



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 10-114

File No. 4-09010

R E S O L U T I O N

WHEREAS, Cedarville Road, LLC is the owner of a 51.64-acre parcel of land known as Tax Map 165 in Grid A-2, also known as Parcel 2, said property being in the 8<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on May 14, 2010, Bohler Engineering filed an application for approval of a Preliminary Plan of Subdivision for 14 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09010 for Curtis Farms 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 October 21, 2010, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on October 21, 2010, 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 (TCP1-005-10), and further APPROVED Preliminary Plan of Subdivision 4-09010, Curtis Farms, including a Variation from Section 24-121(a)(3) and VWC-09010 for 14 parcels with the following conditions:

- I. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Clearly label the existing billboard and that it is to be removed.
  - b. Include Applicant Exhibit A as an insert on the plan which details the extent of the right-of-way (ROW) around Outlot B (VJ 157@41).
  - c. Increase the width of the access easement subject to Section (24-128(b)(15)) of the Subdivision Regulations to 70 feet consistent with Betty Drive ROW width.
  - d. Amend Note 22 to clarify that "the access easements are authorized for the integrated shopping center use as proposed by the applicant."

- e. Locate existing wells and general location of the septic systems, in accordance with the Health Department recommendations.
  - f. Provide the tax map, grid and parcel designation.
  - g. Amend Note 6 to reflect that the use is for an integrated shopping center.
  - h. Re-label Betty Boulevard as A-55 along the properties frontage, and label "AKA Historic Cedarville Road alignment."
- 2. A Type II tree conservation plan shall be approved at the time of approval of the detailed site plan.
  - 3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, 15702-2009-01 and any subsequent revisions.
  - 4. At the time of final plat the applicant shall grant a ten-foot public utility easement (PUE) along the public rights-of-way as delineated on the approved preliminary plan of subdivision.
  - 5. At the time of final plat, the applicant shall indicate dedicated rights-of-way along Crain Highway (US 301), Cedarville Road and A-55 consistent with the approved preliminary plan of subdivision.
  - 6. Provide a minimum eight-foot-wide concrete sidepath for multiple users within the right of way of Cedarville Road is separated from the road by a vegetative separation strip or landscaping at the time of detailed site plan review to implement a section of the master-planned Mattawoman Creek Trail, and connect this trail to the proposed road and internal sidewalk system of the development. The trail location and design shall be approved by DPW&T.
  - 7. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$410 to DPW&T for the placement of the bicycle facility signage at two locations; one along A-55 and along Cedarville Road. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. Any appropriate safety improvements necessary along these County roads will be determined by DPW&T and should accommodate bicycle movement.
  - 8. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate pedestrian crosswalks for the two legs of the intersection of A-55 and US 301 that abut the subject property if deemed appropriate by SHA and DPW&T. The crosswalk locations should be coordinated with the State Highway Administration (SHA) and County DPW&T and the time of detailed site plan review.

9. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate pedestrian crosswalks for the intersection of Cedarville Road and A-55 if determined appropriate by DPW&T at the time of detailed site plan. The Cedarville Road crosswalk location should be consistent with the proposed entrance at the northeast corner of the property.
10. Prior to the issuance of grading permits the applicant shall demonstrate that the abandoned wells and septic systems have been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
11. Prior to the issuance of any grading permits, the applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust and the federal agency responsible for the funds or permits for their review of potential effects on historical resources on the subject property if Section 106 review is required.
12. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
13. At the time of final plat approval, the applicant shall dedicate the following rights-of-way:
  - a. A 120-foot right-of-way along A-55, as shown and accurately reflected on the preliminary plan of subdivision.
  - b. A right-of-way of 40 feet from centerline along Cedarville Road, as shown on the preliminary plan of subdivision.
  - c. A right-of-way of 300 feet from the centerline of US 301, as shown on the preliminary plan of subdivision.
  - d. The dedication of rights-of-way shall be consistent with the approved detailed site plan.
14. Prior to the issuance of any building permits within the subject property, the following road improvements at the US 301/MD 5 and McKendree/A-55 intersection 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. Provision of a southbound double left-turn lane along the southbound US 301/MD 5 approach.
  - b. Subject to the approval by SHA, provision of split-phased traffic signal operations to allow the east and west legs of the intersection to operate independently from each other.
  - c. Subject to approval by SHA, provision of restriping of the west leg of the intersection (the McKendree Road approach) to provide one left-turn lane, one shared through/left-turn lane, and one right-turn lane.
  - d. Provision of widening of the east leg of the intersection (the A-55 approach) to a four lane approach. Subject to SHA approval, the east leg shall be striped to provide two left-turn lanes, one shared through/left-turn lane, and one right-turn lane. If SHA does not approve the split phased operation, the east leg should be striped to provide two left-turn lanes, one through lane, and one right-turn lane.
15. Prior to the issuance of any building permits within the subject property, the following road improvements at the A-55/Regency/site access intersection 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. Prior to the approval of the initial building permit, the applicant shall submit an acceptable traffic signal warrant study to the County Department of Public Works and Transportation (DPW&T) for signalization at the intersection of A-55 and Regency/site access. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with DPW&T prior to the release of any building permits within the subject property, and complete installation at a time when directed by DPW&T.
  - b. Provision of a minimum of two outbound lanes from the site.
  - c. Provision of an exclusive westbound left-turn lane.
16. The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the

Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V master plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

- a. For each non-residential building, a fee calculated as \$2.07 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).
- b. Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.
- c. The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:
  - (1) Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
  - (2) Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
  - (3) Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
  - (4) Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
  - (5) Reconstruct the traffic signal at US 301/MD 381.

- (6) Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
  - (7) Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
  - (8) Reconstruct the traffic signal at MD 5/Brandywine Road.
  - (9) Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
  - (10) Construction of an interchange in the area of MD 5 and A-63 north of T.B.
  - (11) Construction of A-63 as a six-lane arterial roadway (where off site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
  - (12) Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
  - (13) Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
17. Total development of the overall site shall be limited to uses that would generate no more than 250 AM and 1,200 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.
18. At the time of detailed site plan review, a queuing analysis of the site access which considers the ultimate development of the site shall be submitted by the applicant to the Transportation Planning Section. Four copies of the analysis shall be submitted, including a copy for the case file, a copy for Transportation Planning staff review, and two copies for referral by the Transportation Planning staff to DPW&T. Based on this analysis, the details of the internal site access shall be determined, including the number of approach lanes at the intersection and the overall width of the access roadway (including the width of the associated easement).
19. The design of the secondary access point, along with any signage and pavement markings, shall be reviewed in detail by the Transportation Planning Section and the County Department of Public Works and Transportation at the time of detailed site plan.

20. Any detailed site plan involving lots along the US 301/MD 5 right-of-way shall be referred to the Maryland Transit Administration for explicit comment on the placement of structures and the possible impact of the future transit line, as described in the August 2010 report for the *Southern Maryland Transit Corridor Preservation Study* (Maryland Transit Administration).
21. The final plat shall note a denial of access along the site's frontage of US 301/MD 5, and A-55 except the site access permitted on A-55 by the approval of the variation to Section 24-121(a)(3) of the Subdivision Regulations.
22. The final plat shall note that access to all lots is authorized pursuant to Section 24-128(b)(15) of the Subdivision Regulations.
23. Prior to signature approval of the preliminary plan, the preliminary plan and TCP1 shall be revised as follows:
  - a. Delineate the isolated wetland and its associated buffer along the eastern boundary of the property;
  - b. Provide at a minimum a ten-foot-wide scenic easement outside the ultimate right-of-way and any public utility easement, along the southern frontage of historic Cedarville Road from US 301 to the eastern end of Parcel 13 (entrance drive on A-55);
  - c. Provide at a minimum a ten-foot-wide scenic easement outside the ultimate right-of-way and any public utility easement, along the southern frontage of historic Cedarville Road (A-55) from the eastern end of Parcel 13 to the secondary entrance road with a note that indicates additional width will be required where available at the time of DSP; and
  - d. Provide at a minimum a 40-foot-wide scenic easement outside the ultimate right-of-way and any public utility easements along the southern frontage of historic Cedarville Road from the secondary entrance to the railroad tracks.
24. Prior to signature approval of the preliminary plan, the TCP1 shall be revised as follows:
  - a. Correct the woodland conservation worksheet in accordance with the environmental findings;
  - b. Provide additional woodland conservation on-site to the greatest extent possible through the provision of required buffers adjacent to residential properties and US

301, additional planting within and/or adjacent to the PMA, and the provision of landscaped scenic buffers adjacent to historic Cedarville Road;

- c. Add a specimen tree variance note under the specimen tree table which reads as follows:

“NOTE: A Variance Application (VWC 4-09010) to Section 25-122(b)(1)(G) was approved by the Planning Board in association with the approval of the preliminary plan to allow removal of trees 7 through 12;”

- d. Provide a tree canopy coverage schedule that demonstrates how the tree canopy coverage requirement of ten percent of the gross tract area will be fulfilled; and
- e. Have the plan signed and dated by the qualified professional who prepared it.

- 25. Prior to the approval of any final plat, and prior to the issuance of any grading or building permits, the detailed site plan required by Zoning Map Amendment (A-10006-C) shall be approved and address the following design concerns:

- a. Prior to the approval of the DSP, a site development plan for stormwater management that details how new stormwater management requirements will be met regarding the provision of environmental site design techniques and the fragmentation of impervious surfaces, to the fullest extent practicable, shall be required, unless other stormwater management design approvals and/or waiver are granted by DPW&T.
- b. Roadway improvements on Cedarville Road and A-55 shall be carried out in accordance with Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation. The applicant shall coordinate a conceptual pre-application meeting between the Department of Public Works and Transportation and The Maryland-National Capital Park and Planning Commission (M-NCPPC) prior to detailed site plan and/or Paving and Stormdrain Plan submittal, whichever precedes.
- c. The DSP shall include a geotechnical study which assesses the limits and nature of the sellable mineral resources on the site. If mineral resources are identified in the geotechnical report, a cost estimate for the removal of said resources and a statement regarding the cost/benefit ratio of mineral extraction shall be submitted prior to the issuance of any building permits. A special exception shall be obtained prior to any surface mining, and any mineral and sellable resources extraction proposed on the site shall be in accordance with all applicable state and local laws and regulations.



