



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

PGCPB No. 13-25

File No. 4-12011

RESOLUTION

WHEREAS, Steven Hankins Campus Properties LLC is the owner of a 5.43-acre parcel of land known as Tax Map 88 in Grid F-3 and is also known as Parcel 482, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Planned Industrial/Employment Park (I-3); and

WHEREAS, on January 8, 2013, Steven Hankins Campus Properties LLC filed an application for approval of a Preliminary Plan of Subdivision for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-12011 for Strayer University 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 March 21, 2013, for its review and action in accordance with the Land Use Article of the 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 March 21, 2013, 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 1 Tree Conservation Plan (TCP1-024-00-01), and further APPROVED Preliminary Plan of Subdivision 4-12011, Strayer University, including a Variance from Section 25-122(b)(1)(G) for 2 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Revise Note 34 to: "The subject property is located within the Imaginary Surfaces area of Interim Land Use Control (ILUC). This property is within the area establishing a limit on the height of structures. The property is within Imaginary Surface E, and is located 5,948 feet from the end of the west runway. This location and distance establish a height limit of 447.4 feet above the elevation of the runways, which are 250 feet above sea level. Therefore, the maximum elevation of the building may not exceed 697.4 feet above sea level. At the location of the present application, the elevation is 246 feet above sea level at its highest point. The building may not exceed 451.4 feet in height."
 - b. Revise Note 16 to correct the tree conservation plan number to "TCP1-024-00-01."

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- c. Revise Note 29 to: "Number of Parcels: Existing-1, Proposed-2."
2. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. The TCP1 must be revised to match the natural resources inventory correct woodland acreage.
 - b. Revise the plan to correctly show all of the TCP1 notes as noted in the Environmental Technical Manual using the appropriate plan number and applicable notes. Specifically, add the notes regarding the roadway designations.
 - c. Remove "Beech Tree" from required Note 7.
 - d. Add the stormwater management concept plan number to Note 9.
 - e. Revise the specimen tree chart to add one column "Retain/Remove."
 - f. Revise the approval block to include the Type 1 Tree Conservation Plan, TCP1-024-00-01.
 - g. Include in the approval block in the "approved by" initial block PGCPB Resolution No. 00-218 and date, November 30, 2000.
 - h. Have the revised plan signed and dated by the qualified professional who prepared it.
 - i. Provide the gross floor area of the building, including dimensions.
3. Prior to signature approval of the preliminary plan of subdivision, the applicant shall obtain certification of previously approved Conceptual Site Plan CSP-00022.
4. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-024-00-01). 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 (TCP1-024-00-01), 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

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

5. Prior to approval of the detailed site plan and the Type 2 tree conservation plan, the applicant shall identify the location of all off-site mitigation that will be provided to satisfy the woodland conservation requirements for this property.
6. Total development within proposed Parcels A and B combined shall be limited to uses that would generate no more than 193 AM and 164 PM peak-hour vehicle trips. 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.
7. Development of this site shall be in conformance with Stormwater Management Concept Plan 24639-2012-00 and any subsequent revisions.
8. Residential development of the subject property shall require approval of a new preliminary plan of subdivision prior to the approval of any building permits.
9. Prior to approval of building permits, in conformance with the 2009 Approved Countywide Master Plan of Transportation and the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following, unless modified by the Department of Public Works and Transportation (DPW&T):
 - a. A standard sidewalk along the subject site's entire frontage of Auth Place and Britannia Way.
 - b. A seven-foot-wide sidewalk with brick paver edging and a five-foot-wide planting strip along the subject site's entire frontage of Auth Way.
 - c. Marked crosswalks at the site's ingress/egress point along Britannia Way.
10. An automatic fire suppression system shall be provided in all new buildings on the property unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
11. Prior to approval of building permits, the applicant shall demonstrate that all tires were removed from the property by a licensed scrap tire hauler and documentation of disposal at a licensed scrap tire/recycling facility should be provided.
12. Prior to detailed site plan approval, the applicant shall demonstrate to the satisfaction of the Department of Public Works and Transportation (DPW&T) adequate sight distance for the proposed access along Britannia Way.

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13. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement along the public rights-of-way as delineated on the approved preliminary plan of subdivision.
14. At the time of final plat, the following note shall be added:

"This plat lies within the JLUS Interim Land Use Controls area as established by Subtitle 27, Part 18 (CB-3-2012)."

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 the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is located on Tax Map 88 in Grid F-3 and is known as Parcel 482. The property consists of 5.43 acres within the Planned Industrial/Employment Park (I-3) Zone. The site is currently unimproved. Parcel 482 is a residue deed parcel created when the adjacent Parcel K, to the west, was subdivided and recorded in the Prince George's County Land Records in Plat Book NLP 97-14 on July 11, 1977. The applicant is proposing to subdivide the site into two parcels (Parcels A and B) for a private university use and future office use for a total of 76,000 square feet of gross floor area (GFA). Proposed Parcel A is 2.34 acres and proposed Parcel B is 3.09 acres. The building currently proposed on Parcel A is three stories and 38,000 square feet. The remaining 38,000 square feet proposed with this application will provide capacity for future development.

