

R E S O L U T I O N

WHEREAS, George Murray is the owner of a 1.19-acre parcel of land known as Parcel 41, Tax Map 25 in Grid E-1, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned C-O and D-O; and

WHEREAS, on July 31, 2006, ZH Investments, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06072 for 9900 Baltimore Avenue Property 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 25, 2007, 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 25, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-06072, 9900 Baltimore Avenue Property, for Lot 1 with the following conditions:

1. The applicant and the applicant's heirs, successors, and/or assignees shall provide a standard sidewalk along the subject site's entire frontage of Baltimore Avenue (US 1), unless modified by SHA.
2. Development must be in accordance with the approved stormwater management concept plan (200001-06-00) and any subsequent revisions.
3. Prior to signature approval of the preliminary plan, the applicant shall obtain signature approval of CSP-06006.
4. The total development within the subject property shall be limited to 22,000 square feet of office space or different uses generating no more than 44 AM (40 in, 4 out) and 41 PM (8 in, 33 out) peak-hour vehicle trips, respectively. Any development on the subject property resulting in a trip generation that exceeds this level shall be subject to the submission of a new preliminary plan of subdivision and a new test for transportation adequacy.
5. Prior to the issuance of any building permit, the following improvements shall (a) have full

financial assurances, (b) have been permitted for construction and (c) have been agreed-upon timetable for construction with the appropriate agency:

- a. Provision of a double left-turn lanes and an exclusive right turn lane along westbound Edgewood Road at its approach with US 1 and any necessary pavement marking and signal modifications per SHA and/or DPW&T standards.
 - b. Widening of Edgewood Road and 47th Place and provision of physical barrier along Edgewood Road, as shown on the Plan and per the SHA, DPW&T and the City of College Park standards and requirements.
6. At the time of detailed site plan review, the landscape plan shall demonstrate the provision of at least 5,227.20 square feet of tree cover using a calculation of 10-year tree canopy.
 7. Prior to signature approval of the preliminary plan, a copy of the stormwater management concept approval letter and all associated plans must be submitted.
 8. If residential development is proposed on this site, prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.
 9. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to approval of a detailed site plan.
 10. The 10-foot public utility easement (PUE) may be removed from the final plat in the event that the affected utilities waive their right to the PUE prior to the approval of the final plat.
 11. Site access to Edgewood Road shall be limited to right-in/right-out only and the applicant shall provide a median along Edgewood Road between U.S. 1 and 47th Place to prevent left turns.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located at the northeast intersection of Baltimore Avenue and Edgewood Road, south of the on-ramp to I-95/I-495. The site is bounded to the north by the right-of-way of the Capital Beltway (I-95/I-495); to the west by the right-of-way of Baltimore Avenue; to the south by the right-of-way of Edgewood Road; and to the east by the right-of-way of 47th Place. Further across 47th Place are existing single-family detached houses in the R-55 Zone and further across Edgewood Road to the south are commercial properties in the Development District Overlay

Zone of the 2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment.

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

| | EXISTING | PROPOSED |
|------------------------------|-----------------|--|
| Zone | C-O / D-D-O | C-O / D-D-O |
| Use(s) | Vacant | Office Commercial (22,000 square feet) |
| Acreage | 1.19 | 1.19 |
| Lots | 0 | 1 |
| Parcels | 1 | 0 |
| Public Safety Mitigation Fee | | No |

4. **Previous Approvals:** The subject site was originally zoned C-2 (General Commercial, Existing). In 1994, the subject property was rezoned to the C-O (Commercial Office) Zone by Zoning Map Amendment Application A-9889-C with 11 conditions. In 2002, the property was retained in the C-O Zone by the 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* with the conditions imposed in 1994, in accordance with the request of the then-property owner. A conceptual site plan (CSP-06006) seeking changes to the conditions of approval of A-9889-C was filed for this property and has been recommended for approval, with conditions, by the Urban Design Section.

5. **Urban Design**—The Urban Design Section has reviewed a concurrent CSP and is recommending changes to the conditions of approval for A-9889-C as follows for Conditions 1, 2, 6, 7 and 9:

“1. Total Commercial office floor space developed on the site shall not exceed 7,500 gross square feet.

Urban Design recommends:

“Total gross floor area developed on the site shall not exceed 22,000 gross square feet.”

- 2. A 60-foot landscaped yard shall be provided along 47th Place and a 40-foot landscaped yard shall be provided along Edgewood Road. Plant material and landscape design in these yards shall provide maximum year round screening.**

Urban Design recommends:

“The building shall be setback a minimum 70 feet from 47th Place. The specific siting of the proposed building in relationship to Edgewood Road and on-site landscaping and buffering shall be reviewed in detail in accordance with the DDOZ standards at time of the detailed site plan.”

