THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 10-41

File No. 4-09016

RESOLUTION

WHEREAS, Collington Center DE, LLC is the owner of a 51.45-acre parcel of land known as Tax Map 77, in Grids C-3, C-4, D-3, D-4, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned Employment and Institutional Area (E-I-A); and

WHEREAS, on December 16, 2009, Collington Center DE, LLC filed an application for approval of a Preliminary Subdivision Plan for 13 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-09016 for Collington Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 25, 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 March 25, 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 Preliminary Plan of Subdivision 4-09016, Collington Center, including a Variation from Section 24-130(B)(7) of the subdivision regulations and a Variance to Section 27-501(B)(1) of the Zoning Ordinance for 13 lots and 2 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan, a valid stormwater management concept approval letter shall be submitted.

2. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit a revision to TCPII/052/06 that will show the same previously approved conservation areas, reflect the new lot layout, and include a lot-by-lot woodland conservation summary table.

3. If the property becomes the subject of a new development proposal which requires a new specific design plan, and a new stormwater concept approval by DPW&T which requires the use of Environment Site Design (ESD), at the time of permit application, the stormwater management technical plan and the landscape plan shall show the use of ESD stormwater management techniques, such as bioretention, French drains, and the use of native plants applied on the site.

4. Future development applications for the subject property which require architectural approval shall incorporate green building techniques and the use of environmentally-sensitive building techniques to reduce overall energy consumption. The applicant shall provide a list of the green building techniques at the time of building permit application. The permit plans for the development shall contain the following note:

> "Full cut-off optic light fixtures shall be used throughout the development and shall be directed downward to reduce glare and light intrusion."

5. Development of this subdivision shall be in compliance with approved Type II Tree Conservation Plan TCPII/052/06. The following note shall be placed on the final plat of subdivision:

> "Development is subject to restrictions shown on the approved Type II Tree Conservation Plan (TCPII/052/06), or as modified by future revisions, 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, Prince Georges County, Planning Department."

6. The final plat shall reflect a conservation easement described by bearings and distances. The conservation easement shall contain the delineated wetland and associated buffers, except for approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

> "Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

7. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and the associated mitigation plan.

8. Total development within the subject property shall be limited to uses which generate no more than 453 AM peak hour and 741 PM peak-hour vehicle trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

9. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement (PUE) along the public right-of-way as delineated on the approved preliminary plan of subdivision.

10. Future specific design plans shall demonstrate conformance to regulations for the E-I-A Zone and the Landscape Manual, or a variance shall be obtained for same. Each individual specific design plan shall provide an inventory of the uses proposed on the plan.

11. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of building permits for residential uses.

12. Prior to the issuance of building permits pursuant to this preliminary plan, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the business association Parcels A and B. Land to be conveyed shall be subject the following:

    a. Conveyance shall take place prior to the issuance of building permits.

    b. A copy of the unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Maryland-National Capital Park and Planning Commission, Planning Department, Development Review Division (DRD), along with the final plat.

    c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.

    d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.

    e. Any disturbance of land to be conveyed to a business association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair, or improvements required by the approval process.

    f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a business association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

    g. Temporary or permanent use of land to be conveyed to a business association for stormwater management shall be approved by DRD.

    h. The Planning Board or its designee shall determine that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

13. 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.

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

	EXISTING	APPROVED
Zone	E-I-A	E-I-A
Use(s)	Commercial (Vacant)	Commercial/ Retail
Acreage	51.45	51.45
Lots	3	13
Outlots	0	0
Parcels	0	2
Public Safety Mitigation Fee	N/A	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 January 8, 2010. The requested variation to Section 24-130(b)(7) of the Subdivision Regulations was accepted on December 16, 2009, as discussed further in the variation request section of this report, and was also heard on January 8, 2010 at SDRC as required by Section 24-113(b) of the Subdivision Regulations.

3. **Urban Design**—The subject preliminary plan of subdivision proposes to resubdivide existing Lots 23, 24, and 25 in Block C of Collington Center into 13 lots and two parcels (creating Block F) for development totaling 526,222 square feet in the E-I-A Zone. The site is part of the planned business community Collington Center which has been the subject of many zoning map amendments (ZMA) and a comprehensive design plan (CDP) with subsequent revisions. The regulatory history of Collington Center is complex and not all of the regulations are applicable to the subject site. Therefore, in reviewing this application, it has been found that the site is subject to ZMA A-9284 and CDP-9006.

Conformance with Zoning Map Amendment A-9284
On October 28, 1975, the property was rezoned to the E-I-A Zone and on November 24, 1997, A-9284 was approved for the subject property, which contained a number of urban design-related requirements for the approved land use program (13 conditions and 8 considerations). Each relevant land use requirement, condition, and consideration of A-9284 in bold face type below, followed by comments and recommendations regarding these requirements:

Land Use Types and Quantities

Land Use	Acreage	Maximum .45 FAR
Commercial/Office	55	1,088,000
General Office	7	137,200
Office/Industrial	161	3,146,000
Institutional	20	392,000
Open Space	136	N/A
Roads	35	N/A
Total	414	4,763,000
		(Max. 4,500,000)

A maximum of 60,000 square feet of retail and restaurant space, not to include hotel, shall be permitted. Cafeterias contained within a building for the sole use of that building shall not be included in the 60,000 square foot maximum. No independent or freestanding retail uses (excluding restaurants) shall be permitted in Land Bays A and D. The hotel is limited to a single user.