Preliminary Plan of Subdivision 4-00037 was previously submitted for the subject property. That application proposed to subdivide the property into one parcel for the same private university (Strayer University). That preliminary plan was approved by the Planning Board, but a final plat was never approved prior to expiration of the preliminary plan.

The site has frontage on Britannia Way to the east, Auth Place to the north, and Auth Way to the south. Auth Way and Auth Place are both master-planned collector roadways with an ultimate right-of-way width of 80 feet. Britannia Way has an existing right-of-way of 70 feet. All rights-of-way are existing to the full widths and no additional dedication is required. Each proposed parcel has direct vehicular access to a public right-of-way.

The property does not contain regulated environmental features that are required to be protected pursuant to Section 24-130 of the Subdivision Regulations.

A variance application to Section 25-122(b)(1)(G) of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) for the removal of all four of the specimen trees located on-site was submitted. A statement of justification for the variance application was received and supported, as discussed further in the Environmental Planning finding.

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3. **Setting**—The property is located on the west side of Britannia Way, south of its intersection with Auth Place and north of its intersection with Auth Way. The neighboring properties to the north, on the other side of Auth Place, are zoned Commercial Miscellaneous (C-M), and are developed with office uses. The neighboring properties to the east, on the other side of Britannia Way, are zoned Planned Industrial/Employment Park (I-3) and Mixed Use-Transportation Oriented (M-X-T) and are developed with office uses and Washington Metropolitan Area Transit Authority (WMATA) facilities. The neighboring property to the south, on the other side of Auth Way, is zoned Commercial Shopping Center (C-S-C) and is currently undeveloped. The abutting property to the west is zoned I-3 and is developed with office uses.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	I-3	I-3
Use(s)	Vacant	Private University and Future Office (76,000 total sq. ft.)
Acreage	5.43	5.43
Lots	0	0
Outlots	0	0
Parcels	1	2 (Parcel A—2.34 acres) (Parcel B—3.09 acres)
Dwelling Units	N/A	N/A
Public Safety Mitigation Fee	No	No
Variance	No	Yes
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 February 1, 2013.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* (General Plan) designates the subject property within the Developed Tier and within a designated Metropolitan Center (Branch Avenue Metro) policy area. 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 centers is mixed-residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The preliminary plan is consistent with the 2002 General Plan Development Pattern policies that recommend transit-oriented development.

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The November 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)* retained the property in the I-3 Zone. The preliminary plan conforms to the land use recommendations of the approved master plan for office land use.

The tree conservation plan (TCP) indicated that the applicant is proposed a building on Parcel A and had no plans at the time for development beyond a parking lot on Parcel B. In response to previous comments from Community Planning and Development Review Division staff of The Maryland-National Capital Park and Planning Commission (M-NCPPC), the applicant conceptually positioned the proposed structure on Parcel A at the corner of Auth Way and Britannia Way and provided a pedestrian entrance to the building fronting on Auth Way. This design provides a good orientation for the building, good visibility from Auth Way, and good access from the direction of the Branch Avenue Metro Station, only blocks away to the southeast. The building fronts on Auth Way and Britannia Way with only minimal setback and supports the pedestrian environment and goals for transit-oriented development.

The position of the building in one corner of the site will allow for future infill on the property, and this supports the general goals for creating a Metropolitan Center, with a dense mix of office and other uses. The building siting will be evaluated at the time of detailed site plan.

The Joint Base Andrews Joint Land Use Study (JLUS) from December 2009 recommends mitigation for noise, height, and accident potential zones in neighborhoods near Joint Base Andrews. Legislation implementing JLUS has been adopted as Section 27-1801 et. seq., titled the Interim Land Use Control (ILUC).

This property is within the area establishing a limit on the height of structures. The property is within Imaginary Surface E, and is located 5,948 feet from the end of the west runway. This location and distance establish a height limit of 447.4 feet above the elevation of the runways, which are 250 feet above sea level. Therefore, the maximum elevation of the building may not exceed 697.4 feet above sea level. At the location of the present application, the elevation is 246 feet above sea level at its highest point. The building may not exceed 451.4 feet in height from the current elevation of the property and will, therefore, not be an issue.

This property is outside of the 65 dBA noise contours, so noise attenuation was not required. The property is not in an Accident Potential Zone, so no controls on use or density are required.

Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of the current Prince George's County General Plan Growth Policy Update.

6. **Urban Design**—The site is currently undeveloped and proposed 76,000 square feet of gross floor area (GFA) for a private university use and future office use on two proposed parcels.

Conformance with the Zoning Ordinance

In the I-3 Zone, detailed site plan (DSP) approval is required in accordance with Part 3, Division 9, of the Zoning Ordinance (Footnote 36 in Section 27-473 (b)).

