



RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 20, 2012, regarding Specific Design Plan SDP-9024/04 and its companion case DSP-01005/01 as formalized in PGCPB Resolution No. 12-114 for Konterra Business Campus, the Planning Board finds:

1. **Request:** The request in this case is for construction of a 61,132-square-foot office building on a 13.24-acre split-zoned site with 12.66 acres in the Employment and Institutional Area (E-I-A) Zone and 0.58 acre in the Planned Industrial/Employment Park (I-3) Zone. The subject SDP addresses the E-I-A-zoned portion of the site and companion case DSP-01005/01 addresses the I-3-zoned portion of the site. The office building and its attendant parking facilities are located on the E-I-A-zoned portion of the site.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zones	E-I-A/I-3	E-I-A/I-3
Area subject of the subject SDP (E-I-A Zone)	12.66 acres	12.66 acres
Area subject of the companion DSP (I-3 Zone)	0.58 acres	0.58 acres
Proposed Lot 5C	13.24 acres	13.24 acres

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PARKING AND LOADING

USE/REQUIREMENTS	REQUIRED/ ALLOWED	PROVIDED
Office Parking		
Minimum Parking 1 Space/250 SF for first 2,000 SF		
1 Space/400 SF for over 2,000 SF (61,132)	156	243
BREAKDOWN/TOTAL REQUIRED/PROVIDED		
ADA Parking: 1 Space/25 Provided Spaces (total)	7	7
Van Accessible: 1 Space/4 ADA Spaces (van-accessible)	2	2
Compact Spaces: 30% of minimum allowed	76	76
Standard Spaces: 8.5 feet by 16.5 feet	160	160
9.5 feet by 19 feet		
Office Loading		
Minimum loading required 1 Space per 10,000 SF– 100,000 SF	1	1

3. **Location:** The subject project is located in the northeastern quadrant of the intersection of Virginia Manor Road and Muirkirk Road, and the northwestern quadrant of the intersection of Muirkirk Meadows Road with Muirkirk Road.
4. **Surrounding Uses:** The property is surrounded to the north by unimproved E-I-A-zoned land owned by the Maryland State Highway Administration (SHA); to the east by unimproved E-I-A-zoned land which is a part of the Konterra Business Campus; to the south by Muirkirk Meadows Road and Muirkirk Road; and to the west by Virginia Manor Road.
5. **Approval History and other Pending Applications:** The project is subject to the requirements of the approval of Comprehensive Design Plan CDP-8510, which was finally approved by District Council order dated March 23, 1987, affirming the Planning Board's decision on the case. The project is also subject to a single revision of the comprehensive design plan, CDP-8510/01, approved by the Planning Board on March 9, 2000, and formalized in PGCPB Resolution No. 94-88, adopted by the Planning Board on July 6, 2000. The project is also subject to the requirements of the approval of Preliminary Plan of Subdivision 4-86056, approved by the Planning Board on August 7, 1986, and which approval was formalized in PGCPB Resolution No. 86-326, adopted by the Planning Board on the same date. The project is also subject to the requirements of the approval of Specific Design Plan SDP-9024, approved by the Planning Board on July 19, 1990, and which approval was formalized in PGCPB Resolution No.90-343, adopted by the Planning Board on July 19, 1990. The project is also subject to the requirements of the approval of three revisions to that SDP. The first was approved by the Planning Board on May 21, 1998 and its approval was formalized in the adoption of PGCPB Resolution No. 98-175, by the Planning Board on June 11, 1998. Specific Design Plan SDP-9024/02 was approved by the Planning Board on May 18, 2000 and a resolution formalizing its approval (PGCPB No. 00-93) was adopted by the

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Planning Board on June 1, 2000. The third revision to SDP-9024 was approved by the Planning Board on March 8, 2001, which approval was formalized in PGCPB Resolution No. 01-49, adopted by the Planning Board on March 22, 2001.

The project is also subject to the requirements of Stormwater Management Concept Plan 8010340-1994-00, approved by the Department of Public Works and Transportation (DPW&T) on November 13, 2012 and which approval is valid until November 13, 2013.

6. **Design Features:** The subject site is comprised of 12.66 acres of E-I-A-zoned property, the subject of SDP-9024-04. The 0.58 acres of I-3-zoned property in its northwestern corner is the subject of companion case DSP-01005-01. The project is proposed to be accessed at a single point along Muirkirk Meadows Road, with the access drive flanked on its left by the main parking area for the subject building and to the right by a single row of parking, containing the required number of handicapped parking spaces and the building itself. The access drive leads to a secondary parking area which provides access to the dumpster enclosure on the left side of the building, adequately screened from sight from Virginia Manor Road to the west of the subject site.

The architecture of the building is primarily rectilinear and maintains the predominant use of brick as the architectural material, with accents in architectural sand-finished cast concrete and aluminum storefront-type glazing. The front entranceway is announced by an aluminum canopy and is further defined by two-story-high brick pilasters flanked by extensive two-story glazing. The remainder of the front façade reflects, on a less grand scale, a pleasing pattern of one-story brick pilasters with sand-finished cast concrete base and quasi-capitol detailing.

The rear façade of the project is of similar design to the front, with more modest tenant exit doors, but including two two-story-high areas of glazing referring back to the front entranceway treatment. The right side façade, the more visible of the two sides, has extensive two-story-high glazing and repeats the pattern on the other façades of predominant use of brick, with accents in sand-finished cast concrete and aluminum storefront glazing. The left side façade is the most modest, containing two service doors and a screened loading dock in addition to a single entrance door and a similar pattern of predominant use of brick, with sand-finished cast concrete and storefront glass detailing found on the other three façades.

The landscaping of the site includes Section 4.2 landscaping along the road frontages, Section 4.3 landscaping in the parking lot, and Section 4.9 sustainable landscaping requirements. A Section 4.7 schedule shall by condition of this approval be included on the plans as it is applicable. The schedule shall by condition of this approval indicate the nature of the surrounding uses, their intensity, and whether or not any buffers pursuant to Section 4.7 of the 2010 *Prince George's County Landscape Manual* are required for the project. A condition of this approval requires that the schedule and any necessary buffers be included in the project plan prior to signature approval.

The location of a project sign is indicated near the entrance drive into the site. A sign detail is included as "Detail 6" on Sheet A-4.1.

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COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of Comprehensive Design Plan CDP-8510 and its revision, CDP-8510/01:** Comprehensive Design Plan CDP-8510 was approved with conditions and considerations by the District Council by an order dated March 23, 1987. The relevant requirements of that approval are listed in **boldface** type below, followed by staff comment.

Conditions

1. **The significant open space around the pond areas shall be deemed to meet the open space requirements for the entire property.**

A single stormwater management pond is included in the subject detailed site/specific design plans to be located in its eastern corner, adjacent to Baltimore Avenue (US 1). The open space requirement in both the I-3 and E-I-A Zones is hereby met.

5. **All structures shall be fully equipped with automatic fire extinguishing systems in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws to alleviate the negative impact of this location is beyond adequate response time for fire and rescue service unless fire station is relocated to a closer site.**

A condition of this approval requires that this note be placed on the project plans prior to signature approval.

6. **A floodplain study shall be required for Department of Environmental Resources approval prior to Specific Design Plans.**

A floodplain study was originally approved by the Department of Environmental Resources (DER) on November 14, 1989, in conformance with this requirement.

7. **Restrictive slopes and sensitive areas shall be maintained in vegetation to the extent practicable and shown on the specific design plans.**

The limits of disturbance shown on the plans do not indicate any new impacts to sensitive areas (floodplain, wetland, and wetland buffers) in conformance with this requirement.

8. **Development beyond the total maximum for Phases I and II is prohibited until such time as the InterCounty Connector is constructed.**

As the Intercounty Connector (ICC) has been mostly constructed, this condition is no longer applicable. Moreover, this condition was made inapplicable to the subject project by a condition of CDP-8501/01.

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12. Reserve right-of-way for the InterCounty Connector as shown on plan.

The needed right-of-way for the Intercounty Connector has been reserved. Further, the state eventually took ownership of the right-of-way and the roadway facility is currently under construction as MD 200.

Considerations

1. Sun orientation for areas used by people shall be an important factor in the design of buildings and their related outdoor areas.

The front façade and main parking area for the project are located on the southwestern side of the building. As the sun rises in the east and travels around to the south to set in the west, the sun orientation of the building is in keeping with this requirement because the area around the front entranceway and parking will be most heavily used.

