



PGCPB No. 13-38

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File No. 4-12010

RESOLUTION

WHEREAS, Joseph (Jay) Addison is the owner of a 8.98-acre parcel of land known as Tax Map 101 in Grid B-1 and is also known as Parcel P, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented (M-X-T); and

WHEREAS, on November 21, 2012, Joseph (Jay) Addison filed an application for approval of a Preliminary Plan of Subdivision for 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-12010 for Forks of the Road 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 April 11, 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 April 11, 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 (TCP1-059-03-01), and further APPROVED Preliminary Plan of Subdivision 4-12010, Forks of the Road, including a Variation from Section 24-121(a)(3) for 4 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, approximately 22,500 feet to the east of the runways. The location and distance establish a height limit of 500 feet above the elevation of the runways, which are 250 feet above sea level. Therefore, the maximum elevation of the building may not exceed 750 feet above sea level. At the location of the present application, the elevation is 100 feet above sea level at its highest point. The buildings may not exceed 650 feet in height."
 - b. Revise Note 12 to add the tree conservation plan number "TCP1-059-03-01" as the most current TCP1.

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- c. Label and delineate a denial of access along the site's frontage of Ritchie-Marlboro Road, excluding the two access locations.
 - d. Delete Note 26, regarding separate parcel for SWM.
 - e. Add distances to all internal property lines.
 - f. Revise Note 6 to update to the 2012 floodplain study.
 - g. Revise Note 11 to add the stormwater concept plan approval date.
 - h. Revise Note 12 to "The site is subject to a previously approved Tree Conservation Plan (TCP). The previously approved Tree Conservation Plans are TCPI/59/03, as amended by this application, and TCPII/05/04. The site was also a part of Detailed Site Plan DSP-04043 and Preliminary Plan 4-03096."
 - i. Revise Note 22 to "A cross vehicular access easement is required pursuant to Section 24-128(b)(9) of the Subdivision Regulations of the Prince George's County Code."
 - j. Revise Note 25 to "Mandatory Park Dedication—Exempt for nonresidential use."
 - k. Revise Note 10 to add the net tract of the site (gross minus 100-year floodplain).
2. Prior to signature approval of the preliminary plan of subdivision, the applicant shall obtain certificate approval of Conceptual Site Plan CSP-12001.
 3. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-059-03-01). 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 (TCP1-059-03-01), 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 available in the offices of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department."
 4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area (PMA) except for

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any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“PMA conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

5. Total development within the subject property shall be limited to uses that would generate no more than 229 AM and 276 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.
6. Development of this site shall be in conformance with Stormwater Management Concept Plan 65544-2008-01 and any subsequent revisions.
7. Residential development of the subject property shall require approval of a new preliminary plan of subdivision.
8. Prior to approval of building permits, in conformance with the 2009 Approved Countywide Master Plan of Transportation and the 2007 *Approved Westphalia Sector Plan and Section 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. An eight-foot-wide sidepath or wide sidewalk along the subject site's frontage of Ritchie-Marlboro Road
 - b. A standard sidewalk along the subject site's entire frontage of Old Marlboro Pike (MD 725).
 - c. A marked crosswalk along Ritchie-Marlboro Road at the site's ingress/egress locations.
 - d. A marked crosswalk along Old Marlboro Pike (MD 725) at the site's ingress/egress location.
9. Prior to issuance of building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. At the intersection of Ritchie-Marlboro Road and Old Marlboro Pike (MD 725):
 - (1) Add a southbound right-turn lane on Ritchie-Marlboro Road.

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- (2) Add a northbound left-turn lane on Ritchie-Marlboro Road (Ramp from Pennsylvania Avenue (MD 4)).
 - b. At the intersection of Ritchie-Marlboro Road and Brook Lane:
 - (1) Conduct a signal warrant study and install the signal, pursuant to the Department of Public Works and Transportation (DPW&T) specifications, if deemed warranted and approved by DPW&T.
10. Prior to approval of the final plat, an executed private access easement agreement shall be submitted and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC). The access easement, authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations, shall set forth the rights, responsibilities, and liabilities of the parcel owners. The easement document shall be recorded in the land records of Prince George's County, and the liber/folio reflected on the record plat. The shared access easement serving Parcels BB, CC, DD, and EE shall be delineated on the plat.
11. The final plat shall note a denial of access along the site's frontage of Ritchie-Marlboro Road, except where the two access locations are authorized by the Planning Board as approved on the preliminary plan of subdivision.
12. 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 (PUE) along the public rights-of-way as delineated on the approved preliminary plan of subdivision.
13. At the time of final plat, the following note shall be added:

"This plat lies within the JLUS Interim Land Use Controls for height area as established by Subtitle 27, Part 18 (CB-3-2012)."
14. Prior to approval of the Detail Site Plan, all plans shall show the proposed pond designed as a submerged gravel wetland with various types of hydrophytic plantings to help remove pollutants, subject to modification by the Department of Public Works and Transportation (DPW&T).
15. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
16. Prior to approval of the Detailed Site Plan, the DSP shall be reviewed for design conformance to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, which could result in the modification of the parcel configuration. Access locations shall be in conformance with the approved Preliminary Plan of Subdivision.
17. Prior to signature approval of the preliminary plan and Type I tree conservation plan (TCP1), the following note shall be provided:

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“The site is known to have Marlboro Clay within the project boundary limits and a detail soil study is required. The final soil study is required before the signature approval of the detail site plan. This study will identify where the 1.5 safety factor line is required and this 1.5 safety factor line shall be shown on the detail site plan and final plat. Any lot changes and mitigation efforts should be shown and approved prior to signature of the detail site plan.

18. Prior to acceptance of the Detail Site Plan (DSP) for this site, the applicant shall submit a geotechnical report prepared following, at a minimum, the “Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments” prepared by the Prince George’s County Unstable Soils Taskforce for the review and approval of the Prince George’s County Department of Public Works and Transportation to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-131 of the Water Quality Resources and Grading Code in accordance with the guidelines established by the Department of Environmental Resources for Marlboro clays to confirm the elevation of the Marlboro clay and determine the slope stability factor. Where appropriate, the “rational method” shall be used to determine the slope stability safety factor.
19. Prior to approval of the detailed site plan (DSP), the DSP and Type 2 tree conservation plan (TCP2) shall indicate the unmitigated 1.5 safety factor line. No structures shall be placed within the 1.5 safety factor line unless proper mitigation has been provided.
20. Prior to final plat, pursuant to Section 24-131 of the Subdivision Regulations, a detailed site plan (DSP) shall be approved by the Planning Board to address the issue of unsafe lands on the subject property. The DSP shall address the following:
 - a. If an unmitigated 1.5 safety factor line is present, the 1.5 safety factor line shall be shown on the DSP and subsequent final plat prior to approval.
 - b. No structures shall be placed within the unmitigated 1.5 safety factor line unless proper mitigation has been provided.
 - c. If the applicant proposes remedial actions to correct or alleviate the unsafe soil conditions, the DSP proposal shall be referred to the Chief Building Inspector for a determination of whether such measures are sufficient to protect the health and safety of future residents. Covenants may be required to ensure such remedial actions occur and the liber/folio shall be reflected on the final plat prior to approval.
 - d. Parcels may be determined to be buildable and removed based on a determination of unsafe lands, unless mitigation is proposed and approved as part of the DSP.
 - e. If appropriate, a 25-foot building restriction line shall be delineated for the affected lots on the DSP and final plat if determined appropriate by staff.