- d. The DSP shall address the landscape buffer yard treatment and entrance features along historic Cedarville Road and A-55. The required planting materials in the areas where a ten-foot-wide scenic easement is required outside the PUE shall be a minimum of one shade tree and 12 shrubs per 35 linear feet. The plant materials proposed where a greater width is provided shall be a minimum of two shade trees and 24 shrubs per 35 linear feet. The planting density and design for the area where a 40-foot-wide scenic easement is required shall be in keeping with the recommendations of the Streetscape Enhancement Recommendations prepared by the Ellipse Design Group and dated September 10, 2010. Plant material shall be native, and planted in a naturalistic pattern to provide a transition to the Rural Tier. The design of any entrance features proposed on Cedarville Road shall be reviewed at time of DSP to insure that the design is: in keeping with the desired visual characteristics of the historic road; integrated into an overall streetscape treatment along Cedarville Road with regard to signage, materials, and plant species choices; and coordinated with the entrance feature and landscape treatment being proposed for the overall development.
  - e. The DSP shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally sensitive areas is minimized. At time of DSP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future DSPs: "All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."
26. Development of this subdivision shall be in compliance with the approved Type 1 Tree Conservation Plan (TCP1-005-10). The following note shall be placed on the Final Plat of Subdivision:
- "Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-005-10), 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 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, Planning Department."
27. At time of final plat the scenic easements as established on the detailed site plan, behind the public utility easement (PUE), adjacent to historic Cedarville Road and A-55 shall be delineated, and a note shall be placed on the final plat as follows:

"Cedarville Road (A-55) is a county designated Historic Road. The scenic easements described on this plat are an area where the installation of structures and roads and/or the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed."

28. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
29. Prior to the approval of building permits, the applicant shall obtain a raze permit to remove the existing billboard.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located in the southeastern quadrant of the intersection of Cedarville Road, along the master plan A-55 alignment and US 301 in Brandywine.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	C-S-C	C-S-C
Use(s)	SFD	Integrated Shopping Center of 381,000 sq.ft.
Acreage	51.64	51.64
Lots	0	
Outlots	0	
Parcels	1	14
Dwelling Units:		
Detached	1	0
Public Safety Mitigation Fee		N/A

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on May 28, 2010. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations was received at least 30 days prior to the Planning Board hearing and heard at the SDRC meeting on October 15, 2010, as required by Section 24-113(b) of the Subdivision Regulations.

4. **Environmental**—The Environmental Planning Section has previously reviewed the subject property as Zoning Map Amendment A-10006-C and Natural Resources Inventory NRI/011/09.

**Site Description**

The 51.64-acre property is located in the southeastern quadrant of the intersection of Crain Highway (US 301), A-55, and Cedarville Road (MD 381). The southern boundary of the site is Mattawoman Creek, and the eastern boundary is the CSX railroad line. Current air photos indicate that 95 percent of the site is in open farm fields, and two acres of the site are wooded. Numerous residential and agriculturally-related buildings are located on the property. This site contains streams, 100-year floodplain, and wetlands associated with Mattawoman Creek in the Potomac River watershed. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property.

Cedarville Road was designated in the 1993 Approved Master Plan and Sectional Map Amendment for Subregion 5, Planning Areas 81A, 81B, 83, 84, 85A, and 85B as a historic road and is a master-planned collector. Crain Highway (US 301), which borders the site to the west, is a master-planned divided arterial and an existing source of traffic-generated noise. Noise impacts are not a concern on this site due to the commercial use. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Croom, Iuka, Leonardtown, and Sassafras series. All of these soils, except for Sassafras, are hydric and may present difficulties due to high water table and impeded drainage. Marlboro clay does not occur in this area. According to the Approved Countywide Green Infrastructure Plan, the Mattawoman stream valley along the southern boundary is a regulated area, and approximately the lower half of the property is within an evaluation area.

**Conformance with the Master Plan**

The subject property is located within the 2009 *Approved Subregion 5 Approved Master Plan and Sectional Map Amendment*. The site is located in the Brandywine Special Study Area.

County Council Resolution CR-61-2009, approved September 9, 2009, includes the following statement:

**Be it further resolved that the decision of the District Council in Zoning Map Amendment A-10006, Curtis Farm, as described in District Council Resolution No. 11-2009, is hereby reinforced and considered a part of the Official Zoning Map that is retained as part of this Sectional Map Amendment.**

The following policies and strategies from the Environmental chapter of the 2009 Subregion 5 Master Plan are applicable to the subject application:

1. **Protect primary corridors (Mattawoman Creek, Piscataway Creek and Tinkers Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors to restore and enhance environmental features, habitat and important connections.**
2. **Protect the portions of the green infrastructure network that are outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.**
3. **Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.**
4. **Evaluate land development proposals in the vicinity of Special Conservation Areas (SCAs) to ensure the SCAs are not impacted and that green infrastructure connections are either maintained or restored.**
5. **Continue to implement the county's Woodland Conservation and Tree Preservation Ordinance, which places a priority on the preservation of woodlands in conjunction with floodplains, wetlands, stream corridors, and steep slopes and emphasizes the preservation of large, contiguous woodland tracts.**
6. **Preserve habitat areas to the fullest extent possible during the land development process.**

The revised proposal conforms to the policies and strategies. A more detailed analysis is provided below in the Green Infrastructure Plan conformance section and the Environmental Review section.

**Conformance with the Countywide Green Infrastructure Plan**

The site contains regulated areas, evaluation areas, and small network gaps identified in the Countywide Green Infrastructure Plan, which are consolidated along the stream corridor located along the southern border of this site. The site is located within the Mattawoman Creek Stream Valley Special Conservation Area.

The Mattawoman Creek is a 60,300-acre watershed located in Prince George's and Charles Counties. Approximately 18,500 acres of the total watershed is located in Prince

George's County. The creek originates in Brandywine in Prince George's County and flows south towards Waldorf in Charles County, where it begins to form the border between the two counties at US 301.

Mattawoman Creek and its tidal and nontidal wetlands were identified as important resources in a 1981 Maryland Department of State Planning report on areas of critical state concern. The creek, its wetlands, and its tributaries are among the most productive finfish spawning and nursery streams in the entire Chesapeake Bay region. The nontidal wetland areas support unusually large numbers of fish-eating wildlife, especially great blue herons, great egrets, bald eagles, and black-crowned night herons.

The quality of the water entering the stream systems in the watershed is of particular concern. The Benthic IBI rating (1999–2003 biological assessment) for the Mattawoman Creek is "poor"; the habitat rating (1999–2003 biological assessment) is fair. When evaluation areas occur within the watershed, the woodlands present should be preserved adjacent to streams to widen the corridors adjacent to regulated areas to protect water quality.

#### **Conformance to the Final Decision of the District Council A-10006-C**

Zoning Map Amendment A-10006 was approved by the District Council subject to conditions, some of which are environmental in nature and primarily discussed further in the ZMA section of this report.

#### **Environmental Review**

A revised Natural Resources Inventory (NRI-011-09) was approved by the Environmental Planning Section on October 4, 2010. The regulated features shown on the preliminary plan and tree conservation plan are consistent with the NRI except for one area of regulated wetland located in the center of the eastern boundary of the property which is not in a primary management area (PMA). The NRI confirms the presence of this wetland. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to delineate the isolated wetland and its associated buffer along the eastern boundary of the property.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCPI-005-10) was submitted with the preliminary plan application and approved.

The minimum afforestation requirement for this site is 6.87 acres (15 percent of the net tract area) plus additional acres due to the clearing proposed, for a total minimum requirement of 7.01 acres. The woodland conservation worksheet on the revised TCPI is incorrect, but a revised worksheet was submitted that provides the correct calculations.

The revised worksheet will meet the requirement with 2.30 acres of on-site afforestation and 4.71 acres of off-site woodland conservation.

The Notice of Final Decision of the District Council specifically requires that:

**Woodland conservation that is required by the Woodland Conservation Ordinance and Tree Preservation Ordinance should be provided on-site to the greatest extent possible.**

On this property, there are unvegetated PMAs which are a priority for afforestation. Afforestation has been proposed for the unvegetated floodplain on the southern portion of the property. The Final Decision also calls for buffering adjacent to residential properties and along US 301, which can be counted as woodland conservation by landscaping if it is a minimum of 35 feet in width and meets minimum area and stocking requirements for woodland. Provision of additional woodland conservation within the 40-foot-wide scenic buffer area along historic Cedarville Road is also recommended, which can be credited as woodland conservation if it meets the minimum technical requirements.

Prior to signature approval of the preliminary plan, the TCP1 shall be revised as follows:

- a. Correct the woodland conservation worksheet;
- b. Provide additional woodland conservation on-site to the greatest extent possible through the provision of required buffers adjacent to residential properties and US 301, additional planting within and/or adjacent to the PMA, and the provision of landscaped scenic buffers adjacent to historic Cedarville Road and master plan A-55 (the original alignment of Cedarville road as identified on the master plan);
- c. Add a specimen tree variance note under the specimen tree table as indicated in the recommendation section, and
- d. Have the plan signed and dated by the qualified professional who prepared it.

Development of this subdivision shall be in compliance with the approved Type 1 Tree Conservation Plan (TCP1-005-10) and an appropriate note added to the final plat.

The project is subject to the requirements of Subtitle 25, Division 3, The Tree Canopy Coverage Ordinance, of the County Code. The requirement for the subject property is 10 percent of the gross tract area or 5.16 acres (224,769 square feet) based on the C-S-C zoning. This requirement can be met through woodland conservation on the net tract area and existing trees in the 100-year floodplain. Because the site has a tree conservation plan and that a landscape plan is not required at this stage, the TCP is the vehicle for demonstrating conformance with this requirement. Prior to signature approval of the

preliminary plan, the TCP1 shall be revised to provide a tree canopy coverage schedule that demonstrates how the tree canopy coverage requirement of 10 percent of the gross tract area will be fulfilled.

