The 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 Ordinance.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
20	Upper Marlboro	Engine	14815 Pratt Street	4.61	3.25	Beyond
20	Upper Marlboro	Ladder Truck	14815 Pratt Street	3.97	4.25	Within
20	Upper Marlboro	Paramedic	14815 Pratt Street	3.97	4.25	Within
20	Upper Marlboro	Ambulance	14815 Pratt Street	3.97	7.25	Within

Capital Improvement Program (CIP)

The CIP (FY 2010–2015) provides funding for the new Beech Tree Fire/EMS station on Leeland Road.

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 in all new buildings, not including the existing historic house and barn, proposed in the C-S-C parcel, 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.”

11. **Police Facilities**—This preliminary plan of subdivision includes construction of an integrated shopping center.

Nonresidential

The police facilities test is performed on a countywide basis for nonresidential development 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, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using 141 square feet per 1,000 residents, it calculates to 117,672 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

12. **Health Department**—The Prince George's County Health Department, Environmental Engineering Program, has reviewed the preliminary plan of subdivision and offered the following comments:

- a. The abandoned shallow well and the abandoned deep well (PG-73-0730) adjacent to the existing historic house (Beechwood) must be backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department. The location of both wells should be located on the preliminary plan.
- b. Any abandoned septic tank associated with the existing historic house must be pumped out by a licensed scavenger and either removed or backfilled in place. The location of the septic system should be located on the preliminary plan.

13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 27465-2007-00, 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 and any subsequent revisions.

14. **Historic**—The subject preliminary plan application includes 28 acres on the west side of US 301, south of Leeland Road and east of Moores Plains Boulevard (Parcel 16 and Part of Lot 1, Tax Maps 85-C1 and 85-C2). The subject application proposes approximately 300,000 square feet of retail uses. This application is associated with the long-established Beech Tree development, which when completed, will include more than 1,600 single-family houses, 480 townhouses, 240 multifamily dwellings, and an 18-hole golf course within 1,200 acres.

The developing property includes the Beechwood Historic Site (#79-060) and associated significant archeological features (site 18PR579), its environmental setting, as well as the historic Hilleary Family Cemetery (18PR978), located at the northwest corner of the developing property, a historic frame barn located at the northeast corner of the developing property, and a portion of the property's historic entry lane leading east to US 301. Both the cemetery and the barn are outside of the boundary of the Beechwood historic site environmental setting. The current Beechwood historic site environmental setting of 5.3 acres was revised July 21, 2009 through the

Historic Preservation Commission's review of a prior development application, CDP-0603, Beech Tree L-A-C.

The subject preliminary plan application is intended to redevelop the Beechwood historic site environmental setting and the surrounding parcels as a shopping center to serve both the adjacent Beech Tree community and transient traffic from abutting US 301. The current application includes the establishment of four lots within the current Beechwood historic site's environmental setting. The applicant has proposed the removal and re-interment of the Hilleary family cemetery to a site off the property, and the potential relocation of the tobacco barn to the proposed lot within the environmental setting that includes the Beechwood house (#79-060). The location and limits of the Hilleary family cemetery are not shown on the submitted preliminary plan of subdivision and should be.

The applicant's proposed plan for the integrated shopping center divides the subject property into two components separated by a SHA-required access road leading from Moores Plains Boulevard to the east and south to US 301. The subject application proposes to divide the 5.33-acre Beechwood environmental setting (south of the access road) into four lots to facilitate development in this location, but the larger component would be located north of the proposed access road.

The Historic Preservation Section developed findings, conclusions, and recommendations for the Historic Preservation Commission's review of the subject application at its September 21, 2010 meeting. At that meeting, staff and the applicant made brief presentations that did not address the proposed lot lines within the historic site's environmental setting or the removal of specimen and historic trees that would result from the development of those potential lots. The Historic Preservation Commission's recommendations were forwarded to the Subdivision Section on October 5, 2010. Those recommendations were developed without the benefit of the applicant's revised natural resources inventory (NRI), which was not submitted until October 11, 2010. As a result, the Planning Board was unable to analyze the impact of the proposed lot lines on the subsequently identified historic and specimen trees within the environmental setting.