2. Consideration of protecting human environments from noise intrusion, particularly from the truck traffic on adjoining roadways shall be an important factor in individual site plans as well as use of mitigating measures such as screening.

The site has frontage on Virginia Manor Road, a designated arterial roadway; Muirkirk Road, a designated major collector; and the right-of-way for the Intercounty Connector, a designated freeway. Traffic noise generator and noise impacts are anticipated; however, due to the proposed commercial use, the Planning Board finds that noise is not an issue in relation to the current approval.

3. A palette of acceptable materials and colors shall be considered for the entire development that shall be applied to the individual buildings to allow a diversity of designs within a reasonable framework.

The approved building is composed primarily of rose/tan brick, in keeping with the palette established previously in the Konterra Business Campus.

Comprehensive Design Plan CDP-8510/01 was approved by the Planning Board on March 17, 1994. Prince George's County Planning Board Resolution No. 94-88 was then adopted on April 14, 1994, formalizing that approval. The following conditions included in **boldface** type below relate to the approval of the subject project:

1. The development of the proposed subdivision is subject to all of the approval conditions of Comprehensive Design Plan CDP-8510 for Muirkirk Road Employment Park (currently named Konterra Business Campus) except for Condition 8.

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See the discussion above of the subject project's conformance to the relevant requirements of CDP-8510.

8. **The requirements of the approval of Preliminary Plan of Subdivision 4-86056:** Preliminary Plan of Subdivision 4-86056 was approved and the resolution adopted by the Planning Board on August 7, 1986 (PGCPB No. 86-326). The resolution for the approved preliminary plan contains three conditions and all relate to the review of this application. The three conditions are included in **boldface** type below, followed by Planning Board comment:

1. Approval of a conceptual stormwater management plan by WSSC prior to Final Plat of Subdivision.

General Note 10 of the specific design plan shows that the site has an approved Stormwater Management Concept Plan, 36249-2011-00.

In a memorandum dated December 3, 2012, the Department of Public Works and Transportation (DPW&T) stated that the proposed specific design plan is consistent with approved Stormwater Management Concept Plan 8010340-1994-00, approved by them on December 13, 2012, which approval will expire December 13, 2015. The above stormwater management plan replaces Stormwater Concept Plan 36249-2011-00 and DPW&T has replaced the Washington Suburban Sanitary Commission (WSSC) as the approving authority for stormwater management.

2. Approval of the 100-year flood plain by the Department of Public Works and Transportation prior to Final Plat of Subdivision; and

Lot 3 was recorded in Plat Book CH 191-67 on February 2, 2001, and the plat shows a floodplain easement recorded in Liber 13827, Folio 295 at the eastern portion of the property.

A floodplain study was originally approved by the Department of Environmental Resources (DER) on November 14, 1989 in conformance with this requirement.

3. All of the requirements of the approved Comprehensive Design Plan.

The Planning Board has reviewed the subject project against the requirements of CDP-8501 and its first revision, CDP-8501-01. See Finding 7 for a detailed discussion of conformance to the relevant requirements of those approvals.

The subject project would be in substantial conformance with the requirements of approved Preliminary Plan 4-86056, as certain conditions are attached to the approval. The subject project conforms to the requirements of Preliminary Plan of Subdivision 4-86056.

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9. **The requirements of the approval of Specific Design Plan SDP-9024 and its revisions, SDP-9024/01, SDP-9024/02, and SDP-9024/03:** Specific Design Plan SDP-9024 was approved by the Planning Board on July 19, 1990, which approval was formalized in PGCPB Resolution No. 90-343, adopted by the Planning Board on July 19, 1990. None of the requirements of that approval are relevant to the subject specific design plan approval.

Specific Design Plan SDP-9024-01 was subsequently approved by the Planning Board on May 21, 1998, which approval was formalized in PGCPB Resolution No. 98-175, adopted by the Planning Board on June 11, 1998. The relevant requirements of that approval are indicated in **boldface** type below followed by Planning Board comment.

1. **The structure shall be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standards 13.**

As this requirement was not included as a note on the plans, a condition of this approval has been included requires its addition to the plan set, prior to signature approval.

5. **Prior to the issuance of building permits on any lot within the Konterra Business Campus which would exceed 600,000 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:**

- a. **US 1 and Muirkirk Meadows Road intersection: Provide an exclusive left-turn lane from northbound US 1 onto Muirkirk Meadows Road.**

The timing of this condition was modified during the review of SDP-9026/02 and the modified version of this condition shall be carried forward with this approval.

6. **Prior to the issuance of building permits on any lot within the Konterra Business Campus which would exceed 1,000,000 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:**

- a. **Muirkirk Road and Muirkirk Meadows Road intersection: Provide an exclusive right-turn lane from westbound Muirkirk Road onto Muirkirk Meadows Road.**
- b. **US 1 and Contee Road intersection: Provide an exclusive left-turn lane from eastbound Contee Road onto US 1.**
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c. **Signalization:**

Submit an acceptable traffic signal warrant study to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T) for the intersection of Ammendale Road and Virginia Manor Road. If deemed warranted by the SHA and/or the DPW&T (depending upon the location), the applicant shall bond the signal with the appropriate agency prior to the release of the building permit, and install the signal if directed prior to the release of the bonding for the signal.

The timing of this condition was modified during the review of SDP-9026/02 and the modified condition shall be carried forward with this approval.

The subject condition as modified in the approval of SDP-9026/02 has been included in this resolution.

7. **Development within Phases III and IV of the Konterra Business Campus, or development which would exceed 641,000 square feet on the entire property, shall conform to Condition 2 of PGCPB No. 94-88 which approved CDP-8510/01.**

This condition requires conformance to a prior condition of CDP-8510/01 and shall be carried forward with this approval.

8. **Prior to the connection of the north site access road (Muirkirk Meadows Road extended) to US 1, the applicant, his heirs, assigns or successors shall submit an acceptable traffic signal warrant study for US 1 and the site access road to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T). If deemed warranted by the SHA and/or the DPW&T, the applicant shall bond the signal with the appropriate agency prior to the connection of the roadway, and install the signal if directed prior to the release of the bonding for the signal.**

In a memorandum dated November 30, 2012, the Transportation Planning Section stated that this condition requires improvements and traffic control on Baltimore Avenue (US 1) and the north site access (Muirkirk Meadows Road Extended), and that this condition should be carried forward with this approval.

The subject condition has been included in this resolution.

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The second revision, Specific Design Plan SDP-9024-02, was approved by the Planning Board on May 18, 2000 and a resolution formalizing its approval (PGCPB Resolution No. 00-93) was adopted on June 1, 2000. None of the requirements of that approval are relevant to the approval of the subject specific design plan.

A third revision to SDP-9024 was approved by the Planning Board on March 8, 2001, which approval was formalized in PGCPB Resolution No. 01-49, adopted by the Planning Board on March 22, 2001. The relevant requirements of that approval are included below in **boldface** type, followed by Planning Board comment:

2. **Prior to the issuance of any additional building permits on any lot within the Konterra Business Campus property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:**
 - a. **US 1 and Contee Road intersection: Provide an exclusive left-turn lane from westbound Contee Road onto US 1.**
 - b. **Signalization: Submit an acceptable traffic signal warrant study to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T) for the following intersections:**
 - i. **US 1 and Ammendale Road**
 - ii. **Muirkirk Road and Muirkirk Meadows Road**
 - iii. **Muirkirk Road and Virginia Manor Road**

If deemed warranted by the SHA and/or the DPW&T (depending upon the location), the applicant shall bond the signal with the appropriate agency prior to the release of the building permit, and install the signal if directed prior to the release of the bonding for the signal.

3. **Prior to the issuance of building permits on any lot within the Konterra Business Campus which would exceed 340,000 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:**
 - a. **US 1 and Contee Road intersection: Provide an exclusive right-turn lane from eastbound Contee Road onto US 1.**

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- b. **Signalization:** Submit an acceptable traffic signal warrant study to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T) for the intersection of Ritz Way and Virginia Manor Road. If deemed warranted by the SHA and/or the DPW&T (depending upon the location), the applicant shall bond the signal with the appropriate agency prior to the release of the building permit, and install the signal if directed prior to the release of the bonding for the signal.

Conditions 2 and 3 of the subject approval need not be carried forward in the instant approval.

4. **Prior to the issuance of building permits on any lot within the Konterra Business Campus which would exceed 480,000 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:**

- a. **US 1 and MD 212 intersection:** Provide an exclusive right-turn lane from westbound MD 212 onto US 1.