**Variance to Woodland Conservation VWC-91010**

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 Woodland Conservation Ordinance effective September 1, 2010.

Type 1 tree conservation plan applications are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees. If the specimen trees on-site have a condition rating of 70 or above, every 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).

After careful consideration has been given to the preservation of the specimen trees and there still remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) of the Woodland Conservation Ordinance is required. An applicant can request a variance from the provisions of Subtitle 25 provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of COMAR (Code of Maryland Regulations). An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings. Required variances associated with a TCP1 as part of a preliminary plan application are approved by the Planning Board.

The TCP1 indicates that the site contains 12 specimen trees. Section 25-122(b)(1)(G) requires that:

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

The specimen tree table on the TCP1 proposes to remove six specimen trees (Specimen Trees 7 through 12) and preserve Specimen Trees 1 through 6. The limits of disturbance on the plans indicate that trees 6 through 11 are to be removed. This analysis is based on the requirement that limits of disturbance are to be revised to show the preservation of tree 6 and the removal of tree 12. The resulting evaluation is based on a request to remove Specimen Trees 7 through 12.

A variance request, stamped as received on August 27, 2010, has been reviewed. It does not indicate which specimen trees are included in the variance; however, given a close review of the TCP1, it is evident that Specimen Trees 7 through 12 are included in the request.

Section 25-119(d) of the Woodland Conservation Ordinance contains six required findings [text in bold] to be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for the six specimen trees as a group.

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

The property is pie shaped, adjacent to US 301 and a historic road, with the narrowest portion of the site adjacent to Mattawoman Creek. The six trees proposed to be removed are centrally located on the site at an elevation of 206 to 210 feet. Retaining the trees would make development of a retail commercial use difficult because of the need to grade down the site to direct stormwater management to the water quality pond proposed at the lowest point on the site. Preservation of the trees would also be difficult because of the desire to "balance" the site grading (keeping all of the soil on-site and not trucking it to other locations). The site is also limited by the two access points. The main access into the commercial site is required to line up with the Regency access, located on the north side of A-55, which further limits site access options.

The trees proposed for removal are red maples, a fast growing tree, and one sweetgum tree. While one of the red maples is considered to be in good condition, the others are rated fair to poor. Retention of these trees, while possible, does not provide a substantial woodland or habitat benefit on the site as they are not related to a green infrastructure corridor, and would be isolated on the site based on the development pattern proposed.

The hardship on this site is created by the location of the trees in the center of the site and the need for positive grading to meet the requirements of other sections of the County Code. If the trees were preserved, the development would be fragmented on the site and would result in a reduction of the pedestrian connections that are desirable on a commercial site. With regard to Specimen Tree 12, it is in poor condition and should be removed to prevent the creation of a hazardous situation. The trees to be preserved, Specimen Trees 1 through 6 are located either in the PMA (trees 1 through 5) or along the perimeter of the site (tree 6).



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

Other developed properties within and immediately adjacent to the site were not subject to the same requirement. If the other sites were developed before the effective date of the Woodland Conservation Ordinance (September 1, 2010), they were not subject to the requirement for a variance for removal of specimen trees; however, specimen trees have always been a preservation priority in the County Code.

Approval of a variance to remove the specimen trees on the property appears to be consistent with the expectations of the District Council with regard to the development of this site when the site was rezoned from the R-R to the C-S-C Zone, which occurred prior to the passage of the Woodland Conservation Ordinance. If other properties, similarly zoned, encounter trees in a similar condition and in a similar location on a site, the same considerations would be provided during the review of the required variance application.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

With regard to this required finding, there is at least one other site in the vicinity of the subject property that has preserved specimen trees while providing a considerable amount of density. The approval of a variance to remove all of the specimen trees could be construed as conferring a special privilege. The subject application is only proposing to remove specimen trees in good condition in the center of site and, therefore, not a special privilege afforded this applicant.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;**

The removal of the trees due to their location on the site and the limitations for site design due to the limitation of access points are not the result of actions by the applicant.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

The request to remove the trees does not arise from any condition on a neighboring property, but is specific to the subject property.

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

None of the healthy specimen trees to be removed are within or directly adjacent to any regulated environmental features such as a stream, wetland, or 100-year floodplain; however, trees in any location on a site provide a water quality benefit, with regard to

providing canopy cover to slow down and filter falling rain, providing areas for water infiltration in the root zone, preventing soil erosion, and by providing a variety of other eco-services such as reducing the ambient temperature of stormwater runoff. Specimen trees excel at providing these benefits because of their extensive canopy coverage.

The TCP1 plan indicates that the loss of the six specimen trees will be mitigated by the provision of a distribution of bioretention areas throughout the site. In addition, a 10 percent tree canopy coverage requirement will need to be met along with the requirements of the *Prince George's County Landscape Manual* related to green space and landscape requirements. Because the site is mostly an unvegetated field at this point, the tree canopy coverage throughout this site, as well as in the primary management area, will be greater after the development of the site than exists today.

#### **Summary of the Specimen Tree Variance Request**

The six specimen trees proposed for removal are all located either in a central area of the parcel or are in poor condition. The potential for preserving these specimens within the commercial development pattern is found to be low because the majority of the healthy trees are centrally located.

The combination of the two access points and the unusual shape of the property would result in an unwarranted hardship should trees 7 through 12 be required to be preserved. The Planning Board approves the variance for the removal of Specimen Trees 7 through 12.

Nontidal wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers comprise the primary management area (PMA) in accordance with the Subdivision Regulations. The site also contains an isolated wetland along the eastern property line adjacent to the railroad tracks.

The Subdivision Regulations require 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." (Sec. 24-130(b)(5)) The regulated environmental features on the property include the delineated PMA and an isolated wetland.

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 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 statement of justification for the proposed impacts was submitted on September 10, 2010.

Impacts to the PMA are proposed in order to install a sewer line connecting to a trunk line located within the Mattawoman Creek stream valley. The plan also proposes disturbance to an isolated wetland and its associated 25-foot-wide wetland buffer along the eastern boundary of the property for the installation of storm water management pipes and the placement of buildings. Both of these impacts are considered necessary to the orderly development of the subject property. Neither of these impacts can be avoided because they are required by other provisions of the County Code.

The request for installation of the sanitary sewer connection is approved as a necessary site utility. The sewer connection has been located to minimize impacts by its placement adjacent to US 301, which allows for the retention of a contiguous block of woodland conservation in the environmentally sensitive areas of the site.

The proposed impact to the isolated wetland located on the eastern property boundary is approved. It is likely that this wetland is manmade and the result of an undersized pipe placed under the railroad right-of-way, and that the hydrology of the site will be so substantially changed by the development of the property that its short term retention will not result in long term wetland protection or benefit.

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 tree conservation plan submitted for review. The impacts approved are for the installation of a sanitary sewer line connection to an off-site trunk line and for the installation of proper stormwater management improvements adjacent to the railroad tracks to the east.

At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement should 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.

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

According to the *Prince George's County Soil Survey* the principal soils on the site are in the Beltsville, Bibb, Croom, Iuka, Leonardtown and Sassafras series. All of these soils, except for Sassafras, are hydric and may present difficulties due to high water table and impeded drainage.

Although these limitations may affect the construction phase of this development there are no soil limitations that would affect the site design or layout. During the review of permits a soils study addressing the soil limitations may be required by the County.

The applicant submitted an approved Stormwater Management Concept Plan (15702-2009) which was revised and approved on August 18, 2010. The revisions include an updated subdivision layout to address right-of-way dedication for Cedarville Road and Crain Highway, and relocation of the proposed stormwater pond outside of the PMA.

The preliminary plan and TCPI have been revised to reflect the revised Stormwater Management Concept Approval. The preliminary plan shows proposed "bio-retention facility areas" scattered throughout the parking lot to provide water quality. The fragmentation of impervious surfaces with bioretention to the fullest extent possible will be addressed in more detail during the review of the required detailed site plan. Approval of stormwater management technical prior to certification of the DSP is an appropriate review sequence in order to implement the required environmental site design techniques and is part of a recommended condition above.

#### **Historic Cedarville Road**

Cedarville Road was designated a historic road in the Subregion V Master Plan (2009). The historic alignment of Cedarville Road remains and extends into the alignment of the master plan A-55 to US 301. Any improvements within the right-of-way of an historic road are subject to approval by the DPW&T under the Design Guidelines and Standards for Scenic and Historic Roads. Before engineering design of roadway improvements has begun, a conceptual pre-application meeting with the applicant, DPW&T and the M-NCPPC is required in accordance with the Design Guidelines and Standards for Scenic and Historic Roads.

At the conceptual pre-application meeting, the applicant will be required to make available adequate base information so that attending agencies can make fundamental design decisions. Roadway design criteria will be determined for the roadway by the DPW&T with consideration for the scenic and historic features of the site. Decisions will represent a compromise agreement based on the design guidelines and standards for scenic and

historic roads, minimum DPW&T safety standards, and minimum American Association of State Highway Transportation Officials (AASHTO) design standards

Roadway improvements on historic Cedarville Road (including the frontage with A-55, should be carried out in accordance with Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation (DPW&T). The applicant should coordinate a conceptual pre-application meeting between the Department of Public Works and Transportation and M-NCPPC Planning Department prior to detailed site plan and/or paving and stormdrain plan submittal, whichever comes first.

An Inventory of Significant Visual Features for the right-of way and site is required for the evaluation of the historic road viewshed and required by conditions of approval of A-10006-C, as discussed in the ZMA section of this report. It is generally recommended that a 40-foot-wide scenic easement, set behind the public utility easement (PUE), be delineated along the frontage of the historic road unless conditions warrant a wider easement. Within the scenic easement the preservation of existing trees or other intrinsic elements, or planting of an appropriate buffer equivalent to a "D" bufferyard, is evaluated and generally required. An Inventory of Significant Visual Features and Streetscape Enhancement Recommendations for the Cedarville Road frontage of the subject property was submitted on September 14, 2010, as required by Condition 5 of A-10006-C.