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Conformance with the following Zoning Ordinance regulations will be required for the proposed development at the time of DSP review and approval, including but not limited to:

- Section 27-471, I-3 Zone (Planned Industrial/Employment Park)
- Section 27-473, Uses permitted (Industrial Zones)
- Section 27-474, Regulations (Industrial Zones)
- Section 27-582 of Part 11, Parking and Loading
- Section Part 12, Signs

Conformance with Previously Approved Conceptual Site Plan CSP-00022

The Planning Board approved a 20,944-square-foot classroom and administrative office building on the subject site on November 30, 2000, Conceptual Site Plan CSP-00022 (PGCPB Resolution No. 00-218), with three conditions. Since the approval of the CSP does not have an expiration date, this CSP is still valid. However, the CSP is still not certified.

1. Prior to signature approval the Conceptual Site Plan shall be revised as follows:

- a. **The area proposed as a future expansion shall serve as an interim plaza/seating area. At time of review of the Detailed Site Plan, special attention shall be paid to, but not limited to, the following: paving, lighting, landscaping, furniture and trash receptacles.**

This condition will be enforced at the time of certification of CSP-00022. Prior to signature approval of the preliminary plan of subdivision, the applicant should obtain certification of approved Conceptual Site Plan CSP-00022.

2. Prior to approval of the Detailed Site Plan and or the Type II Tree Conservation Plan, the applicant shall identify the location of all off-site mitigation that will be provided to satisfy the Woodland Conservation requirements for this property.

This condition is applicable and does not need to be duplicated with this application. Conformance will be reviewed at the time of DSP for the site.

3. Prior to the issuance of any permits for this site, the applicant shall provide the Environmental Planning Section with an easement for the off-site mitigation that has been recorded in the Land Records of Prince George's County, Maryland.

Condition 3 is related to the issuance of a grading permit. At the time of permit review, the Environmental Planning Section requires that the liber/folio for off-site mitigation is reflected on the Type 2 tree conservation plan.

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The subject preliminary plan of subdivision shows substantial conformance with previously approved Conceptual Site Plan CSP-00022 in terms of site layout. A revision to the CSP is not necessary for the larger building footprint reflected on the preliminary plan of subdivision.

This site also has a Detailed Site Plan, DSP-12056, for one 38,000-square-foot building of office and classroom on Parcel A currently pending with the Development Review Division. This DSP must be approved after approval of the subject preliminary plan of subdivision. The DSP is tentatively scheduled on the Planning Board hearing date of April 11, 2013.

2010 Prince George's County Landscape Manual

Per Section 27-450 of the Zoning Ordinance, landscaping, screening, and buffering within all industrial zones shall be provided in accordance with the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The following sections of the Landscape Manual will apply to the DSP and future building and fine grading permits for the proposed development.

- a. **Section 4.2, Requirements for Landscaped Strips along Streets**—The site will be subject to Section 4.2 which specifies that, for all nonresidential uses in any zone and for all parking lots, a landscape strip shall be provided on the property abutting all public and private streets.
- b. **Section 4.3, Parking Lot Requirements**—All parking lots proposed to serve the private university will be subject to Section 4.3.
- c. **Section 4.4, Screening Requirements**—Dumpster, loading, and mechanical areas are required to be screened in accordance with Section 4.4.
- d. **Section 4.9, Sustainable Landscape Requirements**—The site will be subject to Section 4.9 which contains percentage requirements for native plantings.

Compliance with the above requirements will be reviewed at the time of DSP.

Conformance with the Tree Canopy Coverage Ordinance

The proposed development will be subject to the requirements of the Tree Canopy Coverage Ordinance at the time of building and fine grading permit. For this property in the I-3 Zone, a minimum of ten percent of the site should be covered by tree canopy. The applicant should provide tree canopy coverage (TCC) information and show conformance at the time of DSP.

7. **Environmental**—A Type 1 Tree Conservation Plan (TCP1-024-00-01) was received and reviewed. A Natural Resources Inventory (NRI-036-12) was approved for this site in August 2012 and was submitted with this application. A forest stand delineation was submitted and approved in conjunction with the Conceptual Site Plan CSP-00022 in July 2000. A Tree Conservation Plan (TCP1-024-00) was also reviewed with the CSP and found to be acceptable with minor revisions. No other previous environmental reviews have occurred on this site.

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The project is subject to the environmental regulations of Subtitles 24 and 25 that came into effect on September 1, 2010 and February 1, 2010 because the application is for a new preliminary plan of subdivision.

The submitted TCP1 shows a three-story single building on Parcel A with surface parking and various stormwater management facilities on both Parcels A and B.

Summary of Previous Conditions of Approval

The following text addresses previously approved environmental conditions related to the subject application. A conceptual site plan was approved by the Planning Board and the resolution is found in PGCPB Resolution No. 00-218. Conditions and comments were given with approval of the CSP.