1. **The following uses may be permitted in all categories: day care center; eleemosynary or philanthropic institution (excluding hospital); institutional use of a medical, religious or research nature; school or studio for artistic or technical instruction/ public/quasi-public uses; and uses similar to or associated with permitted use, except as designated in paragraph 7.**

2. **Commercial/Office uses include: all permitted commercial uses (Section 27 515(b)(7) plus hotel and restaurant, research facilities and those specified in paragraph 2.**

3. **General Office uses include those permitted in the E-I-A Zone and those uses specified in paragraph 2.**

4. **Office/Industrial uses include all offices and industrial uses permitted in the E-I-A Zone and those uses specified in paragraph 2 and excluding those uses specified in paragraph**

5. **Institutional uses include those uses specified in paragraph 1.**

6. **The uses shall include all permitted uses in the E-I-A Zone except the following:**

    a. **Brewery; or distillery; industrial metal, waste, rag, glass or paper salvage operation; manufacturing and assembly of metal products, such as automobiles and appliances; structural steel fabricating shops, machine shops, forges and foundries; manufacturing involving primary production**

from raw materials; warehouse and distribution (except as an accessory use); and all agricultural uses (except floriculture, horticulture or gardening which may include a private noncommercial greenhouse are permitted.)

The following uses listed in the applicant's Retail Demand Analysis are not permitted in the E-I-A Zone: bookstore, florist and newsstand.

Compliance with the above land use requirements will be judged at the time of specific design plan approval. In order to evaluate compliance, the applicant in each individual specific design plan for the subject property shall be required to give an inventory of any existing uses and uses proposed on the site, including the cumulative square footage of each land use as approved in the previous approvals and information as to the exact nature of the proposed use so that conformance with the above requirements can be evaluated.

Conditions

1. **The freestanding retail component of Collington Corporate Center shall be designed in a unified manner in terms of architecture, building materials, signs, on-site traffic circulation and landscaping, notwithstanding that the retail center may be subdivided for individual users.**

2. **To the extent practicable in light of the terrain, parking areas oriented toward either Central Avenue or US 301 shall be effectively screened from view from those roadways by utilizing landscaped earth berms, walls or landscaping, or a combination thereof. Loading bays, service docks and storage areas shall not be visible from US 301 or MD 214.**

3. **All Specific Design Plans (SDPs) which contain a retail use and/or restaurant shall be automatically referred to the District Council for review and approval. (This shall not apply to retail activities which are wholly within a hotel or office building.)**

4. **No portions of the retail component, gas stations or any fast-food restaurants shall be located on Parcels 1, B, C, D, F or G as depicted on the submitted Basic Plan.**

7. **Monument signs identifying the entire Collington Corporate Center development shall be reviewed at the SDP stage.**

8. **All structures shall be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association Standard 13 and all applicable County laws.**

12. **The applicant shall prepare a noise study for approval by the Planning Board at the Specific Design Phase. The study shall specify noise mitigation measures that will be incorporated into the development adjacent to Central Avenue (MD 214) and US 301 to maintain an interior noise level as set forth in Maryland Title X, Noise**

Pollution.

13. **The proposed parcels with frontage along Central Avenue and US 301 are highly visible. Development of these parcels must achieve a high quality image of well landscapes sites, with substantial landscaped setbacks, and with uses in attractive buildings. No views of open storage or loading areas should be visible from these highways.**

Conformance to the above urban design-related conditions will be evaluated at the time of specific design plan. In order to evaluate compliance, the applicant in each individual specific design plan shall be required to provide information demonstrating conformance with the above requirements.

Conformance with Comprehensive Design Plan CDP-9006
On November 8, 1990, Comprehensive Design Plan CDP-9006 (PGCPB Resolution No. 90-455), which revised CDP-8712, was approved subject to 16 conditions. On May 17, 2001, CDP-9006/01 (PGCPB Resolution No. 01-95) was approved to eliminate the requirements for the provision of recreational facilities in CDP-9006, Collington Center. On March 31, 2005, CDP-9006/02 (PGCPB Resolution No. 05-83(C)) was approved to add residual acreage from the vacation of Willowbrook Parkway.

The following requirements of the comprehensive design plan are applicable to the subject project. Each requirement in bold face type followed by staff comment:

1. **No parking lot or building setbacks shall be reduced from the design standards established in the original CDP text except that the parking lot setbacks along Queens Court and Branch Court may be reduced from 50 to 25 feet.**

The setbacks from US 301, however, have been reduced by precedent to 50 feet from the existing, rather than the ultimate right-of-way after it was determined that the State Highway Administration (SHA) did not desire and was not going to require what would amount to an additional 50 feet of right of way.

3(c)2. **Ground-mounted signs identifying industrial businesses will be oriented toward roadways and will not exceed a height of ten feet. Plant materials and earth-mounding will be used to enhance their appearance. See landscaping guidelines.**

3(d)3. **Wall-mounted signs shall be allowed only on multiple-tenant buildings, except those located on Lots 3, 4, 5, 13 and 24 in Block B of Collington Center. No signage shall be permitted at any location other than where specifically shown on the drawings approved by the Architecture Review Committee.**

The subject property, described as Lots 23, 24, and 25 of Block C, is therefore not exempt from this requirement.