- 6. Building design, scale, orientation, and materials shall be compatible with single-family residential development. No building shall be more than 2 ½ stories high.**

Urban Design recommends:

“Building design, scale, and orientation shall be compatible with single-family residential development and shall be reviewed for conformance with the DDOZ building design standards at time of detailed site plan.”

- 7. The site shall be subject to detailed site plan approval including architecture of the buildings. Conditions 1 thru 6 and the applicant’s tree conservation plan shall be addressed during detailed site plan review.**

Urban Design recommends:

Staff agrees with the applicant’s request to remove Condition 7.

- 9. There shall be no access to the site from 47th Place or Nantucket Road.”**

Urban Design recommends:

Based on the analysis of the Transportation Planning Section, staff agrees with the applicant that Condition 9 should be deleted, thus allowing a full access from 47th Place.

Comment: If these conditions are amended as recommended in CSP-06006, the subject application will be in accordance with the approved CSP.

- 6. Environmental**—The site is characterized by terrain sloping gradually toward the northeastern half of the site and drains into unnamed tributaries of the Indian Creek watershed in the Anacostia River basin. A review of the available information indicates that no streams, highly erodible soils, wetlands or 100-year floodplain are found to occur on the property. There are no Marlboro clays found to occur on the site. Baltimore Avenue is classified as a collector roadway and is not generally regulated for noise impacts. The primary soil types found on the subject property according to the Prince George’s County Soils Survey are Matapeake, Sassafras and Woodstown. These soil series generally exhibit slight to moderate limitations to development due to steep slopes, seasonally high water table and impeded drainage. According to information obtained from the Maryland Department of Natural Resources Wildlife and Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property. This property is located in Subarea 6b of the College Park US 1 Corridor Sector Plan and in the Developed Tier as delineated on the 2002 General Plan. The site is not within the designated network of the Countywide Green Infrastructure Plan.

Environmental Issues Addressed in the College Park US 1 Corridor Sector Plan

Specific recommendations related to the environmental elements of trees, planting and open space; and noise are contained in the sector plan. These recommendations have been formalized within the plan as development district standards, some of which are regulatory and some of which are performance standards.

S6. Trees, Planting and Open Space

Paragraph B states the following:

“B. The planting of trees on sites proposed for new development and/or redevelopment shall be counted toward meeting the Woodland Conservation Ordinance requirements. Street tree planted on abutting road rights-of-ways may also be counted toward meeting the requirement.”

Comment: An NRI submitted with the review package indicates that none of the on-site vegetation meets the definition of woodlands, and the subject property is exempt from the Woodland Conservation Ordinance. There is no woodland conservation requirement for this site.

Paragraph C states the following:

“C. Afforestation shall be accomplished through the provision of shade and ornamental trees. Tree Cover shall be provided for a minimum of 10 percent of the gross site area and shall be measured by the amount of cover provided by a tree species in 10 years. Street trees planted along abutting right-of-way may be counted toward meeting this standard. Exceptions to this standard shall be granted on redevelopment sites where provision of 10 percent tree cover is not feasible due to existing buildings and site features.”

Comment: The gross tract area of the preliminary plan is 1.19 acres. The afforestation/tree cover requirement for this site is a minimum of 5227.2 square feet. This requirement will be evaluated at time of detailed site plan review on the landscape plan, because a TCPII is not required for this site.

S7. Stormwater Management

Paragraph A reads as follows:

“A. Low impact development techniques, as contained in the current version of the design manual “Low-Impact Development Design Strategies: An Integrated Design Approach” shall be used on all sites as either the primary or secondary method of collecting and/or treating stormwater.

A stormwater management concept approval letter was not submitted with this application nor was there any evidence of compliance. Note 12 on the preliminary plan indicates that a stormwater management concept approval letter (20001-2006-00) has been obtained.

Recommended Condition: Prior to signature approval of the preliminary plan, a copy of the stormwater management concept approval letter and all associated plans must be submitted.

Paragraphs C, D and E read as follows:

- “C. If the construction of stormwater management facilities results in the removal of trees or existing woodland, the area should be replaced within the same site. Wherever possible, bioengineering techniques should be used to reestablish the woodland lost.”**
- “D. The use of underground retention facilities shall be considered through the development district, especially in the main street (3a and 3b) and town center (1a, 1b, 1c, 1d and 1e) subareas.”**
- “E. Stormwater management facilities should be designed as visual amenities that are visible from a building or a street, rather than located in isolated areas. Openings in any screening treatments shall be provided to facilitate observation of the area.”**

Comment: No woodlands has been identified on-site, so replacement of on-site woodlands removed for stormwater management facilities will not be required. Insufficient information has been provided about stormwater methods proposed for evaluation at this time. The appearance of stormwater management facilities will be addressed at time of detailed site plan review. The requirements for stormwater management will be reviewed during subsequent reviews by the Department of Public Works and Transportation.