Conceptual Site Plan CSP-00022

The Environmental Planning Section recommended the following conditions:

2. **Prior to approval of the Detailed Site Plan and or the Type II Tree Conservation Plan, the applicant shall identify the location of all off-site mitigation that will be provided to satisfy the Woodland Conservation requirements for this property.**
3. **Prior to the issuance of any permits for this site, the applicant shall provide the Environmental Planning Section with an easement for the off-site mitigation that has been recorded in the Land Records of Prince George's County, Maryland.**

Condition 2 will be addressed at the time of detailed site plan and Condition 3 will be addressed at the time of grading permit.

Master Plan Conformance

The master plan for this area is the November 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity* (Heights and Vicinity Master Plan and SMA). The Environmental Infrastructure section of the Heights and Vicinity Master Plan contains recommendations and guidelines. An environmental goal is stated as "To protect and enhance the environmental qualities of the planning area by preserving natural environmental assets as the integral part of the community." The following guidelines were determined to be applicable to the current project. The text in **BOLD** is the relevant text from the master plan and the plain text provides comments on plan conformance:

Recommendation 1: Woodland Preservation: The existing woodlands in Natural Reserve Areas must be retained. Other existing woodlands should be retained to the extent possible in order to maintain or increase the current percentage of woodland. Furthermore, the expansion of woodlands through afforestation and reforestation is

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encouraged in the implementation of the greenways and open space program linkages.

The site contains wooded areas shown on the natural features map of the Heights and Vicinity Master Plan. These on-site woodlands are not identified as being a natural reserve area. The site is subject to Subtitle 25, Division 3, the Woodland and Wildlife Habitat Conservation Ordinance (WCO). The site is entirely wooded and surrounded by existing development and roadways. There are no adjacent woodlands or regulated environmental features on-site or off-site. The applicant proposes to meet the woodland requirements with off-site woodland conservation.

Recommendation 2: The County should pursue efforts to minimize development impacts on contiguous woodland areas adjacent to Henson Creek and the Oxon Run Tributary through land acquisition for parks, where feasible, and through appropriate land use recommendations.

The site is not adjacent to Henson Creek and Oxon Run.

Recommendation 3: Stormwater Management: The County should ensure that stormwater is properly managed, and major streams and detention/retention basins should be monitored for water quality and flow characteristics. The plan recommends the development of five stormwater management ponds as shown on the plan map.

Alternative solutions to provide remedial action for on-site stormwater management may be necessary, until such time as the Department of Environmental Resources (DER) implements the proposed potential regional stormwater management ponds in the planning area.

The stormwater management design is conceptually and technically required to be reviewed and approved by the Department of Public Works and Transportation (DPW&T) to address surface water runoff issues in accordance with Subtitle 32, Water Quality Resources and Grading Code, which requires that environmental site design be implemented to the maximum extent practicable. The site has an approved Stormwater Management Concept Plan (24639-2012-00) that covers the entire project area. The plan proposes 14 bioswales and five microbioretention ponds that will drain to the county storm drain system within the adjacent roadways.

Recommendation 4: Noise Attenuation: In areas of 65 dBA (Ldn) or greater, residential development proposals should be reviewed and certified by a professional acoustical engineer stating that the building shell of habitable structures located within a prescribed noise corridor will attenuate ultimate exterior noise level to an interior level not to exceed 45 dBA (Ldn), especially in the AICUZ designated noise corridor.

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The subject property is located adjacent to a collector, which is a roadway classification that does not generate sufficient traffic volumes to result in noise levels of 65 dBA Ldn or greater.

Recommendation 5: Air Quality: The County should continue to participate aggressively in metropolitan efforts to prevent further air quality deterioration and should support all available measures to improve local air quality.

Air quality is a regional issue that is currently being addressed by the Council of Governments. This project will not generate any air quality issues.

Recommendation 6: Proposed developments should meet stringent standards and guidelines and the potential environmental impacts of human activities should be identified as early as possible in the planning process. The constraints of Natural Reserve and Conditional Reserve Area must be adhered to.

The proposed development is not located within a natural reserve or conditional reserve area.

Conformance with the Countywide Green Infrastructure Plan

The 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan) indicates a small portion of the northeastern corner of the property contains a network gap area within the designated network of the Green Infrastructure Plan. The network gap area is associated with a stream system within regulated and evaluation areas on the north side of Auth Place and is disconnected from the site due to the existing road, parking lots, and buildings that front Auth Place. The remainder of the property, adjacent to roads on the eastern and southern boundaries, and adjacent to a developed site on its west side, contains no regulated environmental features. Due to the existing development surrounding the property, it would be impractical to establish a connection with the evaluation and regulated areas to the north, and is not recommended.

The following policies support the stated measurable objectives of the Green Infrastructure Plan. The text in **BOLD** is the relevant text from the Heights and Vicinity Master Plan and SMA and the plain text provides comments on plan conformance:

POLICY 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains network gap areas within the designated network, with off-site regulated environmental features to the north, over 775 feet away. Auth Place, parking lots, and a building separate this site from regulated environmental features. No woodlands are proposed to be saved on-site.