The Inventory states that although the roadway still follows its historic alignment as it passes through the property, the improvements which have occurred or are proposed for the roadway are a contraindication to the provision of a full scenic buffer adjacent to the right-of-way due to existing conditions. The current viewshed landscape of the site is of a flat, open agricultural field with a scattering of farm structures clustered in the middle of the site. A hedgerow currently exists adjacent to the railroad tracks, which is proposed to be removed under the development proposal shown on the TCP1. Staff is recommending that the plans be revised to show the provision of appropriate buffers to enhance the appearance of the historic road and to transition into the Rural Tier, as discussed below.

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 on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the historic alignment and enhance the travel experience if scenic qualities or historic features have not been preserved. As stated the historic road is designated based on the alignment and the historic context to the County. Viewshed analyses are required to identify opportunities to improve a viewshed where one may not exist.

The retention of an open agricultural appearance is not compatible with the proposed commercial use of the property, but east of the railroad tracks, the Rural Tier has been

designated along Cedarville Road. In looking at a 40-foot-wide scenic evaluation area, providing a transitional scenic treatment from US 301 (a master planned freeway) into the Rural Tier to the east would be in keeping with historic road designation and the rural agricultural character of properties to the east.

The historic roadway has been evaluated and recommendations are provided in three segments: The segment from US 301, east to the entrance opposite the Regency site entrance; the segment east of the site entrance to the intersection of Cedarville Road and A-55; and the segment of frontage on Cedarville Road just adjacent to the railroad tracks.

**Segment 1:** Starting from the western-most point on the property at the intersection of US 301, the first 650 linear feet of the viewshed, the applicant has proposed typical landscape treatment ten feet in width overlapping the public utility easement, and the provision of one shade tree and twelve shrubs (two more than the Landscape Manual requirement for a Section 4.3 parking lot buffer).

This segment of the frontage is the most urban in character. Provision of a 10-foot-wide landscape strip, behind the public utility easement, is recommended for a total of 20 feet in width. This configuration would allow the plant materials to thrive and mature to a scale which buffers and balances the commercial development proposed. The trees used should be a mix of large native shade trees and shrubs placed in a naturalistic planting scheme, with one shade tree and twelve shrubs per each linear 35-foot-long section.

**Segment 2:** Moving east of the commercial site entrance, the provision of a 10-foot-wide landscape strip behind the PUE with the same or greater stocking requirements as segment one should be maintained adjacent to Parcel 13 for a minimum 20 feet in width including the PUE).

On proposed Parcels 1 and 14, the development does not propose a drive aisle between Cedarville Road and the buildings. This allows for provision of a wider buffer. Adjacent and on these parcels, the scenic buffer should be a minimum of 20 feet in width, including the PUE, and an average of 30 feet in width, and increase where the opportunity exists. In this area the plans show a minimum of 200 percent of the normal plant material required in a parking lot landscape strip, or two large native shade trees and 24 shrubs per 35 linear feet of frontage. Plantings should be naturalistic in character in keeping with the transition towards the Rural Tier.

**Segment 3:** East of secondary site entrance onto Cedarville Road, the plans show a large green space and no structures. The applicant describes the treatment in An Inventory of Significant Visual Features and Streetscape Enhancements, of this area as follows:

**"This portion of the site presents a unique opportunity to create a park-like setting through plantings of native evergreen, flowering and shade trees. The**

**zone indicated for landscape enhancement is roughly three-quarters of an acre. The ground plane would be defined by a combination of lawn, tall native grasses and wildflowers to reflect the character of the rural areas east of the site."**

The proposed treatment for segment 3 is a highly appropriate treatment for this portion of the historic road. This treatment will complete the desired transition to the Rural Tier, and is required.

The design of the scenic buffers and any entrance features proposed along the Cedarville Road frontage should be reviewed as part of the detailed site plan to insure that the design is: in keeping with the desired visual characteristics of the historic road; integrated into an overall streetscape treatment along Cedarville Road with regard to signage, materials, and plant species choices; and coordinated with the entrance feature and landscape treatment proposed for the development.

At time of final plat, the recommended scenic easement shall be established behind the public utility easement adjacent to historic Cedarville Road as delineated on the detailed site plan and a note placed on the final plat regarding the easement.

The landscape buffer treatment and entrance features along historic Cedarville Road and A-55 will be reviewed and approved as part of the detailed site plan. The required planting materials in the areas where a ten-foot-wide scenic easement is proposed shall be a minimum of one shade tree and 12 shrubs per 35 linear feet. The plant materials proposed where an average 30-foot-wide minimum scenic easement is required shall be a minimum of two shade trees and 24 shrubs per 35 linear feet. The planting density and design for the area where a 40-foot-wide scenic easement and open space area is required shall be in keeping with the recommendations of the Streetscape Enhancement Recommendations prepared by the Ellipse Design Group and dated September 10, 2010. Plant material shall be native, and planted in a naturalistic pattern to provide a transition to the Rural Tier.

The design of any entrance features proposed on Cedarville and A-55 should be reviewed to insure that the design is: in keeping with the desired visual characteristics of the historic road; integrated into an overall streetscape treatment along Cedarville Road and A-55 with regard to signage, materials, and plant species choices; and coordinated with the entrance feature and landscape treatment being proposed for the overall development.

### **General Plan**

Policy 5 in the Environmental Infrastructure chapter of the General Plan calls for the reduction of overall sky glow, minimizing of the spill-over of light from one property to the next, and a reduction of glare from light fixtures. This is of particular concern on a commercial site such as the subject application, because of the nearby Rural Tier and the

residential uses which could be directly impacted. Lighting is also of particular concern in this location because it is adjacent to environmentally-sensitive areas.

The proposed lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized, and so that sky glow does not increase as a result of this development.

The detailed site 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. At the time of DSP, details of all lighting fixtures should be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels.

5. **Community Planning**—The commercial land use proposed is consistent with the 2002 General Plan Development Pattern policies for Corridors in the Developing Tier. This application conforms to the recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* for commercial land use in the C-S-C Zone. The 2009 Subregion 5 Master Plan/SMA retained the C-S-C Zone as approved by application A-10006-C, approved in June 2009. Buffering between the development proposed for this site and the adjoining railroad will be addressed in the review of the detailed site plan as required by the zoning for this property.

#### **General Plan, Master Plan and SMA**

**2002 Prince George's County Approved General Plan:** This application is located in a Corridor in the Developing Tier. The vision for Corridors is mixed residential and nonresidential uses at moderate-to-high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. The goals of the Centers and Corridors are to:

- Capitalize on public investment in existing transportation system.
- Promote compact, mixed use development at moderate to high densities.
- Ensure transit-supportive and transit-serviceable development
- Ensure compatibility with surrounding neighborhoods.

**Master Plan:** The property is located within the limits of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, in Planning Area 85A in the Brandywine Community. The approved master plan (until published) consists of the following documents: the February 2009 Preliminary Subregion 5 Master Plan and Sectional Map Amendment; an Errata Sheet dated March 31, 2009; the Planning Board adopted PGCPB Resolution No. 09-109; and the District Council Resolution of Approval CR-61-2009)



The Plan identifies US 301/MD 5 as a freeway (F-9). The Maryland Transit Authority (MTA) has recommended a preferred alternative for a transit line long the US 301/MD 5 corridor that is also along the western property line of the subject property.

The final report of the Maryland Transit Administration's "Southern Maryland Transit Corridor Preservation Study" was released in August 2010. This multi-year, multi-jurisdictional study recommends a preferred alternative for a future Bus-Rapid-Transit or Light Rail line connecting La Plata and points north, with the Branch Avenue Metro Station. The preferred alternative for the transit line runs parallel to the northbound lanes of US 301/MD 5, along the western boundary of the subject property. The area needed for the future transit right-of-way is addressed in the Transportation Planning Section. Review of the detailed site plan by the Maryland Transit Administration is suggested at the time of review of the detailed site plan.

The 2009 Subregion 5 Master Plan reinforces the 2002 General Plan development concepts for corridors which states that "compatibility of higher intensity development with existing communities is essential, thus close attention needs to be paid to design and land use relationships within and surrounding each project." (General Plan text, p. 50)

Condition 1 of approved rezoning application A-10006-C requires the submittal of a detailed site plan for this proposed commercial project to address the issues of compatibility with the adjacent properties and US 301. Condition 10 (A-10006-C) contains a provision for buffering this proposed development from the Rural Tier to the east and nearby industrial properties. The Rural Tier boundary was relocated to the east so as not to be contiguous with the subject property. The Pope's Creek railroad tracks are located along the eastern property line of the subject property; industrial land uses are located to the north across Cedarville Road. The applicant should address these incompatible adjacent uses and provide buffering in accordance with the Landscape Manual.

6. **Department of Parks and Recreation (DPR)**—The recommendations of the approved Subregion V Master Plan and Sectional Map Amendment, the Land Preservation and Recreational Program for Prince George's County, the Zoning Map Amendment (A-10006) for the property, the Subdivision Regulations, and existing conditions in the vicinity of the proposed development were taking into consideration in the analysis of this application.

The subject property is located within the Mattawoman Creek watershed and has been identified in the Subregion V master plan as an area that merits special attention. The Mattawoman Creek watershed is also designated for special attention by the General Plan, and as a special conservation area in the June 2005 *Approved Countywide Green Infrastructure Plan*. As recommended by the Subregion V master plan, "One of the ongoing strategies of the special conservation areas is to protect primary corridors

(Mattawoman Creek) during the review of land development proposal to ensure the highest level of preservation and restoration possible."