Representatives of the Historic Preservation Section, the Environmental Planning Section, and the Development Review Division visited the subject property on November 5, 2010. During that visit, the historic and specimen trees within the Beechwood environmental setting were examined along with the property's historic entry lane. Tree locations were checked against the submitted NRI, photographs were taken, and the condition of trees was noted. The Environmental Planning Section found that there are approximately 96 historic and specimen trees within the environmental setting of Beechwood. Approximately 32 historic and specimen trees are located in the immediate vicinity of Beechwood and contribute to the site's integrity. Historic trees are defined by COMAR Subtitle 5, Section 5-1607, C(4), as trees that are part of a registered historic site or are associated with a registered historic structure. The historic circular drive to the north of Beechwood also contributes directly to the site's integrity and character. In addition, the tobacco barn at the northeast corner of the property and the Hilleary family cemetery were examined. The condition of the barn and cemetery had not changed markedly from a site visit on

May 8, 2009. The Hilleary family cemetery is located in a wooded area and is encroached upon by vegetation. All of the gravestones were upright and intact.

Beechwood Historic Site

The Beechwood Historic Site (#79-060) is a two-story, hip-roof frame dwelling of Neo-classical style built in 1913. The house is distinguished by its monumental Tuscan portico and Colonial Revival interior details. Beechwood was built on the site of George Hilleary's 18th-century plantation house which was destroyed by fire in 1913. In the 20th century, Beechwood was the home of prominent Prince George's County genealogist, Effie Gwynn Bowie. Bowie was the author of what is still the standard reference source for county genealogy, *Across the Years in Prince George's County*, originally published in 1947. The house is an outstanding example of Neo-classical domestic architecture; its environmental setting includes both mature trees and ornamental plantings. The historic Hilleary family cemetery is located north of the house near Leeland Road, and an early 20th-century frame barn is located near the intersection of Leeland Road and US 301. When the Beechwood property was sold out of the Bowie family in 1987, it included 154.9 acres. The current environmental setting, 5.3 acres, was established on July 21, 2009 through the review of a previous development application that was not reviewed or approved by the Planning Board.

One of the purposes of the county's Subdivision Regulations (Subtitle 24-104(a)) is:

- (11) To protect historic resources listed on the Inventory of Historic Resources of the adopted and approved Historic Sites and Districts Plan.**

In addition, the Prince George's County Historic Preservation Ordinance (Subtitle 29-102(a)) defines the environmental setting of a historic site as follows:

- (1) Appurtenances and Environmental Setting: The entire parcel of land, within those boundaries existing as of the date the historic resource is delineated on the master plan for historic preservation, and structures thereon, on which is located a historic resource, unless otherwise specified on such master plan, or unless reduced by the Commission, and to which it relates physically and/or visually, as determined by the Commission. Appurtenances and environmental settings shall include, but need not be limited to, walkways and driveways (whether paved or unpaved), vegetation (including trees, gardens, and lawns), rocks, pasture, cropland, and waterways.**

The Historic Preservation Commission's Rules of Procedure (Section (VI)(G)) defines an impact review area (in part) as:

- (4) For large properties being subdivided, it may be appropriate for the Historic Preservation Commission to recommend a buffer area outside the environmental setting which, if poorly developed, would detract from the integrity of the historic resource.**

For a number of years throughout the course of the Beech Tree development, the applicant leased the Beechwood historic site to a tenant. Although the house has been vacant for several years, after an inspection of the property in 2008, the applicant installed a security system and fencing around the house.

The Historic Preservation Section had previously visited the site on May 8, 2009. At that visit, the conditions of the exterior of the house and the first and second floors of the interior were examined and photographed, along with the nearby Hilleary family cemetery and the tobacco barn at the intersection of Leeland Road and US 301.

Although the house has been vacant for some time, it appears to be generally sound and in good condition. However, there are three general areas of concern regarding current conditions: (1) the deteriorating condition of the exterior paint film and selected exterior carpentry elements; (2) the effects of two areas of water infiltration on the interior in a second floor bedroom (rear) and in the first floor library (rear); and (3) the general condition of the stabilization measures already in place—window openings and the main door opening that have been breached. In addition, the chain-link fence encircling the house is in good condition; the applicant's representative indicated that the limited area of the fence recently damaged by a fallen tree would be repaired during the following week.