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POLICY 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

This development proposal is an infill project within the Branch Avenue Metro Station area for parking and a three-story private university building. The site has an approved Stormwater Management Concept Plan (24639-2012-00) that covers the entire project area as discussed above in Recommendation 3 of the Heights and Vicinity Master Plan.

POLICY 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The property is entirely wooded and is subject to the Woodland and Wildlife Habitat Conservation Ordinance (WCO). The project proposes to remove all of the on-site woodlands and meet the 2.73-acre requirement with off-site woodland conservation. There are four specimen trees on-site and all of these trees are proposed to be removed, as discussed further.

The TCP1 shows extensive parking throughout the site. The site should be designed with parking islands large enough to support mature trees at the time of detailed site plan.

POLICY 4: Promote environmental stewardship as an important element to the overall success of the Green Infrastructure Plan.

The use of environmentally-sensitive building techniques and overall energy consumption should be encouraged.

POLICY 5: Recognize the green infrastructure network as a valuable component of the county's Livable Communities Initiative.

The network gap areas within the designated network, with off-site regulated environmental features to the north, are over 775 feet away. Auth Place, parking lots, and a building separate this site from regulated environmental features. No woodlands are proposed to be saved on-site.

Environmental Review

An approved revision to the Natural Resources Inventory (NRI-036-12) was submitted with the review package and was approved in August 2012. There are no regulated environmental features on-site. The site contains four specimen trees.

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According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no records of rare, threatened, or endangered species found to occur on or in the vicinity of this property. This site drains to Henson Creek, within the Potomac River Basin. No steep slope areas occur on-site.

The property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the gross tract area is greater than 40,000 square feet in size and the property contains more than 10,000 square feet of woodland. A Type 1 Tree Conservation Plan (TCP1-024-00-01) was submitted with the review package and shows a different woodland acreage from the NRI. The NRI states that the 5.43-acre site is entirely wooded with 5.43 acres; however, the submitted TCP1 states that the site contains 5.22 acres of woodlands. Based on current aerial photography taken from PGAtlas, the site is entirely wooded, and it appears that the NRI is more consistent with the correct acreage. The TCP1 should be revised to reflect the correct on-site woodlands.

The TCP1 proposed to clear all of the on-site woodlands. The woodland conservation worksheet shows the woodland conservation requirement of 2.78 acres being met with off-site woodland conservation credits.

The TCP1 does not show all of the ten required TCP1 notes and does not use the standard language provided in the Environmental Technical Manual (ETM). Notes 7-10 are not shown on the plan. The plan should be revised to correctly show all of the TCP1 notes as noted in the ETM using the appropriate plan number and applicable notes.

Other technical revisions are required. The plan needs to add the approved stormwater management concept plan number to Note 8; show the legend on Sheet 2 on the plan view sheet; the specimen tree chart needs to add one informational column to the chart; revise the M-NCPPC approval block on the plan to read "TCP1-024-00-01"; and include in the approval block in the "approved by" initial block PGCPB Resolution No. 00-218 and date, November 30, 2000.

Development of this subdivision shall be in compliance with Type 1 Tree Conservation Plan (TCP1-024-00-01), approved as part of this application.

In accordance with the Prince George's County Code, Section 24-152, there are no scenic or historic roads located on or adjacent to the subject property. The site has frontage along Auth Place, Auth Way, and Britannia Way. Auth Place and Auth Way are identified as master plan roadways designated as collector roadways and are not regulated for noise. No additional information is required with regard to noise.

According to the U.S. Department of Agriculture, Natural Resource Conservation Service Web Soil Survey, the predominant soils found to occur on-site include the Croom-Urban land complex and Issue-Urban land complex soils series. None of these soils pose any special difficulty for development. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. This information is provided for the applicant's benefit. The

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county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit review process.

Evaluation of Variance Application for Specimen Tree Removal

A Subtitle 25 variance is being requested as part of the current application for the removal of four specimen trees. The proposed removal of four specimen trees is evaluated below.

The Woodland and Wildlife Habitat Conservation Ordinance (WCO), effective September 1, 2010, requires that the removal of any specimen or champion tree requires a variance to Subtitle 25 of the County Code.

Section 25-122(b)(1)(G) requires that:

Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual.

The NRI and TCP1 indicate the site contains four specimen trees. The limits of disturbance on the plan also show that these trees are to be removed.

A Subtitle 25 variance application and statement of justification was received with the current application for removal of four trees as shown in the following table:

ID #	Common Name	DBH	Condition	Comment
ST-1	Eastern Cottonwood	31 inch	Fair	Covered with vines
ST-2	Eastern Cottonwood	31 inch	Fair	Covered with ivy
ST-3	Eastern Cottonwood	36 inch	Poor	Hollow, covered with vines
ST-4	Eastern Cottonwood	33 inch	Poor	Less than 5% lean, covered with vines

Section 25-119(d) of the WCO contains six required findings **[text in bold]** to be made before a variance can be granted. The statement of justification submitted seeks to address the required findings for all four specimen trees as a group; however, details specific to individual trees has also been provided. Staff agrees with the approach to the analysis because there are similar concerns for all of the trees with respect to the required findings and because the location, species, and condition of the trees has been called out separately as necessary.