Additionally, as a condition of the re-zoning of the property (A-1006-C) to C-S-C, "the applicant is required to work with The Maryland-National Capital Park and Planning Commission (M-NCPPC) Department of Parks and Recreation (DPR) to develop a trail plan along Mattawoman Creek Stream Valley, either on or adjacent to the subject property." As discussed in the Trails Section the master plan stream valley is being recommended along the properties frontage with A-55 and Cedarville Road.

However, for conservation purposes and according to the Subregion V master plan, Mattawoman Creek has been identified and recognized as "the best, most productive tributary to the Chesapeake Bay. The tidal wetlands of Mattawoman Creek are essential nursery areas for numerous species of fish. The main stem and tributaries of the creek are among the Potomac River basin's most important spawning waters."

A site visit was conducted to assess the recommended master plan trail alignment. The construction of the master plan trail across Crain Highway (US 301) does not appear to be feasible crossing over Crain Highway (US 301) or the railroad along the stream valley at this sites location. The re-alignment of the master planned Mattawoman Creek Stream Valley trail, as discussed in the Trails Section, was approved with this application.

In accordance with Section 24-134(a) of the Subdivision Regulations, the preliminary plan is exempt from the requirements of mandatory dedication of parkland because it consists of non-residential development. However, based on the recommendations of the approved Subregion V Master Plan and 2005 Green Infrastructure Plan, the Department of Parks and Recreation and the applicant have entered into discussions, and the applicant is considering the donation of the stream valley south of the extended environmental buffer along with the floodplain (approximately 6 +/- acres) to M-NCPPC. M-NCPPC will provide stewardship of this land, helping to protect and conserve the environmental and natural features of the Mattawoman Creek Stream Valley if an agreement can be reached.

Should the applicant agree to donate the floodplain and extended buffer to M-NCPPC, the Department of Parks and Recreation would also request that the applicant work with DPR to provide adequate public access from Cedarville Road to the donated parcel via an ingress/egress easement. The parcel proposed for donation has frontage along US 301 and the railroad right-of-way, but no access is viable due to significant changes in elevation. The property is approximately 8-14 feet below the existing roadway of US 301. The only direct access to the stream valley would be thru the subject site. The access thru the property may be most appropriate and instead of a descriptive easement of 20 feet wide meandering thru the shopping center, a blanket easement may be appropriate to ensure that any future development plans are not limited by the easement, if acceptable to the applicant.

In addition to the ingress/egress easement, a shared use agreement could be executed to allow for a minimum of eight shared use parking spaces. These parking spaces could support public access to the conveyed property. In addition, the parking area could be designated for use as a future trailhead for the Mattawoman Creek Stream Valley Park. The conditions of the ZMA A-10006-C, recommend that the layout of the development be "configured in a pedestrian oriented plaza/mall, in accordance with the goals of the 2002 General Plan." The applicant may consider including this public benefit in promoting a pedestrian plaza/mall at the time of detailed site plan.

The applicant has been very willing to entertain the donation of the land to M-NCPPC, but there are issues related to the ability to provide adequate access to the donated land for not only maintenance and monitoring, but for public access for recreational purposes. The location of the required stormwater management facility extends essentially from the west to the east property lines, and the grades fall sharply to the stream valley. The location of this facility divides the property between the developable area to the north and the stream valley to the south. The storm drain access easement to the stormwater water management (SWM) facility, which will be required by the DPW&T, for maintenance, could be an alternative for a cooperative access easement location.

While not required, the applicant has indicated a desire to conserve the stream valley to benefit the public, but remains concerned that any conditions of approval related to the proffer could interfere with the development review process. There are a number of issues that are still outstanding at this time. The details of possible access and easements can be reviewed, at the time of detailed site plan where a more detailed analysis can occur and concerns regarding access and parking. If at the time of detailed site plan an agreement can be reached for the donation of the land, the final plat should carry appropriate notes to facilitate the agreement. At the time of DSP appropriate conditions can be recommended relating to the donation of land, for final plat purposes.

7. **Trails**—The proposal is for an integrated shopping center at the intersection of Crain Highway (US-301) and Cedarville Road and the A-55 alignment. The preliminary plan of subdivision has been reviewed for conformance with the Approved Countywide Master Plan of Transportation (MPOT), the Subregion 5 Master Plan and Sectional Map Amendment (area master plan), and rezoning application A-10006-C for the subject site. The proposal complies with the conditions of the prior zoning approval and with the requirements for preliminary plans per Section 24-123 of the Subdivision Regulations.

The area master plan contains strategies for bicycle, trail and pedestrian facilities that relate to the subject application (pages 121–123). These strategies include the construction of sidewalks along all major transportation facilities in areas where there are concentrations of people, construction of a trail along the Mattawoman Creek, development of street and sidewalk/trail connections between adjacent subdivisions as

new development occurs, and to encourage developers at employment destinations to provide new sidewalks, bicycle trails, lockers, and bike friendly intersection improvements.

No trails and few sidewalks exist adjacent to the subject site on the major roads. There are other commercial developments near the proposal, such as a gas station across Cedarville Road (A-55 alignment) to the north and the Wawa that was constructed on the north side of McKendree Drive, west across US 301. There is a nearby industrial development located in the Brandywine 301 Industrial Park to the north. The southern boundary of the subject property is located along the Mattawoman Creek and the Charles County boundary.

The Subregion 5 Master Plan and Sectional Map Amendment recommend a multi-use trail along the Mattawoman Creek to accommodate hikers, bicyclists, and equestrians. This trail could create connections to the Brandywine Community Center to the north, and a trail connection between the Charles County line south of Indian Head Highway to Cedarville State Park through or along the subject property.

Cedarville Road and the A-55 alignment are recommended in the MPOT for on-road bicycle improvements between MD 381 and US 301. Bicycle safety signage should be incorporated into the required frontage improvements. The area master plan did not recommend a bikeway along US 301.

The area master plan recommends that bicycle parking be provided within all new employment-related developments within the Brandywine Community Center. Although the subject site is south of the Brandywine Community Center, it is recommended that the applicant provide bicycle parking on site to be reviewed at the time of detailed site plan. U-shaped bicycle parking facilities are recommended.

US 301 at A-55 includes eight travel lanes, a right turn lane on northbound US 301, and an acceleration lane on southbound US 301. This wide intersection presents a challenge to pedestrians because there are no sidewalks or crosswalks installed on either US 301 or Cedarville Road.

The subject property was rezoned (A-10006-C) from the R-R to the C-S-C Zone by the District Council. Conditions 7 and 9 relate to pedestrian and bikeway improvements as discussed in the rezoning finding.

#### **Cedarville Road (C-617) Bikeway**

Cedarville Road is a County right-of-way. The Master Plan of Transportation (MPOT) recommends that Cedarville Road contain on-road bicycle improvements between MD 381 and US 301 (A-55 alignment). The road is recommended for an 80-foot-wide

right-of-way. Bicycle signage and safety improvements should be incorporated into any frontage improvements along this road.

Frontage along Cedarville Road and A-55 should include sidewalks. This was a condition of zoning approval. A sidepath could also be used as a sidewalk, so if the Mattawoman Trail is shifted to a new location along A-55 and Cedarville Road as described above, the sidepath will function as a sidewalk to create future connections to the surrounding retail commercial land uses, including the two nearby gas station/food store sites.

Per the zoning approval, the applicant must develop crosswalks to coincide with the sidewalk improvements at the time of detailed site plan. There are some sidewalks in the area including the existing sidewalk in front of the Wawa on Cedarville Road (A-55), and one on Matapeake Business Drive, which has a standard sidewalk along its entire length.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 and Section 23-135 of the Prince George's County Code.

8. **Transportation**—The Commission has reviewed the subdivision application referenced above. The subject property consists of approximately 51.64 acres of land in the C-S-C Zone. The overall site is located east of US 301/MD 5 between the Mattawoman Creek and Cedarville Road. The applicant proposes to develop the property as a commercial development with approximately 381,000 square feet of commercial space.

#### **Analysis of Traffic Impacts**

While it is generally agreed that 381,000 square feet of commercial space is a reasonable assumption for this site, the mix of retail versus office remains uncertain at this time. The table below analyzes higher and lower limits for each use, and highlights the critical numbers for trip generation in each peak hour that will be used for the analysis and for formulating the trip cap for the site:

4-09010, Curtis Farms	Use Quantity	Use Type	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
<b>Commercial</b>								
Minimum Retail (total trips)	341,000	Sq feet	208	133	341			
Less 50 percent pass-by			-104	-67	-171			
Minimum Retail (net trips)			104	66	170			
Maximum Retail (total trips)	366,000	Sq feet				1172	1172	2344
Less 50 percent pass-by						-586	-586	-1172
Maximum Retail (net trips)						586	586	1172
General Office Minimum	15,000	Sq feet				5	23	28
General Office Maximum	40,000	Sq feet	72	8	80			
<b>Total</b>	<b>381,000</b>	<b>Sq feet</b>	<b>131</b>	<b>69</b>	<b>250</b>	<b>591</b>	<b>609</b>	<b>1200</b>

The trip generation is estimated using trip rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (*Guidelines*). The above table differs somewhat from the numbers used in the traffic study; the study used slightly higher numbers for each use, but the numbers used above reflect yields on plans submitted by the applicant, and were confirmed with the applicant.

It is noted for the record that the public street along the northern frontage of the site has been referred by various names and terms, including Cedarville Road, Betty Boulevard, Mattawoman Drive, A-63, and A-55. These references have occurred on a variety of mapping, plats, and master plans. For purposes of discussion within the context of this case, the arterial facility that forms most of the northern boundary of this site will be termed "A-55." This is consistent with the current master plan.

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

- US 301/MD 5 and A-55/McKendree Road (signalized)
- A-55 and Regency/site access (signalized)
- A-55 and Cedarville Road (unsignalized/all-way stop)
- Cedarville Road and site access (future/unsignalized)

The application is supported by a traffic study dated August 2009 provided by the applicant and referred to the Maryland State Highway Administration (SHA) and the County 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 analyses conducted by the Commission, consistent with the *Guidelines*.