On June 26, 2009, the applicant submitted a Historic Area Work Permit application (HAWP 33-09) to address the conditions identified by the Historic Preservation Section at the May 8, 2009 site visit. The HAWP application was approved on July 15, 2009, prior to the applicant's appearance before the Historic Preservation Commission (HPC) at its July 21, 2009, meeting. The work detailed in HAWP 33-09 was completed by the March 16, 2010 HPC meeting, at which time staff reported that the applicant had re-erected and locked the fence around the site, covered all fenestration, secured the doors, completed roofing, and secured the downspouts.

The applicant's original 1999 wetland alteration permit for the Beech Tree development has expired and an application for a new permit has been submitted to the Army Corps of Engineers and the Maryland Department of the Environment. Section 106 review by the Maryland Historical Trust (MHT) and the Army Corps of Engineers is a separate review from that of the Historic Preservation Commission. In a letter dated March 19, 2010 from J. Rodney Little, State Historic Preservation Officer to Ms. Kathy Anderson, Chief, Maryland Section Southern Regulatory Branch, Baltimore District U.S. Army Corps of Engineers, it is noted that nearly all of the actions agreed to by the applicant in the original programmatic agreement that related to Beechwood House remain unfulfilled, resulting in unmitigated and irreversible damage to the historic property. The MHT has drafted a new memorandum of agreement (MOA) that includes a historic preservation easement permanently protecting Beechwood House. This proposed easement extends further outside of the boundaries of the environmental setting for Beechwood established by the HPC at its July 2009 meeting. Based on the previous application (CDP-0603), the HPC agreed to allow new construction within the environmental setting of Beechwood. The MOA between the applicant and the Army Corps of Engineers and MHT has not been finalized and the outcome of the Section 106 review may differ from the recommendations made by the HPC and decisions made by the Planning Board.

The location and limits of the Hilleary Family Cemetery (PG #79-116, 18PR 978) should be shown on all subsequent plan submittals associated with the subject property until the cemetery is removed from the property and relocated. The timing for the relocation should be determined at the time of DSP review, prior to final plat.

The subject application will have a substantial impact on the Beechwood historic site, rendering it a minor element within a large shopping center complex with numerous attached and freestanding structures and associated parking. The current plan proposes the subdivision of the environmental setting. If these lots are established and subsequently developed, any reasonable sense of a protected setting for the historic site may be lost. Based on the location of the proposed access road, the Planning Board considers the separation of the historic site from the remainder of the proposed development to be a positive feature of the application. However, as currently conceived, the subdivision of the environmental setting will bring new development close to the historic site and will result in substantial encroachment on the few remaining historic and natural features of the Beechwood setting.

The retention of the historic site's environmental setting as a single lot, within which no new development could occur, would both enhance its setting and separate the new features of the proposed shopping center from the vicinity of Beechwood. However, the associated lot lines should be adjusted to accommodate the retention of as many historic and specimen trees and other natural and historical features in the vicinity of Beechwood house as possible in accordance with Applicant's Exhibit A.

To mitigate the impact of new construction within the Beechwood historic site and within the adjacent property, the development of the environmental setting and the remainder of the property shall be subject to detailed site plan review in accordance with Part 3, Division 9 of the Zoning Ordinance. The DSP should be reviewed by the Historic Preservation Commission and the Planning Board prior to approval of the final plat.

The first detailed site plan for the development shall address the Beechwood historic site environmental setting if the applicant proposes to phase the development. This application should address the siting, massing, design, and materials of proposed buildings within the setting as well as landscaping, lighting, and other site-related features as the applicant moves through the site planning process as appropriate. This application should also address the relocation of the tobacco barn and the Hilleary family cemetery. Subsequent detailed site plans should address the siting, massing, design and materials of proposed buildings within the remainder of the developing property as well as landscaping, lighting, and other site-related features. All detailed site plans should include sightline and viewshed analyses to determine whether or not there will be either internal or external visual impacts on the Beechwood historic site and its environmental setting. At the time of DSP, the lotting pattern is subject to change due to the aforementioned issues prior to final plat.

