

R E S O L U T I O N

WHEREAS, Osborne Shopping Center, LLC is the owner of a 17.63-acre parcel of land known as Parcel 34 and Lot 15, VJ 189@20, Tax Map 109 Grid E-3, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on August 24, 2006, Rappaport Management Co. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05047 for Osborne Road Shopping Center 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 12, 2006, 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 12, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/29/05, and further APPROVED Preliminary Plan of Subdivision 4-05047, Osborne Road Shopping Center for Parcel G with the following conditions:

1. 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.
2. A Type II tree conservation plan shall be approved prior to the issuance of any permits.
3. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions thereto. The concept plan number and approval date shall be noted on the preliminary plan prior to signature approval.
4. Prior to the issuance of any building permits within the subject property, the following road

improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. At US 301 and Croom Road, adding an eastbound left-turn exiting the shopping center.
 - b. At US 301 and Old Crain Highway, restricting eastbound left-turns from Old Crain Highway onto US 301.
 - c. Prepare a signal warrant study for the intersection of US 301 and Old Crain Highway, assuming the proposed left-turn restriction, and agree to install the traffic signal if deemed warranted by SHA and/or DPW&T.
 - d. Prepare and submit queuing analysis based on the projected total traffic for the left-turning traffic at the intersections of US 301 with Osborne and Croom Roads. If the queuing analysis shows the existing stacking distances are not adequate to accommodate the total project traffic, the applicant shall agree to lengthen these left-turn lanes per SHA and/or DPW&T standards.
5. Prior to Signature approval of the preliminary plan, the applicant shall submit to the Transportation Planning Staff, a, 200 scale topography sheet for the property that shows the revised alignment with geometric and intersection turning radii per DPW&T and SHA standards for the Osborne/ Croom Road, as graphically shown as Option 2, which contains a circle/roundabout at its intersection with the plan A-62.
 6. Total development of the subject property shall be limited to a building or buildings for an integrated shopping center and related uses of no more than 83,793 square feet; or different uses generating no more than the number of new peak-hour trips (78 AM peak-hour trips and 166 PM peak-hour trips) generated by the above development. Any development generating additional trips shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
 7. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area, except for the single PMA impact that has been approved, and be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
 8. Prior to signature of the preliminary plan, the Type I TCP shall be revised to:

- a. Have the worksheet indicate the acreages in each zone.
 - b. Correct the area of additional woodland retained but not part of any requirement.
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
9. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/296/05), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is undeveloped and predominately wooded. A stream is located within a steep ravine along the northeastern boundary of the site. The site is surrounded by the following uses:

North: Single-family home in the R-A Zone

East: A church in the R-A Zone

South: Existing Osborne Shopping Center in the C-S-C Zone

West: Strip commercial uses along US 301 in the C-S-C Zone

The surrounding neighborhood is characterized by low-density, single-family residential developments, farmland and undeveloped woodland. Two R-R and R-E-zoned subdivisions are found in the neighborhood (Queensland to the northeast and Maryvale to the northwest.) Commercial uses are found at both quadrants of the intersection of Osborne Road and US 301.

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

	EXISTING	PROPOSED
Zone	C-S-C: 9.19 acres R-A: 8.44 acres	C-S-C: 9.19 acres R-A: 8.44 acres
Use(s)	Vacant	Expanded Shopping Center
Acreage	17.63	17.63
Lots	1	0
Parcels	1	1
Square Footage	0 (On site) 66,207 (Adjacent)	83,793 (New) 150,000 (Total)

4. **Environmental**—According to current aerial photos, approximately one-half of the site is wooded and approximately one-half is in agricultural use. A review of the information available indicates that streams, wetlands and 100-year floodplain exist on the subject property. The site drains into Charles Branch in the Patuxent River watershed. The Subregion VI Master Plan shows an area of Natural Reserve along the stream. According to the “Prince George’s County Soil Survey” the principal soils on the site are in the Bibb, Marr, Matapeake, Sandy Land, and Westphalia series. Marlboro clay occurs on the property. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources - Natural Heritage Program. US 301 is an adjacent source of traffic-generated noise. No historic or scenic roads are affected by this proposal. The site is in the Developing Tier according to the approved General Plan.

Natural Resources Inventory

An approved Natural Resources Inventory (NRI) was submitted with the application. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion VI Master Plan indicates that there is an area designated as Natural Reserve on the site. As noted on page 30 of the Subregion VI Master Plan:

“Natural Reserve Areas have physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas are composed of land areas under the terms of the County’s Subdivision Ordinance must be preserved in their natural state.”