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

- **Links and signalized intersections:** Level of Service (LOS) 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 *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 Prince George's County 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.

Two minor observations need to be made about the traffic study. The main site access with A-55 (opposite Regency) exists as an unsignalized intersection. The traffic study has chosen to report this intersection as signalized, with the understanding that a signal warrant study will be required. This will be carried forward as a recommendation. Also, the traffic study provides an alternative analysis that includes an access point from northbound US 301/MD 5. Given that SHA was not amenable to this access and no submitted plans have included such an access, this alternative was given no further review within The Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department.

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic using counts taken in May 2009 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5 and A-55/McKendree Road	1,289	1,866	C	F
A-55 and Regency/site access	144	222	A	A
A-55 and Cedarville Road	8.3*	8.1*	--	--
Cedarville Road and site access	Future		--	--
*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 Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." Background traffic has been developed for the study area using an extensive listing of approved developments in the area and 2.0 percent annual growth rate in through traffic along US 301 and MD 5. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follow:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5 and A-55/McKendree Road	1,797	2,420	F	F
A-55 and Regency/site access	216	378	A	A
A-55 and Cedarville Road	9.7*	10.0*	--	--
Cedarville Road and site access	Future		--	--
*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 follow:



TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5 and A-55/McKendree Road	1,796	2,823	F	F
A-55 and Regency/site access	295	1,149	A	B
A-55 and Cedarville Road	9.8*	10.3*	--	--
Cedarville Road and site access	11.1*	11.9*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is found that all but one of the critical intersections operate unacceptably under total traffic in either one or both peak hours. In response to the inadequacies, the applicant proposes several roadway improvements in the area:

- At the US 301/MD 5 intersection:
  - a. Provision of a southbound double left-turn lane along the southbound US 301/MD 5 approach.
  - b. Provision of split-phased traffic signal operations to allow the east and west legs of the intersection to operate independently from each other.
  - c. Provision of restriping of the west leg of the intersection (the McKendree Road approach) to provide one left-turn lane, one shared through/left-turn lane, and one right-turn lane.
  - d. Provision of widening of the east leg of the intersection (the A-55 approach) to provide two left-turn lanes, one shared through/left-turn lane, and one right-turn lane.
  - e. With the above improvements in place, the US 301/MD 5 and McKendree/A-55 intersection would operate at LOS F, with a CLV of 1,796 in the AM peak hour, and at LOS F, with a CLV of 2,521 in the PM peak hour.
- At the A-55/Regency/site access intersection:
  - a. Study of signalization, with the installation of a signal if deemed warranted by DPW&T.

- b. Provision of a minimum of two outbound lanes from the site.
- c. Provision of an exclusive westbound left-turn lane.
- d. The above improvements were included in the "TOTAL TRAFFIC CONDITIONS" analysis in the table above.

- The subject site is required to contribute to the Brandywine Road Club. It is noted that the Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:

- a. The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Regulations (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Beginning in 1900, many properties have been approved with a condition to pay funds toward a Brandywine Road Club. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program (CIP) or the state's Consolidated Transportation Program (CTP) that suggests that needed improvements are funded for construction.
- b. County Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*. As a part of that resolution, zoning map amendment A-9878 for Brandywine Village was approved with conditions that allow this and many other properties to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." This has been carefully considered, and it has been determined that the subject property is along the identified section of US 301/MD 5. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the Council Resolution.
- c. The Road Club has always involved the construction of interchanges north and south of the study area, along with north-south roadways connecting properties to those intersections that would eliminate existing signals and provide adequacy. The Road Club was implemented in

recognition that the scope and cost of these improvements would far exceed the ability of an individual applicant to fund them.

- The Road Club fees have been established through procedures contained in past approvals, and are summarized below:
  - a. For the commercial space, a rate of \$2.07 per square foot of gross floor area has been used for sites that do not have full A-63 construction requirements.

For the reasons described above, and given that development under the existing cap can proceed with the payment of fees under the Brandywine Road Club, the use of the Brandywine Road Club as a means, in part, of finding adequacy for this site would be acceptable. It is determined that adequate transportation facilities can only be found if the improvements at the intersections within the study area as proffered and described above are constructed and there is participation in the Brandywine Road Club.

- As a means of mitigating the impact of turning movements along US 301/MD 5, the applicant proposes several modifications to the US 301/MD 5 and McKendree/A-55 intersection. This will provide some relief at this location by providing additional capacity.
- It is recognized that some off-site road improvements are on the overall list of improvements to be funded through the Brandywine Road Club. As such, the costs of the off-site improvements are eligible for a credit against the road club fees to be paid. The extent of eligibility of the costs and the determination of any credits shall be made by DPW&T.

The traffic study was referred to and reviewed by DPW&T and SHA. The responses are attached, and the agencies raise four issues that require discussion:

- DPW&T has indicated that the heavy volumes and queuing at the main site access along A-55 opposite Regency (Betty Drive vacated) create a need for two inbound and three outbound lanes at A-55 along the access driveway to the site. The traffic study assumed two outbound lanes from the site. Given that the degree of queuing is directly related to the ultimate configuration of the site and the uses within the site, it is recommended that this type of detail be deferred to the time of detailed site plan review (required by A-10006-C). At that time, a queuing analysis of the site access which considers the ultimate development of the site shall be submitted by the applicant to the Transportation Planning Section. Four copies of the analysis should be submitted, including a copy for the case file, a copy for Transportation Planning staff review, and two copies for referral by the

Transportation Planning staff to DPW&T. Based on this analysis, the details of the internal site access should be determined.

- DPW&T has also indicated that the main access roadway should be revised to show two lanes in each direction. Once again, this is more appropriately deferred to the time of detailed site plan review, and the queuing analysis described above should assist in that review. It is noted that all easements shown on the subject site are shown at 22 feet. It is clear that the easement providing the access should be a minimum of 70 feet, and the size of the easement should be guided by the size of the driveway within the easement.
- DWP&T has indicated that the proposed secondary access along Cedarville Road must be right-in right-out only due to the proximity of the railroad tracks immediately to the east. This comment is problematic given that this secondary access is intended to serve delivery vehicles and trucks which will serve the site. In their comments on the plan provided in September 2010, DPW&T has revised this requirement to indicate only that the design of this access shall be reviewed further at the time of permit. While it is recognized that traffic from the east attempting to use this access could easily pose a hazard due to the presence of the railroad tracks, traffic leaving the site and turning left would not cause such a hazard.
- SHA has determined that additional improvements are needed at the US 301/MD 5 and Cedarville/McKendree Road intersection because the improvements that are being done by the applicant do not offset the traffic added by the applicant. However, the Brandywine road club was created to help fund adequate improvements for the area over the long term. Other applicants have done improvements in their immediate area to assist traffic movement in the near term, but applicants have not been strictly required to offset all traffic impacts. Furthermore, additional improvements at this intersection, short of widening the overall link of US 301/MD 5, would have a negligible impact on capacity. Short of actually constructing the interchange, this intersection is essentially built out for at-grade operations.

#### **Master Plan Analysis**

With regard to the master plan, the site is affected by several facilities:

- The F-9 facility, which is along existing US 301/MD 5, is a planned freeway facility within a 300-foot right-of-way(ROW). The applicant has demonstrated that 150 feet from the centerline exists within the current right-of-way. There shall be no street or driveway access from the site to US 301/MD 5.

- The A-55 facility is along the northern frontage of the site. Adequate right-of-way needed to complete the overall 120-foot planned right-of-way is being dedicated by the submitted plan. Dedication is acceptable as shown.
- Cedarville Road is a master plan rural collector facility. The plan demonstrates adequate right-of-way of 40 feet from centerline.
- The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* reflects a future transit facility between Charles County and the Branch Avenue Metrorail station. The facility has a typical section requiring 70 feet from edge of roadway, as noted in the August 2010 report for the *Southern Maryland Transit Corridor Preservation Study* (Maryland Transit Administration). This right-of-way is adjacent to and parallel to US 301/MD 5 along the western edge of this site. While it is noted that this facility is not explicitly noted on the plan, the tree conservation plan sets buildings back from the property line along US 301/MD 5. Furthermore, there is a significant slope within the existing highway right-of-way, and there is an average of 70 feet between the edge of pavement and the property line. It is determined, given that the transit line has not been subjected to environmental review or detailed engineering, that the area within the US 301/MD 5 right-of-way constitutes adequate provision for this future transit facility. In the event that a transit facility is implemented in the future, plans for the facility will need to incorporate either the use of a retaining wall to address the elevation differential or construct a structured transit facility.

While it has been determined that the transit can fit within the US 301/MD right-of-way, it is recommended that any detailed site plan involving lots along the US 301/MD 5 right-of-way be referred to the Maryland Transit Administration for informational purposes and comment on the placement of structures and the possible impact of this future transit line upon them to advise the applicant.

**Variation to Section 24-121(a)(3)**

A variation for driveway access to A-55 has been reviewed. A single variation from Section 24-121(a)(3) to serve the commercial development on the site has been considered. In summary, it is determined that the findings for approval for the access point can be made consistent with the applicant's justification. A total of 14 parcels will be served by this access points plus a secondary access point from Cedarville Road near the railroad tracks. The access will be augmented by a network of easements created consistent with Section 24-128(b)(15).

Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for parcels that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of 24-121(a)(3) could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

**The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The secondary access is not appropriate as a sole access point to the site due to safety concerns. Due to a condition associated with the rezoning of the property, permanent access to US 301/MD 5 is not available and would not be permitted by SHA. Therefore, the only feasible option for access to this site is from A-55 or Cedarville Road a designated historic road. With the implementation of easements over this grouping of parcels, the access point will function in a way that is, in concept, consistent with the intent of Subtitle 24, as a service type driveway. The limited frontage on Cedarville Road is not appropriate as the sole access for the site because of the surrounding physical constraints of the rail road track.

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

This is the only property located in the south east quadrant of the intersection of US 301 and A-55, which includes access onto Cedarville Road. The limited frontage on Cedarville Road would locate the primary access to this site within 150 feet of the railroad tracks to the east, which could result in stacking onto the rail road right-of-way and is not supported.

