

R E S O L U T I O N

WHEREAS, Consortium Three-Aerospace, LLC is the owner of a 7.0429-acre parcel of land known as Parcel 54, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned Light Industrial (I-1); and

WHEREAS, on April 20, 2009, Consortium Three-Aerospace, LLC filed an application for approval of a Preliminary Subdivision Plan for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-08050 for Consortium Three-Aerospace was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 24, 2009, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on September 24, 2009, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-08050, Consortium Three-Aerospace, LLC, including a Variation from Section 24-121(a)(3) for 2 parcels with the following conditions:

1. Prior to final plat approval, a revision to Detailed Site Plan DSP-84014/02 shall be approved to reflect the proposed parcel lines, correct the acreage of the site, and demonstrate conformance with all applicable requirements of the Zoning Ordinance, Landscape Manual, and previous approvals.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 34423-2008-00 and any subsequent revisions.
3. At the time of final plat approval, cross-lot access easements shall be reflected on the plat or otherwise recorded for both parcels. Access for either parcel to Forbes Boulevard shall not be restricted.
4. Total development within the subject property shall be limited to the existing development within the overall site or equivalent development (should either or both buildings be removed in the future), which generates no more than 343 AM peak hour and 406 PM peak-hour vehicle trips. Any development generating a traffic impact greater than that identified herein-above shall require

a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

5. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement along the public right-of-way (ROW) as delineated on the approved preliminary plan of subdivision.
6. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of building permits for residential uses.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	APPROVED
	I-1 Office building and bank 161,150 square feet (To Remain)	I-1 Office building and bank (no new building development proposed)
Acreage	7.04	5.00 and 2.04
Lots	0	0
Outlots	0	0
Parcels	1	2
Public Safety Mitigation Fee	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision Review Committee (SRC) meeting on May 15, 2009. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations was accepted on April 20, 2009, as discussed further in the Transportation section of this report, and was also heard on May 15, 2009 at the SRC meeting as required by Section 24-113(b).

3. **Environmental**—An approved Natural Resources Inventory, NRI/035/08, was submitted with the application. The NRI indicates that there are no streams, wetlands, 100-year floodplain, or woodlands on the subject property. The preliminary plan is in conformance with the NRI. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened, or endangered species do not occur on this property or on adjacent properties.

The property is exempt from the Woodland Conservation and Tree Preservation Ordinance because it contains less than 10,000 square feet of woodlands and a copy of the standard letter of exemption was submitted with the subject application. According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Beltsville, Elkton, and Iuka series. Marlboro clay does not occur in this area. An approved stormwater management concept plan and approval letter was submitted with the preliminary plan.

The subject property is not located within the designated network of the *Approved Countywide Green Infrastructure Plan*. No designated scenic or historic roads will be affected by the subdivision. The site has frontage along Greenbelt Road (MD 193), a master planned arterial roadway that is regulated for noise; however, due to the proposed commercial use, noise is not an issue. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the *Prince George's County Approved General Plan*.

4. **Community Planning**—The 2002 General Plan designates the subject site within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The subdivision of this parcel into two commercial lots for the existing bank and office use is not inconsistent with the development pattern goals and policies of the General Plan.

The subdivision conforms to the land use recommendations of the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)* for suburban development.

5. **Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed lot on the subject subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
6. **Trails**—The trails planner has evaluated the preliminary plan of subdivision and had no comments to offer because there was no development proposed and there are existing sidewalk facilities.
7. **Transportation**—The subject property consists of approximately 7.04 acres of land in the I-1 Zone. The property is located in the northwest corner of Greenbelt Road (MD 193) and Forbes Boulevard. The applicant proposes a commercial subdivision of a developed tax parcel to create two subdivided parcels. No additional development is proposed under this subdivision.

The site is adjacent to MD 193, which is a master plan arterial facility, and Forbes Boulevard, which is undesignated on the master plan, but is built as an industrial/commercial facility within a 70-foot right-of-way. All required dedication has occurred with past plans and no further dedication is required of the subject plan.