6. **Views from US 301 and proposed A-44 shall be as pleasing as possible. Large parking lots, loading spaces and docks, service or storage areas are discouraged and shall be completely screened from both roads in all directions. Screening may consist of walls, berms, or landscaping, in any combination.**

7. **All commercial (and/or industrial) structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws.**

In addition, the concept for the Center, as expressed on Page 1-1 of the comprehensive design plan and Urban Design guidelines contained therein in Chapter 4 (4-1 to 4-13) will be applied to the project at the time of specific design plan approval.

The comprehensive design plan has specific requirements for the design of the parking lot and landscaping of the site's frontage onto US 301 as follows:

Parking Lots—All parking bays are to have grass planted islands at the extremities of the rows with any bay having 20 or more spaces having an intermediate planter at least 9.5 feet wide, with at least every other bay having a three-foot minimum lawn strip in the center, with all bays adjacent to a building or main aisle having a three foot minimum width lawn strip grass planter in the center, with all perimeter aisles 24 feet wide, with screen planting provided in islands between major streets and parking lots and open space, associated with lots, other than that required for internal landscaping clustered where possible to create useful green areas.

Landscape Concepts—Properties adjacent to US 301 will be screened from the highway by earth mounding and evergreen screen planting combinations. Further, the plan stipulates that existing vegetation will be saved where it can to become part of the screen. Corners of intersections will be planted with low-growing, broad-leafed shrubs in combination with flowering annual beds. Sight distance will not be obstructed by these plant materials. Signs provided as identification for individual businesses will be enhanced by the provision of plant materials and earth mounding. These structures will be well placed to complement the building design and its grounds. Vistas will be created where feasible which will center attention on the facility to be identified. Loading areas visible from public streets will be screened with evergreen plant materials.

The site's conformance with the parking lot design and landscaping concept will be reviewed at the time of specific design plan.

Conformance with the *Prince George's County Landscape Manual*

The property is subject to the following requirements of the *Prince's George's County Landscape Manual:* Section 4.2 Commercial and Industrial Landscaped Strip Requirements; and Section 4.3 Parking Requirements (a) Landscaped Strip Requirements, (b) Perimeter Landscape Requirements, and (c) Interior Planting. Compliance with these requirements will be judged at the time of specific design plan approval. These requirements, however, must be supplemented as necessary to assure compliance with landscape concepts elaborated in the previously approved

comprehensive design plan. Compliance with the Landscape Manual will be evaluated at the time of specific design plan approval.

Conformance with the Requirements of the Zoning Ordinance, Section 27-501, Regulations for the E-I-A Zone

Section 27-501 requires that a minimum of 20 percent of the net lot area should be improved by landscaping and design amenities. The plan does not provide this information. The applicant must demonstrate how the application meets the requirement at the time of specific design plan approval.

Section 27-501(b) also requires that each lot shall have frontage on, and direct vehicular access to a public street. The lots fronting US 301 do not comply with this requirement. Given US 301 is a heavily travelled freeway, any access permits for those lots will probably be denied by the State Highway Administration. The applicant has submitted a variance for the lots fronting US 301, which is discussed in further detail in the variance section of this report.

4. **Previous Approvals**—The subject property was part of Preliminary Plan 4-88074 and the associated Type I Tree Conservation Plan, TCPI/59/95, which was comprised of 936.61 acres and originally approved by the Planning Board on June 16, 1988 (PGCPB Resolution No. 88-287). The approved Preliminary Plan, 4-88074, resulted in the subdivision of the subject property into Parcels D, E, and Lot 9 of Block C and was recorded on October 25, 1990 in Plat Book NLF 156 @ 26. The property was resubdivided through a lot line adjustment pursuant to Section 24-108(a)(3) of the Subdivision Regulations that reorganized the property to its current configuration of Lots 23, 24, and 25 of Block C and was recorded on June 17, 2005 in Plat Book REP 207 @ 12.

   Specific Design Plan SDP-0511 and the associated Type II Tree Conservation Plan, TCPII/052/06, was submitted for the subject property and was approved by the Planning Board on June 1, 2006 (PGCPB Resolution No. 06-126). The specific design plan proposed the development of warehouse and office space on the existing three lots. A revised Specific Design Plan, SDP-0511/01, was submitted to add in retail for the proposed development and was approved by the Planning Board on September 24, 2009 (PGCPB Resolution No. 09-126). The District Council elected to review this case, and an Order Affirming the Planning Board's decision with conditions was approved on November 16, 2009. The revised SDP and the TCPII have not yet received certificate approval. The proposed resubdivision of this site from three lots into 13 lots and two parcels may result in some revisions to SDP-0511.

5. **Environmental**—The preliminary plan has been received and reviewed. An approved Natural Resources Inventory, NRI/018/09, was also submitted with the application.

   Normally, a Type I tree conservation plan would be required with a preliminary plan application. However, as the property stands today, grading permits have been issued, the site has been cleared and graded, the property has a previously approved TCPI and TCPII, and the proposal is in conformance with both previous approvals. The approved Type II Tree Conservation Plan, TCPII/052/06, is being used to meet the TCP requirement for this application submission.

Wetlands and the associated buffers for these features are found to occur within the limits of this property. Transportation-related noise impacts associated with US 301 have been identified. According to the *Prince George's County Soil Survey,* the Westphalia fine sandy loam soils found to occur on the property have no significant limitations that would affect the development of this property. According to available information, an evaluation area for Marlboro clay underlies the western portion of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, this site does not contain sensitive species protection review area, and there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of the lots included in this application. This property is located in the Collington Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the *Prince George's County Approved General Plan.* According to the *Approved Countywide Green Infrastructure Plan,* this site contains regulated areas, evaluation areas, and network gaps.

Master Plan Conformance

The current master plan for this area is the Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B (February 2006). The sectional map amendment retained the subject property in the Residential-Agricultural (R-A) Zone. In the approved master plan and sectional map amendment, the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **bold** is text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the master plan area.

Strategies:

1. **Use the designated green infrastructure network to identify opportunities for environmental preservation and restoration during the development review process.**

The majority of this site is located in an evaluation area which provides a green infrastructure linkage between Collington Branch on the west side of US 301 with Middle Patuxent watershed located on the east side of the roadway. The SDP and TCPII previously approved for this site create an approximate 1,500-foot gap in the potential green network linkage. The approved Type II Tree Conservation Plan, TCPII/052/06, shows all woodland conservation being met on-site through a combination of preservation and afforestation/reforestation in priority areas of the site, with only minor impacts to the primary management area (PMA) requested.

2. **Protect primary corridors (Patuxent River and Collington Branch) during the development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential development**

elements. Protect secondary corridors (Horsepen Branch, Northeast Branch, Black Branch, Mill Branch, and District Branch) to restore and enhance environmental features and habitat.

The subject property contains wetlands that link to Collington Branch, a primary corridor. The wooded wetlands and wetland buffers on-site have been provided a high level of protection.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Strategies:

1. **Implement the strategies contained in the Western Branch Watershed Restoration Action Strategy (WRAS).**

2. **Add identified mitigation strategies from the Western Branch WRAS to the countywide database of mitigation sites.**

3. **Encourage the location of necessary off-site mitigation for wetlands, streams, and woodlands within sites identified in the Western Branch WRAS and within sensitive areas that are not currently wooded.**

The Western Branch Watershed Restoration Action Strategy (WRAS) has identified no sites in need of restoration on or adjacent to the subject property.

4. **Ensure the use of low-impact development techniques to the extent possible during the development process.**

Low-impact development (LID) techniques will be reviewed later in the development review process.

5. **During the development review process evaluate streams that are to receive stormwater discharge for water quality and stream stability. Unstable streams and streams with degraded water quality should be restored, and this mitigation should be considered as part of the stormwater management requirements.**

Collington Branch and its tributaries were evaluated during the WRAS project. No additional investigation is needed at this time.

6. **Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.**

A landscape plan for this site was reviewed and approved as part of the revision to the

SDP. Approved Type II Tree Conservation Plan TCPII/052/06 shows the majority of the woodland conservation requirement to be provided through existing woodlands. A condition of the SDP approval was for development of an invasive species plan for the subject property. Additional revisions to the landscaping may be appropriate in order to enhance the application of conservation landscaping techniques that reduce water consumption and minimize run-off resulting from the use of fertilizers or chemical application to the greatest extent possible.

The U.S. Fish and Wildlife Service publication "Native Plants for Wildlife Habitat and Conservation Landscaping – Chesapeake Bay Watershed" or the Chesapeake Conservation Landscaping Council publication "Conservation Landscaping Guidelines" are recommended as guides in developing a conservation landscape for the entire site.

7. **Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces.**

8. **Reduce the area of impervious surfaces during redevelopment projects.**

The proposed development is not a redevelopment project, and adheres to current design criteria for green space, woodland conservation, stormwater management, and resource protection.

Policy 3: Protect and enhance tree cover within the master plan area.

Strategies:

1. **Encourage the planting of trees in developed areas and established communities to increase the overall tree cover.**

2. **Provide a minimum of ten percent tree cover on all development projects. This can be met through the provision of preserved areas or landscape trees.**

3. **Establish street trees in planting strips designed to promote long-term growth and increase tree cover.**

4. **Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.**

Approved TCPII/052/06 proposes the retention of existing woodlands within the Patuxent River PMA.

Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

Strategies:

1. **Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**

2. **Encourage the use of alternative energy sources such as solar, wind, and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of green building techniques and energy conservation techniques should be evaluated as part of any future development application. The approved SDP for the site includes architecture, but as a condition of approval, the two buildings along the project site's US 301 frontage shall be separately approved by the Planning Board and District Council in a future revision to the specific design plan. It is recommended that in these future applications, the use of environmentally-sensitive building techniques to reduce overall energy consumption should be addressed.

Policy 5: Reduce light pollution and intrusion into residential, rural, and environmentally sensitive areas.

Strategies:

1. **Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations, and car lots so that light intrusion on adjacent properties is minimized. Limit the total amount of light output from these uses.**

2. **Require the use of full cut-off optic light fixtures for all proposed uses.**

3. **Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.**

The site proposes industrial and retail uses. Lighting in the new development should use full cut-off optics to ensure that light pollution is minimized. The use of lighting technologies that limit the total light output and reduce sky glow and off-site glare should be demonstrated.

Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.

Strategies:

1. **Evaluate development proposals using Phase I noise studies and noise**

models.

2. **Provide adequate setbacks for projects located adjacent to existing and proposed noise generators.**

3. **Provide the use of appropriate attenuation measures when noise issues are identified.**

For the commercial and industrial uses proposed, noise impacts have not been identified.

Conformance with the Green Infrastructure Plan
The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan, based on the policies of the Environmental Infrastructure Chapter of the General Plan.

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

The subject property contains regulated areas, evaluation areas, and network gaps areas as identified in the Countywide Green Infrastructure Plan. Preservation and enhancement of these resources will be discussed in further detail below.

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

Preservation of water quality in this area will be provided through the protection of the Patuxent River primary management area and the application of best stormwater management practices for stormwater management. It is recommended that low-impact development stormwater management methods be applied on this site, to the fullest extent possible.

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

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

Summary of Prior Environmental Conditions of Approval
The approval of the rezoning case by the District Council and subsequent approvals for this property included numerous conditions. None of those conditions dealt with environmental issues to be addressed during the review of the specific design plan, or this current subdivision application.

Environmental Review
The preliminary plan application has a signed Natural Resources Inventory (NRI/018/09), dated

September 1, 2009. There are wetlands and wetland buffers on the subject property. The forest stand delineation (FSD) indicates one forest stand of high-priority woodlands totaling 9.61 acres with no specimen trees. The environmental features of the site shown on the preliminary plan are in accordance with the signed NRI for the subject property.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. A requirement for approval of a Type I tree conservation plan at the time of preliminary plan is waived for this application due to prior tree conservation plan approvals. This preliminary plan was evaluated for conformance with the woodland conservation requirements established by approved Type II Tree Conservation Plan TCPII/052/06. The approved Type II Tree Conservation Plan, TCPII/052/06, for this site was in conformance with the requirement of 9.61 acres of woodland preservation required for this property. This application meets the requirements of approved TCPII/052/06.

With the resubdivision of the property into 13 lots and two parcels, approved TCPII/052/06 shall be revised to reflect the proposed lot layout of this application. A lot-by-lot woodland conservation summary table shall also be added to the revised TCPII plan to indicate how the woodland conservation requirements will be distributed. This will allow for future modifications by individual property owners.

According to the *Prince George's County Soil Survey,* the principal soils on the site are in the Adelphi, Marr, Sandy Land, Shrewsbury, and Westphalia soils series. Shrewsbury may limit development due to high water tables, flooding hazards, and poor drainage. Adelphi, Marr, Sandy Land, and Westphalia soils pose few development difficulties. This information is provided for the applicant's benefit. No further action is needed as it relates to this review. The Washington Suburban Sanitary Commission (WSSC) and the Department of Public Works and Transportation (DPW&T) may require additional soils reports during the permit review process.

This property is located in an area with extensive amounts of Marlboro clay that is known as an unstable, problematic, geologic formation when associated with steep and severe slopes. The presence of this formation raises concerns about slope stability and the potential for the placement of structures on unsafe land. The northwest quadrant of the subject property is shown to be in an evaluation zone. Based on available information, the Environmental Planning Section projects that the top elevation of the Marlboro clay is located at an elevation of approximately 118 feet. Elevations in the evaluation zone are approximately 126 feet with no severe or steep slopes. The evaluation zone is the portion of the site where the preservation of forested wetlands is proposed. A geotechnical report may be required by the county for the subject property prior to building permit applications.

Lots included in this application are located adjacent to US 301, which has been identified as a transportation-related noise generator. The Environmental Planning Section's noise model calculated a noise level of 78.6 dBA Ldn at 50 feet from the roadway. This noise is reduced to approximately 75 dBA at the property line, which falls within the acceptable range for commercial and industrial development in accordance with state noise standards.

Environmental Conditions
Based on the preceding findings, the plan can be approved with conditions. These conditions address the appropriate protection of the regulated areas.

6. **Variation Request for an Impact to Wetland Buffers**—The preliminary plan proposes impacts to the wetland buffer. Section 24-130(b)(7) of the Subdivision Regulations establishes guidelines for the protection of wetlands. This section requires that where a property located outside the Chesapeake Bay Critical Areas Overlay Zones contains a nontidal wetland, the plat shall provide a buffer at least twenty-feet in width measured from the edge of the wetland. A variation request for temporary and/or permanent impacts to wetlands and buffers must be approved by the Planning Board in conjunction with preliminary plan approval.

The applicant submitted a variation request to Section 24-130 (b)(7) of the Subdivision Regulations to allow five impacts to the wetland buffer. Impact 1 is 3,006 square feet for site grading in order to construct a retaining wall to accommodate vehicular circulation clear of an existing stormwater culvert. Impact 2 is 2,515 square feet for site grading and stormdrain outfalls. Impact 3 is 734 square feet for a stormdrain outfall. Impact 4 consists of 1,227 square feet for site grading. Impact 5 is 346 square feet for proposed sewer connection. This application is proposing 7,828 square feet of impact to the wetland buffer.

The applicant has obtained a Letter of Authorization (09-NT-0055/200960557) from the Maryland Department of Environment Water Management Administration which authorizes 7,828 square feet of impact to the 25-foot nontidal wetland buffer associated with nontidal wetlands that discharge into Collington Branch, a Use I waterway, for the construction of the development. No nontidal wetlands are authorized to be disturbed. The disturbance of these wetlands was previously reviewed and approved by the Planning Board under SDP-0511/01.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests and reads as follows:

(a) 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 the 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 Section 24-130(b)(7) could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

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

The installation of stormdrain outfalls and utilities is required by other regulations to provide for public safety, health, and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

(2) 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;

Stormwater must be conveyed off of this property because the soils are unsuitable for the amount of infiltration that would be otherwise required. Stormwater outfalls must impact the wetland buffer in order to carry runoff to the natural wetlands already occurring on the site and to maintain the existing hydrology.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The installation of stormdrain outfall and utilities is required by other regulations. Because permits from other local, state, and federal agencies are required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

(4) 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 the strict letter of these regulations is carried out;

The design of stormwater management outfalls require that they be placed where they will provide the proper drainage; the specific topography of the site dictates the location. Because the property contains a large area of existing natural wetlands, the stormwater outfalls must impact wetland buffers to carry the runoff to its natural flow pattern.

In summary, the variation requests from Section 24-130(b)(7) of the Subdivision Regulation can be approved to allow all five impacts into the wetland buffer for the reasons stated above.

7. **Community Planning**—The 2002 General Plan designates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is consistent with the development pattern policies for the Developing Tier.

The proposed subdivision conforms with the industrial land use recommendations of the 2006

Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment. The master plan recommends employment and industrial development in the area.

8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.

9. **Trails**—The trails planner has evaluated the proposed preliminary plan of subdivision and has no comments to offer.

10. **Transportation**—The subject property consists of approximately 51.45 acres of land in the E-I-A zone. The property is located between US 301 and Prince George's Boulevard, on the south side of Queen's Court. The applicant proposes an industrial subdivision to create thirteen subdivided lots within three large existing recorded lots. These lots would contain up to 526,222 square feet of industrial/commercial uses, to be developed in accordance with Specific Design Plan SDP-0511/01 or its successor plans.

Analysis of Traffic Impacts
The application is a preliminary plan of subdivision for an industrial subdivision consisting of thirteen lots and two parcels within three large existing recorded lots. The lots would contain up to 526,222 square feet of industrial/commercial uses. The site actually has an approved specific design plan, SDP-0511/01, and the preliminary plan would impose a revised lotting pattern over that plan.

All platting and recordation within the area of this site goes back to platting and recordation that was done pursuant to 4-88074. This preliminary plan had no trip cap, and the development quantity approved by that preliminary plan relied upon the development quantity shown on the comprehensive design plan (CDP). The CDP history of this site is a little complex, and is summarized as follows:

a. CDP-7802 appears to be the initial CDP for the overall Collington Center site.

b. CDP-8712 was stated to be a revision to the previous CDP. While there is not a definitive statement in the CDP regarding the quantity of development being approved, there is a staff assessment that the maximum floor area per the zoning approval for the entire Collington tract is 14,402,600 square feet.

c. CDP-8809 for Collington Corporate Center (now known as Karington and later rezoned to M-X-T) broke out 4,529,000 square feet for that section. That CDP was approved with language that effectively invalidated the previous CDP applications by requiring new CDP applications for the remainder of the Collington Center.

d. CDP-9006 became the successor application for the central portion of Collington Center. While the 14,402,600 square foot number is repeated in background materials as the maximum floor area allowed by the zoning, there was no definitive statement in the CDP

document of the quantity of development being approved within the area of CDP-9006.

e. CDP-9702 became the successor application for the south portion of Collington Center. That application broke out 2,200,000 square feet for Collington South (now Safeway), and that number was explicitly reduced to 1,900,000 square feet. There is no explicit statement to indicate that the remaining 300,000 square feet was to have been allocated to the remainder of Collington Center.

The net effect of taking the square footage allowed by the original zoning less the quantities subtracted by the applications noted in C and E above would leave 7,673,600 square feet for the central portion of the site which is now termed Collington Center. Building permit records (or tax records, where building permit records were not at hand) indicate that 3,688,703 square feet have been constructed in Collington Center, and another 2,179,902 square feet are possible through buildout of empty lots (which would include the subject site) or additional construction on underdeveloped lots. These numbers suggest that Collington Center is building out at about 76 percent of the square footage available through the approved CDP.

The uses constructed to date generate 2,982 AM and 2,886 PM peak hour trips. The original traffic study for the overall Collington Center assumed uses that would generate 12,791 PM peak hour trips (the AM peak hour was not analyzed because it was deemed to be non-critical). Based on square footage, this study would have allowed 6,815 trips for the central portion of Collington Center, meaning that 3,929 PM peak hour trips remain for future development:

- Aside from the subject property, the remaining potential for development in the central portion of Collington Center is 1,653,680 square feet. This figure includes a standard floor-to-area ratio applied to lot areas for undeveloped sites and additions within several partly-developed or underdeveloped sites. Assuming light service industrial development (which is very representative of the average trip rates of the uses to date), the potential development would generate 1,422 PM peak hour trips.

- Regarding the subject property, the applicant has indicated that the proposal is for 526,222 square feet, of which up to 73,095 square feet has the potential for development as retail. Allowing this flexibility and using trip generation rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)," it is determined that the proposal would generate 453 AM (363 inbound and 90 outbound) and 741 PM (253 inbound and 488 outbound) weekday peak hour vehicle trips.

- Given the existing development plus future current development potential within the central portion of Collington Center (including the subject site), the uses would generate 5,049 PM peak hour trips. This is well within any square footage or presumed trip cap for the Collington Center site.

Existing Lots 23, 24, and 25 of Block C of Collington Center have been platted pursuant to preliminary plan 4-88074, and that plan included a finding of transportation adequacy that effectively vested a level of development in these lots when they were recorded. SDP-0511 and

its successor application were approved with findings of conformance to the comprehensive design plan and the availability of adequate public facilities within a reasonable period of time. No additional development beyond that previously approved and vested is proposed under this plan; the subdivision would generate 0 AM and 0 PM net peak hour trips. The traffic generated by the site impacts the following intersections, interchanges, and links in the transportation system:

- US 301 and Trade Zone Avenue (signalized)

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* (Transportation Research Board) procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Nonetheless, there is no development under this plan beyond that which has been previously approved and vested through recordation and because of that fact the Planning Board can find that the proposed resubdivision would generate no net trips as a result. There would be no resulting impact on traffic operations at the US 301/Trade Zone Avenue intersection as a result of the resubdivision. The level of development which has been approved for this site has figured into background traffic conditions in reviewing other cases in the area. It is recommended that the Planning Board find that 0 AM and 0 PM net peak hour trips will have a de minimus impact upon delay in the critical movements at the US 301 and Trade Zone Avenue intersection.

Although adequacy has been determined for the uses that have been previously approved and vested through recordation, the plan should be approved with a trip cap consistent with the development quantity and type that has been approved for this site.

Roadway Dedication
The site is adjacent to US 301, which carries a dual master plan designation as a freeway (F-10) and arterial (A-61) facility. At the Subdivision Review Committee meeting, it was initially stated that an additional 25 feet of dedication along the US 301 frontage would be needed for consistency with SHA plans. However, a further investigation into the review and hearing for SDP-0511/01 indicated that planning staff was in receipt of 2009 plans from SHA showing the

ultimate R/W on the west side of US 301 to be coincident with the existing property lines. Between Queens Court and Trade Zone Avenue, the existing US 301 R/W is 360 feet while the R/W south of Queens Court is about 258 feet in width. North of Queens Court, 110 feet of public dedication on the east side of US 301 was obtained from recent subdivision activity to complete the R/W. A similar amount or even more south of Queens Court will be needed from properties on the east side of US 301 when those properties subdivide. Regarding the subject site, no additional right-of-way dedication is required.

Access
Lots 3 through 8 and Lot 10 are proposed without direct vehicular access to a public roadway. Each of these lots is proposed with frontage on US 301 and access by means of a vehicular easement pursuant to Section 24-128(b) (9). Due to the higher speeds, higher traffic volumes, and overall function of US 301, it is believed that additional hazards would occur with the introduction of additional driveways from the lots. Traffic entering and exiting from these lots would conflict with traffic entering US 301 from Queens Court. The use of the easement is appropriate.

It is noted that Section 27-501(b) (1) of the Zoning Ordinance requires that lots in the E-I-A zone must have direct vehicular access to a public roadway. Pursuant to the variance request, it is noted that the master plan designates US 301 as a freeway facility. The variance request would not impair the master plan, and would more likely support the master plan recommendation for US 301 by limiting the proliferation of driveways along this facility.

Based on the preceding findings, the plan conforms to the required findings for approval of subdivision with conditions pursuant to Section 24-124 of Subdivision Regulations.

11. **Variance to Section 27-501(b)(1) of the Zoning Ordinance**—The subject property is currently in the E-I-A Zone and has frontage on three streets, Prince George's Boulevard, Queens Court, and Robert S. Crain Highway (US 301). This application is proposing to subdivide the existing three lots to create 13 lots and two parcels. All of the lots and parcels being proposed by this application have frontage on a public street, but not all lots and parcels have direct vehicular access to a public roadway. Section 27-501 of the Zoning Ordinance sets forth certain regulations regarding access which apply specifically to the E-I-A Zone. Section 27-501(b)(1) specifically states that, "[e]ach lot shall have frontage on, and direct vehicular access to, a public street."

Lots 3 through 8 and Lot 10 all have frontage on US 301. However, none of those lots have direct vehicular access to a public street. They will all be served by a 22-foot cross-access easement, which is being requested pursuant to the provisions of Section 24-128(b)(9) of the Subdivision Regulations. The use of the cross-access easement for these lots was discussed in detail in the transportation section of this report. Since these lots will be served by a cross-access easement and not by direct access to a public street, a variance from the provisions of 27-501(b)(1) of the Zoning Ordinance must be requested.

The criteria governing the grant of a variance are set forth in Section 27-230 of the Zoning

Ordinance. That section provides that a variance may be granted when the Planning Board finds that:

(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

There are unique conditions relating to the subject property that warrants the granting of the variance requested. While the northern, southern, and eastern boundaries of the subject property are for the most part regular, the western boundary is extremely irregular as Prince George's Boulevard proceeds in a curvilinear fashion along its western edge. In addition, there are exceptional topographic conditions which exist. There are two sensitive environmental areas, Parcels A and B, which cannot be utilized for development or for access purposes. As noted earlier, Lots 3 through 8 inclusive and Lot 10 each have frontage on US 301. While Section 27-501(b)(1) requires that all lots have frontage on or direct vehicular access to a public road, these lots would never be granted access onto US 301 because of safety and traffic concerns. US 301 is a freeway which carries a substantial volume of traffic on a daily basis. Therefore, the action of various governmental entities would itself create a situation where the applicant would be unable to meet the requirements of the Zoning Ordinance provision in question.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Requiring strict conformance with the provisions of Section 27-501(b)(1) of the Zoning Ordinance for this application would in fact unreasonably prevent the applicant from using its property for a permitted purpose.

Specific Design Plan SDP-0511/01 was recently approved by the Planning Board and the District Council. That plan recognized the creation of retail commercial uses along the property's US 301 frontage. Therefore, the concept of locating retail uses in this area has been embraced by both the Planning Board and the District Council.

However, enforcing a provision requiring direct vehicular access to US 301 for the lotting pattern being proposed by the applicant would create a peculiar and unusual practical difficulty upon the applicant, as a request for vehicular access to US 301 would be denied. Therefore strict conformance with Section 27-501(b)(1) of the Zoning Ordinance in this instance would create an unnecessarily burdensome situation for the applicant. Relief can be granted in this case as requested by the applicant without doing violence to the spirit of the Zoning Ordinance provision in question. This is particularly true given the fact that safety considerations and overall transportation policy considerations would mitigate against granting individual direct access on to US 301.

In effect, failure to grant the variance being requested in this instance would prevent the applicant from reasonably developing the commercial retail component of this project in the manner being proposed by the applicant and in the manner, at least conceptually, approved by both the Planning

Board and the District Council.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Finally, the grant of this variance will not substantially impair the intent, purpose, or integrity of the 2002 General Plan or the approved master plan for Bowie and vicinity. A variance from Section 27-501(b)(1) of the Zoning Ordinance will not change the use or purpose of the proposed commercial/retail development for the subject property. The site is within the Developing Tier and this application is in conformance with the Development Pattern polices of the General Plan and the industrial land use recommendations of the master plan as discussed in the community planning section of this report.

In summary, variance from Section 27-501(b)(1) of the Zoning Ordinance can be approved to allow all lots, 3 through 8 and10, to have no direct vehicular access to a public street for the reasons stated above.

12. **Schools**—The subdivision application has been reviewed for impacts on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (County Council Resolutions CR-23-2001 andCR-38-2002) and concluded that the subject subdivision is exempt from the review for schools because it is a nonresidential use.

13. **Fire and Rescue**—The subdivision application 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)(B)–(E) of the Subdivision Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
43	Bowie	Engine	16408 Pointer Ridge Rd.	4.0	3.25	Beyond
43	Bowie	Ladder Truck	16408 Pointer Ridge Rd.	4.0	4.25	Within
43	Bowie	Paramedic	16408 Pointer Ridge Rd.	4.0	7.25	Within
43	Bowie	Ambulance	16408 Pointer Ridge Rd.	4.0	4.25	Within

The Capital Budget and Program Fiscal Years 2010–2015, proposes a new station, Beechtree Fire/EMS, to be built on Leeland Road. This station will improve Fire/EMS response to the surrounding communities.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety

Infrastructure."

14. **Police Facilities**—The proposed development is within the service area of Police District II, Bowie.

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and as of July 1, 2008 (U.S. Census Bureau), the county population estimate is 820,852. Using 141 square feet per 1,000 residents, which calculates to 115,740 square feet of space for police, there is an adequate amount of space under the guideline.

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 should include the following statement in the dedication documents recorded on the final plat:

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

The preliminary plan of subdivision correctly delineates a ten-foot public utility easement along the right-of-way of Prince George's Boulevard, Queens Court, and Robert S. Crain Highway (US 301) as requested by the utility companies.

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

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System.

17. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments to offer.

18. **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, 15918-2003-01, was approved on February 15, 2007 and is valid until February 15, 2010. The approved concept plan had conditions to ensure that development of this site does not result in on-site or downstream flooding. A valid Stormwater management concept approval letter is required for approval of the preliminary plan.

19. **Cemeteries**—No cemeteries exist on the property.

20. **Historic Preservation**—The proposed subdivision will have no effect on identified historic sites, resources, or districts. A Phase I archeological survey is not recommended on the above-referenced 51.45-acre property located at 16001 Queens Court in Upper Marlboro,

Maryland. A majority of the property has already been graded, likely destroying any archeological resources that may have been present. However, the applicant should be aware that there are nine previously identified archeological sites, one prehistoric, five historic, and three multicomponent prehistoric and historic sites located within one mile of the subject property. In addition, there are two county historic sites, Beechwood (79-060) and Montpelier of Moore's Plains (79-002), and one historic resource, Buck-Nicholson House (79-003).

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act 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.

21. **Use Conversion**—The subject property is zoned E-I-A. 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. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivisions, a new preliminary plan should be required if residential development is to be considered.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt and Vaughn voting in favor of the motion, and with Chairman Parker absent at its regular meeting held on Thursday, March 25, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of April 2010.

Patricia Colihan Barney
Executive Director

Frances J. Guertin

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:QN:gdr

APPROVED AS TO LEGAL SUFFICIENCY.

Janelle J. [illegible]
M-NCPPC Legal Department

Date 4/9/10