**The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and is not regulated by any other law, ordinance or regulations. Therefore the granting of the variation will not violate and other code requirement.

**Because of the particular 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 strict letter of these regulations is carried out;**

As noted earlier, there is a safety concern associated with the secondary access point proposed along Cedarville Road near the railroad tracks. DPW&T initially suggested that this intersection be limited to right-in right-out; that agency later stepped back from that determination given that the sole concern is the possibility of westbound traffic turning into the site at this location, possibly resulting in queuing over the railroad tracks. Traffic leaving the site and turning left onto Cedarville Road would not pose a similar hazard.

The site has an unusual triangular shape that results in right-of-way frontage on Cedarville road within 150 feet of the trail tracks. This is the only frontage the entire site has which is not either a freeway or arterial roadway. That frontage on the collector facility because of its location would not be adequate to serve the entire development. The lower elevation of that site entrance on Cedarville when compared to the raised bed of the trail track creates site distance issues and general safety concerns to serve the entire development.

Based on the preceding findings, a variation to Section 24-121(a)(3) is approved for one access from this site onto A-55 at a location that is consistent to the preliminary plan of subdivision.

#### **Review of Zoning Conditions**

This site was reviewed as a zoning application, and was approved by means of District Council orders approving zoning application A-10006-C. The status of the transportation related conditions for this application are found in the ZMA section of this report.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **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 is exempt from a review for schools because it is a nonresidential use.

10. **Fire and Rescue**—The preliminary plan of subdivision has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d), and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
40	Brandywine	Engine	14201 Brandywine Road	4.90	3.25	Beyond
25	Clinton	Ladder Truck	9025 Woodyard Road	11.50	4.25	Beyond
40	Brandywine	Paramedic	14201 Brandywine Road	4.90	7.25	Within
40	Brandywine	Ambulance	14201 Brandywine Road	4.90	4.25	Beyond

In order to alleviate the negative impact on fire and rescue services noted above, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

These findings are in conformance with the March 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

#### **Capital Improvement Program (CIP)**

The Capital Budget and Program (CIP) Fiscal Years 2010–2015, proposes to add three apparatus bays to replace the existing apparatus bays for Baden Fire/EMS Station 36. In addition, the CIP proposes to replace Brandywine Fire/EMS Station 40 with a new four-bay Fire/EMS station. The station will include an alert system to reduce response times.

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."



11. **Police Facilities**—The proposed development is within the service area of Police District 5, Clinton. The police facilities analysis is performed on a countywide basis for non-residential development in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2008 (U.S. Census Bureau) county population estimate is 820,520. Using the 141 square feet per 1,000 residents, it calculates to 115,693 square feet of space for police. The current amount of space, 267,660 square feet is above the guideline.

12. **Health Department**—The Division of Environmental Health has reviewed the preliminary plan and recommends that once the three residences are vacated; the one deep well adjacent to the existing house at 7913 Cedarville Road, the two shallow wells adjacent to the existing house at 7911 Cedarville Road, and the house trailer at 7919 Cedarville Road must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit process. The location of the wells should be located on the preliminary plan.

Once the three residences are vacated, the abandoned septic tanks must be pumped out by a licensed scavenger and either removed or backfilled in place. The location of the septic systems should be located on the preliminary plan.

A raze permit is required prior to the removal of the structures (picnic pavilion, barn, house trailer, two houses and two garages) on site. A raze permit can be obtained through the Department of Environmental Resources (DER), Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structure being razed. A note should be affixed to the final plat that requires that the structures are to be razed and the wells and septic systems properly abandoned before the release of the grading permit.

13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 15702-2009-01 was approved on June 19, 2009. The plan has been updated to reflect the proposed preliminary plan layout and rights-of-way dedication, utilizing some environmental site design standards (ESD). The site is grandfathered from the current SWM regulations per DPW&T. The approval of the conceptual stormwater management plan should ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan and any subsequent revisions.
14. **Historic**—The subject property comprises 51.64 acres located at 7911 Cedarville Road in Brandywine, Maryland. The property is bounded on the east by an active rail line, on the

north by Cedarville Road, on the west by US 301 and on the south by Mattawoman Creek. The property is zoned Commercial Shopping Center (C-S-C).

A Phase I archeological study was conducted on the subject property in July 2010. The subject property was part of the larger Walter W. Robey and John F. Townshend landholdings in the early to mid-19th century. Hezekiah Ward obtained title to the property in 1870 and built a house, which appears on the 1878 Hopkins map. The property then was in possession of the Smith, Best and Curtis families from the late 19th to early 20th centuries. The Curtis family has owned the property since 1943 and they currently use it as a horse farm.

Two archeological sites, 18PR1007 and 18PR1008, were identified on the Curtis Farms property. Site 18PR1007 is a multi-component prehistoric lithic scatter and 20<sup>th</sup> century artifact scatter that does not have horizontal or vertical integrity due to erosion processes. No further work is recommended on site 18PR1007 due to its limited potential to provide significant information on the prehistoric or historic periods. Site 18PR1008 is a multi-component 20<sup>th</sup> century artifact scatter and single prehistoric flake that has also been impacted by erosion and by modern construction on the southern portion of the property. No further work is recommended on site 18PR1008 due to its limited research potential.

Four copies of the final Phase I report, *A Phase I Archaeological Survey of the Curtis Farms Property, Prince George's County, Maryland, Preliminary Plan #4-09010*, were submitted to Historic Preservation Section and were accepted on August 27, 2010.

The Historic Preservation Section concurs with the report's conclusion that sites 18PR1007 and 18PR1008 lack archeological integrity and contain limited research potential and concurs that no further work is necessary on sites 18PR1007 and 18PR1008.

The applicant should be aware that Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.

15. **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 dedication statement on the final plat:

"Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liner 3703 at Folio 748."

The preliminary plan of subdivision correctly delineates a ten-foot public utility along the public rights-of-way as requested by the utility companies.

16. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Category 4 Planned, Community System through the approval of the August 2009 Water and Sewer Cycle of Amendments and will therefore be served by public systems.

17. **Zoning Map Amendment A-10006-C**—On June 25, 2009 the District Council sent a notice of the final decision to rezone the subject property to the C-S-C Zone based on consideration of the entire record and adopted the recommendations of the Zoning Hearing Examiner as its findings and conclusions. The District Council decision includes the following conditions of approval (**in bold**):

1. **The Applicants shall obtain an approved Detailed Site Plan to ensure compatibility with the nearby industrially-developed properties, conformance with the purposes of the C-S-C Zone, views to the site from US 301 and to address buffering necessary to screen the view of the development from the adjacent properties in the Rural Tier and along US 301. The applicant shall work with the Brandywine/TB Route 301 East-West Region Neighborhood Coalition to reach an agreement to establish the appropriate buffer, subject to final approval by the Prince George’s County Planning Board.**

By letter dated July 1, 2010 (Proctor to Rathlev) the applicant has provided an update of their continued efforts to engage the community regarding this project. It should be noted that the rural tier is not abutting the site and generally not within site distance due to the grade changes to the east as a result of the elevation of the railroad tracks. The property on the west side of US 301 is not located within the rural tier. The appropriate buffering will be determined with the review of the detailed site plan.

The 14 parcels proposed with this applicant are varying in size and the applicant has been advised that with the review of the DSP a modification or reduction in the number of parcels could occur. The access easement as a driveway by definition (27-107.01(225)) can be flexible with the exception of the entrance location from Mattawoman Drive. Staff anticipates that to configure the layout in a pedestrian oriented plaza/mall, in accordance with the goals of the 2002 General Plan, a layout change may occur. However, any changes cannot be found to be in conflict with the findings and conditions of the preliminary plan of subdivision, if approved.

Although this condition deals with concerns to be addressed at time of detailed site plan approval, the establishment of appropriate buffers along US 301 and nearby properties in the Rural Tier to screen the view of the development has the potential to effect the lot layout and the amount of woodland that can be preserved on-site, as discussed above. To the extent possible with the preliminary plan and Type I tree conservation these issues should be addressed on the Type I tree conservation plan and preliminary plan. The provision of visual screening as required by this condition through the provision of woodland conservation areas would increase the woodland conservation on-site. Conditions are recommended to address conformance with this condition to the extent possible on TCP1. This condition will also be analyzed at time of DSP review.

2. **All future submissions for development activities on the subject property shall include a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout that limits impacts to the Regulated Areas and Evaluation Areas of the site to the greatest extent possible.**

A Natural Resources Inventory NRI-011-10 was signed by the Environmental Planning Section on May 26, 2010. Due to regulations which became effective September 1, 2010 a revision to the NRI was required and approved on October 4, 2010. No further information is necessary with regard to the NRI.

3. **Future development proposals shall provide water quality treatment areas through the site through the use of bioretention areas, rain gardens or other environmentally sensitive design techniques. Impervious surfaces shall be fragmented to the fullest extent possible, with water quality features located between the buildings, parking areas and travel aisles. Furthermore, to protect and conserve the agricultural industry and natural resources, the development plans shall be in conformance with the Approved Countywide Green Infrastructure Plan, as the subject property contains streams, 100-year floodplain, and wetlands associated with the Mattawoman Creek. Pursuant to the 2005 or revised Approved Countywide Green Infrastructure Plan, it is acknowledged that the Mattawoman stream environs is a regulated area and will be off limits for development purposes other than necessary for infrastructure construction, such as, but not limited to, utility connections and storm drain outfalls. The protection of the environmental features associated with the subject property shall be addressed in subsequent development stages.**

Low impact development (LID), also known as environmental site design (ESD), is the treatment of stormwater management for water quality include the use of bioretention areas, rain gardens and other environmentally sensitive design techniques.

An approved Stormwater Management Concept Plan (15702-2009), dated August 18, 2010, was submitted. The revised approval includes an updated subdivision layout to address right-of-way dedication for Cedarville Road, A-55 and Crain Highway, and relocation of the proposed pond outside of the primary management area (PMA).