To enhance the likelihood of the rehabilitation of the Beechwood historic site, as part of the first detailed site plan for the development (if phased), the applicant should be required to establish a

timetable for addressing the condition of the exterior of the building, including but not limited to the condition of the roofs, general carpentry repairs and repainting, foundation and masonry repairs, the (re)installation or replication of window shutters based on historic photographs, and the repair or provision of code-compliant utilities to the building. This work shall be carried out through the historic area work permit (HAWP) process as necessary, and should be completed prior to the first building permit for the development, or as determined appropriate at the time of DSP.

The applicant should submit semi-annual condition reports for the Beechwood Historic Site (#79-060) to the Historic Preservation Section for review until a use and occupancy permit for the historic site is issued. The applicant's semi-annual condition reports should include photographs and written descriptions of conditions at the property, including but not limited to security and stabilization measures already in place and potentially necessary to address current conditions; the general architectural and structural integrity of roofs, exterior walls, carpentry details, paint film, foundations, and steps; the general condition of interior details, including but not limited to interior carpentry such as floors, walls, ceilings, and stairs with specific attention to water infiltration and vermin- or insect-related damage or deterioration. Other conditions to be noted should include but are not limited to the condition of existing landscape features and topography and any affects from grading or construction activities in the vicinity of the historic site; and the inappropriate or unauthorized storage of vehicles or building materials or trash within the historic site's environmental setting (other than the existing contractor storage area on the property, which should not be enlarged). All of the aforementioned issues should be addressed with the DSP.

The applicant's original 1999 wetland alteration permit for the Beech Tree development has expired and an application for a new permit was submitted to the Army Corps of Engineers and the Maryland Department of the Environment in late 2009. Section 106 review by the Maryland Historical Trust (MHT) and the Army Corps of Engineers is a separate review from those conducted by the Historic Preservation Commission and the Planning Board. The MOA between the applicant, the Army Corps of Engineers, and MHT, has not been finalized and the outcome of the Section 106 review may establish additional obligations for the applicant other than those recommendations made by the HPC and any decision of the Planning Board.

Archeology

Phase I archeological investigations were conducted around Beechwood in 1999 and one archeological site was delineated, 18PR579. Diagnostic artifacts dating from the late 18th through the 20th centuries were recovered. Two distinct artifact clusters were identified to the west of Beechwood (Locus A) and around Beechwood (Locus B). Four features were noted in Locus B. In the area where the eastern wing of the original house once stood, portions of a granite wall forming part of the basement of the wing were identified, measuring 19.7 by 19.7 feet. An ash-filled pit feature was also identified on the eastern side of Beechwood and contained material dating to the early 19th century. A second pit feature contained early 19th century material and a post hole and mold feature was filled some time after the mid-19th century.

The areas to the south and east of Beechwood where the cultural features and intact middens were identified were recommended for Phase II testing. Eight one-by-one meter test units were placed

in the areas where the cultural features and middens were identified. Midden deposits to the south of Beechwood were mixed and there was no vertical differentiation to distinguish between earlier and later materials. The four features, however, were found to be intact and can provide significant information on the early history of the site, the development of the farmstead, and the spatial organization of its buildings and activities. Three artificial terraces were also found to extend to the south of Beechwood and were probably part of a formal garden associated with the earlier house. However, the terraces had been tilled in later periods, thus mixing the archeological deposits in that location.

Archeological Site 18PR579 was evaluated for its eligibility for inclusion in the National Register of Historic Places and the Maryland Register of Historic Places. Both Loci A and B were found to possess sufficient stratigraphic integrity and intact features to distinguish discrete activity areas and to place them within a temporal framework. Therefore, both Loci A and B were determined to be eligible for listing in the National Register of Historic Places. The terrace area to the south of Beechwood lying outside of Area B was not considered to be a contributing element of the archeological site. Phase III investigations were recommended for both Locus A and Locus B if these areas could not be avoided by future construction. One of the purposes of Subtitle 24, Section 24-104(12), is to protect archeological sites that are significant to understanding of the history of human settlement in Prince George's County.