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21. Prior to approval of the DSP, it shall be reviewed by the Prince George' Department of Environmental Resources (DER) and/or the Department of Public Works and Transportation (DPW&T) as appropriate to ensure that the location of the unmitigated or mitigated 1.5 safety factor lines are correctly delineated.

22. The following note shall be provided on the final plat:

“The unmitigated or mitigated 1.5 safety factor line is provided to ensure that design issues related to the presence of Marlboro clay are addressed as part of the design of any structures on the subject property.”

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 101 in Grid B-1 and is known as Parcel P. The property consists of 8.98 acres within the Mixed Use-Transportation Oriented (M-X-T) Zone and is located within the *2007 Approved Westphalia Sector Plan and Section Map Amendment*. The site is currently unimproved. Parcel P was recorded in in the Prince George's County Land Records in Plat Book REP 208-20 on September 13, 2005. The applicant is proposing to subdivide the site into four parcels (Parcels BB, CC, DD, and EE) for a mixed-use development consisting of office and retail uses for a total of 59,156 square feet of gross floor area (GFA). Proposed Parcel BB is 1.51 acres, Parcel CC is 2.76 acres, Parcel DD is 2.77 acres and Parcel EE is 1.94 acres.

Parcel P was created pursuant to Preliminary Plan of Subdivision 4-03096 which was for the Addison Property which is now known as the Marlboro Riding Cluster Subdivision and was approved by the Planning Board on February 26, 2004 for 296 lots and six parcels (230.07 acres). A trip cap of 1 AM and PM peak-hour vehicle trips was established since no development was proposed on this parcel at that time. This preliminary plan was filed in order to establish a new trip cap.

The site has frontage on Ritchie-Marlboro Road to the east, and Old Marlboro Pike (MD 725) to the south. Both are designated historic roads in the *2009 Approved Countywide Master Plan of Transportation (MPOT)*. Ritchie-Marlboro Road is a master-planned arterial roadway with an ultimate right-of-way width of 120 feet. Old Marlboro Pike (MD 725) is a master-planned collector roadway with an ultimate right-of-way width of 80 feet. All rights-of-way are existing to the full widths and no additional dedication is required with this application.

The applicant submitted a variation request to allow access to an arterial roadway, pursuant to Section 24-121(a)(3) of the Subdivision Regulations, which restricts direct access to Ritchie-Marlboro Road. As required, the applicant submitted a statement of justification in accordance

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with Section 24-113 of the Subdivision Regulations to create two access locations to Ritchie-Marlboro Road and use an access easement to serve all four parcels, pursuant to Section 24-129(b)(9) of the Subdivision Regulations, which allows the use of an easement to avoid a potentially hazardous or dangerous traffic situation if authorized by the Planning Board.

The Transportation Planning Section recommended that the Planning Board approve the variation and authorized use of the easement in this instance. The record plat of subdivision shall indicate a denial of access along Ritchie-Marlboro Road except where the two access locations are shown on the preliminary plan, reflect the proposed access easement, and provide the liber folio of the recorded easement document prior to recordation of the plat.

The property contains regulated environmental features that are required to be protected pursuant to Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features (primary management area (PMA)) include streams and their associated buffers, and wetlands and their associated buffers. Section 24-130(b)(5) of the Subdivision Regulations requires that the PMA be preserved in a natural state to the fullest extent possible. This application proposed three impacts to the PMA. A statement of justification was received and was supported as discussed further in the Environmental Planning finding of this report.

As discussed in the Environmental Planning finding, this site is impacted by Marlboro Clay. A final geotechnical report was not submitted and issues may exist for the development of this site. Therefore, staff recommended that at the time of detailed site Plan (DSP) mitigation for any Marlboro Clay issues be evaluated. The development potential of this site could be reduced as a result of the on-site Marlboro clay, as discussed further in the Environmental Planning finding of this report.

The M-X-T Zone requires approval of a conceptual site plan (CSP) and a detailed site plan (DSP) for all uses and improvements. The Conceptual Site Plan CSP-12001 was approved by the Planning Board on April 11, 2013. Pursuant to Section 27-270 of the Zoning Ordinance, the CSP was approved prior to the PPS. This preliminary plan has been reviewed for conformance to the staff recommended findings and conditions of Conceptual Site Plan CSP-12001, and conforms as discussed further in the Approval finding. While the technical staff report for Conceptual Site Plan CSP-12001 recommends in Condition 1 that a note be added to the CSP to indicate that "drive-through and gas station uses shall be prohibited on proposed Parcel BB at the gateway corner," the preliminary plan of subdivision does not approve specific land uses. Therefore, this issue does not have a bearing on the Planning Board's ability to approve the PPS.

3. **Setting**—The property is located at the northwest quadrant of the Ritchie-Marlboro Road and Old Marlboro Pike intersection. The neighboring properties to the north and west are zoned Rural Residential (R-R), and are vacant. The neighboring property to the east, on the other side of Ritchie-Marlboro Road, is zoned Commercial Miscellaneous (C-M) and is developed with an auto auction. The neighboring properties to the south, on the other side of Old Marlboro Pike (MD 725), are zoned R-R and are developed with single-family dwellings.

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

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Vacant	Retail and Office (59,156 total sq. ft.)
Acreage	8.98	8.98
Lots	0	0
Outlots	0	0
Parcels	1	4 (Parcel BB—1.51 acres) (Parcel CC—2.76 acres) (Parcel DD—2.77 acres) (Parcel EE—1.94 acres)
Dwelling Units	N/A	N/A
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	Yes

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on December 7, 2012. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations was accepted on November 21, 2012 and was heard on December 7, 2012 at the Subdivision and Development Review Committee (SDRC) as required by Section 24-113(b) of the Subdivision Regulations.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* (General Plan) designates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The preliminary plan is consistent with the 2002 General Plan Development Pattern policies that recommend transit-oriented development.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Sector Plan) rezoned the property from R-R to M-X-T which provides for a variety of residential, commercial, and employment uses. The Sector Plan references "Sector Plan Development Concept 9 in Appendix 1 of the plan to portray the basic land use types and relationships envisioned for these properties at the time the sector plan was approved." The plan further references Public Record Exhibit 20, which has been provided by the applicant, to "generally reflect the intended land use and design character approved for this area." These exhibits are included in the backup and will be discussed

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below. The preliminary plan conforms to the land use recommendations of the approved master plan for office land use.

This application is not in conformance with the design principles of the Sector Plan as proposed. Specifically, the application does not contain elements that reflect the location of the property at a major entrance into the Westphalia Sector Plan area, appropriate treatment of this major intersection as a gateway identified in the Sector Plan, and design of structures on the site as a distinct commercial activity center serving the community and neighborhoods outside the town center core area.

As mentioned above, this site was rezoned in the sectional map amendment as part of the Sector Plan from R-R to M-X-T. As part of that approval, a series of design concepts were included as appendices in the Sector Plan and as Public Exhibit 20. The design concepts contained in Exhibit 20 recommend several layouts that have two major features. First, the proposed buildings are arranged around a shared space, established by putting the buildings close together, and in relation to interior roadways and natural features. Second, a major structure is provided at the gateway intersection with no circulation or parking separating the building from the intersection. Overall, these arrangements provide an identifiable landmark for the gateway corner and an interior character for the site.