The preliminary plan and TCPI have been revised to reflect the revised Stormwater Management Concept Approval. The preliminary plan shows proposed "bio-retention facility areas" scattered throughout the parking lot to meet the water quality requirements. The fragmentation of impervious surfaces with bioretention to the fullest extent possible will be most appropriately addressed during the review of the required detailed site plan. The approval of a stormwater management technical plan prior to certification of the DSP is an appropriate review sequence in order to ensure implementation of the required environmental site design techniques and this condition of approval.

The detailed site plan submittal for the subject property should demonstrate the use of environmental site design techniques and the fragmentation of impervious surfaces to the fullest extent possible. A copy of the proposed technical stormwater management plan should be submitted with the DSP review package and a technical stormwater management plan should be approved for the subject property prior to certification of the first DSP to ensure the plans are coordinated.

4. **Woodland conservation that is required by the Woodland Conservation Ordinance and Tree Preservation Ordinance should be provided on-site to the greatest extent possible.**

The revised Type I tree conservation plan submitted with this application proposes afforestation of the unwooded PMA, which is highly desirable throughout the county, especially along the Mattawoman Creek, which is designated as a Special Conservation Area in the Countywide Green Infrastructure Plan. The environmental review section of this memorandum has identified additional areas on-site where woodland conservation can be provided.

5. **The submission package of the next Development Review Application shall include an Inventory of Significant Visual Features for the viewshed of historic Cedarville Road.**

An inventory of significant visual features for the viewshed of historic Cedarville Road and streetscape recommendations was submitted on September 10, 2010, and is discussed in the Environmental Review Section.

6. **Access to the site shall be oriented to Cedarville Road with no permanent direct access from US 301.**

This condition indicates that access to the site shall be oriented to Cedarville Road with no permanent direct access from US 301/MD 5. The plan has chosen to not show even temporary access from US 301/MD 5. The final plat shall reflect the denial of access to US 301 and conditioned herein.

- 7. The Applicants shall address the following trails issues at the time of Preliminary Plan and Detailed Site Plan:**
- a. Subject to SHA approval, provide adequate pedestrian crosswalks for the two legs of the intersection of Cedarville Road and US 301 that abut the subject property.**
  - b. Subject to SHA approval, provide sidewalks along the property's frontages of US 301 and Cedarville Road at the time of site plan.**
  - c. Provide interior sidewalks and sidewalk connections.**
  - d. Work with M-NCPPC Parks and Recreation to develop a trail plan along Mattawoman Creek stream valley on or adjacent to the subject property.**
  - e. Provide connections from the subject site to the future trail alignment.**

Condition 7a requires the applicant provide adequate pedestrian crosswalks for the two legs of the intersection of Cedarville Road (A-55) and US 301 that abut the subject property. The proposed dedication along A-55 and Cedarville Road is adequate to provide for a potential future crosswalk at this location, if determined appropriate by the State Highway Administration. The crosswalks should be evaluated at the time of detailed site plan.

Conditions 7b and 7c require that the applicant provide sidewalks along the property's frontages of US 301 and Cedarville Road (A-55) subject to SHA approval, and to provide interior sidewalks and sidewalk connections within the development that is proposed. Additionally, Section 23-135 of the Road Code requires that sidewalks be constructed along both sides of all arterial roads and collector roads, and that "land for bike trails and pedestrian circulation systems shall be shown on the preliminary plat and, where dedicated or reserved, shown on the final plat when the trails are indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail, unless the Board finds that previously proposed trails are no longer warranted."

The applicant has provided land for future sidewalks along the properties frontages of Cedarville Road and A-55, as well as internally within the development. It is recommended that sidewalks be provided, but not along US-301, the sidewalk will be in the form of a crosswalk connecting the trail system to the west. All crosswalk and sidewalk locations are subject to DPW&T approval on Cedarville Road and A-55, and SHA approval for the crosswalks on US 301. The crosswalk locations and the specific type of crosswalk, sidewalks, and sidewalk ramps should be reviewed again at the time of detailed site plan.

Zoning conditions 7d and 7e require the applicant to work with M-NCPPC Department of Parks and Recreation to develop a trail plan along Mattawoman Creek stream valley on or adjacent to the subject property and to provide connections from the subject site to the future trail alignment.

The proposed Mattawoman Creek Trail would run along the Prince George's and Charles County border from Accokeek to Cedarville State Forest, linking to an existing network of trails in the forest. Most of the land for this project is yet to be acquired, and no funding is currently proposed.

A site visit was made to the subject site on June 4, 2010 and a number of barriers were identified to the implementation of the master plan trail at this location. The stream valley trail along the Mattawoman Creek does not appear to be viable. There is no land for a trail to cross under the US 301 bridge at the creek and the railroad right-of-way along the east property line that would have to be crossed. The grade is steep along the railroad track embankment making crossing difficult if not impossible to use for the purposes of a master plan trail.

The Charles County Planning Department has shared their approved land use concept plan which proposes a public trail along the southern side of the Mattawoman Creek. Discussions are occurring with Charles County Planning Department to identify opportunities for viable trail links between the two counties. The Mattawoman Watershed Park (M-NCPPC) which is located east of the site along the north side of the Mattawoman creek may be an opportunity for a connection between the two counties in the future.

The Mattawoman Trail will be located within the right-of-way along Cedarville Road and A-55. It would connect to the Timothy Branch trail alignment to the west of US 301 on McKendree Road. Based on analysis the applicant has provided sufficient dedication for a sidepath along A-55 and Cedarville Road to implement a portion of the Mattawoman Trail along the entire length of the subject property's frontage of A-55 and Cedarville Road, and is subject to approval by DPW&T.

The trail location will be evaluated at the time of detailed site plan, and the detailed site plan should reflect a minimum eight-foot wide asphalt trail within the ROW of A-55 and

Cedarville Road. The trail should be constructed to DPW&T standards with AASHTO guidance.

8. **The Applicants shall evaluate the extraction of mineral and sellable resources on the site prior to any development that would make these valuable resources inaccessible. A special exception shall be obtained prior to any surface mining.**

The appropriate time to evaluate the potential extraction of mineral and sellable resources would be prior to the approval of any detailed site plan for subject property and a geotechnical study which assesses the limits and nature of the sellable mineral resources on the site is recommended. If mineral resources are identified in the geotechnical report, a cost estimate for the removal of the resources and a statement regarding the cost/benefit ratio of mineral extraction should be submitted prior to the issuance of any building permits. A special exception is required prior to any surface mining, and any mineral and sellable resources extraction proposed on the site must be in accordance with all applicable state and local laws and regulations.

9. **Adequate right-of-way consistent with Master Plan recommendations must be dedicated along the property's frontages in concert with the subdivision of the property.**

As discussed in Finding No. 8 (Transportation), the applicant proposes to dedicated rights-of-way along the properties frontage of US 301, A-55 and Cedarville Road consistent with the master plan recommendations, and as reflected on the preliminary plan of subdivision.

10. **The proposed development will provide for the orderly growth and development of the 52+/- acre property through the realization of a mixed office and commercial/retail center, configured in a pedestrian oriented plaza/mall, in accordance with the goals of the 2002 General Plan. Furthermore, it is recognized that with the subject property's generous size and width, the development will facilitate a non-linear, plaza or mall configuration of buildings that will promote the most beneficial relationship between the uses of land and buildings. The provision of a buffer, as shown on the current Master Plan along the property's eastern boundary, will protect the adjoining landowners from adverse impacts, if any, from the proposed development.**

The Rural Tier boundary was relocated to the east so as not to be contiguous with the subject property. The Pope's Creek railroad tracks are located along the eastern property line of the subject property; industrial land uses are located to the north across Cedarville Road. The applicant should address these incompatible adjacent uses and provide



buffering in accordance with the Landscape Manual, and determined appropriate with the review of the detailed site plan.

As shown on the preliminary plan and TCP1, the development proposes 14 separate lots which represent a development concept consisting of pad sites. There is very little pedestrian orientation demonstrated in the conceptual lotting pattern proposed, which is focused on parking lots surrounding isolated buildings, or parking lots leading to storefronts with no separation of parking from pedestrian circulation for the majority of the site. The final lotting pattern is depended on the detailed site plan which allows for an evaluation of the site design to determine if a pedestrian-oriented plaza has been achieved.

Prior to the approval of a final plat for the subject property, a detailed site plan should be approved which demonstrates conformance with this condition. Lot lines should be adjusted if necessary after approval of the detailed site plan in order to achieve a design concept that addresses the requirements. Any modification to the lotting pattern must conform to the findings and conditions of this preliminary plan of subdivision.

11. **It is acknowledged that in order to develop the property as proposed, the subject property must be subdivided in accordance with the Subdivision Regulations of Prince George's County, Maryland (Subtitle 24 of the County Code for Prince George's County, Maryland).**

This application (4-09010) for a preliminary plan of subdivision addresses this condition.

18. **Charles County**—The Charles County Government, Department of Planning and Growth Management, referred staff to the County web site and also confirmed that the development directly to the south of the subject site is within a Residential Development District, and developed with an established single-family residential neighborhood (south of the Mattawoman Creek Stream Valley). To the west of that development, across US 301, a pending mixed use town center development is under review. The land use concept plan for the County proposes a master plan stream valley trail along the Mattawoman Stream Valley within Charles County, which is currently not funded.
19. **Conversion to Residential Use**—The subject property is zoned C-S-C. While the subject application is not proposing any residential development, if legislation would permit such a land use, a new preliminary plan should be approved.

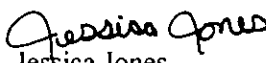
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns and Parker voting in favor of the motion, with Commissioner Cavitt abstaining and with Commissioner Clark absent at its regular meeting held on Thursday, October 21, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18<sup>th</sup> day of November 2010.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Acting Planning Board Administrator

PCB:JJ:WC:arj

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NC-PC Legal Department

Date 11/1/10