S8. Noise

Paragraphs A and B of the noise standards describe how noise is measured and how it is to be mitigated for residential uses. The subject application proposes a commercial use adjacent to Baltimore Avenue, and the Beltway (I-95) both noise generators. Noise impacts along Baltimore Avenue are not an issue due to the classification of Baltimore Avenue as a major collector, not generally regulated for noise. Noise impacts related to I-95, which is classified as a freeway, is required and will be addressed in the Environmental Review section of this memorandum.

Countywide Green Infrastructure Plan

This site is not within the designated network of the Countywide Green Infrastructure Plan.

Natural Resources Inventory

The preliminary plan application has a signed Natural Resources Inventory (NRI/106/05-01), dated July 21, 2006 that was included with the application package. The preliminary plan shows all the required information correctly.

Woodland Conservation

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size, the site contains less than 10,000 square feet of woodlands, and there is no previously approved tree conservation plan. A Type I tree conservation plan is not required. The Environmental Planning Section, Countywide Planning Division, issued a standard letter of exemption on October 13, 2005.

Noise

Baltimore Avenue/US 1 is classified as a major collector and is not regulated for noise impacts. However, I-95 is a freeway and a major noise generator that is located within close proximity to the subject property. Based on the Environmental Planning Section's noise model, an analysis of the noise generated by the freeway indicates that the 65 dBA Ldn noise contour is located approximately 1,255 feet from the centerline of I-95. The 65 dBA Ldn noise contour must be shown on the preliminary plan and TCPI, based on the EPS noise model, or based on an independent Phase I Noise Report that shall also be submitted for review supporting an alternative delineation of the 65 dBA Ldn noise contour. Due to the commercial zoning of the site, noise is not anticipated as a concern unless residential uses are proposed for the site. If residential uses are proposed within the limits of the 65 dBA Ldn noise contour, appropriate mitigation measures will be required.

Note 15 on the preliminary plan correctly indicates that the entire site is included within the 65 dBA (Ldn) limits of the Capitol Beltway noise contour, based on the Environmental Planning Section noise model which is located approximately 700 feet beyond the subject property. This implies that mitigation measures would be required if residential units are proposed.

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 property will be served by public systems.

7. **Community Planning**—The 2002 *General Plan* places this site in the Developed Tier and is in a designated corridor (Baltimore Avenue US 1). The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for corridors is mixed residential and nonresidential uses at moderate

to high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor.

The 2002 Approved College Park US 1 Corridor Sector Plan and the standards of the Development District Overlay Zone (DDOZ)

The 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* defines long-range land use and development policies, detailed zoning changes, design standards and a development district overlay zone for the US 1 corridor area. The land use concept of the sector plan divides the corridor into six areas for the purpose of examining issues and opportunities and formulating recommendations. Each area has been further divided into subareas for the purpose of defining the desired land use types, mixes, and character of development. The subject site is in Area 6 (North Gateway Mixed Commercial Area), Subarea 6b, east side of US 1. Area 6 is recommended to retain a variety of commercial development without the introduction of residential uses. The sector plan also provides specific subarea recommendations for Subarea 6b as follows:

- Development with a mix of retail, office and service-commercial uses
- Compact infill development
- Screening, buffering and tapering of building heights adjacent to single-family residential areas.

In addition, the sector plan prescribes detailed development district overlay zone design standards that govern the design and development of public areas, site design and building design. As discussed, the proposed modification or deletion of previous conditions attached to Zoning Map Amendment Application A-9889-C for the subject site will result in a development on the site that is consistent with the land use and design recommendations of the sector plan.

8. **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 proposes nonresidential development.
9. **Trails**—The Approved College Park US 1 Corridor Sector Plan designates US 1 as a master plan bicycle/trail corridor. Figure 3 of the Sector Plan shows a preferred cross section for US 1 that includes five-foot sidewalks (with wider sidewalks recommended in areas of higher pedestrian traffic) and wide outside curb lanes or designated bike lanes to accommodate bicycles. Staff recommends that any road frontage improvements for US 1 along the subject site be in conformance with this recommendation, and that a standard sidewalk be provided along the subject site's frontage of US 1 (or at least to the pedestrian crossing of the eastbound ramp).

The Sector Plan also designates Edgewood Road as a master plan bikeway. Appropriate signage, pavement markings, or safety improvements along this road will be determined by the City of College Park.

