

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

WHEREAS, an 11.70-acre parcel of land known as Parcel B, Plat WWW 75@35, Tax Map 81-C-3, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on August 1, 2006, Saul Holdings Limited Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06059 for Saul Centers was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 9, 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 November 9, 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/15/02), and further APPROVED Preliminary Plan of Subdivision 4-06059, Saul Center for Parcels D&E with the following conditions:

1. Prior to the issuance of building permits and part of the Detailed Site Plan the applicant, his heirs or assigns shall provide a standard sidewalk along the subject property's entire frontage of Regency Parkway, unless modified by DPW&T.
2. In addition to the existing 16,792 GSF existing food store on parcel E, total development on parcels D and E shall be limited to 143,200 S. F., and new development shall be limited to 126,400 S.F. of gross commercial space or any allowed development or uses which would generate no more than 373 vehicle trips during the AM peak hour and 545 vehicle trips during the PM peak hour. Any use that generates an impact greater than noted above will require the submission of a new preliminary plan and a finding of transportation adequacy.
3. Development must be in accordance with the approved stormwater management concept plan and any subsequent revisions.

4. Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
5. Prior to the issuance of any permits, the Planning Board or their designee shall approve a limited detailed site plan for Parcel D. This site plan shall be reviewed in accordance with **Finding ~~*[15]~~17**.
6. Prior to the issuance of permits a Type II tree conservation plan shall be approved.
7. All proposed commercial structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
8. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan shall be revised as follows:
 - a. Show conceptual grading and proposed development footprints.
 - b. Have the revised plan signed and dated by the qualified professional who prepared it.

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 subject property is located on Tax Map 81 in Grid C-3 and is known as Parcel B, subdivided in 1971 by record plat WWW 77@35, District Heights Plaza. The property is 11.7 acres and is zoned Commercial Shopping Center (C-S-C). The subject property is located in the southern quadrant of the intersection of Regency Parkway and Marlboro Pike in District Heights.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	16,792 square feet Commercial/Retail	126,408 square feet Commercial/Retail
Acreage	11.7	11.7
Lots	0	0
Parcel	1	2
Constructed Units	1 (existing)	To Be Determined

*Denotes correction
 [Brackets] denotes deletion
Underlining denotes addition

4. **Subdivision**—The subject property is zoned C-S-C. Although the subject application is not proposing any residential development, it is adjacent to property that is zoned for residential use. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivision, any future consideration for residential development beyond one single-family dwelling should require the approval of a new preliminary plan of subdivision
5. **Environmental**—The Environmental Planning Section has reviewed the referenced revised preliminary plan of subdivision for the Saul Centers, formerly known as the Aldi Property, stamped as received on September 22, 2006. The Environmental Planning Section recommends the approval of Preliminary Plan 4-06059 and TCPI/15/02 subject to conditions noted at the end of the memorandum.

Background

The Environmental Planning Section previously approved a Type II Tree Conservation Plan (TCPII/116/97), for Parcels B & C of the District Heights Plaza Subdivision. The property area currently under review is Parcels B & C which totals 13.15 acres and does not include the Regency Parkway right-of-way of 1.9 acres, which was previously dedicated in 1971. Preliminary Plan of Subdivision 4-02082 and Type I Tree Conservation Plan TCPI/15/02 were approved with conditions for this site, but expired without platting. The portion of the subject property east of Regency Parkway, labeled as an out parcel, has been reviewed as a Special Exception (SE-4461) for a gas station and fast-food restaurant, along with TCPI/15/02, which is pending. This application proposes to subdivide the 11.71 acres portion of the site west of Regency Parkway into two parcels. The subject property is zoned C-S-C.

Site Description

The subject property is located in the northwest quadrant of the intersection of Old Marlboro Pike and Regency Parkway. There are no streams, wetlands, or floodplain on the subject property. Current aerial photos indicate that the site is wooded. The site is characterized with terrain sloping toward the north, and drains into unnamed tributaries of Western Branch of the Patuxent River basin. No historic or scenic roads are nearby. Old Marlboro Pike, which is classified as a collector highway is the nearest noise source and generally not regulated for noise. Furthermore, noise is not an issue at this time due to the commercial zoning of the site. The proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened or endangered are known to occur in the general region. The Prince George's County Soils Survey indicates that the predominant soil type on the site is Beltsville, which generally exhibits moderate limitations to development due to perched water table, impeded drainage and steep slopes. This property is located in the Developed Tier as delineated on the 2002 General Plan. The site does not contain regulated area, evaluation area, or any network gaps identified on the Countywide Green Infrastructure Plan.

Environmental Review

The preliminary plan application has a signed natural resources inventory (NRI/097/06), dated August 25, 2006, that was included with the application package. The preliminary plan and TCPI show all the required information correctly. No revisions are required for conformance to the NRI.

This site is subject to the provisions of the Woodland Conservation Ordinance because the site has a previously approved Tree Conservation Plan. A Type II Tree Conservation Plan, TCPII/116/97, was reviewed and approved for Parcels B & C of this property. The TCPII was approved on December 17, 1997, for partial development of the site and contains the note: "will require future revision."

A Type I Tree Conservation Plan for Parcels B & C was previously approved with Preliminary Plan 4-02082, and resubmitted in conjunction with SE-4561. A Type I Tree Conservation Plan is required for the approval of the preliminary plan of subdivision.

Type I Tree Conservation Plan TCPI/15/02 was resubmitted with this application, and covers a larger area than the current subdivision application based on the previously approved TCPII. The woodland conservation threshold for this site is 1.97 acres (15 percent of the net tract). The total amount of required woodland conservation required based on the amount of clearing currently proposed is 6.18 acres.