Locus A was situated where an entrance road into the Beech Tree development was planned. Therefore, Phase III mitigation was required in that area in April 2001. Five archeological features were identified in Locus A and are associated with the post-1913 occupation of Beechwood. Locus A appears to have served as the primary facility for the movement of agricultural products to vehicles for transportation to market.

Archeological investigations were conducted at the Hilleary family cemetery in 2007 to identify any unmarked burials surrounding the marked graves prior to their anticipated removal to Trinity Episcopal Church Cemetery (Upper Marlboro). Five unmarked graves were identified in addition to the four marked graves, representing a total of nine likely interments.

Phase I archeological investigations were conducted within the 24.22-acre Beech Tree L-A-C parcel in 1999. One archeological site, 18PR579, was identified around Beechwood historic site. No further archeological investigations are necessary outside of the environmental setting of Beechwood historic site, other than the removal of the Hilleary family cemetery.

Phase II archeological investigations around the Beechwood house revealed at least four intact cultural features to the east of the house in Locus B. Locus B was found to possess sufficient stratigraphic integrity and intact features to distinguish discrete activity areas and to place them within a temporal framework. Locus B of site 18PR579 was found to be eligible for listing in the National Register of Historic Places. The current application does not propose any disturbance of the archeological site in this area. Therefore, no further archeological investigations are warranted at this time. However, if the area where the significant archeological features are located is to be disturbed during the course of construction or repairs to the building, additional archeological investigations will be required.

The applicant's 2007 report on the archeological investigation of the Hilleary family cemetery recommends that the burials be removed by archeologists rather than a funeral home. In addition, the applicant must secure the required authorization from the Maryland State's Attorney's office and permit from the Health Department and ensure that proof of notice for the relocation of the cemetery is published in a newspaper in the local area. A plan for the relocation of the cemetery should be submitted to the Historic Preservation Section for approval prior to removal of the burials and approval of the final plat, and staff contacted when work is to begin. The applicant has indicated that the cemetery may be relocated to the Trinity Episcopal Church located in Upper Marlboro.

The applicant has proposed to preserve the tobacco barn located in the northeast corner of the subject property and relocate it inside the environmental setting of Beechwood. The deconstruction, relocation, and reconstruction of the barn should be addressed at the time of DSP and is recommended.

15. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider must include the following statement in the dedication documents established on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The preliminary plan of subdivision should delineate a ten-foot PUE along all public rights-of-way as requested by the utility companies. The PUE must remain free and clear from any site improvements including parking.

A 10-foot Public Utility Easement (PUE) is required along private roads per Section 24-128(b)(12). Large developments, in particular integrated shopping centers require utility companies to change the location of utility connections and lines. The applicant has requested that a 10-foot PUE be provided along the private right-of-way shown on the preliminary plan but to allow for flexibility in the event that the utility companies change the location of the onsite utilities at the time of Detailed Site Plan. In order to achieve this applicant may submit a plat of correction in order to relocate the PUE.

16. **Water and Sewer Categories**—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 inside the sewer envelope and within the Developing Tier, and will therefore be served by public systems.

17. **Conversion to Residential Use**—The subject property is zoned C-S-C. 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.

18. **Access**

††**Reconsideration**

††On October 10, 2019, the Planning Board granted the applicant’s request for a waiver of the Planning Board’s Rules of Procedure (Section 10), and for a reconsideration based on other good cause in furtherance of substantial public interest. On November 21, 2019, the Planning Board granted the reconsideration, limited to Condition 31(c) and Finding 18 only. Condition 31(c) requires denial of access from the perimeter roads of the property. The applicant requested, and the Planning Board approved, the modification of Condition 31(c) and Finding 18 to allow a new access point from Leeland Road.