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

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The condition rating for all four specimen trees are listed as poor to fair with all trees covered significantly in vines. ST-3 is identified as having a hollow trunk. These trees proposed for removal are located on an existing woodland edge and, if left on-site subsequent to development, may pose a hazard.

The condition and location of the specimen trees proposed for removal are a special condition peculiar to the property. All of these factors occurred beyond the owner's control and have created an unwarranted hardship for this site.

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

If other properties include trees in similar locations and in similar condition 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.

Granting of the variance will not confer a special privilege upon the applicant and, if other properties include trees in similar locations and in similar condition 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 applicant has taken no action to date on the subject property.

(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 a condition relating to the land or building use, either permitted or nonconforming on a neighboring property. There are no existing conditions on the neighboring properties that have any impact on the location or size of the trees, nor are there conditions that are affecting the layout and development of the size with respect to the specimen trees to be removed.

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

Granting the variance to remove the specimen trees will not directly affect water quality because the reduction in tree cover caused by specimen tree removal is minimal. Specific requirements regarding stormwater management for the site will be further reviewed by the Department of Public Works and Transportation (DPW&T).

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The required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Trees **ST-1, ST-2, ST-3, and ST-4**. Staff recommended **APPROVAL** in accordance with the findings contained herein.

8. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, determined that on-site stormwater management (SWM) is required. A Stormwater Management Concept Plan, 24639-2012-00, was approved on October 22, 2012 and is valid until October 22, 2015. The concept plan shows the use of five microbioretention ponds and 14 bioswales. Development must be in accordance with the approved plan or any subsequent revisions as approved by DPW&T.

The approved SWM concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management Plan, Section 172, Watershed Management Planning, of the Prince George's County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, has been addressed with the approval of the SWM concept plan by DPW&T.

9. **Prince George's County Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a)(3) of the Subdivision Regulations, the subdivision is exempt from mandatory dedication of parkland requirements because the development proposed is nonresidential.
10. **Trails**—The proposed preliminary plan was reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*, and the November 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*, in order to implement planned trails, bikeways, and pedestrian improvements.

The Planning Board requires that preliminary plans conform to Section 24-123 in terms of bikeway and pedestrian facilities when trails are indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail, unless the Planning Board finds that previously proposed trails are no longer warranted.

The MPOT designates Auth Way as a master plan trail/sidewalk corridor. This master plan facility has been implemented through the Camp Springs Town Center as decorative seven-foot-wide sidewalks.

The MPOT also includes a complete streets element that contains several policies related to accommodations for bicyclists and pedestrians along new road construction. The Complete Streets section 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.

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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.

In addition to the wide sidewalk along Auth Way, standard sidewalks and crosswalk improvements are required along Auth Place and Britannia Way in keeping with these policies.

In keeping with the policies of the MPOT, the provision of a standard sidewalk along the subject site's frontage of Auth Place and Britannia Way is required. A seven-foot-wide sidewalk with brick paver edge details and a five-foot-wide planting strip along Auth Way is also required. Also, a marked crosswalk along Britannia Way at the site's ingress/egress point is required. Adequate pedestrian access and lighting through the large surface parking will be evaluated at the time of detailed site plan.

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

11. **Transportation**—The proposal includes the subdivision for a commercial development consisting of two parcels. The applicant proposes up to 76,000 square feet of commercial space, with an initial building to house a community college. The applicant has chosen to analyze the entire 76,000 square feet as two options: development as a community college and development as general office. This would allow the applicant some flexibility for the development of the second building on the site, and would also allow the redevelopment of the initial building in the future if the college was to move or close (the building is essentially an office-type building that will house a for-profit college). The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines) and in *Trip Generation* (Institute of Transportation Engineers). The table below summarizes trip generation in each peak hour that will be used for the analysis and for formulating the trip cap for the site:

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Trip Generation Summary, 4-12011, Strayer University (shaded trip generation amounts are critical, and are used in the analysis)

Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Community College	76,000	square feet	168	59	227	112	81	193
Less 15 percent transit use			-25	-9	-34	-17	-12	-29
Net Trips			143	50	193	95	69	164
General Office	76,000	square feet	137	15	152	27	114	141
Less 15 percent transit use			-21	-2	-23	-4	-17	-21
Net Trips			116	13	129	23	97	120
Total Trips Utilized in Analysis			143	50	193	95	69	164

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

- MD 5 and Auth Road (signalized)
- MD 5 and Auth Way (signalized)
- Auth Road and Auth Place (signalized)
- Auth Way and Auth Place (unsignalized; all-way stop controlled)
- Auth Way and Britannia Way (unsignalized; two-way stop controlled)

The application is supported by a traffic study dated November 2012 provided by the applicant and referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received and are attached. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the Guidelines.