These concepts reinforce two policies of the Westphalia Sector Plan:

Policy 4—Mixed Use Activity Centers

Promote development of six distinct mixed-use activity areas beyond the town center area with residential, retail, service, and employment components to service the area's neighborhoods.

To support this policy, the Sector Plan recommends a number of design principles that include fronting commercial development on a main street, parks, plazas, or court yards; connection of businesses between parcels with sharing of parking; and restriction of drive-in commercial services to rear areas (pages 29 and 30).

Policy 7—Gateways

Promote the development of attractive gateways into the Westphalia area that define the site's image as an inviting and safe place.

To support this policy, the Sector Plan recommends the design of gateways that include elements such as landmark entrance signage, softscape and hardscape landscape elements, and resting and recreation facilities (page 32).

As submitted, the proposed preliminary plan of subdivision is not consistent with these policies. The design shows a simple "stacking" of parcels from the intersection of Old Marlboro Pike, then aligned up Ritchie-Marlboro Road. This stacking aligns the buildings in a non-distinctive straight

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line that does not account for topography, green infrastructure, or the location of a gateway amenity at the primary intersection.

The proposed preliminary plan of subdivision formalizes the inappropriate design proposed by the conceptual site plan (CSP). Although not part of this application, the CSP shows a proposed gas station and gas pump canopy at the gateway corner of the property. This use may be appropriate elsewhere on the site, but not at the gateway corner. The gas station is not a walkable use and is inappropriate at the intersection of two roads with bicycle facilities or at a gateway site that includes resting and recreation elements. The Community Planning Section's referral for the CSP recommended against this inappropriate use at the gateway corner, and it is noted here since the parcel layout of the preliminary plan is closely tied to the intended uses on the site.

This inappropriate design is reflected in the preliminary plan in several ways. The stacked row of parcels cuts property lines and easements in random patterns. For example, the 10-inch sewer connection that runs along the western edge of the site weaves in and out of all four properties. Three parcels are covered by parts of the primary management area. The parcels are drawn simply to reinforce the stacking of the proposed buildings, rather than reflecting topography or landscape design.

In all, the proposal is inconsistent with and contrary to the Sector Plan's policies of promoting "distinct, high quality, walkable, mixed-use and 'main street' commercial development areas with focal points and shared amenities," and "development of attractive gateways into the Westphalia area that define the site's image as an inviting and safe place."

As the CSP and preliminary plan of subdivision are being heard concurrently, the preliminary plan should be revised to reflect all changes required in the CSP. The recommended conditions have been developed from Policies 4 and 6 of the Sector Plan and are included as conditions of approval for this application as appropriate.

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 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 F, approximately 22,500 feet to the east of the runways. The location and distance establish a height limit of 500 feet above the elevation of the runways, which are 250 feet above sea level. Therefore, the maximum elevation of the building may not exceed 750 feet above sea level. At the location of the present application, the elevation is 100 feet above sea level at its highest point. The buildings may not exceed 650 feet in height.

This property is outside of the 65 dBA Ldn noise contours, so noise attenuation is not required. The property is not in an accident potential zone, so no controls on use or density are required. These categories do not prevent any of the proposed development and should be noted on the preliminary plan.

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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. **Previous and Pending Approvals**—The site was rezoned to M-X-T by the *2007 Approved Westphalia Sector Plan and Section Map Amendment*.

Preliminary Plan of Subdivision 4-03096 (PGCPB Resolution No. 04-38) was approved by the Planning Board and the resolution adopted on March 18, 2004. The preliminary plan approved 297 lots and six parcels on 230 acres. The resolution contains 27 conditions and all the conditions were satisfied. The subject property was platted as Parcel P (shown as Parcel G on the approved preliminary plan and referred to as Parcel E in the resolution). Condition 20 states that development on Parcel E shall be limited to 1 AM and 1 PM peak-hour vehicle trips or one single-family dwelling. Development exceeding this cap shall require a new preliminary plan of subdivision for Parcel E. The applicant is proposing a mixed-use development on the property which exceeds the trip cap and requires this new preliminary plan of subdivision, and a subsequent detailed site plan.

The applicant has submitted a Conceptual Site Plan, CSP-12001, for a mixed-use development of retail and commercial uses of approximately 59,156 square feet of gross floor area (GFA). The conceptual site plan (CSP) shows the outline of the proposed development for the site. The applicant has filed this Preliminary Plan of Subdivision (PPS), 4-12010, which was heard by the Planning Board hearing on April 18, 2012.

This preliminary plan was reviewed for conformance to the staff recommended findings and conditions of approval for Conceptual Site Plan CSP-12001, and conforms to the findings and recommends conditions as applicable. Substantial changes at the time of the approval of the CSP could jeopardize the PPS conformance without additional revisions.

Conformance to Conceptual Site Plan, CSP-12001

The conceptual site plan is recommended for approval with 11 conditions and the following conditions in **bold** are related to the review of this preliminary plan:

2. **At the time of preliminary plan of subdivision, the following issues shall be addressed, or information shall be provided:**
 - a. **The preliminary plan of subdivision shall be designed in such a way as to accommodate appropriate landscape and signage treatments for the frontage of historic Old Marlboro Pike (MD 725) and Ritchie-Marlboro Road in accordance with the 2010 *Prince George's County Landscape Manual* that will be evaluated in detail at the time of the review of the DSP.**

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- b. At the time of the Preliminary Plan of Subdivision, the applicant shall demonstrate that rights-of-way for Ritchie Marlboro Road and Old Marlboro Pike (MD 725) are consistent with the recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* and shall label them for dedication.**

Condition 2a will be evaluated and determined at the time of Detailed Site plan, and may result in a modification of the parcel configuration at that time.

Condition 2b has been evaluated, and the rights-of-way for Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) have been previously dedicated as further discussed in the Transportation finding of this report.

- 3. Prior to acceptance of any detailed site plan for the subject property, the applicant shall submit a geotechnical report for the entire site. The report shall be prepared following, at a minimum, the "Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments" prepared by the Prince George's County Unstable Soils Taskforce for the review and approval of the Prince George's County Department of Public Works and Transportation (DPW&T) to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-131 of the Water Quality Resources and Grading Code in accordance with the guidelines established by the Department of Environmental Resources (DER) for Marlboro clays to confirm the elevation of the Marlboro clay and determine the slope stability factor. Where appropriate, the "rational method" shall be used to determine the slope stability safety factor.**
- 4. At the time of detailed site plan, the following issues shall be addressed, or information shall be provided:**

 - d. The location of structures and applicable site features shall be designed to be outside of the unmitigated 1.5 safety factor line or the proposed grading shall be such that the 1.5 safety factor has been mitigated to eliminate potential slope failure areas.**
 - e. The detailed site plan shall show the proposed pond designed as a submerged gravel wetland with various types of hydrophitic plantings to help remove pollutants; and provide a planting plan showing the location, species and spacing of these pond plantings, subject to modification by the Department of Public Works and Transportation (DPW&T).**

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Conditions 3 and 4 are carried forward as recommended conditions pursuant to Section 24-131 of the Subdivision Regulations relating to Unsafe Lands. Conformance will be further evaluated at the time of detailed site plan, as discussed in the Environmental finding of this report.

7. **The following improvements shall be provided and indicated on all plans of development.**
 - a. **Provide an eight-foot-wide sidepath or wide sidewalk along the subject site's frontage of Ritchie-Marlboro Road, unless modified by the Department of Public Works and Transportation DPW&T.**
 - b. **Provide a standard sidewalk along the subject site's entire frontage of Old Marlboro Pike (MD 725), unless modified by DPW&T.**
 - c. **Provide a marked crosswalk along Ritchie-Marlboro Road at the site's ingress/egress points, unless modified by DPW&T.**
 - d. **Provide a marked crosswalk along Old Marlboro Pike (MD 725) at the site's ingress/egress point, unless modified by DPW&T.**
 - e. **Provide at least one sidewalk/crosswalk connection from the wide sidewalk along Ritchie-Marlboro Road to the internal buildings/pad sites.**

Condition 7 is carried forward as a recommended condition for conformance to the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*. Conformance will be further evaluated at the time of detailed site plan as discussed in the Trails finding of this report.

8. **Total development within the subject property shall be limited to uses which generate no more than 229 (137 in, 92 out) AM peak-hour trips, and 276 (125 in, 151 out) PM peak-hour trips in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified hereinabove shall require a revision to the Conceptual Site Plan with a new determination of the adequacy of transportation facilities.**
9. **Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

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Ritchie-Marlboro Road and Old Marlboro Pike Intersection

- a. **Add a southbound right-turn lane on Ritchie-Marlboro Road**
- b. **Add a northbound left-turn lane on Ritchie-Marlboro Road (Ramp from Pennsylvania Avenue (MD 4)).**

Ritchie-Marlboro Road and Brooke Lane

- a. **Conduct a signal warrant study and install signal, pursuant to Department of Public Works and Transportation (DPW&T) specifications if signal is deemed warranted and approved by DPW&T.**

Conditions 8 and 9 are carried forward as recommended conditions pursuant to the requirements of Section 24-124 of the Subdivision Regulations for adequate transportation facilities, and are discussed in the Transportation finding of this report.

10. **At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:**

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

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

Conditions 10 and 11 are carried forward as recommended conditions pursuant to Section 24-130 of the Subdivision Regulations and are discussed in the Environmental finding of this report.

The preliminary plan conforms to the Conceptual Site Plan, CSP-12001, if the application is approved with conditions.

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7. **Urban Design**—The site is currently undeveloped and proposed 59,156 square feet of gross floor area (GFA) for a mixed-use development consisting of retail and office uses on four proposed parcels.

Conformance with Previous Approvals

The subject property was originally part of the Marlboro Riding Cluster development for single-family residential dwellings under Detailed Site Plan, DSP-04043, which was approved by the District Council on April 11, 2005. This site was then rezoned from the R-R to the M-X-T Zone through the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)* which was approved by the District Council on February 6, 2007.

The M-X-T Zone requires that a conceptual site plan (CSP) and a detailed site plan (DSP) be approved for all uses and improvements. A Conceptual Site Plan, CSP-12001, has been accepted for review for the proposed development on Parcel P. It has not been reviewed by the Planning Board and a final approval has not yet been made. The preliminary plan will conform to the Conceptual Site Plan, CSP-12001, if the application is approved with conditions recommended by staff. Pursuant to Section 27-270 Order of approvals of the Zoning Ordinance, this CSP must be approved prior to the approval of the subject preliminary plan of subdivision. The CSP is tentatively scheduled on the Planning Board hearing date of April 11, 2013.

Conformance with the Zoning Ordinance

In the M-X-T Zone, detailed site plan (DSP) approval is required in accordance with Part 3, Division 9, of the Zoning Ordinance.

Section 27-546(d) of the Zoning Ordinance requires additional findings for the Planning Board to approve detailed site plans in the M-X-T Zone. Additional design attention in the following areas as stated in Section 27-546 (d) (2) and (3) will be required at the time of DSP review:

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**
- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)* identified this site as a “Rural Gateway” and a “mixed-use village center” to serve residential areas. The applicant should ensure that the subject development will provide a quality gateway, with an outward orientation, into the community. Special attention should be paid to the design of the buildings and any parking areas facing Ritchie-Marlboro Road

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and Old Marlboro Pike (MD 725), specifically at the corner of the site closest to the intersection.

Development in the M-X-T Zone is required to have direct vehicular access to a public street in accordance with Section-548(g) as noted below:

Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

The subject site fronts onto two public rights-of-way: Ritchie-Marlboro Road to the east and Old Marlboro Pike to the south. The PPS shows three proposed entrances; therefore, the final approval should establish the required access right-of-way to other lots pursuant to Subtitle 24 for this site.

2010 Prince George's County Landscape Manual

Pursuant to Section 27-450 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone 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 grading permits for the proposed development.

Section 4.6, Buffering Development from Street

The site will be subject to Section 4.6 which specifies that, a minimum 20-foot-wide buffer, planted with 80 plant units per 100 linear feet, is required along the property's entire frontage on Ritchie-Marlboro Road and Old Marlboro Pike (MD 725), both of which are designated historic roads.

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 (TCC). For this property in the M-X-T 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.

8. **Environmental**—A Type 1 Tree Conservation Plan (TCP1-059-03-01) was received and reviewed. A Natural Resources Inventory (NRI-071-11) was approved for this site on June 29, 2012 and was submitted with this application.

The subject property was reviewed by the Environmental Planning Section as part of preliminary Plan of Subdivision 4-03096, and Type 1 Tree Conservation Plan TCPI-059-03, for the Addison Property which covered approximately 230.07 +/- acres. The Environmental Planning Section also reviewed Detailed Site Plans DSP-04043-01 through DSP-04043-05 for approximately 230.07 acres.

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Although the subject property was part of previously approved applications, the subject area never was proposed for development. The project is subject to the environmental regulations because a new preliminary plan of subdivision is required. The project is subject to the Woodland and Wildlife Habitat Conservation Ordinance (WCO) effective September 1, 2010.

The current application proposes retail and commercial uses on the remaining undeveloped northwest corner of Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) within the Addison property development (4-03096). This subject area has been identified as "Forks of the Road," contains 8.98 acres, and is within the M-X-T Zone. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (SMA) rezoned the subject area (8.98 acres) from the R-R to M-X-T Zone.

Master Plan Conformance

The master plan for this area is the *2007 Approved Westphalia Sector Plan and Sectional Map Amendment*. In the Approved Master Plan and Sectional Map Amendment, Environmental Infrastructure section, contains goals, policies and strategies. 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:

Policy 1—Protect, preserve and enhance the identified green infrastructure network within the Westphalia sector planning area.

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

Policy 2—Restore and enhance water quality and quantity of receiving streams that have been degraded and preserve water quality in areas not degraded.

- a. **Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**
- b. **Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**
- c. **Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.**
- d. **Encourage shared public/private stormwater facilities as site amenities.**
- e. **Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bio-retention and underground facilities.**

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This proposal is a new development project. There will be reforestation areas between the on-site riparian areas and the newly graded areas. These plantings will contribute to water quality and storage controls before water enters the environmentally sensitive areas.

The site contains PMA that includes wetlands, streams, floodplain and the associated buffers located along the north and western property lines. These areas should be protected through the development process. The project proposes to impact stream buffer and floodplain for a sewer line connection, construction for a stormwater outfall and stormwater management pond. The on-site waterways are not a Tier II watershed. Impacts to wetlands, streams, floodplains and water quality impacts of these environmental features will require review and approval by the Maryland Department of the Environment (MDE).

The project has an approved stormwater management concept plan that covers the entire project 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 Stormwater Management Concept Plan (65544-2008-01) submitted with the subject application shows the use of one bio-retention and extended detention facility. No underground stormwater facilities area proposed on this concept plan. The concept is correctly reflected on the TCPI.

Policy 3—Reduce overall energy consumption and implement environmentally-sensitive building techniques.

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged implemented to the greatest extent possible at the time of DSP.

Policy 4—Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

The site is not located within the Joint Base Andrews Noise Contours. Mitigation measures adjacent to Ritchie-Marlboro Road are not necessary because this is a nonresidential use.

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Conformance with the Countywide Green Infrastructure Plan

The 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan) indicates that none of the property is within the designated network. The on-site stream systems are regulated streams, but are not recognized as green infrastructure plan areas.

Environmental Review

An approved revision to the Natural Resources Inventory (NRI-071-11) was submitted with the review package and was approved in August 2012. The applicant has recently performed an additional floodplain analysis on the subject site to determine the correct location of the 100-year floodplain. The previously shown 100-year floodplain went further north and east towards Ritchie-Marlboro Road. After years of seeing where floodwaters traveled on the site, the applicant felt that the Federal Emergency Management Agency (FEMA) floodplain was incorrect. This new floodplain analysis approved (2012) by DPW&T determined that the floodplain area should be reduced throughout the subject area. A new floodplain limits causes the primary management area (PMA) limits to decrease in size. This new floodplain is shown on the approved NRI. No revisions are required for conformance to the NRI.

There are regulated environmental features on-site. The site contains one specimen tree, which is to remain.

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. The on-site stream system is part of Federal Spring Branch which drains to the Western Branch and is part of Western Branch watershed.

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 (TCP1-059-03-01) was submitted with the review package. The TCP1 for the Marlboro Riding subdivision has been revised to show this M-X-T zoned area as being developed (TCP1-059-03-01). On the previous TCP1 this M-X-T zoned area was shown as vacant with no development. There are four new reforestation areas shown in this area along with the proposed commercial development. All the symbols and labels are correctly shown in the revised area.

The woodland conservation requirement for the overall Marlboro Riding Cluster subdivision, which includes this site, is being met with 45.50 acres of on-site retention and 4.95 acres of on-site reforestation plantings. The revised Type 1 Tree Conservation Plan TCP1-059-03-01 is in conformance with the WCO.

Old Marlboro Pike (MD 725) and Ritchie-Marlboro Road are both designated as historic roads in the MPOT. When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not necessarily on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved.

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Adjacent to a historic road, the 2010 *Prince George's County Landscape Manual*, which became effective on December 13, 2010, requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the development tier. In the Developing Tier, the required buffer along a historic road is a minimum of twenty feet wide to be planted with a minimum of eighty plant units per one hundred linear feet of frontage, excluding driveway openings. Landscaping is a cost effective treatment which provides a significant visual enhancement to the appearance of the historic road.

The design of the landscape treatment proposed along Old Marlboro Pike (MD 725) and Ritchie-Marlboro Road should be coordinated, and reviewed at time of the associated DSP to insure that the design is in keeping with the desired visual characteristics of the historic road and integrated into an overall streetscape treatment along both Old Marlboro Pike (MD 725) and Ritchie-Marlboro Road. Signage, materials, plant species choices, entrance features, and landscape treatments should also be reviewed and coordinated.

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 Marr-Dodon Complex, Marr-Dodon-Urban land Complex, Widewater and Issue soils, and Westphalia and Dodon soils series. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit review process.

Marlboro clay

This property is located in an area with extensive amounts of Marlboro clay, which is known to be an unstable, problematic geologic formation. The presence of this formation immediately raises concerns about slope stability and the potential for constructing buildings on unsafe land.

Based on guidance information available on PGAtlas, the Environmental Planning Section projects that the top elevation of the Marlboro clay varies from an elevation of approximately 74 feet mean sea level (msl) adjacent to the stream which bifurcates the property from northwest to southeast to approximately 90 feet msl, with an adjacent evaluation area located at 90 feet msl to 100 feet msl.

The property contains unsafe lands regulated by Section 24-131 of the Subdivision Regulations and as noted in the Environmental Planning Section Resource Manual regarding unsafe lands. Severe slope areas adjacent to streams may be unstable. Naturally occurring slopes in excess of 3:1, especially when associated with streams, have the potential for slope failure. Review should focus on slope stability.

A geotechnical report is required for the subject property in order to evaluate the areas of the site that are unsuitable for development without mitigation. This report must be in conformance with the guidelines established by the Department of Environmental Resources. The slope stability study, including a map showing borehole location, borehole logs, cross-sections, and the calculations used to estimate a 1.5 safety factor line, must be submitted prior to acceptance of the

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detail site plan. The unmitigated 1.5 safety factor line must be shown on the DSP and Type 2 tree conservation plan (TCP2).

The DSP configuration of parcels and location of structures and applicable site features shall be designed to be outside of the unmitigated 1.5 safety factor line or the proposed grading shall be such that the 1.5 safety factor has been mitigated to eliminate potential slope failure areas. Revisions to the parcel configuration may occur at the time of DSP, which is required prior to final plat approval. Conformance of the PPS and DSP will be determined at that time.

Appropriate grading and locations for structures and site elements which could impact the lotting pattern will be reviewed with the detailed site plan. The detailed site plan shall demonstrate the proposed engineering of the site and the location of the mitigated 1.5 safety factor line, if proposed. At the time of DSP, the 1.5 safety factor line must be reviewed by the Department of Public Works and Transportation (DPW&T) and/or the Prince George's County Department of Environmental Resources (DER). The approved 1.5 safety factor line must then be reflected on the final plat prior to approval.

Impacts to the Primary Management Area (PMA)

Wetlands, streams and a 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the PMA in accordance with the Subdivision Regulations.

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

“...all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible.”

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be

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submitted in accordance with Section 24-130 of the Subdivision Regulations. The justification must address how each impact has been avoided and/ or minimized. A statement of justification and exhibits for the proposed impacts were stamped as received by the Environmental Planning Section on November 19, 2012.

The conceptual site plan proposes impacts to the PMA for the proposed grading of a stormwater management pond and outfall, sewer connection and grading for road improvements. This site design is from the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)* on page 109 as "Development Concept 9." The Environmental Technical Manual (ETM) provides guidance in determining if a site has been designed to meet the threshold of "fullest extent possible." The first step in the evaluation is determining if an impact is avoidable. If an impact cannot be avoided because it is necessary for the overall development, the next step is to minimize the impact. If an impact cannot be minimized, mitigation if proffered may be considered depending on the extent of the impact. The following is a summary of each impact requested.

Impact #1

This request proposes to impact 18,987 square feet of stream buffer/floodplain (PMA) for a stormwater management pond and outfall structure. This stream buffer is located along the southwest corner of the project area, which is the same area that there is an existing 10 inch sewer line paralleling the adjacent on-site stream system. According to the justification statement, the applicant's request states this proposed stormwater pond location was chosen "based on the natural drainage patterns and existing topography and was designed to avoid the existing sewer line..."

Avoidance/Minimization Analysis

According to the statement of justification, the applicant had communications with Prince George's County Department of Public Works and Transportation (DPW&T) concerning the stormwater management for the project. Various options were discussed, but DPW&T's main concern was to manage the 100-year storm runoff due to flooding on Old Marlboro Pike (MD 725) in the southwest corner of the project area. The volume required to meet this concern will take a significant area. The cost associated with placing this stormwater management system underground would significantly affect the development. Staff agrees with the location of the pond and the submitted justification. The topography of the site is sloping down towards Old Marlboro Pike (MD 725). Due to the location of the existing sewer line and adjacent topography, the location choices for a properly designed stormwater management pond are limited. In discussion with Staff and DPW&T, it was determined that the stormwater management embankment should be on the down gradient side (western) of the existing sewer line. The proposed pond should also include shallow water hydrophytic plantings to help remove pollutants. Bio-retention ponds shall also be incorporated in the design of the parking area islands.

The impact area is open with no woodlands, but the proposed outfall area contains woodlands impacts. The applicant proposes to reforest the existing open areas between the riparian stream, the development and the pond. Prior to approval of the DSP, all plans shall show the proposed pond designed as a submerged gravel wetland with various types of hydrophytic plantings to help remove pollutants. A planting plan showing the location, species, and spacing of the pond

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plantings should be provided. **Staff recommends approval of this impact with the associated condition.**

Impact #2

The request proposes to temporarily impact 3,193 square feet of stream buffer (PMA) to construct a sanitary sewer connection to the existing sanitary line within the adjacent wooded intermittent stream system. There is also some grading associated with this impact in the PMA.

Avoidance/Minimization Analysis

This impact is unavoidable because the connection to the existing sanitary sewer line is necessary for the development of the site. The additional grading shown in this impact area is for tying into existing grades from the adjacent development. **Staff recommends approval of this impact.**

Impact #3

This impact of 1,575 square feet of wetlands buffer (PMA) is located off-site and is not applicable to the requirements of this application. Off-site impacts to waters of the United States that are not within the limits of the subject application are subject to review by the MDE and the U.S. Army Corps of Engineers.

The proposed Impacts #1 and #2 are considered necessary for the orderly development of the subject property. The impacts cannot be avoided because they are required by other provisions of the County Code. The impacts were minimized, to the fullest extent possible, to those necessary for health, safety, and welfare.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits and the tree conservation plan submitted for review. The impacts approved in concept are for the grading of a stormwater management pond and outfall, sewer connection and grading for road improvements because these site features are required by other provisions of the County Code and cannot be avoided.

9. **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, 65544-2008-01, was approved on September 25, 2012 and is valid until September 25, 2015. The concept plan shows the use of one bio-retention and extended detention facility. Development must be in accordance with the approved plan or any subsequent revisions as approved by DPW&T.

During the initial preliminary plan of subdivision submission, the applicant proposed creating an outlot for SWM purposes. At Subdivision and Development Review Committee (SDRC), staff recommended removing the outlot and incorporating that area into one of the four parcels or all of the parcels. This was recommended because there is recent history of parcels and outlots being sold at tax sale, which is not in the best interest of the public since they are usually undevelopable.

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The applicant revised the preliminary plan to incorporate the outlot into all four of the parcels. The applicant also added Note 26 to the preliminary plan which states:

“at such time the Prince George’s County Department of Public Works and Transportation requires a separate outlot for stormwater management purposes, the outlot can be added to the plat without the need to revise the preliminary plan of subdivision.”

Staff recommends the deletion of the note for multiple reasons. First, a preliminary plan of subdivision cannot be revised. Second, creating additional lots is under the sole authority of the Planning Board at the time of approval of the PPS. Lastly, it has been confirmed by DPW&T that while they would allow a separate outlot for SWM purposes, they would not require an applicant to create a separate outlot for SWM purposes, and did not in this case.

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.

10. **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.
11. **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 2007 *Approved Westphalia Sector Plan and Section Map Amendment (SMA)*, in order to implement planned trails, bikeways, and pedestrian improvements.

The Planning Board requires that preliminary plans conform to Section 24-123 of the Subdivision Regulations 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 and the area master plan identify two master plan trail/bikeway corridors. The 2007 area master plan identified both Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) as bikeway corridors, while the 2009 MPOT further refined this to recommend standard sidewalks and designated bike lanes along Old Marlboro Pike (MD 725) and a sidepath/wide sidewalk along Ritchie-Marlboro Road (see MPOT map). The sidepath along Ritchie-Marlboro Road has been implemented as a wide concrete sidewalk along the frontage of Marlboro Ridge. The MPOT includes the following text regarding this master plan recommendation:

Ritchie-Marlboro Road (A-39) Side path: The existing wide sidewalk along the Marlboro Ridge portion of Ritchie-Marlboro Road should be extended along the entire

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length of the road. This trail will link adjacent residential communities and connect two stream valley trails. On-road bicycle facilities may also be appropriate (MPOT, page 36).

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.

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

The previously approved Preliminary Plan 4-03096 for this property, identified as the Addison Property, included several conditions of approval related to bicycle and pedestrian facilities. Preliminary Plan of Subdivision 4-03096 is the approved residential community which created the subject parcel. The PPS (PGCPB Resolution No. 04-38) was approved with 27 conditions and the following conditions in **bold** are related to the review of this preliminary plan:

7. **The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of all internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.**
8. **Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Ritchie Marlboro Road, designated a Class III Bikeway, and \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Old Marlboro Pike, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.**

As indicated above, the 2004 approval for the previous preliminary plan required open section improvements only. However, the more recently approved 2009 MPOT makes more specific recommendations for the roads serving the subject site, and these additional improvements are to provide an eight-foot-wide sidepath or wide sidewalk along the subject site's frontage of Ritchie-Marlboro Road; to provide a standard sidewalk along the subject site's frontage of Old Marlboro Pike (MD 725); and to provide a marked crosswalk along Ritchie-Marlboro Road and

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Old Marlboro Pike (MD 725) at the site's ingress/egress locations. Pedestrian access between the various pad sites will be evaluated in 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.

12. **Transportation**—The proposal includes the subdivision for a mixed-use development consisting of retail and office/commercial uses on four parcels. The applicant proposes up to 59,156 square feet of gross floor area (GFA). 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 is used for the analysis and for formulating the trip cap for the site:

Trip Generation Summary, 4-12010, Forks Of The Road							
Land Use	Sq. Feet	AM Peak			PM Peak		
		In	Out	Tot.	In	Out	Tot.
Drive-in-Bank	3,200	22	18	40	41	42	83
<i>Pass-by at 47%</i>		0	0	0	-19	-20	-39
Convenience Mart with gas Pumps	3,500	77	77	154	104	105	209
<i>Pass-by at 40% AM and 60% PM</i>		-31	-31	-62	-62	-63	-125
Retail	18,753	12	7	19	22	29	51
<i>Pass-by at 60%</i>		0	0	0	-7	-10	-17
General Office	18,753	34	4	38	7	28	35
Pharmacy with drive through	14,950	23	17	40	77	78	155
<i>Pass-by at 49%</i>		0	0	0	-38	-38	-76
<i>Total Pass-by</i>		-31	-31	-62	-126	-131	-257
Total Trips Utilized in Analysis		137	92	229	125	151	276

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

- Ritchie-Marlboro Road and Marlboro Ridge Road (signalized)
- Ritchie-Marlboro Road and Brooke Lane (unsignalized; two-way stop controlled)
- Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) (signalized)

The application is supported by a traffic study dated December 18, 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. The findings and recommendations outlined below are based upon a review of these materials and analysis conducted by the Transportation Planning Section (M-NCPPC), consistent with the *Guidelines*. While new guidelines for transportation review of development proposal are in effect since January 1, 2013, the scoping agreement for the traffic study submitted with this application

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was signed on March 28, 2012; consequently, the study is being evaluated based on the old guidelines.

The subject property is located within the Developing 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) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Transportation Guidelines.
- **Unsignalized intersections:** *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

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

EXISTING TRAFFIC CONDITIONS		
Intersection	AM (LOS/CLV/DELAY)	PM (LOS/CLV/DELAY)
Ritchie-Marlboro Road and Marlboro Ridge Road*	39.6 seconds	24.7 seconds
Ritchie-Marlboro Road and Brooke Lane*	34.6 seconds	33.9 seconds
Ritchie-Marlboro Road and Old Marlboro Pike (MD 725)	D/1334	B/1111
*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 <i>Guidelines</i> , 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

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Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP). The traffic study identified six background developments (including Westphalia Town Center, Phase 1) whose impact would affect some or all of the study intersections. Additionally, an annual growth rate of two percent per year (for three years) was applied to the existing traffic counts along Ritchie-Marlboro Road. A second analysis was done to evaluate the impact of the background developments on the existing infrastructure. By definition, a background analysis evaluates traffic by combining existing traffic with projected traffic from approved PPS. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS		
Intersection	AM (LOS/CLV/DELAY)	PM (LOS/CLV/DELAY)
Ritchie-Marlboro Road and Marlboro Ridge Road*	D/1391	A/862
Ritchie-Marlboro Road and Brooke Lane*	79.0 seconds	103.6 seconds
Ritchie-Marlboro Road and Old Marlboro Pike (MD 725)	E/1462	D/1301
*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 <i>Guidelines</i> , 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	AM (LOS/CLV/DELAY)	PM (LOS/CLV/DELAY)
Ritchie-Marlboro Road and Marlboro Ridge Road *	D/1410	A/903
Ritchie-Marlboro Road and Brooke Lane *	157.0 seconds	198.0 seconds
Ritchie-Marlboro Road and Site (North) *	44.8 seconds	47.3 seconds
Ritchie-Marlboro Road and Site (South) *	33.6 seconds	38.8 seconds
Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) <i>With Improvements</i>	E/1462 <i>D/1435</i>	D/1332 <i>C/1294</i>
Old Marlboro Pike and Site *	10.9 seconds	11.0 seconds
*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 <i>Guidelines</i> , 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 results shown in the table above have indicated that the intersection of Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) will operate unacceptably under total traffic conditions. To address those inadequacies, the following improvements were proposed in the traffic study:

Ritchie-Marlboro Road and Old Marlboro Pike Intersection

- Add a southbound right-turn lane on Ritchie-Marlboro Road
- Add a northbound left-turn lane on Ritchie-Marlboro Road (Ramp from Pennsylvania Avenue (MD 4))

With all of the improvements in the place, the analyses show that the Ritchie-Marlboro Road and Old Marlboro Pike intersection will operate adequately. A signal warrant study will be required for the Ritchie-Marlboro Road and Brooke Lane intersection based on its delay which is projected to be in excess of 50 seconds.

In accordance with this analysis, a trip cap consistent with the trip generation assumed for the site was recommended.

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**Department of Public Works and Transportation (DPW&T)
Maryland State Highway Administration (SHA)**

The traffic study was reviewed by the Department of Public Works and Transportation (DPW&T) as well as the Maryland State Highway Administration (SHA). In a January 31, 2013 memorandum to staff from DPW&T (Issayans to Burton), Mr. Issayans noted the following:

- As indicated in the report, a signal warrant study shall be provided for the intersection of Ritchie-Marlboro Road at Brooke Lane. If found warranted, the developer will be responsible for bonding and constructing the signal. The developer will also be responsible for providing any necessary geometric improvements, including two full approach lanes on southbound Ritchie-Marlboro Road.
- Queuing analysis should be provided for the southbound movements on Ritchie-Marlboro Road at Old Marlboro Pike (MD 725). The adequacy of the existing southbound left-turn storage should be determined.
- Pending the results of the queuing analysis and assuming the southbound movements on Ritchie-Marlboro Road at Old Marlboro Pike (MD 725) do not spill past the proposed site access, a northbound left-turn bay shall be provided for the lefts into the southernmost site access from Ritchie-Marlboro Road. If spillback is found to be an issue, this southernmost full access point may not be feasible as proposed.
- A westbound receiving lane shall be provided on Old Marlboro Pike (MD 725) to accommodate the proposed southbound right turn from Ritchie-Marlboro Road. This lane should be continued to the proposed site access on Old Marlboro Pike (MD 725).
- The report recommends restriping northbound Ritchie-Marlboro Road to provide a separate left-turn lane. It appears that providing this additional lane would require more than restriping, perhaps actual road widening, to achieve this.”

In reviewing the comments from DPW&T, staff is in general agreement with the comments. Regarding the issue of signal warrant study for the Ritchie-Marlboro Road and Brooke Lane intersection, a condition is proposed requiring the study. For the remaining comments, they reflect operational improvements which are within the jurisdiction of DPW&T, and will be enforced through the access permitting process.

Staff is also in receipt of letter dated February 1, 2013 from SHA (Foster to Burton). While SHA is in general support of the study findings, it did acknowledge that the roads on which the subject property fronts are within the jurisdiction of DPW&T.

Plan Comments

Ritchie-Marlboro Road is a master plan arterial facility. The plan shows that the dedicated right-of-way of 60 feet from centerline exists. This is adequate; no further dedication is required.

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Old Marlboro Pike (MD 725) is a master plan collector facility. The plan shows that the dedicated right-of-way of 80 from centerline exists. This is also adequate, and no further dedication is required of this site.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (SMA) recommends an extensive road network which does not impact the subject application. All of the planned roads that were proposed in the sector plan's transportation network are accurately represented. The applicant is requesting a variation from Section 24-121(a)(3) of the Subdivision Regulations which limits individual access to roads of arterial and higher classification. In justifying this variation request, the applicant must meet several legal requirements pursuant to Section 24-113(a) of the Subdivision Regulations. Those requirements are shown in **bold**, with staff's analysis of the applicant's justification below:

- (1) The granting of the variation request would not be detrimental to public safety health or welfare, or injurious to other property;**

Proposed road improvements to Ritchie-Marlboro Road will provide safe acceleration/deceleration lanes which will allow safe movements into and out of the proposed development while maintaining free-flow for other vehicular traffic passing by the proposed development. The site is also located in the corner of a major signalized intersection at Ritchie-Marlboro Road and Old Marlboro Pike (MD 725). The approval of the variation for access to Ritchie-Marlboro Road would allow motorists to enter and exit the site while minimizing the need to travel through the intersection of Ritchie-Marlboro Road and Old Marlboro Pike (MD 725), thereby maximizing traffic operations. The granting of the variation would improve public safety in that if the entrance on Old Marlboro Pike (MD 725) is blocked due to an accident, then emergency equipment will have access to the site via the Ritchie-Marlboro Road access points in the event of a medical emergency or fire on-site.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

It is not practical to add another access from Old Marlboro Pike to serve the property due to the proximity of the intersection with Ritchie-Marlboro Road. The location of the access points has been coordinated with the DPW&T and one access location is proposed along Old Marlboro Pike (MD 725). The site is unique to the surrounding properties being the only property zoned M-X-T in the immediate area. The development potential in the M-X-T Zone may not be adequately served with only one access point.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulations;**

Granting the variation will not be in violation of any laws, ordinance, or regulation.

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- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

Due to the unique shape of the site when compared to the surrounding properties, along with the environmental features which are a result of topographic conditions of the site along the western portion of the property, only one entrance along Old Marlboro Pike (MD 725) is appropriate. The shape of the property is long and narrow which results in limited frontage with only 350 feet of usable frontage on Old Marlboro Pike. The majority of the property frontage is along Ritchie-Marlboro Road with nearly 1,000 feet of usable frontage. Strict adherence to the guidelines would not allow access on Ritchie-Marlboro Road which would result in only one access to the site (via Old Marlboro Pike (MD 725)) which would increase congestion and on-site conflicts between vehicles and pedestrians.

Staff recommends approval of the variation request to Section 24-121(a)(3).

Ritchie-Marlboro Road is a master plan arterial facility within a 120-foot right-of-way, which the Planning Board regulates for access (Section 24-121 of the Subdivision Regulations). The proposed lotting pattern is as follows: Proposed Parcel BB is at the intersection of Old Marlboro Pike and Ritchie-Marlboro Road; Parcel CC is north of Parcel BB, with frontage on Ritchie-Marlboro Road and extends to the western property line; Parcel DD is north of Parcel CC, with frontage on Ritchie-Marlboro Road and extends to the western property line; and Parcel EE is north of Parcel DD, with frontage on Ritchie-Marlboro Road and extends to the western property line. The parcels are "stacked" from the south to the north.

The site is proposed to be served by a private vehicular-access easement that extends west into the property from Ritchie-Marlboro Road, west along the common property line of proposed Parcels BB and CC (approximately 195 feet north of the most southern property line along Ritchie-Marlboro Road). A second private access easement location is proposed which extends to the southwest on Parcel EE (approximately 150 feet south of the most northern common property line with the adjacent Parcel Q). Subtitle 24-128 of the Subdivision Regulations requires that each parcel have direct vehicular access to a public street unless otherwise authorized by the Planning Board. The applicant has requested the use of an easement to serve Parcels BB, CC, DD, and EE along Ritchie-Marlboro Road pursuant to Section 24-128(b)(9) of the Subdivision Regulations to reduce the number of access locations on-site from four to two along the arterial (Ritchie-Marlboro Road).

Section 24-128(b)(9) provides for the Planning Board to authorize the use of an access easement as follows:

- (9) Where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic**

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situation, a private easement may be approved in accordance with the driveway standards in Part 11 of Subtitle 27, in order to provide vehicular access, when deemed appropriate by the Planning Board.

In response to the request to utilize a cross access easement, staff offers the following:

- The use of an easement for two driveways, rather than four driveways would help protect the public safety by reducing possible vehicular conflicts along Ritchie-Marlboro Road.
- There are no other opportunities to construct a secondary access location along Old Marlboro Pike (MD 725).
- Along historic roads, the limiting of access locations is desirable and recommended to maintain the character of the roadway. Access locations to Ritchie-Marlboro Road should be limited to the extent possible in order to protect the historic qualities of the road.

Pursuant to the findings noted above, **staff recommends that the Planning Board authorize the use of a private easement to serve Parcels BB, CC, DD, and EE pursuant to Section 24-128(b)(9) of the Subdivision Regulations.** This consolidation will allow for a reduction in the required direct-vehicle access locations. It is recommended that the plat indicate a denial of access along Ritchie-Marlboro Road, except for the two access locations as shown on the preliminary plan and DSP. The access arrangement should be conditional upon the recordation of a shared access easement, serving Parcels BB, CC, DD, and EE, be recorded in County Land Records and the liber/folio reflected on the final plat. The easement should set forth the rights, responsibilities, and restrictions associated with the use of the easement for Parcels BB, CC, DD, and EE.

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

13. **Schools**—The subdivision has been 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” (County 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.
14. **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:

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Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/Beyond
20	Marlboro	Engine	14815 Pratt Street	2.65	3.25	Within
20	Marlboro	Ladder Truck	14815 Pratt Street	2.65	4.25	Within
20	Marlboro	Ambulance	14815 Pratt Street	2.65	4.25	Within
20	Marlboro	Paramedic	14815 Pratt Street	2.65	7.25	Within

Capital Improvement Program (CIP)

The Capital Improvement Program for Fiscal Years 2012-2017 provides funding for replacing existing Marlboro Fire/EMS Station with a new fire Station in the Upper Marlboro area.

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."

15. **Police Facilities**—The proposed development is within the service area of Police District II, Bowie. 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.
16. **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 Sewer Plan* is deemed sufficient evidence of the immediate or planned availability of public water and sewer for preliminary or final plat approval.

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 4, Community System, and will therefore be served by public systems.

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

"The site is located within 100 linear feet of and down gradient from properties with a long history of automobile and bus based business operations. Due to this history and the potential for petroleum based contamination of both soils and groundwater frequently associated with automobile and bus operations, it is recommended that an environmental site assessment be completed and the report submitted at least 35 days prior to the Planning Board hearing."

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The site is for nonresidential use and will be served by public water systems. Therefore, after discussions with the Health Department, it was clarified that this recommendation was provided for informational purposes only.

18. **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:

“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 as requested by the utility companies.

19. **Historic**—A Phase I archeological survey was conducted on the 220-acre Clagett/Addison property (that includes the subject property) in March 2004 (4-03096). The Clagett/Addison property was the location of a nineteenth century dwelling called Navaho (78-022) built for William B. Clagett, which burned in 1996. One archeological site, 18PR710, was identified on the 220-acre Clagett Addison property at the former site of the Navaho residence. This archeological site is not located within the 8.98 acres included in the subject application. No archeological sites were identified within the 8.98 acres of the subject property and no further work was recommended in this area. This proposal will not impact any historic sites, historic resources, documented properties, or known archeological sites.
20. **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 and access 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.

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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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, April 11, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of May 2013.

Patricia Colihan Barney
Executive Director

By *Jessica Jones*
Jessica Jones
Planning Board Administrator

PCB:JJ:PR:arj

APPROVED AS TO LEGAL SUFFICIENCY
Barry Jones
M-NCPPD Legal Department
Date 4/22/13