The application proposes the creation of approximately 20 parcels. Many of those parcels are proposed to be located with frontage along Moores Plains Boulevard, Leeland Road, and US 301. For safety reasons, it is the judgment of the Planning Board that direct access from any parcel along the following sections of roads should be prohibited:

- a. Moores Plains Boulevard between Leeland Road and Effie Bowie Drive
- b. Leeland Road between Moores Plains Boulevard ††~~[US 301]~~ and High Street
- c. The entire property frontage along US 301
- ††d. Leeland Road, between High Street and US 301, unless the appropriate permitting agency determines that direct access will not result in unsafe traffic operations through issuance of an access permit.

Based on these access prohibitions, in accordance with Section 24-128(b)(9), access shall be denied for the aforementioned sections of roads.

(9) Where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Part 11 of

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Subtitle 27, in order to provide vehicular access, when deemed appropriate by the Planning Board.

Proposed High Street, which bisects the northern section of the property, is a 60-foot-wide private right-of-way. The portion of the subject property bisected by the proposed private road will be utilized entirely as an integrated shopping center. All development that will occur on the 13 parcels comprising the area north of proposed Effie Bowie Drive and will be served by internal cross access easements and drive aisles constructed in accordance with the parking and loading design standards in Part 11 of the Zoning Ordinance. Integrated shopping centers are self-contained developments that incorporate, within their overall plan, internal streets, private roads, rights-of-way, and easements designed for the control of vehicular access and circulation.

The proposed shopping center will be designed to so that all commercial development will be served by internal access driveways or easements connecting to the proposed 60-foot-wide private road and Effie Bowie Drive. Internal drive aisles will provide multiple access routes to uses within the shopping center and will comply with all design requirements in Part 11 of the Zoning Ordinance.

The outline below is a description of how each parcel shall be provided access to a public right-of-way, †† unless otherwise determined pursuant to Finding 18.d. above:

Parcel	Section 24-128(b)(9) Denial of Access
A-1	No
A-2	Yes
A-3	Yes
A-4	No
B	Yes
C	Yes
E	Yes
F	Yes
G	Yes
H	No
I	No
J	Yes
K	No

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Parcel	Section 24-128(b)(9) Denial of Access
L	No
M	No
N	No
O	No
P	No
R	No

19. **Urban Design**—The subject preliminary plan of subdivision proposes to subdivide a 28-acre property in the Beech Tree community into 19 parcels for development of a 300,000-square-foot shopping center in the Commercial Shopping Center (C-S-C) Zone. The property is located in the southwest quadrant of the intersection of Leeland Road and US 301.

The subject property was previously zoned L-A-C (Local Activity Center Zone) and is a part of the existing Beech Tree community, which is a master-planned community in the Residential Suburban Development (R-S, 1.6–2.6) Zone and is currently under development. The development intensity of the site was previously approved in Zoning Map Amendment A-9762-C. The purpose of a comprehensive design zone is to encourage optional and imaginative use of land and to achieve high-quality development. Properties in a comprehensive design zone are subject to a three-step review process, including basic plan, comprehensive design plan and specific design plan reviews. Before the property was rezoned from the L-A-C to the C-S-C Zone, the applicant filed a comprehensive design plan for this property with the Urban Design Section that was withdrawn later due to the zoning change. The general site layout, street pattern, and access points from both Leeland Road and Moores Plains Boulevard shown in this preliminary plan of subdivision are consistent with those shown on former comprehensive design plans. Since the site is now in the C-S-C Zone, the requirements of comprehensive design zones are no longer applicable to this property. However, in order to maintain the high quality as exhibited in the existing Beech Tree project, detailed site plan review should be required to ensure that the architecture of the proposed shopping center is compatible with that of the adjacent Beech Tree community and is of the same or higher quality.

In addition, a historic site known as Beechwood, with a 5.33-acre environmental setting, encumbers the subject site. The proposed department store building is located directly across Effie Bowie Drive, north of the historic site. Detailed site plan review is critical to ensure that the visual impact of the proposed new shopping center buildings on the historic site and setting is minimized to the fullest extent possible.