The subject property is located within the Developed Tier, as defined in the 2002 *Prince George's County Approved General Plan*. As such, the subject property was 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.
- **Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway*

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Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections identified above, when analyzed with existing traffic using counts taken in March 2012 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Auth Road	1,245	1,428	C	D
MD 5 and Auth Way	1,252	1,197	C	C
Auth Road and Auth Place	965	1,058	A	B
Auth Way and Auth Place	18.0*	57.0*	--	--
Auth Way and Britannia Way	15.6*	18.3*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP). Background traffic has been developed for the study area using several approved but unbuilt developments within the study area. No growth rate for through traffic was assumed; this is because the historical growth rates for this area indicate no traffic growth as determined by staff. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

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BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Auth Road	1,309	1,499	C	E
MD 5 and Auth Way	1,273	1,221	D	C
Auth Road and Auth Place	1,111	1,185	B	C
Auth Way and Auth Place	24.2*	145.0*	--	--
Auth Way and Britannia Way	19.9*	25.6*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

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TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Auth Road	1,336	1,513	D	E
MD 5 and Auth Way	1,309	1,253	D	C
Auth Road and Auth Place	1,161	1,186	C	C
Auth Way and Auth Place				
Maximum Vehicle Delay (in seconds)	55.6**	219.1**	Fail	Fail
Critical Lane Volume	816**	1,023**	Pass	Pass
Auth Way and Britannia Way				
Maximum Vehicle Delay (in seconds)	33.1*	47.3*	Pass	Pass
<p>*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standards. According to the Guidelines, all three tests must fail in order to require a signal warrant study.</p> <p>**In analyzing all-way stop-controlled intersections, a two-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection and the critical lane volume is computed and compared to the approved standards. According to the Guidelines, both tests must fail in order to require a signal warrant study.</p>				

It is found that all of the critical intersections operate acceptably under total traffic in both peak hours. In accordance with this analysis, a trip cap consistent with the trip generation assumed for the site was recommended.

DPW&T and SHA

The traffic study was referred to and reviewed by DPW&T and SHA.

DPW&T Comments

DPW&T offered comments which have been summarized and are noted below (**in bold**) with the staff response:

- a. **The projected opening year needs to be provided.**

The opening year is not required by the Guidelines and, because a growth factor for through traffic was not used due to flat growth or a decline in traffic, the development horizon was not a factor.

- b. **Incorrect intersection control was assumed in the study for Auth Way/Britannia Place.**

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This was corrected in the staff review.

- c. **The peak hour was mislabeled for the Auth Way/Auth Place and the MD 5/Auth Way intersections.**

As the comment stated, all numbers used were correct.

- d. **Five separate comments challenged that trip rates, internal trip capture rates, and pass-by rates for background development are not consistent with current practices.**

Although background developments will have to follow current procedures when they come in for any new review, the traffic study is ideally intended to replicate the background impacts that were computed in the past, and then impose the current case's traffic upon them. The approach by the applicant is consistent with the Guidelines.

- e. **Background development 5 should have some traffic from the south assigned to Auth Way as well as Auth Road.**

It is agreed that traffic would assign itself to each facility. The impact of this change would not have an impact on the results of the study.

- f. **Regional growth needs to be factored into the analysis.**

The comment is correct, and this was not adequately addressed at the time of scoping. Even a small component of growth should have been shown along Branch Avenue (MD 5) even though statistics for a ten-year period indicate little or no traffic growth. The addition of a growth rate will not result in a change in the analysis, as determined by staff.

- g. **Incorrect lane utilization factors for double and triple left-turn lanes were used.**

This is correct, and the results were corrected in the staff review.

- h. **The different methods used to analyze the two unsignalized intersections used inconsistent lane configurations.**

No inconsistency was found in a close examination.

- i. **A flat peak hour factor of 0.95 was assumed in analyzing the unsignalized intersections; instead, a peak hour factor for each approach should have been directly computed from the turning movements.**

This comment is correct and is noted. However, the difference in the peak hour factor will not affect the recommendations for either unsignalized intersection.

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- j. **Two separate comments address the conclusion of the original traffic study that a signal warrant study would be needed at the Auth Way/Auth Place intersection.**

The conclusion in the original traffic study was based on the standards and procedures shown in the prior Guidelines. The current "Transportation Review Guidelines" incorporate a two-stage analysis that was not done in the original study. In accordance with the results of the analysis, no improvements are required to be provided at the Auth Way/Auth Place intersection.

- k. **The access point on Britannia Way must have adequate sight distance.**

Because adequate sight distances could result in the requirement for additional right-of-way dedication, landscaping modification, or the shifting of the access location, a determination must be made by DPW&T prior to approval of the DSP.