The Natural Reserve Area on this site comprises the Patuxent River Primary Management Area Preservation Area (PMA). The PMA is defined in Section 24-101(b)(10) of the Subdivision Ordinance:

“A buffer established or preserved along perennial streams within the Patuxent River watershed excluding the area within the Chesapeake Bay Critical Area Overlay Zones, which at a minimum includes:

- “a. All perennial streams and a minimum of 50 feet of preserved or established vegetation on each bank;

- “b. The one hundred (100) year floodplain;
- “c. All wetlands adjacent to the perennial stream or the one hundred (100) year floodplain;
- “d. All areas having slopes of twenty-five percent (25%) or greater abutting or adjoining the perennial stream, the one hundred (100) year floodplain or stream-side wetlands;
- “e. All areas having highly erodible soils on slopes of fifteen percent (15%) or greater abutting the perennial stream, the one hundred (100) year floodplain or stream-side wetlands;
- “f. Specific areas of rare or sensitive wildlife habitat, as determined by the Planning Board.”

Section 24-130(b)(5) of the Subdivision Ordinance requires that the Planning Board find:

“Where a property is partially or totally within the Patuxent River Watershed, the plat shall demonstrate adequate protection to assure that the Primary Management Area Preservation Area is preserved to the fullest extent possible.”

One impact to the PMA has been proposed for the installation of a stormwater management outfall. The statement of justification dated November 15, 2005, notes that an outfall must be constructed to safely convey stormwater off of the site, that the property is currently served by two stormwater outfalls and that this new outfall will not only replace one of the existing outfalls but will also be designed to higher standards. Except for this outfall, the PMA will be preserved in its natural state.

Woodland Conservation

The property is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required.

A Type I Tree Conservation Plan, TCPI/29/05, has been reviewed and was found to require some revisions. The worksheet should be amended to show the acreages in each zone. The worksheet correctly calculates the required woodland conservation as 6.32 acres. The plan proposes to meet the requirement by providing 6.32 acres of on-site preservation. An additional 2.61 acres of woodland will be retained but not part of any requirement.

The layout of the proposed woodland conservation area is in general conformance with the policies of the Woodland Conservation Ordinance and the Green Infrastructure Plan. The preserved woodlands will serve to protect stream corridors and create contiguous woodland.

There are a few technical errors that need to be corrected before the plan can be signed. The worksheet must be replaced and formatted to clearly note the acreages of each zone. The area of additional woodland retained but not part of any requirement must be correctly indicated.

Soils/Marlboro Clay

According to the “Prince Georges County Soil Survey” the soils on the site are in the Bibb, Marr, Matapeake, Sandy Land, and Westphalia series. Bibb soils are associated with floodplains. Marr and Matapeake soils pose no special problems for development. Sandy Land soils are only a problem when associated with severe slopes. Westphalia soils are highly erodible and require special attention to erosion/sediment control when associated with steep and severe slopes.

Marlboro clay occurs on the property. A geotechnical report submitted with the application describes the location of Marlboro clay on the site and its potential impact on the proposed development. Although slope stability is not a significant issue, proper installation of the retaining wall, foundations and underground utilities will require special attention to engineering because Marlboro clay is in the shallow subsurface of much of the site.

Noise

Potential noise intrusion from vehicular traffic on US 301 is identified on page 26 of the Subregion VI Master Plan. The noise model used by the Environmental Planning Section predicts that the 65 dBA Ldn noise contour is about 311 feet from the centerline of US 301. New residential uses in areas with a noise level of 65dBA Ldn should be discouraged. A noise level of 65 dBA Ldn is not a significant impact for commercial uses.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The proposed development would utilize public water and sewer facilities.

5. **Community Planning**—The property is located in Planning Area 82A/Queensland. The 2002 General Plan placed the site 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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

This application does not conform to the Low-Rural residential land use or the M-NCPPC Parkland land use recommended in the 1993 Subregion VI Study Area Master Plan for the Queensland area of Planning Area 82A. The 1994 Sectional Map Amendment for the Subregion VI Study Area classified the subject property in the R-A Zone. However, A-9958 rezoned this property (proposed Parcel G) from R-A to C-S-C on March 3, 2004. Therefore, the land use proposed by this application is in conformance with the current zoning on the subject property.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, this subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
7. **Trails**—There are no master plan trails issues in the Adopted and Approved Subregion VI Master Plan that impacts the subject site. There is an existing sidewalk along the subject site’s frontage of Osborne Road west of the shopping center entrance.
8. **Transportation**—The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study in support of the proposed plan dated October 2005 that was referred for comment to the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the 2002 General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the Guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

Analysis of Traffic Impacts

In addition to existing shopping center access points, the traffic study examined the site impact at the following intersections:

- US 301/Old Crain Highway (unsignalized)
- US 301/Croom Road (signalized)
- US 301/Osborne Road (signalized)
- US 301/Heathermore Boulevard (signalized)
- US 301/Rosaryville Road/ Old Indian Head Road (signalized)

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/Old Crain Highway	75.5*	684*	F	F
US 301/Croom Road	1,388	1,154	D	C
US 301/Osborne Road	1,075	1,306	B	D
US 301/Heathermore Boulevard	1,305	1,046	D	B
US 301/Rosaryville Road/Old Indian Head Road	1,319	1,288	D	C
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.</p>				