Conformance with the Prince George’s County Landscape Manual

The property is subject to the requirements of the 2010 *Prince’s George’s County Landscape Manual*. Specifically, the site is subject to Section 4.2, Landscaped Strips along Streets Requirements; Section 4.3, Parking Lot Requirements including c(1) Perimeter Landscaped Strip Requirements and c(2) Interior Planting Requirements; Section 4.4, Screening Requirements;

Section 4.9, Sustainable Landscape Requirements; and Section 4.10, Street Trees along Private Streets Requirements. It should also be noted that Leeland Road is categorized as a historic road and is within the Developing Tier; therefore, a 20-foot-wide landscape buffer to be planted with a minimum 80 plant units per 100 linear feet of frontage, excluding driveway openings, will be required in accordance with Section 4.6, Buffering Development from Special Roadways. Compliance with these regulations will be judged at the time of detailed site plan review.

20. **Detailed Site Plan**—In accordance with Section 24-110 of the Subdivision Regulations, a detailed site plan is recommended in accordance with Part 3, Division 9, of the Zoning Ordinance for the development of the subject property. Specifically, Section 24-110 provides the following:

Regulation of the subdivision of land and the attachment of reasonable conditions to plat approval are an exercise of valid police power delegated by the State to the Commission. The developer has the duty to comply with reasonable conditions imposed by the Planning Board for the design, dedication, improvement, and restrictive use of the land, so as to enhance the physical and economical development of the Regional District and to protect the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

A site plan is recommended in order to address the following issues:

- a. **Historic Barn**—The applicant should explore the possibility of preserving the tobacco barn located in the northeast corner of the subject property and relocating it inside the environmental setting of Beechwood.
- b. **Historic Beechwood House (#79-060)**—The applicant is proposing the preservation of the historic Beechwood House (#79-060), which is consistent with the recommendations of the Historic Preservation Commission and the Historic Preservation Section. The subject application will have a substantial impact on the Beechwood historic site, rendering it a minor element within a large shopping center complex with numerous attached and freestanding structures and associated parking. The current plan proposes the subdivision of the environmental setting. If these lots are established and subsequently developed, any reasonable sense of a protected setting for the historic site may be lost. Based on the location of the proposed access road, the separation of the historic site from the remainder of the proposed development is a positive feature of the application. However, as currently conceived, the subdivision of the environmental setting will bring new development close to the historic site and will result in substantial encroachment on the few remaining historic and natural features of the Beechwood setting.

To mitigate the impact of new construction within the Beechwood historic site and within the adjacent property, the development of the environmental setting and the remainder of the property should be subject to detailed site plan review by the Historic Preservation Commission and the Planning Board prior to approval of the final plat.

The first detailed site plan for the development should address the Beechwood historic site's environmental setting. This application should address the siting, massing, design, and materials of proposed buildings within the setting as well as landscaping, lighting, and other site-related features. This application should also address the relocation of the tobacco barn and the Hilleary family cemetery. Subsequent detailed site plans should address the siting, massing, design, and materials of proposed buildings within the remainder of the developing property as well as landscaping, lighting, and other site-related features. All detailed site plans should include sightline and viewshed analyses to determine whether or not there will be either internal or external visual impacts on the Beechwood historic site and its environmental setting.

- c. **Historic Beechwood House (#79-060) Rehabilitation**—To enhance the likelihood of the rehabilitation of the Beechwood historic site, as part of the first detailed site plan for the development, the applicant should be required to establish a timetable for addressing the condition of the exterior of the building, including but not limited to the condition of the roofs, general carpentry repairs and repainting, foundation and masonry repairs, the (re)installation or replication of window shutters based on historic photographs, and the repair or provision of code-compliant utilities to the building. This work shall be carried out through the historic area work permit (HAWP) process as necessary, and shall be completed prior to the first building permit for the development.
- d. **Lotting pattern**—The retention of the historic site's environmental setting as a single lot, within which no new development could occur, would both enhance its setting and separate the new features of the proposed shopping center from the vicinity of Beechwood. However, it is also deemed acceptable to the Planning Board for the proposed lots and associated lot lines to be adjusted to accommodate the retention of as many historic and specimen trees and other natural and historical features in the vicinity of the Beechwood house as possible, in accordance with Applicant's Exhibit A.
- e. **Highly visible site**—As discussed herein, this property is located at a highly visible location along the US 301 corridor, at the corner of US 301 and Leeland Road, a designated scenic road. The Subregion 6 Master Plan makes specific recommendation for the review of this site to ensure compatibility and the attractive design of the commercial development with the residential development. The DSP should address the massing, design, and location of all commercial buildings proposed, as well as lighting, landscaping, and screening.
- f. **Hilleary Farm Cemetery Relocation**—The applicant's 2007 report on the archeological investigation of the Hilleary family cemetery recommends that the burials be removed by archeologists rather than a funeral home. In addition, the applicant must secure the required authorization from the Maryland State's Attorney's office and permit from the Health Department and ensure that proof of notice for the relocation of the cemetery is published in a newspaper in the local area. A plan for the relocation of the cemetery should be submitted to the Historic Preservation Section for approval prior to final plat or the removal of the burials, and staff contacted when work is to begin. The relocation of