The TCPI as currently designed, proposes to meet the requirement with 0.56 acres of on-site preservation, and 5.62 acres of off-site mitigation. The TCPI has also been reviewed for conformance with the approved Green Infrastructure Plan, and no green infrastructure elements or expanded stream buffer areas were found to occur on the site.

The TCPI as submitted has been found to require minor revisions to be in conformance with the Woodland Conservation Ordinance to show conceptual grading and proposed development on the plans. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan should be revised.

The Prince George's County Soils Survey indicates that the principal soils on the site are in the Beltsville soils series. These soils are highly erodible and may have a high water table and impeded drainage. These characteristics do not typically create severe problems for foundations or parking lots. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004, during the permit process review.

Old Marlboro Pike and Regency Parkway, which run adjacent to this site, are both classified as collectors, which are not regulated for noise. No further action information is required regarding noise impacts.

A Stormwater Management Concept Approval Letter (26487-2006-00) dated July 17, 2006, and the associated plans were submitted with the review application. The requirements for the stormwater management will be met through subsequent reviews by the Department of Environmental Resources. No further action is required at this time with regard to the stormwater management.

Water and Sewer Categories

The water and sewer categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated December 2003.

6. **Community Planning**— The subject property is located at the southeast corner of the intersection of Marlboro Pike and Regency Parkway in District Heights within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application is not inconsistent with the 2002 *Prince George's County Approved General Plan* development pattern policies for the corridors in the Developed Tier. The subject property is 11.70 acres in size. The applicant proposes to subdivide the subject property into two parcels for additional development. There is an existing retail food store on the property. The recommended Land Use for the property is for Retail-Commercial use. This application conforms to the land use recommendations of the 1985 *Adopted and Approved Suitland-District Heights and Vicinity Master Plan* for retail commercial uses.
7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the subject subdivision is exempt from mandatory dedication of parkland requirements because it consists of existing and proposed nonresidential development.
8. **Trails**—The Saul Centers preliminary plan was reviewed for conformance with the countywide trails plan and/or the appropriate area master plan in order to provide the master plan trails. There are no master plan trails issues identified in the *Adopted and Approved Suitland-District Heights and Vicinity Master Plan*, which impact the subject property. The standard sidewalk reflected along the subject site's frontage of Regency Parkway and Marlboro Pike will accommodate pedestrians along these roads. The applicant should construct the sidewalk along their frontage of Regency Parkway. The sidewalk along Marlboro Pike has already been constructed.
9. **Transportation**—The following are this division's comments concerning site access, geometric design and traffic impact of the subject application. These comments are final.

“The proposed site access point is adequate to serve the proposed development. There is an existing food store (16,792 Gross Square Feet, GSF) on the proposed parcel E. This parcel has access to the existing Regency Parkway and Marlboro Pike, both collector facilities each with a total of right-of way of 80 feet. Parcel D is proposed to have direct access to Regency Parkway and access to Marlboro Pike via a connection to the private roads within the proposed Parcel E.

The proposed circulation and access points are acceptable provided they are constructed per DPW&T standards.

“Regency Parkway and Marlboro Pike are identified in the Adopted Master Plan as a collector roadway with (80) feet of Rights-of Way, which are correctly shown on the plan.”

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision of a recorded parcel (B) of District Heights Plaza into two new parcels (D and E). Most of the proposed property is vacant except for an existing 16,792 gross square feet (GSF) food store located on parcel E, the portion that fronts on Marlboro Pike.

The original Parcel B consisting of 11.71 acres of C-S-C zoned was recorded after 1972. As such and per the guidelines, the vested total development on this parcel of land is limited to 143,200 GSF of commercial retail. It is important to note that the stated 143,200 GSF of commercial retail has also been used for this parcel and as background in all prior adequacy determinations of other nearby subdivision applications.

Since the site is currently improved with only 16,762 GSF of commercial development, staff can find that the proposed subdivision would have adequate access roads if the additional development on the two proposed parcels is limited to no more than 126,408 GSF of new commercial retail or any other allowed development that generates no more than 373 vehicle trips during the AM peak hour and 545 vehicle trips during the PM peak hour.

The subject property is located within the developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 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.

TRANSPORTATION STAFF CONCLUSIONS

The Transportation and Public Facilities Planning Division concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with conditions.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary 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 the subdivision is exempt from review for schools because it is a commercial use.
11. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan 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.

The existing fire engine at District Heights Fire Station, Company 26, located at 6200 Marlboro Pike has a service travel time of 0.46 minutes, which is within the 3.25 minutes travel time guideline. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 4.82 minutes, which is within the 7.25 minutes travel time guideline. The existing ladder truck service at Hillside Fire Station, Company 6, located at 1234 Larchmont Avenue has a service travel time of 4.46 minutes, which is beyond the 4.25 minutes travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should be provided 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."

12. **Police Facilities**—The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future developments. The plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 county residents.

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police and the latest population estimate is 825,520. Using the 141 square feet per 1000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet is above the guideline.

13. **Health Department**—The Health Department reviewed the proposed subdivision and had no comments.
14. **Stormwater Management**—A stormwater management concept plan, CSD 26487-2006-00, was approved for the subdivision of land only. No construction activity is proposed in this concept approval.
15. **Archeology**—Phase I archeological survey is not recommended for the above-referenced property. However, the applicant should be aware that state or federal agencies might require archeological investigation through provisions of Section 106 of the National Historic Preservation Act.
16. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.
17. **Limited Detailed Site Plan**—In a memorandum received on August 28, 2006, from Kendal Gray (Legislative Aide to Camille A. Exum), various concerns were raised regarding the appearance of new development for the subject property. These concerns focused on the implementation of stormwater management, fencing around the center, and uniformity of building facades. A limited detailed site plan is requested to ensure that these items are addressed in a manner consistent with the provision of quality development.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Eley, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, November 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of December 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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