The background traffic condition includes the traffic that would be generated by 13 approved but not yet built development plans located in the immediate vicinity of the subject property. In addition, a growth rate of 2.6 percent per year was assumed along US 301 and for a period of three years, to the assumed buildout year of 2008. There are no programmed improvements in the County Capital Improvement Program (CIP) or the State Consolidation Transportation Program (CTP). Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 301/Old Crain Highway	160*	3877*	F
US 301/Croom Road	1,664	1,424	F	D
US 301/Osborne Road	1,190	1,292	C	C
US 301/Heathermore Boulevard	1,438	1,167	D	C
US 301/Rosaryville Road/Old Indian Head Road	1,417	1,438	D	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

The site is proposed for development as an expanded shopping center. The additional square footage would generate an additional 78 (48in, 30 out) AM peak-hour vehicle trips and 166 (83 in, 83 out) PM peak-hour vehicle trips. It is important to note that 50 percent of the generated traffic is assumed to be pass-by-trips. With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 301/Old Crain Highway	165*	3,877*	F
US 301/Croom Road	1,680	1,465	F	E
US 301/Osborne Road	1,205	1,312	C	D
US 301/Heathermore Boulevard	1,445	1,174	D	C
US 301/Rosaryville Road/Old Indian Head Road	1,423	1,448	D	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

The traffic study identifies inadequacies at the unsignalized intersection of US 301/Old Indian Head Road, as well as the signalized intersection of US 301/Croom Road. Section 24-124(a) (6) of the County Code authorizes the Planning Board to consider traffic mitigation procedures under certain circumstances. This includes major regional road facilities such as US 301 and/or MD 3. These roads experience a significant amount of external traffic. Under these circumstances the applicant needs to recommend improvements that will eliminate at least 150 percent of the development-generated critical lane volume at the critical intersection. In response to the inadequacies, the applicant recommends the following to mitigate the proposed impact:

- a. At US 301 and Croom Road, adding an eastbound left-turn exiting the shopping center.
- b. At US 301 and Old Crain Highway, the applicant has suggested restricting eastbound left-turns from Old Crain Highway onto US 301.

SHA does not fully concur with the results of the traffic study. In addition to the above, SHA is requesting the applicant to prepare a signal warrant study for the intersection of US 301 and Old Crain Highway, assuming the proposed left-turn restriction. Further, the applicant is to prepare and submit queuing analysis based on the projected total traffic for the left-turning traffic at the intersections of US 301 with Osborne and Croom Roads. If the queuing analysis shows the existing stacking distances are not adequate to accommodate the total project traffic, the applicant will need to lengthen these left-turn lanes per SHA and or DPW&T standards.

Plan Comments

The Approved Subregion VI, and the related Transportation Technical Bulletin, dated April 1992, recommends that Croom Road and Osborne Road be relocated to a single intersection with the plan arterial (A-62), located north of the existing Osborne Shopping Center. On file, and as part of the office of the Prince George's County Planning Department, is a detailed map showing Osborne/Croom Road extended on a new alignment at the rear of the Osborne Shopping Center. Although this proposed alignment avoids the existing shopping center, it limits the planned expansion of the shopping center proposed by the applicant. Due to these concerns, the Planning Board directed staff and applicant to identify possible alternatives to the proposed alignment for Osborne/Croom Road that would meet the relevant Subregion VI Master Plan recommendations. Two new alignments were discussed. The alignment proposed as Option 2 has been deemed acceptable by staff, SHA, and the applicant as an alternate to the alignment showing on the Master Plan of Transportation GIS layer (MPLANROW).

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions limiting the number of peak-hour trips to the site, providing a relocation scheme for C-615 and requiring improvements to the surrounding transportation network.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded that the subdivision is exempt from the APF test for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

The existing fire engine service at Marlboro Fire Station, Company 45 located at 7710 Croom Road has a service travel time of 1.10 minutes, which is within the 3.25-minute travel time guideline.

The existing ambulance service at Marlboro Fire Station, Company 45 located at 7710 Croom Road has a service travel time of 1.10 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Marlboro Fire Station, Company 20 located at 14815 Pratt Street has a service travel time of 6.59 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service travel time of 14.10 minutes, which is beyond the 4.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, paramedic but is beyond the response time for ladder truck services. In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed for the subject commercial development, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan*, 1990 and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan, 1990* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

11. **Police Facilities**—The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reviewed the application and has no comments.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan has been submitted but not yet approved. Prior to signature approval of the preliminary plan, the applicant should submit a copy of the concept approval letter and indicate the approval date on the preliminary plan. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
14. **Historic Preservation**—Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. Section 106 review may require archeological survey for state or federal agencies, however.
15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to all public roads. This easement will be reflected on the final plat.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Eley, with Commissioners Vaughns, Eley, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 12, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of February 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator