



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 14-131(C)

File No. 4-13037

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

WHEREAS, Safeway, Inc. is the owner of a 23.50-acre parcel of land known as Tax Map 109 on Grid F-3 and is composed of Parcel G, Parcels E and F, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C) *[(15.9 acres)] (15.36 acres) and Residential-Agricultural (R-A) *[(7.6 acres)] (8.14 acres); and

WHEREAS, on September 18, 2014, Property Development Centers filed an application for approval of a Preliminary Plan of Subdivision for 6 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13037 for Osborne Shopping Center, Parcels 1-6 was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 20, 2014, 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 November 20, 2014, 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 (TCP1-29-05-01), and further APPROVED Preliminary Plan of Subdivision 4-13037, Osborne Shopping Center, Parcels 1-6, for 6 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to make the following technical corrections:
 - a. The plan should be revised to clearly show the boundary of each zone.
 - b. Delineate the required ten-foot PUE along the entire property frontage on Robert S. Crain Highway (US 301).
 - c. Delineate the extent of applicability of Zoning Map Amendment A-9995-C on the plan.

*Denotes Correction

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- d. Remove previous dedication reference for existing Parcel G from the plan.
 - e. Remove all information from the approval block.
 - f. Add digital approval block to the PPS.
 - g. Revise existing GFA in General Note 19 to reflect 109,039 square feet.
 - h. Provide acreage of 100-year floodplain in General Note 11.
 - i. Provide north arrow on plan.
 - j. Add reference to Zoning Map Amendment A-9995-C to General Note 7.
 - k. Remove all references to the 50-foot building restriction line (BRL) from the PPS.
 - l. Provide a reference to the Highway Protective Easement and Service Drive shown on Plat 100-83 on the PPS, unless the easement has been reverted or otherwise abandoned.
2. Development of the site shall be subject to the approved Type II Tree Conservation Plan TCPII/016/08, and any subsequent revisions.
 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 31180-2005-03 and any subsequent revisions.
 4. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the required findings of Section 24.124.01, the applicant and the applicant's heirs, successors and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of bikeway signage along Osborne Road prior to approval of the final plat.
 5. The final plat shall contain the following note:

"Permit plans shall demonstrate the use of full cut-off optic light fixtures."
 6. Prior to signature approval of the preliminary plan, the type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Add the standard Type 1 Tree Conservation Plan Notes.
 - b. Show the 100-year floodplain.
 - c. Add the liber and folio of the recorded woodland conservation easement to the plan.

- d. Update the TCP1 approval block.
 - e. Add the critical root zones to all specimen trees shown on the plan.
 - f. Have the plans signed and dated by the qualified engineer who prepared the plan.
7. The following note shall be placed on the Final Plat of Subdivision:
- “This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan.”
8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-29-05-01). 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 (TCP1-29-05-01 or most recent revision), 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, Prince George’s County Planning Department.”
9. At time of final plat, a conservation easement (PMA) 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 M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
10. Prior to approval of the final plat of subdivision, a draft vehicular access easement authorized pursuant to Section 24-128(b)(9) shall be approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. Prior to recordation of the final plat:

- a. The easement shall be recorded in land records and the liber/folio of the easement shall be indicated on the final plat and the limit of the easements reflected for a cross vehicular access easement serving Parcels 1, 2, 3, 4, 5 and 6 onto Osborne Road and US 301 being authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
 - b. Denial of access along Robert S. Crain Highway (US 301), for Parcels 4, 5 and 6, shall be reflected on the final plat.
 - c. Denial of access along Osborne Drive, for Parcel 3, shall be reflected on the final plat.
 - d. Denial of access along Osborne Drive, for the south 40 feet of the frontage of Parcel 2 on Osborne Road and the north 25 feet of the frontage of Parcel 1, shall be reflected on the final plat.
11. Total development within the subject property, including the proposed Parcel 1 through Parcel 6 shall be limited to a mix of retail development or equivalent development which generates no more than 120 (74 in; 46 out) AM peak-hour trips, and 472 (227 in; 245 out) PM peak-hour trips. Any development generating a traffic 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.
 12. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot public utility easement (PUE) along the public rights-of-way.
 13. Approval of this PPS shall supersede PPS 4-05047 (PGCPB Resolution No. 06-12) for the development of the site.
 14. A note shall be added to the final plat stating that:

"A portion of the development of this site is subject to Zoning Map Amendment A-9995-C."

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 with conditions, 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 property is located on Tax Map 109 on Grid F-3 and is composed of Parcel G, Osborne Shopping Center, recorded in Plat Book PM 219–26 on April 12, 2007, and Parcels E and F, Osborne Shopping Center, recorded in Plat Book 100–83 on July 5, 1978; all within the County Land Records. The site is composed of 23.5 acres within the Commercial Shopping Center (C-S-C) *[(15.9 acres)] (15.36 acres) and Residential-Agricultural (R-A) *[(7.6 acres)] (8.14 acres) zones. The Preliminary Plan of Subdivision proposes to locate each building on a separate parcel, Parcels 1–6, to allow for fee-simple ownership. Pursuant to Section 24-107 of the Subdivision Regulations, “no land shall be subdivided within the Regional District in Prince George’s County until the subdivider or his agent shall obtain approval of the preliminary plan and final plat by the Planning Board,” resulting in this application.

PPS 4-05047 was previously approved on January 12, 2006 (PGCPB Resolution No. 06-12) for existing Parcel G (17.6 acres). PPS 12-3234 was approved circa 1978 for Parcel E (4.14 acres) and Parcel F (1.76 acres). As previously stated, these three parcels compose the subject site of this PPS. Permits have been issued pursuant to these approvals for the development of 109,039 square feet of gross floor area (GFA). Permit 33157-2013-01 was issued on April 14, 2014 for the Safeway, and Permit 31352-2013-01 was issued on February 27, 2014 for the Petco. This application is not approving additional development over and above what has been permitted on the site consistent with the previous approvals. The sole purpose of this PPS is to divide the property further to allow for fee simple ownership of land.

The subject property is located within the 2013 *Subregion 6 Approved Master Plan and Sectional Map Amendment* (SMA) and is consistent with the master plan land use recommendations. 100-year floodplain, streams and steep slopes exist on the site. A Natural Resource Inventory Equivalency letter (NRI-027-05-01) was issued on June 13, 2014 prior to the acceptance of this PPS. The equivalency letter confirmed the existing conditions on the site as demonstrated on the currently approved Type II tree conservation plan. As this application is a new PPS, a full NRI would normally be required, showing the existing conditions in accordance with the current buffer regulations. However, upon review of the site, having confirmed that the site had been graded (Grading Permit 21681-2012-G) in accordance with the TCPIL, and no changes to the approved limit of disturbance (LOD) are proposed with this request, it is determined that an update to the existing conditions on the Type 1 tree conservation plan TCP1 would be sufficient to address the NRI requirements for this application.

Three points of access are proposed to provide ingress/egress to the shopping center. Two are located on Robert S. Crain Highway (US 301) (as part of Parcel 1), while one is located on Osborne Road (as part of Parcels 1 and 2). Both roadways are designated master plan collector facilities. Access to Osborne Road and US 301 should be restricted to these existing access points in order to prevent hazardous and unsafe traffic situations. Therefore, Parcels 4 through 6 shall be

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denied access to Robert S. Crain Highway (US 301). Similarly, Parcel 3 shall be denied access to Osborne Road. Denial of access shall also be reflected for the south 40 feet of the frontage of Parcel 2 on Osborne Road and the north 25 feet of the frontage of Parcel 1 on Osborne Road. A cross vehicular access easement agreement shall be established prior to approval of the final plat, pursuant to Section 24-128(b)(9) of the Subdivision Regulations.

3. **Setting**—The site is located on the northeast side of Robert S. Crain Highway (US 301) approximately 700 feet north of Osborne Road. To the northwest and northeast of the site is R-A zoned property currently developed with churches. To the north of the site is R-A zoned property currently developed with single-family dwellings. Directly abutting the subject site is C-S-C zoned property that is developed with commercial uses, also being part of the Osborne Shopping Center subdivision.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	C-S-C *[(15.9-acres)] (15.36) acres) R-A *[(7.6-acres)] (8.14 acres)	C-S-C *[(15.9-acres)] (15.36) acres) R-A *[(7.6-acres)] (8.14 acres)
Use(s)	109,039 square feet of GFA for an Integrated Shopping Center	150,000 square feet of GFA for an Integrated Shopping Center
Acreage	23.50 acres	23.50 acres
Lots	0	0
Outlots	0	0
Parcels	3	6
Dwelling Units	0	0
Public Safety	No	No
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) meeting of October 10, 2014.

5. **Previous Approvals**—On February 23, 2004, the County Council of Prince George's County, Maryland, sitting as the District Council, adopted the recommendations of the Zoning Hearing Examiner as its findings of fact and conclusions for Zoning Map Amendment Application No. A-9995-C. A-9995-C was approved for the portion of existing Parcel G (9.22 acres) currently zoned C-S-C (to rezone the land from R-A to C-S-C) with one condition, which is provided in [bold text] below:

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1. All structures shall be built of brick.

Conformance to A-9995-C will be noted on the final plat.

6. **Community Planning**—The preliminary plan of subdivision is consistent with the *Plan Prince George's 2035 Approved General Plan* future land use categorization of commercial. This application is located in an area mapped Commercial on the Generalized Future Land Use Map in the *Plan Prince George's 2035 Approved General Plan*. The mapping designation is described in the general plan as Retail and business areas, including employment uses such as office and service uses. A range of services are provided at the neighborhood to regional level. New commercial areas have access to multimodal transportation options.

This application is located in an area mapped as commercial in the 2013 *Subregion 6 Approved Master Plan and Sectional Map Amendment*. The mapping designation is described in the master plan as Retail and business areas including employment uses such as office and service uses. The proposed development is in conformance with the land use recommendations in the 2013 *Subregion 6 Approved Master Plan and Sectional Map Amendment*.

The property is located within the Joint Base Andrews Interim Land Use Control (ILUC) impact area. The property is entirely within Imaginary Surface F (Outer Horizontal Surface), establishing a height limit of 500 feet above the runway surface. The property is not located within any aviation noise contours, and is not within an Accident Potential Zone.

7. **Urban Design**—Multiple commercial uses are permitted by right in the C-S-C Zone as specified in Section 27-461, Uses Permitted, of the Zoning Ordinance, while others either require a Special Exception (SE), Site Plan or a Detailed Site Plan (DSP) approval. However, limited commercial uses are permitted in the R-A Zone, as specified in Section 27-441, Uses Permitted, of the Zoning Ordinance. The plan shall be revised to show a clear boundary and acreage of each zone.

The site has a previously approved Departure from Design Standards, DDS-592, that allowed for the proposed loading access driveway to be within ten feet of the residentially-zoned property (Section 27-579(b)). Conformance to the 2010 *Prince George's Landscape Manual* and applicable Zoning Regulations has previously been evaluated through the permit review process. No new development is proposed with this PPS

A 50-foot building restriction line (BRL) currently exists along the property frontage on Robert S. Crain Highway (US 301), as reflected on Plats PM 219–26 and 100–83. It appears that the purpose of this BRL was to enforce a State Roads Commission Highway Protective Easement & Service Drive referenced in Liber 1080 at Folio 469 of the County Land Records. However, this BRL is duplicative, as the terms of this easement preclude construction within the easement area. Reference to the BRL does not need to be reflected on the final plat. The referenced easement, however, shall be depicted on the PPS and final plat, unless the applicant can demonstrate that this easement has been reverted or otherwise abandoned.

8. **Environmental**—The Environmental Planning Section (EPS) has reviewed the above referenced preliminary plan, stamped as received by the Environmental Planning Section on October 17, 2014, and the above referenced Type I Tree Conservation Plan (TCP1) on October 20, 2014.

The Environmental Planning Section previously reviewed a Zoning Map Amendment, A-9958, for a portion of the subject property. Natural Resource Inventory (NRI-027-05) was reviewed and approved for the site but has now expired. An NRI Equivalency Letter (NRI-027-05-01) was later approved. A Preliminary Plan of Subdivision (4-05047) with a Type I Tree Conservation Plan (TCP1/29/05) was also reviewed and subsequently approved by the Planning Board on January 12, 2006. Type II Tree Conservation Plan TCP11/016/08 with subsequent revisions was approved in accordance with the PPS conditions of approval and associated permits were issued for grading and building. The subject site has been graded in accordance the approved TCP11. No additional grading is proposed at this time. However, the project is subject to the environmental regulations contained in Subtitles 24 and 25, that came into effect on September 1, 2010 because the application is for a new preliminary plan.

According to 2011 aerial photographs provided by PG Atlas, the entire eastern portion of the site is wooded, and the western portion is developed; however, the site has been graded in accordance with the previously approved Type II tree conservation plan (TCP11), which shows a portion of the woodland on the eastern half being cleared. A review of available information indicates that streams, 100-year floodplain and steep slopes exist on the subject property. The site drains into the Charles Branch of the Patuxent River watershed. According to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), the principal soils on the site are in the Bibb, Marr, Matapeake, Potobac-Issue, Dodon, Westphalia, and Urban Land series. Marlboro clay occurs on the property, while Christiana complexes are absent from this property. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species mapped to occur on or in the vicinity of this property. This site contains Forest Interior Dwelling Species (FIDS) habitat. This site has frontage to the east with Robert S. Crain Highway (US 301), a master planned major collector road and to the south with Osborne Road, a collector road. Neither of these roads generates enough traffic to produce noise above the state standard and neither of these roads is designated as a scenic or historic road. The site is currently located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. According to the *2005 Approved Countywide Green Infrastructure Plan*, the site contains Regulated, Evaluation, and Network Gap Areas within the designated network of the plan.

Master Plan Conformance

The master plan for this area is the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*. The Environmental Infrastructure section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in

[bold] from the master plan and the plain text provides comments on the plan conformance. The preliminary plan and TCP1 must demonstrate conformance with the Master Plan.

Wildlife Habitat

POLICY 1

Protect, preserve, and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.

STRATEGIES

- 1. Protect priority areas that will meet multiple protection objectives such as those related to green infrastructure, the priority preservation area, and the Patuxent River Rural Legacy Program.**
- 2. Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors to restore and enhance environmental features, habitat, and important connections.**
- 3. Preserve and connect habitat areas to the fullest extent possible during the land development process.**
- 4. Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.**
- 5. Protect portions of the green infrastructure network outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.**
- 6. Evaluate land development proposals in the vicinity of SCAs to ensure that the SCAs are not negatively impacted and that green infrastructure connections are either maintained or restored.**

The subject site is neither within a Priority Preservation Area nor the Patuxent Rural Legacy Program. The project site is located in the Charles Branch watershed, which is a primary corridor. The site does contain regulated environmental features along the eastern property line and elements of green infrastructure but is not within a Special Conservation Area (SCA). Protection of green infrastructure elements and regulated environmental features of the site are further evaluated.

Water Quality and StormWater Management

POLICY 2

Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

STRATEGIES

- 1. Protect and restore groundwater recharge areas such as wetlands and the headwaters areas of streams and watersheds.**

Based on available information, no wetlands exist on the site. The site does contain streams; however headwaters are not present on the site.

- 7. Require environmentally-sensitive site design which includes limiting impervious surfaces and implementing best practices in on-site stormwater management to reduce the impact of development on important water resources.**

Development of the site will be subject to the current stormwater management regulations which require that environmental site design be implemented to the maximum extent practicable. The current application proposes no net increase in impervious area over that which was previously approved.

Green Building/Energy Efficiency

POLICY 8

Reduce energy usage from lighting, as well as light pollution and intrusion into residential, rural, and environmentally sensitive areas.

STRATEGIES

- 1. Encourage the use of alternative and energy-saving lighting technologies for athletic fields, shopping centers, gas stations, and car lots so that light intrusion on adjacent properties is minimized. Limit the amount of light output from these uses.**
- 2. Require the use of full cut-off optic light fixtures for all proposed uses to reduce sky glow.**

The landscape and lighting plan for the subject property should demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized.

Noise Intrusion

POLICY 9

Reduce adverse noise impacts to meet acceptable state noise standards.

STRATEGIES

1. **Evaluate development and redevelopment proposals using Phase I noise studies and noise models where noise levels exceed 65 dBA.**
2. **Provide for adequate setbacks for development exposed to existing and proposed noise generators and roadways of arterial classification or greater.**
3. **Provide for the use of approved attenuation measures when noise issues are identified.**
5. **Require development within Ldn 65 dBA and greater noise exposure areas to be properly protected from the transmission of noise through the use of appropriate site designs, the use of barriers that affect sound propagation, and/or the use of sound absorbing materials in construction.**
6. **Work with the State Highway Administration to ensure that as state roads such as MD 4 and US 301 are upgraded, appropriate noise reduction measures are incorporated into the roadway design.**

The subject property is located adjacent to a major collector road and a collector road, which are roadway classifications that do not generate sufficient traffic volumes to result in noise levels of 65 dBA Ldn or greater. The proposed use of this site is not residential; therefore, no noise study was required.

Conformance with the 2005 Approved Countywide Green Infrastructure Plan

According to the 2005 *Approved Countywide Green Infrastructure Plan*, the majority of proposed Parcel 1, which consists of the elongated parcel along the northeast portion of the overall site, is within the designated network, consisting of Evaluation, Regulated and Network Gap Areas. These areas contain a large tract of existing woodland and primary management area (PMA) that include streams and 100-year floodplain. The Network Gap Area is mapped in areas that are open or developed. A portion of the Evaluation Area, which contained woodland, and the Evaluation Area, which is within the stream buffer, have been disturbed in accordance with previous type II tree conservation plan (TCP II) and permit approvals. A significant portion of the Evaluation Regulated Areas will remain undisturbed. These disturbed areas were previously approved with PPS 4-05047 and Type II Tree Conservation Plan TCP II-016-08-02 and have begun implementation through associated permits.

POLICY 1

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

Regulated, Evaluation, and Network Gap Areas are mapped on-site and about a third of them have been impacted onsite through previous approval. No additional disturbance is being proposed with this application.

POLICY 2

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

The SWM concept was approved under the current regulations requiring Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP).

POLICY 3

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

The existing wooded areas to remain on-site connect to a large contiguous tract of off-site woodlands that contribute to existing FIDS habitat to the east and north of the site. The majority of this development is proposed to occur on existing pre-developed areas, and in an existing open area. No additional clearing is proposed with this application.

The proposed application is in conformance with the 2005 *Approved Countywide Green Infrastructure Plan*.

Environmental Review

A Natural Resource Inventory Equivalency letter (NRI-027-05-01) was issued on June 13, 2014 prior to the acceptance of this preliminary plan application. The equivalency letter confirmed the existing conditions on the site as demonstrated on the currently approved Type II Tree Conservation. At the time the letter was issued, it was unknown that a PPS was to be proposed for the site and it was assumed that the letter was necessary for stormwater management approval. At the time of review of the preliminary plan application acceptance, it was determined that the letter, which was submitted with the application, was insufficient because the site would no longer be grandfathered and the existing conditions shown on the approved TCP II, particularly the stream buffers, would change because the new application would be subject to the current environmental regulations that expanded the stream buffers (Section 24-130). Although the stream buffer increased, due to abutting slopes, the limit of the PMA remained unchanged.

Subsequent to acceptance of the application, and upon further review of the site, having confirmed that the site had been graded in accordance with the TCP II and no changes to the approved LOD were proposed with this request, staff determined that an update to the existing conditions on the

TCP1 would be sufficient to address the NRI requirements for this application, showing the 75-foot-wide stream buffers within the PMA.

The TCP1 has been revised to show the correct buffers; however the 100-year floodplain has not been shown on the plan. Based on a review of available information, the location of the floodplain in addition to the expansion of the stream buffer from 50 feet to 75 feet does not result in any changes to the PMA due to the extensive area of steep slopes beyond both the 75-foot buffer and 100-year floodplain. A full NRI may be required for any future development applications beyond the currently approved limits of disturbance (LOD).

The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site has previously approved tree conservation plans. A revised Type 1 Tree Conservation Plan (TCP1-29-05-01) was submitted with the review package.

The site has a woodland conservation threshold of *[28.04] 27.62 percent or *[6.33] 6.23 acres. According to the worksheet, the total woodland conservation requirement, based on the proposed clearing, is *[7.32] 7.16 acres. The TCP1 proposes to meet the entire requirement onsite with woodland preservation. The preservation is focused in a priority area of the site, adjacent to regulated environmental features, connecting to off-site woodlands, and within the green infrastructure network.

Several changes are required to be made to the TCP1. The standard Type 1 Tree Conservation Plan Notes are missing from the TCP1 and should be added to the plan. The M-NCPPC Environmental Planning Section approval block shall be updated on the plan. Specimen trees are shown on the plan; however, their critical root zones are missing. The plan and legend shall be updated to identify the critical root zones.

A woodland conservation easement was previously recorded for this site with the most recent approval of TCP1/016/08-02. The liber/folio reference (Liber 33790 at Folio 249) is also shown on the approved TCP1. Because no change to the woodland conservation areas are proposed on the TCP1, no update to the woodland conservation easement is required at this time; however, a note and delineation of the easement shall be placed on the final plat.

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010. TCP1 applications are required to meet all of the requirements of Subtitle 25, Division 2 which includes the preservation of specimen trees, Section 25-122(b)(1)(G) of the County Code. Every

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effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

The TCP1 submitted does not propose to remove any additional specimen trees beyond what was previously approved and graded.

Marlboro clay occurs on the property, while Christiana complexes are absent from this property. Areas of steep slopes of 15 percent or greater are located on-site. The presence of Marlboro clay is of concern due the presence of steep slopes, highly erodible soils and the potential for slope failure. A geotechnical report was reviewed with the previous preliminary plan (4-05047) which stated "Although slope stability is not a significant issue, proper installation of the retaining wall, foundations and underground utilities will require special attention to engineering because Marlboro clay is in the shallow subsurface of much of the site."

The current TCP1 and approved TCP1I shows a retaining wall in the vicinity of the Marlboro clay where steep slopes are also present. The site has been graded and the retaining walls have been installed. Based on the approved stormwater management concept letter, dated April 1, 2013 the presence of Marlboro clay was further addressed as part of the review of the concept plan:

- a. **At the time of building permit review, please provide the reviewer with a geotechnical report to determine underground water table as per CB-94-2004.**
- b. **All stormdrain pipe above and thru Marlboro clay to convey 100-year storm and to be rubber gasketed.**

Because no additional disturbance is proposed beyond what has currently been disturbed and permitted, and because the presence of Marlboro clays will continue to be addressed through any future site plan review with the Department of Permitting Inspections and Enforcement (DPIE), no additional information regarding Marlboro Clay is required at this time.

The Environmental Planning Section recommends approval of Preliminary Plan of Subdivision 4-13037 and Type 1 Tree Conservation Plan TCP1-29-05-01, with conditions.

9. **Primary Management Area (PMA)**—The site contains a Primary Management Area that is required to be preserved to the fullest extent possible per Section 24-130(b)(5). 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." The regulated environmental features on the subject property include the delineated PMA.

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.

If impacts to the regulated environmental features are proposed a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. A letter of justification for the proposed impacts was date stamped as received on October 10, 2014. The letter requests the validation of a stormwater outfall impact, previously approved impact with PPS 4-05047 and the approval of a grading for a retaining wall. The grading for the retaining wall was approved with Type II Tree Conservation Plan TCPH/016/08-02. These impacts had previously been approved. The expansion of the buffer did not result in a shift in the previously delineated PMA due to the presence of steep slopes.

- **Storm drain Outfall**—This impact for a storm drain outfall has been constructed. The existing impact is 3,350 square feet and is located in the northeast section of the site. This impact was previously approved with PPS 4-05047.
- **Grading (Retaining Wall)**—The impact of 445 square feet of PMA within the stream buffer for the installation of a retaining wall was approved with Type II Tree Conservation Plan TCPH/016/08-02.

No additional impacts are proposed with this application.

Based on the limits of disturbance, the regulated environmental features have been preserved and/or restored to the fullest extent possible as previously reviewed and approved.

10. **Stormwater Management**—A Stormwater Management Concept Approval Letter and associated plan were submitted with the application for this site (31180-2005-03). The approval letter was issued on April 1, 2013. The letter requires a fee payment in lieu of providing on-site attenuation/quality control measures. According to the approval letter, stormwater filtration, and underground storage is required with regard to water quality. The concept plan shows the majority of the site draining into a centrally located underground detention basin through a series of inlets

and underdrains. Ultimately, this underground detention basin outfalls into an existing stream located on proposed Parcel 1 to the northeast.

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the county, on a county wide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement, Prince George's County Department of Health, Prince George's County Department of Environmental Resources, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sewer and Sanitary Commission are also deemed to be consistent with this master plan.

11. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, mandatory dedication of parkland is not required for the subject site because it consists of nonresidential development.
12. **Trails**—This preliminary plan of subdivision is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan). As the site is not located in a designated Center or Corridor as defined by Attachment H(4) Adequate Public Pedestrian and Bikeway Facilities Areas of the *Plan Prince George's 2035 Approved General Plan*, it is not subject to the requirements of CB-2-2012 and the Transportation Review Guidelines – Part 2.

There is one master plan trail issue that impacts the subject site. Osborne Road is designated as a master plan bikeway/shared use roadway in the area plan and MPOT (MPOT, bikeway map). The master plan includes a strategy to “incorporate bicycle-compatible road improvements with future frontage improvements or road construction projects” (page 107). The subject site includes a standard sidewalk along the entire length of its road frontage, excluding the area closest to US 301. The bikeway is accommodated along the road by continuous paved shoulders several feet in width for the majority of the length of Osborne Road. Along the frontage of the subject property, sidewalk, curb and gutter, and a turning lane have been constructed. West of the subject site, a paved sidewalk accommodates bicycle movement. At the time of road resurfacing/maintenance, additional pavement markings or other enhancements can be considered by the Department of Public Works and Transportation (DPW&T) to further accommodate bicyclists along the corridor. The master plan dedication provided along the frontage is sufficient to accommodate all of the required roadway and bicycle improvements, per the master plan. Additional dedication appears to be needed along adjacent Parcel 14, but this property is not included in the subject application. As the frontage of the site includes a turning lane into the shopping center, “Share the Road” signage is appropriate to indicate to turning motorists that bicyclists may also be using the road at this location.

The Complete Streets Section of the MPOT 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 subject application proposes no new development. As noted above, a standard sidewalk exists across the site's frontage of Osborne Road.

In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the required findings of Section 24-124.01, the applicant shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of bikeway signage along Osborne Road prior to the approval of the final plat.

13. **Transportation**—On January 12, 2006, the Prince George's County Planning Board approved Preliminary Plan of Subdivision (PPS 4-05047) for a portion of the subject property. The application was approved with several conditions including the following:
6. **Total development of the subject property shall be limited to a building or buildings for an integrated shopping center and related uses of no more than 83,793 square feet; or different uses generating no more than the number of new peak-hour trips (78 AM peak-hour trips and 166 PM peak-hour trips) generated by the above development. Any development generating additional trips shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The following table represents the proposed parcels and the corresponding area:

	Gross Area (Square feet)	Zone
*Parcel 1	369,672	C-S-C
Parcel 2	199,368	C-S-C
Parcel 3	23,627	C-S-C
Parcel 4	21,318	C-S-C
Parcel 5	48,155	C-S-C
Parcel 6	29,645	C-S-C
TOTAL	691,785	

*For the purpose of evaluating FAR, the R-A zoned portion of Parcel 1 is not included in this table.

Based on the preceding table, the total area for the proposed six parcels is 691,785 square feet. Information in the "Transportation Review Guidelines" indicates that a floor area ratio (FAR) of 0.25 is usually applied to C-S-C zoned properties in order to determine the gross floor area (GFA). Applying a 0.25 FAR will result in a GFA of $691,785 \times 0.25 = 172,946$ square feet.

This site is composed of land that is the subject of two previously approved preliminary plans. Parcel G was the subject of PPS 4-05047, which was approved with a trip cap on proposed development. Parcels E and F were the subject of PPS 12-3234, approved circa 1978 with no trip cap. As previously discussed, permits have been issued for development on the subject site pursuant to these PPS approvals. Although information provided by the applicant has revealed that (based on prior permit approvals) the current development for the subject property is 109,039 square feet, the previous preliminary plan approved (PGCPB Resolution No. 06-12) associated 150,00 square feet of development within the commercial shopping center. Therefore, any trip generation calculation would be based on the approved development cap of 150,000 square feet.

Traffic Evaluation and Access

It is not anticipated that the creation of these six parcels will result in any increase in vehicular traffic. Based on recommendation from *Trip Generation Manual, 9th edition* (Institute of Transportation Engineers), the existing building currently generates the following trips:

Retail Trips		AM			PM		
		In	Out	Total	In	Out	Total
Retail	150,000 square feet	124	76	200	377	409	786
	<i>Less pass-by (40%)</i>	<i>50</i>	<i>30</i>	<i>80</i>	<i>150</i>	<i>164</i>	<i>314</i>
Total Retail (net trips)		74	46	120	227	245	472

It is determined that the proposal to create six parcels would generate no net trips beyond the existing trip generation. Therefore, a trip cap should be placed on the approval that is the same as the current trip generation.

Three points of access are proposed to provide ingress/egress to the shopping center. Two are located on Robert S. Crain Highway (US 301) (situated on Parcel 1); while one is located on Osborne Road (situated on Parcels 1 and 2). Robert S. Crain Highway (US 301) and Osborne Road are master plan collector roadways, which are normally not regulated for access. However, as the property frontage on US 301 is 540 feet and the property frontage on Osborne Road is 208 feet, additional access points would cause closer proximity between each point and create a hazardous and unsafe traffic situation. Therefore, access from Osborne Road and Robert S. Crain Highway (US 301) should be limited to the access points in order to prevent such traffic situations. Regarding access to the proposed Parcel 4, 5 and 6, there should be no direct access to US 301. Similarly, the proposed Parcel 3 should have no direct access to Osborne Road. Additionally, denial of access should also be reflected for the south 40 feet of the frontage of Parcel 2 on Osborne Road and the north 25 feet of the frontage of Parcel 1 on Osborne Road. A cross vehicular access easement agreement should be established prior to approval of the final plat

pursuant to Section 24-128(b)(9) of the Subdivision Regulations, to avoid potentially hazardous traffic situations. No additional right-of-way dedication is recommended. The final plat should indicate denial of access as reflected on the PPS.

14. **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 (CR-23-2001 and CR-38-2002) and concluded that the subdivision will not have any impact on the school system because a nonresidential use is proposed.
15. **Fire and Rescue**—Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Upper Marlboro Fire/EMS Co. 45. This first due response station, located at 7710 Croom Road, is within the maximum of seven minutes travel time.

Capital Improvements Program (CIP)

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

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.”

16. **Police Facilities**—The PPS is within the service area of Police District V, Clinton. The proposal is for 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department and the July 1, 2013 (U.S. Census Bureau) county population estimate is 890,081. Using the 141 square feet per 1,000 residents, it calculates to 125,501 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.
17. **Water and Sewer Categories**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Categories 3, Community System. Therefore, the site will be served by public systems.
18. **Prince George’s County Health Department**—The PPS was referred to the Prince George’s County Health Department for review. Comments have been received and are provided in the backup of this report.
19. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when PUEs are required by a public utility company, the subdivider should include the following statement 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 PPS delineates a ten-foot-wide PUE along most of the public right-of-way as required; however, a portion of the property frontage is not shown with a ten-foot PUE and should be. The ten-foot PUE shall be reflected on the PPS prior to signature approval and on the final plat of subdivision.

20. **Historic**—Phase I archeological survey is not recommended on the above-referenced 23.50-acre property located at the northeast intersection of South Osborne Road and Robert S. Crain Highway (US 301). The application proposes the resubdivision of a commercial shopping center in the C-S-C Zone. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any documented historic sites or resources, documented properties, or archeological resources.
21. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new PPS is required. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are other considerations for a residential subdivision not considered in the review of commercial, industrial, and mixed-use development including the recreational components, noise, and access. A new PPS is required if residential development is to be proposed.
22. At the hearing on November 20, 2014, the Planning Board approved revised Condition #2 per Applicant’s Exhibit No. 1 and revised Condition #11 per staff recommendations which have been incorporated into the conditions of approval, along with the associated findings of fact.

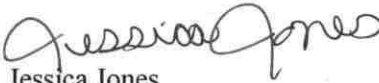
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, November 20, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of December 2014 *and corrected administratively on July 29, 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:WC:rpg

APPROVED AS TO LEGAL SUFFICIENCY


M-NOPPC Legal Department

Date 8/1/16

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

August 2, 2016

Property Development Centers
5918 Stoneridge Mall Road
Pleasanton, CA 94588

Re: Notification of Planning Board Action on
Preliminary 4-13037
Osborne Shopping Center, Parcels 1-6

Dear Applicant:

Enclosed please find a Corrected Resolution for the above referenced case. The purpose of this Corrected Resolution is to correct a minor administrative error in the subject decision. The mail out of this Corrected Resolution does not change the action of the Planning Board, nor does it affect notice and appellate rights.

Please direct any future communication or inquiries regarding this matter to the Development Review Division at (301) 952-3530.

Very truly yours,


Retha Pompey-Green
Development Review Division

Enclosure: PGCPB No. **14-13(C)**

cc: Persons of Record