10. **Transportation**—The proposed application is for the construction of 22,000 square feet of office space. Using the generalized trip generation rates for general office, as recommended in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” the proposed development would generate 44 AM (40 in, 4 out) and 41 PM (8 in, 33 out) peak-hour vehicle trips. Since the approved rezoning resolution limits the development on this site to only 7,500 square feet of general office, staff recommended the applicant submit a traffic study detailing weekday analyses to fully evaluate the impact of proposed development on US 1 and other nearby roadways.

In response, the applicant submitted a traffic study dated May 16, 2006, prepared in accordance with the procedures outlined in the Guidelines, and the Sector Plan’s recommended adequacy standard for transportation facilities. The study was found to be acceptable and was referred to the City of College Park, Prince George’s County Department of Public Works and Transportation (DPW&T), and Maryland State Highway Administration (MD-SHA) for their review and comments. As a result of critical operational issues and concerns raised by staff, SHA and the City of College Park, additional analysis were submitted for review on January 3, and January 10, 2007. SHA and DPW&T provided comments on the original traffic study. No additional written comments were provided on the subsequent analysis submitted during the month of January. It is important, however, to note that during a January 9, 2007, meeting arranged by the applicant, it was decided that provision of double left turn lanes and a single exclusive right-turn along westbound Edgewood Road would be superior to the original traffic study recommendation of providing double right turn lanes and a single left-turn lane at its approach with US 1. Therefore, the findings and recommendations outlined below are based upon a review of relevant and submitted materials and analysis, all conducted in accordance with the requirements of the approved College Park US1 Corridor Sector Plan and the Guidelines.

Based on the analysis conducted for the subject site and reported in the submitted traffic study, the US1 corridor between I-495/I-95 and Greenbelt Road would be operating at acceptable levels of service with the calculated average AM and PM peak-hour critical lane volumes for all signalized intersections at or below the required 1,600 vehicles under existing, background and total projected traffic volumes. This adequacy finding assumes all of the frontage improvements recommended along Edgewood Road, and 47th Place, as well as the provision of double left-turn lanes along westbound Edgewood Road at its approach with US 1.

The review of the plan itself has revealed no significant problems. The plan proposes and shows adequate rights-of-way dedications for Edgewood Road and 47th Place. Ingress/egress to the site will be from a limited right-in/right-out along Edgewood Road and a full access along 47th Place. No direct access to US 1 is allowed or proposed. The resolution approving the zoning change to C-O for the subject property prohibits provision of any access from 47th Place or Nantucket Road. The combination of site’s limited frontage and close proximity of proposed access driveway to

the US 1/Edgewood intersection severely restricts the type of access that can be constructed along Edgewood Road. As a result and per DPW&T, SHA and staff recommendations, the applicant has proposed to construct a raised median along Edgewood Road and across the proposed entrance, which would physically eliminate left turns to and from the site at this location. This action warrants provision of another access to the site. Since no other roads front the subject site, provision of a full access along 47th place is warranted.

Finally, US 1 is proposed as major collector with 90–110 feet of rights-of ways in the US 1 sector plan. Review of the preliminary plans prepared by the SHA demonstrates the rights of way limits shown for US 1 is acceptable.

Conclusion

Based on the preceding findings, the Transportation Planning Section concludes that adequate roads will exist as required by Section 24-124 of the Prince George's County Code, if the proposed Preliminary Plan of Subdivision 4-02031 is approved conditions consistent with the above findings.

11. **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 the proposed development is exempt from the review for schools because it is a commercial use.
12. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section have reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The existing fire engine service at Branchville Fire Station, Company 11, located at 4905 Branchville Road, has a service travel time of 2.57 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 2.91 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 2.91 minutes, which is within 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, ladder truck and paramedic services. These findings are in conformance with the standards and guidelines contained in the Approved Public Safety Master Plan (1990) and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

13. **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 performed on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police 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.

14. **Health Department**—The Health Department reviewed the application and has no comments to offer.
15. **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, 200001-06-00, was approved June 4, 2006. Development must be in accordance with this approved plan.
16. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.
17. **Archeology**—A Phase I archeological survey is not recommended by staff. However, the applicant should be aware that Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties including archeological sites. This review is required when federal monies, federal properties or federal permits are required for a project. Section 106 review may require further archeological study.
18. **Public Utility Easement**—The preliminary plan reflects the required ten-foot-wide public utility easement. This easement will be recorded with the final plat.
19. **City of College Park**—The City of College Park has met with the developer on numerous occasions and have discussed various aspects of the proposal. The City will present their recommendation at the public hearing for this case.
20. The subject property is zoned C-O/D-D-O. While the subject application is not proposing any residential development, the D-D-O could conceivably permit it. Because there exists different adequate public facility tests, and there are considerations for recreational components for residential subdivision, a new preliminary plan should be required if residential development is to be considered.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the 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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, January 25, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of March 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:TL:bjs