The timing of this condition was modified during the review of SDP-9026-02 and the applicant has submitted a limited traffic analysis for the US 1 and Powder Mill Road (MD 212) intersection, which is the subject of this condition. The analysis was reviewed and the Planning Board concluded that improvements at US 1 and MD 212 are no longer needed to ensure that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or facilities provided by the applicant. Further on this point, the Planning Board stated that traffic patterns in the area have changed with the construction of long-planned transportation facilities in the area, and there is no evidence that the improvements shown in Condition 4 of SDP-9024/03 will ever be needed to serve the development of the Konterra Business Campus.

5. **Prior to the issuance of building permits on any lot within the Konterra Business Campus which would exceed 600,000 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SIIA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:**

- a. **US 1 and Muirkirk Meadows Road intersection:** Provide an exclusive left-turn lane from northbound US 1 onto Muirkirk Meadows Road.

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The Planning Board, pointing out that the condition was modified during the review of SDP-9206/02, hereby requires the condition be carried forward with this approval.

6. **Prior to the issuance of building permits on any lot within the Konterra Business Campus which would exceed 1,000,000 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:**
 - a. **Muirkirk Road and Muirkirk Meadows Road intersection:** Provide an exclusive right-turn lane from westbound Muirkirk Road onto Muirkirk Meadows Road.
 - b. **US 1 and Contee Road intersection:** Provide an exclusive left-turn lane from eastbound Contee Road onto US 1.
 - c. **Signalization:** Submit an acceptable traffic signal warrant study to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T) for the intersection of Ammendale Road and Virginia Manor Road. If deemed warranted by the SHA and/or the DPW&T (depending upon the location), the applicant shall bond the signal with the appropriate agency prior to the release of the building permit, and install the signal if directed prior to the release of the bonding for the signal.

The Planning Board, pointing out that the condition was modified during the review of SDP-9206/02, requires that the condition be carried forward with this approval.

7. **Development within Phases III and IV of the Konterra Business Campus, or development which would exceed 641,000 square feet on the entire property, shall conform to Condition 2 of PGCPB No. 94-88 (as amended in 2000) which approved CDP-8510/01.**

The Planning Board, pointing out that the condition requires conformance to a prior condition of CDP-8510/01, hereby requires that the condition be carried forward with this approval.

8. **Prior to the connection of the north site access road (Muirkirk Meadows Road extended) to US 1, the applicant, his heirs, assigns or successors shall submit an acceptable traffic signal warrant study for US 1 and the site access road to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T). If deemed warranted by the SHA and/or the DPW&T, the applicant shall bond the**

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signal with the appropriate agency prior to the connection of the roadway, and install the signal if directed prior to the release of the bonding for the signal.

The Planning Board, stating that it requires improvements and traffic control of the US 1 and north site access (Muirkirk Meadows Road Extended), hereby requires that the condition be carried forward with this approval.

10. **The requirements of the approval of Detailed Site Plan DSP-01005:** Detailed Site Plan DSP-01005 was approved by the Planning Board on March 8, 2001 for the smaller I-3-zoned portion of the project. Prince George's County Planning Board Resolution No. 01-48 was adopted by the Planning Board on March 22, 2001. The resolution contained no conditions of approval.
11. **The requirements of the Zoning Ordinance, more particularly, to the requirements of:**
 - a. Section 27-500, Uses in the Employment and Institutional Area (E-I-A) Zone;
 - b. Section 27-501, Regulations in the E-I-A Zone;
 - c. Section 27-528, Required findings for approval of a specific design plan; and
 - d. Section 27-274 of Part 3, Division 9, Design Guidelines.

The proposed office use is a permitted use in the E-I-A Zone. The Planning Board has reviewed the project against the requirements of Section 27-501, Regulations in the E-I-A Zone; Regulations in the I-3 Zone; and Section 27-274 of Part 3, Division 9, Design Guidelines, and finds the project to be in substantial conformance. See Finding 15 for a complete discussion of the project's conformance to the required findings for specific design plan.

12. **The requirements of the 2010 Prince George's County Landscape Manual:** The applications are subject to the requirements of Sections 4.2, 4.3, 4.4, 4.7, and 4.9 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The Planning Board has reviewed the submitted landscape plan against the requirements of the Landscape Manual and finds it in conformance as the approval is being made subject to certain conditions required prior to signature approval.
13. **The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The Planning Board is approving herewith a Type 2 Tree Conservation Plan TCP2-119-97-02 with conditions required prior to signature approval. Therefore, the subject project conforms to the requirements of the Woodland and Wildlife Habitat Conservation Ordinance.
14. **The requirements of the Prince George's County Tree Canopy Coverage Ordinance:** The project is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance as specified in Section 25-128 of the Prince George's County Code. The applicant has included the appropriate tree canopy coverage (TCC) schedule on Sheet 4 of the submitted landscape and lighting plans. Though it indicates that the ten percent TCC requirement is met, the acreage reflected thereon does not agree with that included in the detailed site/specific design

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plans. Therefore, a condition of this approval requires that the applicant revise the TCC schedule so that the acreage indicated thereon agrees with that included on the specific design plan prior to signature approval and that the applicant shall, if necessary, augment the number of landscape trees included in the project so as to ensure that the requirement is appropriately met.

Therefore, it may be said that the project conforms to the requirements of the Tree Canopy Coverage Ordinance.

15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Historic Preservation**—SDP-9024/04, Konterra Business Campus Proposed Lot 5, Block C, would have no effect on identified historic sites, resources, or districts.
 - b. **Archaeology**—The site is a former sand and gravel mine and has been extensively disturbed. The subject approval will not impact any historic sites, historic resources, documented properties, or known archeological sites.
 - c. **Community Planning**—The subject project is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier and does not violate the General Plan's growth goals for the year 2025 upon review of the current General Plan Policy Update. The project conforms to the industrial land use recommendation of the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62, and 64)* (Subregion 1 Master Plan and SMA).
 - d. **Transportation Planning**—The Planning Board has reviewed the specific design plan (SDP) application referenced above. The subject property consists of approximately 13.24 acres of land in the E-I-A and I-3 Zones. The subject SDP applies to the portion of the sited zoned E-I-A. The property is located on the north side of Muirkirk Road between Virginia Manor Road and Muirkirk Meadows Road. The applicant proposes office space totaling 61,132 square feet.
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Review Comments

The site is split between the E-I-A Zone and the I-3 Zone, with the great majority of the site and all actual development to occur within the E-I-A Zone which is the portion of the site which is the subject of this SDP. The specific design plan is a requirement for all development in comprehensive design zones with E-I-A being part of that zone family. The review focuses on conformity to the approved comprehensive design plan. In addition to reviewing the plan against the prior approved plan, attention is given to building and landscape design, drainage, conformity with prior tree conservation plans and landscape standards, and other environmental factors. Additionally, there is a requirement that the development be adequately served within a reasonable period of time with existing or programmed public facilities, or facilities otherwise provided as part of the development.

Development of this site must be in accordance with Comprehensive Design Plans CDP-8510 and CDP-8510/01. Preliminary Plan of Subdivision 4-86056 is applicable to the site, but its resolution contains no original conditions, and it incorporates by reference the conditions from CDP-8510. Also, notice must be taken of the prior submittals of SDP-9024. The CDP and SDP approvals are briefly reviewed below:

Comprehensive Design Plan CDP-8510

Condition H: This condition required the submission of a new traffic study at such time that development exceeded the amount in the defined Phases I and II, a total of 641,000 square feet. This condition was superseded with the approval of CDP-8510/01.

Conditions I and J: These conditions identify improvements at US 1/Powder Mill Road and Old Gunpowder Road/Powder Mill Road, and set a timing mechanism for these improvements. The required improvements are complete.

Condition K: This condition requires dedication along Virginia Manor Road, US 1 (Baltimore Avenue), and Ritz Way. The required dedication along each facility was completed.

Condition L: This condition requires that the needed right-of-way for the Intercounty Connector (ICC) be reserved. This has been done, and the state eventually took ownership of the right-of-way, and the roadway facility is currently under construction as MD 200.

Condition M: This condition restricts the number of private driveway curb cuts along US 1 to three driveways. The subject site is not along US 1 and, in any regard, the overall site has developed consistently with this condition.

Condition N: This condition allowed Phase I and Phase II development to occur north of Muirkirk Road, in the area of the subject property, provided that the development cap was not exceeded. Once again, the approval of CDP-8510/01 allowed the development of the entire site up to a cap of 1.721 million square feet.

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Comprehensive Design Plan CDP-8510/01

Condition 2: This condition identifies three unique projects, any one of which must occur prior to development beyond the Phase I and II maximum of 641,000 square feet. Of the three projects identified, the first (the ICC, MD 200) is nearing completion, and the second project (Ammendale Road) has been completed for several years. Therefore, this staging condition is deemed to be satisfied.

Condition 3: This condition sets a requirement that, if MD 200 has not received a notice to proceed with construction, additional improvements must be constructed at the US 1/Muirkirk Meadows Road intersection. As MD 200 is under construction or open to traffic along its entire length, the identified improvements are not needed for development of this site.

Condition 4: This condition requires that the identified portion of land required for the construction of the Ammendale Road project be deeded upon demand. The needed right-of-way was deeded, and the road facility was constructed.

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Condition 2: This condition requires improvements at US 1/Contee Road along with signal warrant studies at three other locations. The identified improvements at US 1/Contee Road are built, and the needed signal warrant studies are complete. This condition does not need to be carried forward with this approval.

Condition 3: This condition requires improvements at US 1/Contee Road along with a signal warrant study at Ritz Way/Virginia Manor Road. The identified improvements at US 1/Contee Road are built, and the needed signal warrant study is complete. This condition does not need to be carried forward with this approval.

Condition 4: This condition requires improvements at US 1/MD 212. The timing of this condition was modified during the review of SDP-9026/02, and the condition is being decided once more by this approval. There is further discussion below.

Condition 5: This condition requires improvements at US 1/Muirkirk Meadows Road. The timing of this condition was modified during the review of SDP-9026/02. This condition in such modified form shall be carried forward with this approval.

Condition 6: This condition requires improvements at US 1/Contee Road and Muirkirk Road/Muirkirk Meadows Road, along with the study of signalization at Ammendale Road/Virginia Manor Road. The timing of this condition was modified during the review of SDP-9026/02. This condition in such modified form shall be carried forward with this approval.

Condition 7: This condition requires conformance to a prior condition of CDP-8510/01. This condition shall be carried forward with this approval.

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Condition 8: This condition requires improvements and traffic control at US 1 and the north site access (Muirkirk Meadows Road Extended). This condition shall be carried forward with this approval.

Access and circulation are acceptable, and in conformance to all prior plans.

Condition 4 of SDP-9024/03

The applicant submitted a limited traffic analysis for the US 1 and Powder Mill Road (MD 212) intersection, which is the subject of Condition 4. The analysis includes the following:

- (1) Existing counts at the intersection taken in December 2011.
- (2) An analysis of the background scenario using approved but unbuilt development in the area along with a one percent annual growth rate in traffic.
- (3) Inclusion of the proposed development on Lot 3, Block C, as 90,000 square feet.
- (4) Inclusion of an additional 300,000 square feet of development on the overall Konterra Business Campus site.

The intersection was analyzed as would be done in a conventional traffic impact study. The table below summarizes the results of the analysis:

US 1 and POWDER MILL ROAD (MD 212)				
Scenario	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Existing	1,242	1,225	C	C
Background	1,305	1,302	D	D
Total with Lot 3, Block C	1,307	1,305	D	D
Total with Lot 3, Block C, plus 300,000 square feet additional in overall Konterra Business Campus	1,316	1,317	D	D

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 with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. The results summarized above indicate that improvements at US 1 and Powder Mill Road (MD 212) are no longer needed to ensure that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or facilities to be provided by the applicant. Traffic patterns in the area have changed with the construction of long-planned transportation facilities in the area, and there is no

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evidence that the improvements shown in Condition 4 of SDP-9024/03 will ever be needed to serve the development of Konterra Business Campus.

Phasing and the Required SDP Finding

At this time, there are no approved valid but unbuilt SDP or site plan applications within Konterra Business Campus. To date, the following represents the development status within the entire Konterra Business Campus site:

Built	546,949 square feet (per tax records)
Permitted and/or under construction	0 square feet
Subject application	61,132 square feet
Total	608,081 square feet

Based on this table, the site remains within Phases I and II, as set out by CDP-8510/01.

As noted above, a finding is required that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or facilities to be provided by the applicant. The review of conformance to this finding has typically focused upon demonstrating the period of time required for the implementation of any needed transportation facilities. "Needed transportation facilities" would typically involve programmed or bonded transportation facilities that were assumed to be part of background development during preliminary plan review along with any facilities to be constructed by the applicant. All conditions required by the preliminary plan and the comprehensive design plans have been satisfied. Several conditions have been placed on specific design plans within Konterra Business Campus in consideration of the buildout of the site. These conditions, with the modifications that are justified given the findings made herein, will be carried forward as a part of the approval for these plans. With these conditions in place, the required finding can be made.

Findings and Conclusions

To summarize, the Planning Board finds that the subject project conforms to all prior plans from the standpoint of transportation. Furthermore, the Planning Board finds that the proposed development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or with transportation facilities to be provided as a part of the subject development. The following conditions of SDP-9024/03, as amended by other plans within Konterra Business Campus, remain in effect:

- (1) Prior to the issuance of building permits on any lot within the Konterra Business Campus that would exceed 748,950 square feet on the entire property, the following road improvements shall (a) have full financial assurances or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:

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- (a) US 1 and Muirkirk Meadows Road intersection: Provide an exclusive left-turn lane from northbound US 1 onto Muirkirk Meadows Road.
 - (2) Prior to the issuance of building permits on any lot within the Konterra Business Campus that would exceed 1,148,950 square feet on the entire property, the following road improvements shall (a) have full financial assurances or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:
 - (a) Muirkirk Road and Muirkirk Meadows Road intersection: Provide an exclusive right-turn lane from westbound Muirkirk Road onto Muirkirk Meadows Road.
 - (b) US 1 and Contee Road intersection: Provide an exclusive left-turn lane from eastbound Contee Road onto US 1.
 - (c) Signalization: Submit an acceptable traffic signal warrant study to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T) for the intersection of Ammendale Road and Virginia Manor Road. If deemed warranted by the SHA and/or the DPW&T (depending upon the location), the applicant shall bond the signal with the appropriate agency prior to the release of the building permit, and install the signal if directed prior to the release of the bonding for the signal.
 - (3) Development within Phases III and IV of the Konterra Business Campus, or development that would exceed 641,000 square feet on the entire property, shall conform to Condition 2 of PGCPB Resolution No. 94-88 (as amended) which approved CDP-8510/01.
 - (4) Prior to the connection of the north site access road (Muirkirk Meadows Road extended) to US 1, the applicant, his heirs, assignees or successors shall submit an acceptable traffic signal warrant study for US 1 and the site access road to the State Highway Administration (SHA) and/or the County Department of Public Works and Transportation (DPW&T). If deemed warranted by the SHA and/or the DPW&T, the applicant shall bond the signal with the appropriate agency prior to the connection of the roadway, and install the signal if directed prior to the release of the bonding for the signal.
- e. **Trails**—The subject application does not conflict with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) or the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1* (area master plan), regarding the approved trails, bikeways, and pedestrian improvements. The MPOT recommends that new development

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contain "roadway improvements that accommodate all users" and that sidewalks be constructed along roads in the Developed and Developing Tiers of the county. The subject site is part of Focus Area 3 as it is described in the area master plan. One of the area's approved goals is to have "Improved pedestrian and bicycle safety, accessibility and connectivity."

Muirkirk Road is recommended to contain bicycle lanes and a sidepath in the MPOT and area master plan. The subject site's frontage along Muirkirk Road contains a six-foot-wide sidewalk that provides a connection to Virginia Manor Road to the north and Baltimore Avenue (US 1) to the south. Muirkirk Road is not striped for bicycle lanes at this time, but it can be improved by the county in the future. This does not directly affect the subject application.

Muirkirk Meadows Road contains a five-foot-wide sidewalk along the entire subject property frontage. This sidewalk appears to be adequate for the proposed use.

The subject property has limited frontage along Virginia Manor Road. In a memo dated May 16, 2012, the Prince George's County Department of Public Works and Transportation (DPW&T), Office of Engineering, recommended that sidewalks be constructed by the applicant along Virginia Manor Road. The Planning Board supports this recommendation. The sidewalk will begin to implement the improvements described in the area master plan for this road (Kenilworth Extended).

The applicant shall provide bicycle parking on-site. The area master plan recommends that bicycle parking be provided within close proximity of the main entrance of buildings within the Konterra East and West development, while the MPOT recommends incorporating "appropriate pedestrian-oriented and TOD features " in all new development within designated centers and corridors. The subject approval is located along the US 1 corridor that is identified in the General Plan. It is located approximately 1,500 feet north of the Muirkirk MARC passenger rail station that is on US 1.

Six U-shaped bicycle parking spaces are required by condition of this approval close to the main entrance to the building on a concrete pad. Bicycle parking area signs (Manual on Uniform Traffic Control Devices (MUTCD) D4-3) shall by condition of this approval be erected at the parking locations (see MUTCD Part 9, Traffic Control for Bicycle Facilities, Section 9B.23.).

Conclusion

Based on the preceding analysis, the Transportation Planning Section concluded that adequate bicycle and pedestrian transportation facilities will exist to serve the proposed use as it is approved with the following conditions:

- (1) Install six U-shaped bicycle parking spaces close to the main entrance to the building. Prior to certification, the detailed site plan shall show six U-shaped

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bicycle racks near the main entrance of the building. Details of the bicycle racks shall be provided. The racks shall be anchored into a concrete base. Bicycle parking area signs (MUTCD D4-3) shall be erected at the parking locations (see MUTCD Part 9, Traffic Control for Bicycle Facilities, Section 9B.23.).

- (2) Construct a five-foot-wide sidewalk along the entire subject property frontage of Virginia Manor Road, or as modified by DPW&T.
- f. **Permit Review**—Numerous permit review-related comments that were addressed by revisions to the plans or in the conditions of this approval.
 - g. **Public Facilities**—The Planning Board has reviewed the specific design plan in accordance with Section 27-528(a)(2) of the Zoning Ordinance, which states that the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.

Police Facilities

The development approved herein is within the service area of Police District VI, Beltsville. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2011 (U.S. Census Bureau) county population estimate is 871,233. Using 141 square feet per 1,000 residents, it calculates to 122,843 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

Fire and Rescue Service

The Planning Board has reviewed this specific design plan for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 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
31	Beltsville	Engine	4911 Prince George's Ave.	3.28	3.25	Beyond
31	Beltsville	Ladder Truck	4911 Prince George's Ave.	3.28	4.25	Within
31	Beltsville	Ambulance	4911 Prince George's Ave.	3.28	4.25	Within
49	Laurel Rescue Squad	Paramedic	14910 Bowie Road	5.07	7.25	Within

In order to alleviate the negative impact on fire and rescue services due to inadequate service, an automatic fire suppression system shall be provided by condition of this approval in all new buildings proposed in this specific design plan unless the Prince

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George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

Capital Improvement Program (CIP)

The Prince George's County Capital Improvement Program (CIP) for Fiscal Years 2012-2017 provides funding for replacing existing Beltsville Fire/EMS Station with a new four-bay fire/EMS station.

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."

School Facilities

The specific design plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the "Adequate Public Facilities Regulations for Schools" (County Council Resolutions CR-23-2001 and CR-38-2002) and the Planning Board has concluded that the specific design plan is exempt from a review for schools because it is a nonresidential use.

Water and Sewerage Findings

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.

- h. **Subdivision Review**—The overall project is located on Tax Map 9 in Grid D-4, and is known as Lot 3, Part of Lots 153 and 154, and Part of Parcel B. The site together with the land area covered by companion case DSP-01005/01 is 13.24 acres and currently undeveloped. The site is split-zoned, 12.66 acres is within the Employment and Institutional Area (E-I-A) Zone (the subject of the current application) and 0.58 acres is within the Planned Industrial/Employment Park (I-3) Zone (the subject of companion case DSP-01005/01). The subject approval is for the development of a 61,132-square-foot office building on Lot 3.

A portion of the site (Lot 3 and Parcel B) is the subject of Preliminary Plan of Subdivision 4-86056. Preliminary Plan 4-86056 for the Muirkirk Road Employment Park was approved and the resolution was adopted by the Prince George's County Planning Board on August 7, 1986 (PGCPB No. 86-326). The resolution for the approved preliminary plan contains three conditions and the following conditions in **bold** relate to the subject approval:

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1. Approval of a conceptual stormwater management plan by WSSC prior to Final Plat of Subdivision.

General Note 10 of the specific design plan shows that site has an approved Stormwater Management Concept Plan, 36249-2011-00.

The most recent information from DPW&T, the current approving authority for stormwater management (SWM) plans, is that the salient SWM approval for the site is 801034040-1944-00, approved by DPW&T on November 13, 2012 and valid until November 13, 2015.

2. Approval of the 100-year flood plain by the Department of Public Works and Transportation prior to Final Plat of Subdivision; and

Lot 3 was recorded in Plat Book CH 191-67 on February 2, 2001, and the plat shows a floodplain easement recorded in Liber 13827 Folio 295 at the east portion of the property.

3. All of the requirements of the approved Comprehensive Design Plan.

The site has an approved Comprehensive Design Plan CDP-8510, which was approved as of July 6, 2000. Conformance of the specific design plan to the approved CDP as revised has been reviewed and determined by the Planning Board.

The Planning Board has reviewed the subject project against the requirements of CDP-8501 and its first revision, CDP-8501-01. See Finding 7 for a detailed discussion of conformance with the relevant requirements of those approvals.

Part of Lots 153 and 154 was recorded in Plat Book SDH 3-87 on June 10, 1930 and not the subject of a preliminary plan of subdivision. The current configuration of Part of Lots 153 and 154 was a result of the dedication of right-of-way for Virginia Manor Road through a deed conveyance to Prince George's County, recorded in Liber 8144 Folio 168, and it was a legal conveyance of land. Development of 5,000 square feet of gross floor area on parts of Lots 153 and 154 would require preliminary of subdivision, unless the lots are incorporated by final plat (Section 24-108 of the Subdivision Regulations) into the site as Lot 5.

Lot 3 was recorded in Plat Book VJ 165-73 on June 2, 1992. The property was re-recorded in Plat Book CH 191-67 on March 12, 2001 as a plat of correction to adjust common boundary lines. Part of Parcel B was recorded in Plat Book VJ 165-74 on December 10, 1992. The property was re-recorded in Plat Book CH 191-68 on March 12, 2001 as a plat of correction to adjust common boundary lines. The current configuration of Lot 3 and Part of Parcel B was the result of the dedication of right-of-way

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for the ICC to SHA through a reservation plat recorded in Plat Book CH 191-72 and CH 191-79. The applicant submitted an exhibit illustrating all the land, including part of subject site, which has been obtained by SHA as part of the ICC project based on right-of-way plats submitted to the Planning Board. The title of the exhibit shall be revised by condition of this approval from "to be taken by SHA" to "taken by SHA" if accurate.

The specific design plan does not show all of the correct boundaries, bearings, and distances for all of the existing lots and parcels, which must be revised. The general notes section of the specific design plan shall be revised by condition of this approval to show the information for the existing parcels and lots. The site plan consolidates all of the lots and parcels into one lot, Lot 5. The applicant shall by condition of this approval be required to file a final plat for the consolidation of the lots and parcels into Lot 5 prior to building permits, in accordance with Section 24-108 of the Subdivision Regulations, for which a preliminary plan of subdivision is not required.

SDP-9024-04 is in substantial conformance with approved Preliminary Plan 4-86056 as the above subdivision-related comments have been addressed. The Planning Board includes the following subdivision-related conditions in the subject approval:

- (1) Prior to certificate of approval, the SDP should be revised with the following:
 - (a) Show the correct boundaries, bearings, and distances for all of the existing lots and parcels.
 - (b) Add a note of the acreage and ownership information for each of the existing parcels and lots.
 - (c) Revise the title of the exhibit if correct to the following:

"Konterra Business Campus at Muirkirk: Selected land taken by
SHA as Part of ICC Project."
- (2) Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall record a final plat (Section 24-108) for the consolidation of Lot 3, Part of Lots 153 and 154, and Part of Parcel B, into Lot 5 as shown on the approved specific design plan.

Failure of the site plan and record plat to match, including bearings and distances, will result in building permits being placed on hold until the plans are corrected.

i. **Environmental Planning
Background**

The Planning Board previously reviewed a Type II Tree Conservation Plan (TCP/II/119/97) in association with Specific Design Plan SDP-9024 for Lot 3, Block C.