the cemetery should be reviewed at the time of DSP. The applicant has proposed to relocate the cemetery to Trinity Episcopal Church in Upper Marlboro.

- g. **Scenic Road Easement**—A scenic road easement is required along the subject property's frontage on Leeland Road (A County designated scenic road). It is generally recommended that a 20-foot-wide scenic easement, set behind the public utility easement (PUE), be delineated along the frontage of the scenic road unless conditions warrant a wider easement.

The applicant has requested flexibility from this requirement because the improvements that have been made to Leeland Road to date or are proposed are in contradiction to the provisions of a full scenic buffer adjacent to the right-of-way due to existing conditions. The current viewshed landscape of the site is of a flat, open field with no tree buffer from the street. The development proposal shown on the TCP1 indicates a flat parking lot extending to the edge of the property. Additionally, the State Highway Administration has worked with the applicant and other agencies to determine the future freeway interchange at the intersection of Leeland Road and US 301. This proposal would further alter the scenic value of this section of Leeland Road. Staff is recommending that the plans be revised to show the provision of appropriate buffers to enhance the appearance of the scenic road and to transition into the freeway entrance (US 301).

Staff recognizes that retention of an open appearance is not compatible with the proposed commercial use of the property, but Leeland Road was designated a scenic road during the 2006 Approved Bowie and Vicinity Sectional Map Amendment. At the time of detailed site plan the applicant shall address the views from the scenic road and analyze steps to enhance key scenic elements. A 20 foot scenic easement will be provided in accordance with the approved preliminary plan but can be modified with a plat of correction if the Planning Board finds an alternative road treatment is acceptable.

- h. **Interpretative Signage**—At the Planning Board hearing on January 13, 2011, the Planning Board requested that the applicant review and make reasonable efforts to provide signage and other interpretive and commemorative measures describing the history and significance of the Beechwood property including its agricultural, social and cultural heritage as well as the Hilleary Family cemetery. The applicant shall analyze and submit examples at the time of detailed site plan.

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 Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, January 13, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of February 2011 *and corrected on July 5, 2011.

*This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey and Shoaff voting in favor of the motion, with Commissioner Hewlett recused at its regular meeting held on Thursday, July 2, 2015 in Upper Marlboro, Maryland. The adoption of this amended corrected resolution based on the reconsideration action taken does not extend the validity period.

Adopted by the Prince George's County Planning Board this 30th day of July 2015 and corrected administratively on July 31, 2015.

††This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo and Bailey voting in favor of the motion, with Commissioner Doerner absent, and with Commissioner Hewlett recused at its regular meeting held on Thursday, November 21, 2019, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

Adopted by the Prince George's County Planning Board this 12th day of December 2019.

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††Denotes 2019 Amendment

†*Denotes 2015 Amendment

*Denotes 2015 Correction

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†††This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey and Doerner voting in favor of the motion, and with Commissioner Hewlett recused at its regular meeting held on Thursday, September 10, 2020, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

Adopted by the Prince George's County Planning Board this 1st day of October 2020.

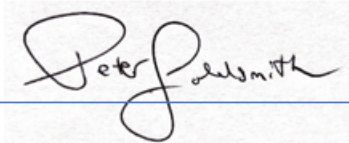
Elizabeth M. Hewlett
Chairman



By Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: September 23, 2020

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††Denotes 2019 Amendment

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