SHA Comments as analyzed by the Commission:

- a. SHA indicates that the traffic study does not reference SHA's I-95/I-495 Branch Avenue Metro Access Improvement Project (Phase II). SHA notes that this project will result in improvements and changes to most intersections within the Consolidated Transportation Program (CTP) (Maryland Department of Transportation) study area, and will introduce a new access roadway into the study area. While this project is in the current CTP, the project is not funded for construction, and as such cannot be included as the basis for an adequacy finding. Even if there is action on transportation funding in the current Maryland General Assembly session, the funding will not be shown in the Consolidated Transportation Program (Maryland Department of Transportation) until the new fiscal year begins in July of this year, which is well beyond the review time for this application.
- b. SHA indicates that the traffic study should include two new intersections created with the implementation of the I-95/I-495 Branch Avenue Metro Access Improvement Project (Phase II) along with several improvements to existing intersections. Once again, as noted above, this improvement is not funded in any program for construction at this time, and therefore these changes cannot be included in the study as the basis for an adequacy finding.
- c. SHA suggests that provisions for bicycles should be improved in consideration of the ongoing efforts to promote transit-oriented development around the Branch Avenue Metrorail Station. This is noted, and will be made a part of the detailed site plan review.

SHA Conclusion

SHA concludes the memorandum by indicating that a revised traffic study with a point-by-point response must be provided. While it would appear that no further permit review will be required

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by SHA, the applicant should be aware that any additional filings to SHA regarding this application should comply with this request.

Plan Comments

Auth Way and Auth Place are both master plan collector facilities. The plan shows that right-of-way totaling 80 feet exists. This is adequate; no further dedication is required of this site. Britannia Way has an existing right-of-way of 70 feet. This is also adequate, and no further dedication is required of this site. Direct access is proposed for Parcel A to Auth Way and for Parcel B to Britannia Way, which is acceptable.

Based on the preceding findings, it was determined that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

12. **Schools**—The subdivision was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the “Adequate Public Facilities Regulations for Schools” (Council Resolutions CR-23-2001 and CR-38-2002), and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
13. **Fire and Rescue**—The proposed preliminary plan of subdivision was reviewed for adequacy of fire and rescue services in accordance with Subdivision Regulations, Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E), and the following was found:

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
29	Silver Hill	Engine	3900 Old Silver Hill Road	2.82	3.25	Within
26	District Heights	Ladder Truck	6208 Marlboro Pike	6.25	4.25	Beyond
29	Silver Hill	Ambulance	3900 Old Silver Hill Road	2.82	4.25	Within
29	Silver Hill	Paramedic	3900 Old Silver Hill Road	2.82	7.25	Within

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

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 application 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.”

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14. **Police Facilities**—The proposed development is within the service area of Police District IV, Oxon Hill. 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, 2011 (U.S. Census Bureau) county population estimate is 871,233. Using 141 square feet per 1,000 residents, it calculates to 122,843 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
15. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System, and will therefore be served by public systems.

The Washington Suburban Sanitary Commission (WSSC) has evaluated the proposed preliminary plan of subdivision and has the following comment to offer:

"This project is within the Broad Creek Basin Sewer System Dependency. Based on Sewer Modeling analysis for this basin, projected flows during a two-year design storm exceed the capacity of downstream sewers. In accordance with proposed WSSC Standard Procedure SP ENG-11-01, sewer system improvements will be required and this project will be dependent upon sewer system improvements that eliminate the risk of potential overflow and project S 43.02, Broad Creek Wastewater Pumping Station Augmentation in the adopted FY13 Capital Improvements Program. WSSC cannot guarantee the completion date of this project."

WSSC indicated that this information is to make the applicant aware at each stage of development review that a potential hurdle in the development of this site may exist. Development of the site may be delayed until the Broad Creek Wastewater Pumping Station upgrades are completed. A waiver may be granted by WSSC to allow this development, which must have the support of the County Executive. The applicant indicated that they are in the process of filing the waiver. This issue did not preclude the Planning Board from approving this preliminary plan of subdivision, or from the applicant proceeding to DSP and final plat.

16. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and had the following comment to offer:

"Numerous tires were observed scattered on the north end of the property. All tires must be removed from the property by a licensed scrap tire hauler and documentation of disposal at a licensed scrap tire/recycling facility should be provided."
17. **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 shall include the following statement in the owner's dedication recorded on the final plat:

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"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 correctly delineated a ten-foot-wide public utility easement along the public and private rights-of-way as requested by the utility companies.

18. **Historic**—A Phase I archeological survey was not recommended on the above-referenced 5.43-acre property located at 5110 Auth Way in Suitland, Maryland. The application proposed to subdivide the existing property into two parcels. The subject property was extensively mined for sand and gravel in the 1960s. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, documented properties, or known archeological sites.
19. **Residential Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new preliminary plan should be required. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision.

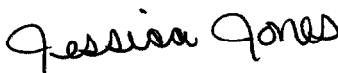
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

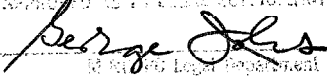
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 21, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of April 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:PR:arj

APPROVED AS TO LEGAL SUFFICIENCY

George Jones
Legal Department
Date 4/2/13