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The Planning Board previously reviewed and approved Natural Resources Inventory NRI-013-12 on March 28, 2012. The project is subject to the environmental regulations that came into effect on September 1, 2010 because additional land is being added to the previously approved plan.

The site is split-zoned: Lot 3, Block C, and Parcel B, Block C, are zoned E-I-A and are the subject of the subject specific design plan; parts of Parcels 153 and 154 are zoned I-3 and are the subject of the companion detailed site plan. The current application is for a 61,132-square-foot office building.

Site Description

The subject site includes parts of Parcels 153 and 154; Lot 3, Block C; and part of Parcel B, Block C, totaling 13.24 acres. The site is located on the northeastern corner of Virginia Manor Road and Muirkirk Road in Beltsville, Maryland. The property is split-zoned E-I-A (the subject of this SDP) and I-3 (the subject of companion case DSP-01005/01).

According to mapping research and as documented on the approved NRI, streams, wetlands, wetland buffers, and floodplain are found to occur on this property. The site is located in the drainage area of Indian Creek in the Anacostia River Basin of the Potomac watershed. Few steep slopes occur on the property. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Sassafras, Udorthents-Urban land complex, Urban land-Russett Christiana complex, and the Zekiah and Issue soils.

According to available information, Marlboro clay is not found to occur on this property; however, Christiana complexes are mapped on-site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, in a letter dated March 8, 2012, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. The site has frontage on Virginia Manor Road, a designated Arterial roadway; Muirkirk Road, a designated major collector; and the right-of-way for the Intercounty Connector, a designated freeway. Traffic noise generator and noise impacts are anticipated; however, due to the proposed commercial use, noise is not an issue in relation to the current application. There are no designated scenic or historic roads in the vicinity of the site. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains regulated areas and network gaps. The site is in the Developing Tier of the *Prince George's County Approved General Plan*.

Review of Previously Approved Conditions

The following text addresses previously approved environmentally-related conditions applicable to the subject applications. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

Comprehensive Design Plan CDP-8510

The District Council order dated March 23, 1987 contains the following conditions and considerations of approval:

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Conditions

6. **A floodplain study shall be required for Department of Environmental Resources approval prior to Specific Design Plans.**

A floodplain study was originally approved by the Department of Environmental Resources (DER) on November 14, 1989.

7. **Restrictive slopes and sensitive areas shall be maintained in vegetation to the extent practicable and shown on the specific design plans.**

The limits of disturbance shown on the plans do not indicate any new impacts to the sensitive areas (floodplain, wetland, and wetland buffers).

Considerations

2. **Consideration of protecting human environments from noise intrusion, particularly from the truck traffic on adjoining roadways shall be an important factor in individual site plans as well as use of mitigating measures such as screening.**

The site has frontage on Virginia Manor Road, a designated arterial roadway; Muirkirk Road, a designated major collector; and the right-of-way for the Intercounty Connector, a designated freeway. Traffic noise generator and noise impacts are anticipated; however, due to the proposed commercial use, noise is not an issue in relation to the current application.

Preliminary Plan of Subdivision 4-86056

Prince George's County Planning Board Resolution No. 86-326 contains the following conditions:

1. **Approval of a conceptual stormwater management plan by WSSC prior to Final Plat of Subdivision.**

An existing stormwater management pond for the entire campus was built under the original Stormwater Management Concept Plan (948010340), approved by the Department of Environmental Resources (DER). An updated concept was submitted with the current application (8010340-1994-00), which was approved November 13, 2012.

2. **Approval of the 100-year flood plain by the Department of Public Works and Transportation prior to Final Plat of Subdivision; and**

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A floodplain study was originally approved by the Department of Environmental Resources (DER) on November 14, 1989.

Specific Design Plan SDP-9024

Prince George's County Planning Board Resolution No. 90-343 contained no conditions of approval specific to the environmental review. Subsequent plan approvals also did not contain conditions of approval specific to the environmental review, with the exception of the Certificate of Approval for the -01 revision which contained two conditions specifically for technical revisions to the tree conservation plan. The technical revisions were addressed at the time of certification and are not relevant to the current review.

Environmental Review

- (1) An approved natural resource inventory was submitted with the review package, NRI-013-12, which was approved on March 28, 2012. The NRI shows streams, wetlands, wetland buffers, and floodplain found to occur on this property.

The site was previously cleared under previous tree conservation plan (TCP) approvals. The current NRI indicates that only 0.08 acre of woodland are located on-site.

No revisions are required for conformance to the NRI.

- (2) This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it has an approved Type II Tree Conservation Plan (TCP11-119-97-01). The project is not grandfathered with respect to the environmental regulations contained in Subtitles 24, 25, and 27, that came into effect on September 1, 2010 because land has been added to the limits of the previously approved plan. A Type 2 tree conservation plan (TCP2) has been submitted and reviewed. The TCP number should be referred to as "TCP2-119-97-02" for the subject application.

While this plan is no longer grandfathered with respect to the Woodland and Wildlife Habitat Conservation Ordinance, there are previous TCP approvals for the site which must be reflected in the calculations. This is necessary because clearing has occurred on the site under previous versions of the plan. That clearing must continue to be accounted for in the calculations. Previous TCP approvals also showed an area of reforestation on the property to meet a portion of the larger woodland conservation requirement for the overall Konterra Business Campus. This area was previously shown as 1.02 acres of reforestation on Lot 3C. A portion of the required reforestation appears to exist today as regenerated existing woodland. This requirement shall by condition of this approval be added to the worksheet as an area of off-site mitigation being provided on the subject property. Because there has been regeneration on-site over the years, the worksheet reflects

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a preservation area above the original existing woodland area for the site. This is acceptable because it reflects the current site conditions. The previous requirement must be met as well as the requirement for the current approval. An example of the revised worksheet that shall be shown on the plan has been previously provided to the applicant.

Because the entire woodland conservation requirement cannot be met on-site, the use of off-site credits for the remainder is appropriate. The following note shall by condition of this approval be added to the plan below the worksheet: "The original TCP approval and the -01 revision showed an area of 1.02 acres of reforestation on Lot 3C. This area was proposed to meet a portion of the woodland conservation requirement for the overall Konterra Business Campus and has been incorporated into the woodland conservation requirement for the -02 revision to the TCP. The worksheet shows a negative area of 'woodland retained not part of requirements' because the original area of existing woodland was carried forward and because regeneration has occurred that has been counted as 'preservation' on the plan."

The worksheet as originally submitted did not account for the total site area included in the approval and therefore the woodland conservation thresholds and other calculations shown in the worksheet were incorrect. The worksheet shall by condition of this approval be updated to reflect the split zoning of the lots and parcels included on the plan and must reflect the entire gross tract area shown on the plan.

The specimen tree table by condition of this approval shall be revised to include a column for the proposed disposition of the specimen trees (to be removed). The standard property owner's awareness certification needs to be added to the cover sheet (Detail 20 in the Environmental Technical Manual). This certification by condition of this approval shall be signed by the property owner prior to certification of the plan.

Tree protection has been shown along the edges of the proposed reforestation area; however, the details provided on the plan indicate that this fence is temporary in nature. The fence provided along the reforestation edge must be permanent split-rail. The legend shall by condition of this approval be updated to clearly indicate that the fence is permanent split-rail, and the fence detail shall by condition of this approval be added to the plan. A portion of the proposed reforestation area along the northern portion of the site is currently shown less than 50 feet in width. This area shall by condition of this approval be revised to meet the minimum dimensional requirements for reforestation areas. If the area of the reforestation area is affected by the change, the worksheet and planting chart shall by condition of this approval be updated accordingly.

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The detail sheet shall by condition of this approval be revised to include the standard TCP2 general notes (1-9) filled-in with all required information. The standard preservation and retention notes (a-i) shall by condition of this approval be added to the plan. The four-year management plan notes for reforestation areas shall by condition of this approval be added to the plan. The regeneration notes and the fee-in-lieu notes currently shown on the plans shall by condition of this approval be removed because they are not relevant to the application. The standard split-rail fence detail shall by condition of this approval be added to the plan.

Condition of this Approval: Prior to certification of the specific design plan, the Type 2 tree conservation plan (TCP2) shall be revised as follows:

- (a) Revise the worksheet as follows:
 - i. to account for the entire 13.24 acres of site area currently shown on the plan;
 - ii. to account for the split zoning of the site; and
 - iii. to be in general conformance with the Environmental Planning Section worksheet attachment.
- (b) The following note shall be placed on the plan below the worksheet:

“The original TCP approval and the -01 revision showed an area of 1.02 acres of reforestation on Lot 3C. This area was proposed to meet a portion of the woodland conservation requirement for the overall Konterra Business Campus and has been incorporated into the woodland conservation requirement for the -02 revision to the TCP. The worksheet shows a negative area of ‘woodland retained not part of requirements’ because the original area of existing woodland was carried forward and because regeneration has occurred that has been counted as ‘preservation’ on the plan.”
- (c) Revise the specimen tree table to include a column for the proposed disposition of the trees (to remain or to be removed).
- (d) Add the standard property owner’s awareness certification to the cover sheet. This certification shall be signed by the property owner.
- (e) Revise the tree protection shown along the edge of the proposed reforestation area to be permanent split-rail fence.

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- (f) The legend shall be revised to reflect the use of split-rail fence.
 - (g) The standard split-rail fence detail shall be added to the plan.
 - (h) Revise the proposed reforestation area as necessary to ensure that all areas not adjacent to the floodplain meet the minimum dimensional requirement of 50 feet in width. The worksheet and reforestation planting chart shall be updated accordingly.
 - (i) The detail sheet shall be revised as follows:
 - i. provide the standard TCP2 general notes 1-9, filled-in with all required information;
 - ii. provide the standard preservation and retention notes a-i;
 - iii. provide the standard four-year management plan notes for reforestation areas;
 - iv. remove the regeneration and fcc-in-lieu notes; and
 - v. add the standard split-rail fence detail.
 - (j) After all revisions have been made, the qualified professional who prepared the plan shall sign and date it and update the revision box with a summary of the revision.
- (3) 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 County Code effective on September 1, 2010.

Tree conservation applications are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees, Section 25-122(b)(1)(G). 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).

If after careful consideration has been given to the preservation of the specimen trees there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the Woodland and Wildlife Habitat

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Conservation Ordinance (WCO)) provided all of the required findings in Section 25-119(d) can be met. 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.

A Subtitle 25 Variance Application, a statement of justification in support of a variance, and a tree removal plan, were stamped as received by the Planning Board on December 5, 2012.

The TCP2 shows the proposed removal of the two identified specimen trees on-site.

Section 25-119(d) of the WCO contains six required findings **[text in bold]** must be made by the Planning Board before a variance can be granted. The letter of justification submitted seeks to address the required findings for the two specimen trees as a group. The Planning Board agrees with the approach to the analysis because they are clustered together on the site and have similar concerns regarding their location, species, and condition.

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

The property is an irregular shape and is bounded by three roads. The trees are located on Parcels 153 and 154 located on the corner of Virginia Manor Road and Muirkirk Road. The site plan shows considerable grading necessary to balance the site to provide a level developable area. The portion of the property on which the specimen trees are located is a new addition to the previously approved tree conservation plan. These parcels were part of previous development application approvals, but were previously exempt from the requirements of the WCO. The trees have been identified as Silver Maples in fair to poor condition.

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

If other properties encounter trees in similar locations, in similar fair to poor condition, 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.

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If other properties encounter trees in similar locations, in similar fair to poor condition, the same considerations would be provided during the review of the required variance application.

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

The existing conditions or circumstances are not the result of actions by the applicant because the applicant has taken no action on this portion of the subject property to date.

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

The request to remove the trees does not arise from any condition on a neighboring property.

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

All proposed land development activities will require sediment control and stormwater management measures to be reviewed and approved by the county.

The project proposes to meet water quality and quantity requirements in accordance with approved Stormwater Management Concept Plan 8010340-1994-00 through the use of an existing stormwater management pond for the entire campus. The site design for the current application proposes the use of a stormdrain system with connections to the existing stormdrain system.

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

The required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Trees 1 and 2.

- (4) This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under the following section of the Zoning Ordinance: Section 27-528(a)(5) for the SDP. The on-site regulated

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environmental features include streams and their associated 75-foot-wide buffers, wetlands and their associated 25-foot-wide buffers, and the 100-year floodplain.

The Zoning Ordinance requires that: "A letter of justification stating how the proposed design ensures the preservation and/or restoration of the regulated environmental features to the fullest extent possible." No letter of justification was submitted because no impacts to regulated environmental features have been proposed.

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. No impacts have been proposed.

- (5) An existing stormwater management pond for the entire campus was built under the original Stormwater Management Concept Plan (948010340) approved by the Department of Environmental Resources (DER). An updated concept was submitted with the current application (8010340-1994-00), approved November 13, 2012, which shows a stormdrain system connecting to existing stormdrain infrastructure along Muirkirk Meadows Drive as well as an outfall into the floodplain and wetland area. The site plan shows the same stormdrain layout as the approved concept plan; however, the TCP2 shows a slightly different stormdrain layout with only connections to existing stormdrain and no outfalls into regulated environmental features. No statement of justification for impacts to regulated environmental features was provided with the subject application and, based on discussions with the applicant, the Planning Board understands that no impacts are proposed with the current approval.

The site plan shall by condition of this approval be revised to show the same stormdrain/stormwater management design as that shown on the TCP2. The technical stormwater approval must be submitted prior to certification of the specific design plan to demonstrate that the final design will not impact regulated environmental features.

Condition of this Approval: Prior to certification of the specific design plan, the approved technical stormwater management plan shall be submitted.

Condition of this Approval: Prior to certification of the specific design and detailed site plans, the plans shall be revised to show the stormdrain and stormwater management layout as shown on the TCP2. No limits of disturbance shall be shown to impact regulated environmental features.

The Planning Board herein approves SDP-9024/4 and TCP2-119-97-02 subject to the following findings and above-specified conditions:

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- (1) The required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Trees 1 and 2.
 - (2) 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. No impacts have been proposed.
- j. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department offered comment on needed accessibility, private road design, and the location and performance of fire hydrants.
- k. **Department of Public Works and Transportation (DPW&T)**—DPW&T offered the following:
- Right-of-way dedication and frontage improvements along Virginia Manor Road, Muirkirk Road and Muirkirk Meadows Road would be required as they determined;
 - Improvements in the public right-of-way would have to be designed in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act.
 - Sidewalks would be required along Virginia Manor Road and other roadways within the property limits.
 - Storm drainage systems and facilities have to be designed in accordance with DPW&T's Specifications and Standards and requirements.
 - The three existing entrances on Muirkirk Meadows Drive would be closed and two new entrances provided.
 - The project would have to conform with DPW&T street tree and lighting specifications.
 - Utilities will have to be relocated or adjusted if requested by the various utility companies.
 - A soils investigation report that includes subsurface exploration and a geotechnical engineering evaluation for public streets is required.
-

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- The intersection of Muirkirk and Muirkirk Meadows Road must be provided with an exclusive right turn lane from westbound Muirkirk Road onto Muirkirk Meadows Road.
- A traffic impact study must be conducted by the applicant and reviewed by DPW&T to determine the adequacy of access point(s) and the need for acceleration/deceleration and turning lanes, traffic signals, etc.

With respect to stormwater management, DPW&T stated that the proposed plan is consistent with approved Stormwater Management Concept Plan 8010340-1944-00, approved on November 13, 2012.

- l. **Washington Suburban Sanitary Commission(WSSC)**—At the time of this writing, staff has not received comment from the WSSC regarding the subject project.
 - m. **Maryland State Highway Administration (SHA)**—SHA stated that they had no comment on the plan review or revision of the previously approved plan as access to it is via a county road and coordination should more appropriately be through DPW&T.
 - n. **The City of Laurel**—A representative of the City of Laurel verbally indicated to staff on November 29, 2012 that they would not be commenting on the subject project.
15. **Required Findings for Planning Board Approval of a Specific Design Plan:** Each relevant required finding for the approval of a specific design plan as expressed in Section 27-528 of the Zoning Ordinance is listed in **boldface** text below, followed by staff comment:

(a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**

(1) **The plan conforms to the approved Comprehensive Design Plan.**

As detailed in Finding 7 of this technical staff report, the subject project conforms to the approved comprehensive design plan, defined to include its first revision Comprehensive Design Plan CDP-8501/01.

The plan conforms to the applicable standards of the Landscape Manual.

As detailed in Finding 13 of this technical staff report, subject to the proposed conditions contained in the Recommendation section of this technical staff report, the subject plan conforms to the applicable standards of the Landscape Manual.

(2) **The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.**

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In a memorandum dated October 17, 2012, the Special Projects Section of the Countywide Planning Division reviewed the availability of police facilities, fire and rescue service, school facilities, and water and sewerage planning, and concluded that in these respects, the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Prince George's County Capital Improvement Program or provided as part of private development. In a memorandum dated November 30, 2012, the Transportation Planning Section found that the proposed development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or with transportation facilities to be provided as part of the subject development, provided approval of the project is made subject to certain transportation-related conditions. As those conditions have been included in the Recommendation section of this technical staff report, this finding may be made for the subject project.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.**

In a memorandum dated December 3, 2012, the DPW&T stated that the proposed plan is consistent with approved Stormwater Management Concept Plan 8010340-1994-00, dated November 13, 2012. Therefore, it may be said that adequate provision for draining surface water has been made so that there are no adverse effects on either the subject property or adjacent properties.

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

In a memorandum dated December 5, 2012, the Environmental Planning Section recommended approval of Type 2 Tree Conservation Plan TCP2-119-97/02, provided the subject approval is made subject to certain environmentally-related conditions. As those conditions have been included in the Recommendation section of this technical staff report, it may be said that the subject project conforms to the requirements of an approved Type 2 tree conservation plan.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible.**

In a memorandum dated December 5, 2012, the Environmental Planning Section stated that the plan demonstrates that the regulated features are preserved and/or restored to the fullest extent possible. Therefore, it may be said that this finding may be made for the subject project.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and

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Planning Commission adopted the findings contained herein and APPROVES the Specific Design Plan for the above-described land, subject to the following conditions:

1. Prior to signature approval of the plans, the applicant shall make the following revisions and provide the indicated additional documentation:
 - a. Show the correct boundaries, bearings, and distances for all of the existing lots and parcels.
 - b. Add a note of the acreage and ownership information for each of the existing parcels and lots.
 - c. Revise the title of the exhibit if correct to the following:

“Konterra Business Campus at Muirkirk: Selected land taken by SHA as Part of ICC Project.”
 - d. Procure a statement from the Department of Public Works and Transportation (DPW&T) that the subject detailed site/specific design plans accurately reflect the requirements of Stormwater Management Concept Plan 8010340-1994-00, approved November 13, 2012.
 - e. The specific design plan shall show six U-shaped bicycle racks near the main entrance of the building. Details of the bicycle racks shall be provided. The racks shall be anchored into a concrete base. Bicycle parking area signs (MUTCD D4-3) shall be erected at the parking locations (see MUTCD Part 9, Traffic Control for Bicycle Facilities, Section 9B.23.).
 - f. A five-foot-wide sidewalk shall be indicated on the specific design plan along the entire subject property frontage of Virginia Manor Road, unless and/or as modified by the Department of Public Works and Transportation (DPW&T).
 - g. The applicant shall revise the landscape plan to include a Section 4.7 schedule from the 2010 *Prince George's Landscape Manual* indicating conformance to its requirements.
 - h. The applicant shall place the following note on the project plans:

“All structures shall be fully equipped with automatic fire extinguishing systems in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws to alleviate the negative impact. This location is beyond adequate response time for fire and rescue service unless fire station is relocated to a closer site.”

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- i. The general notes for the plans shall be revised to include the required development regulations of the E-I-A-zoned portions of the property and to demonstrate how the proposal complies with these regulations.
- j. The centerline and ultimate right-of-way width shall be provided on the site plan.
- k. The proposed surface of the parking lot and the method of marking the parking spaces shall be provided on the site plan.
- l. The two van-accessible handicapped spaces shall be identified on the parking schedule.
- m. The setback of the proposed freestanding sign shall be indicated on the site plan.
- n. The Type 2 tree conservation plan (TCP2) shall be revised as follows:
 - (1) Revise the worksheet as follows:
 - (a) to account for the entire 13.24 acres of site area currently shown on the plan;
 - (b) to account for the split zoning of the site; and
 - (c) to be in general conformance with the Environmental Planning Section worksheet attachment.
 - (2) The following note shall be placed on the plan below the worksheet:

“The original TCP approval and the -01 revision showed an area of 1.02 acres of reforestation on Lot 3C. This area was proposed to meet a portion of the woodland conservation requirement for the overall Konterra Business Campus and has been incorporated into the woodland conservation requirement for the -02 revision to the TCP. The worksheet shows a negative area of ‘woodland retained not part of requirements’ because the original area of existing woodland was carried forward and because regeneration has occurred that has been counted as ‘preservation’ on the plan.”
 - (3) Revise the specimen tree table to include a column for the proposed disposition of the trees (to remain or to be removed).
 - (4) Add the standard property owner’s awareness certification to the cover sheet. This certification shall be signed by the property owner.

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- (5) Revise the tree protection shown along the edge of the proposed reforestation area to be permanent split-rail fence.
 - (6) The legend shall be revised to reflect the use of split-rail fence.
 - (7) The standard split-rail fence detail shall be added to the plan.
 - (8) Revise the proposed reforestation area as necessary to ensure that all areas not adjacent to the floodplain meet the minimum dimensional requirement of 50 feet in width. The worksheet and reforestation planting chart shall be updated accordingly.
 - (9) The detail sheet shall be revised as follows:
 - (a) provide the standard TCP2 general notes 1-9, filled-in with all required information;
 - (b) provide the standard preservation and retention notes a-i;
 - (c) provide the standard four-year management plan notes for reforestation areas;
 - (d) remove the regeneration and fee-in-lieu notes; and
 - (e) add the standard split-rail fence detail.
 - (10) After all revisions have been made, the qualified professional who prepared the plan shall sign and date it and update the revision box with a summary of the revision.
 - o. The approved technical stormwater management plan shall be submitted.
 - p. The plan shall be revised to show the stormdrain and stormwater management layout as shown on the TCP2. No limits of disturbance shall be shown to impact regulated environmental features.
2. Prior to approval of building permits for the subject project:
- a. The applicant and the applicant's heirs, successors, and/or assignees shall record a final plat (Section 24-108 of the Subdivision Regulations) for the consolidation of Lot 3, Part of Lots 153 and 154, and Part of Parcel B, into Lot 5 as shown on the approved specific design plan.

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- b. The site plan and record plat shall match including bearings and distances, or building permits shall be placed on hold until the plans are corrected.
3. Prior to issuance of building permits on any lot within the Konterra Business Campus which would exceed 748,950 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the State Highway Administration (SHA) access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the Department of Public Works and Transportation (DPW&T):
 - a. Baltimore Avenue (US 1) and Muirkirk Meadows Road intersection—Provide an exclusive left-turn lane from northbound US 1 onto Muirkirk Meadows Road.
4. Prior to issuance of building permits on any lot within the Konterra Business Campus which would exceed 1,148,950 square feet on the entire property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the State Highway Administration (SHA) access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the Department of Public Works and Transportation (DPW&T):
 - a. Muirkirk Road and Muirkirk Meadows Road intersection—Provide an exclusive right-turn lane from westbound Muirkirk Road onto Muirkirk Meadows Road.
 - b. Baltimore Avenue (US 1) and Contee Road intersection—Provide an exclusive left-turn lane from eastbound Contee Road onto US 1.
 - c. Signalization—Submit an acceptable traffic signal warrant study to the State Highway Administration (SHA) and/or the Department of Public Works and Transportation (DPW&T) for the intersection of Ammendale Road and Virginia Manor Road. If deemed warranted by SHA and/or DPW&T (depending upon the location), the applicant shall bond the signal with the appropriate agency prior to the release of the building permit, and install the signal if directed prior to the release of the bonding for the signal.
5. Development within Phases III and IV of the Konterra Business Campus, or development which would exceed 641,000 square feet on the entire property, shall conform to Condition 2 of PGCPB Resolution No. 94-88, which approved Comprehensive Design Plan CDP-8510/01.
6. Prior to connection of the north site access road (Muirkirk Meadows Road Extended) to Baltimore Avenue (US 1), the applicant and the applicant's heirs, successors, and/or assignees shall submit an acceptable traffic signal warrant study for US 1 and the site access road to the State Highway Administration (SHA) and/or the Department of Public Works and Transportation (DPW&T). If deemed warranted by SHA and/or DPW&T, the applicant shall bond the signal with the appropriate agency prior to connection of the roadway, and install the signal if directed prior to the release of the bonding for the signal.

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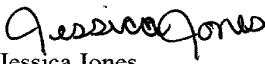
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *


This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, December 20, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of January 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj


APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 1/8/13