Analysis of Traffic Impacts

The application is a preliminary plan of subdivision for a commercial subdivision consisting of two parcels within an existing tax parcel. Development consists of a 151,200-square-foot office building and a 9,950-square-foot credit union building. Both buildings were legally developed under the regulations in place in prior years, and both were developed pursuant to Detailed Site Plan DSP-84014 and revisions to that plan. No additional development is proposed under this plan.

Using trip generation rates in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” and the *Trip Generation Manual* (Institute of Transportation Engineers), it is determined that the existing development generates 343 AM (295 inbound and 48 outbound) and 406 PM (116 inbound and 290 outbound) weekday peak-hour vehicle trips. No additional development is proposed under this plan; the proposed additional development would generate 0 AM and 0 PM peak-hour trips. The traffic generated by the site impacts the following intersections, interchanges, and links in the transportation system:

MD 193 and Forbes Boulevard (signalized)

The subject property is located in the Developing Tier, as defined in the 2002 *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier, subject to meeting the geographical criteria in the guidelines.

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

Nonetheless, there is no proposed development under this plan, and because of that fact, the proposed resubdivision will generate no new net trips as a result. There will be no resulting impact on traffic operations at the MD 193/Forbes Boulevard intersection as a result of the resubdivision. The level of development which exists on the site has already been calculated into existing traffic conditions reviewed as part of other cases in the area.

Although adequacy has been determined for the existing uses described, the plan is approved with a trip cap consistent with the existing development quantity and type that has been assumed in the adequacy finding.

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

Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway. The applicant has submitted a variation request and seeks to keep two existing access points on Greenbelt Road, a designated arterial roadway, one for proposed Parcel 1 and one for proposed Parcel 2.

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

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

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121(a)(3) of the Subdivision Regulations could result in practical difficulties to the applicant not being able to operate the businesses currently on the two properties.

Planning Board approval of these variations requires that four separate findings outlined in Section 24-113 be made for each variation:

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

Both access points have existed for many years with little or no safety concern. Furthermore, the Maryland State Highway Administration (SHA) has indicated no concern with continuing the access points, and given that SHA is charged with ensuring safe access to State highways, it is determined that this finding is met for both access points.

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

The uniqueness argument made by the applicant is that both access points are existing and were legally established through prior detailed site plan approvals. The establishment

through the approvals of Detailed Site Plan DSP-84014 occurred in 1984 and its revision in 2006 Detailed Site Plan DSP-84014/02; at both times, MD 193 was an arterial. This is a situation that is somewhat uncommon in the County, and it is determined that the finding is met for both access points. A secondary argument, that the two driveways must be allowed to meet the requirements of the Zoning Ordinance for the two lots being created through the subdivision, is to some degree a circular argument.

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

Both access points are legally permitted by SHA, and both are shown on legally approved site plans that were approved pursuant to other subdivision and zoning actions. Given this evidence, the granting of this variation does not constitute a violation of any other applicable law, ordinance, or regulation. The finding is met for both access points.

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

This finding requires evidence that a particular hardship, as distinguished from a mere inconvenience, would result for the owner if the variation were not granted. This burden is probably easier to meet on a site that is built out. It is apparent that the owner of the property would incur costs of closing the access points. Furthermore, some internal reconfiguration of the site would have to occur if access were to be redirected away from MD 193. This site was actually “planned” with access and internal circulation as it is, and it is truly not practical to resite buildings and uses. Therefore, it is determined that the finding is met for both access points.

Cross-lot access easements shall be recorded. Neither lot shall be allowed to restrict access of the other lot to its driveway or to Forbes Boulevard.

8. **Schools**—There are no residential dwelling units proposed in the development. There are no anticipated impacts on schools.

The Prince George’s County Board of Education has evaluated the preliminary plan of subdivision and has no comments to offer.

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

The existing engine service at Glenn Dale Fire/EMS Station, Company 18, located at 11900 Glen Dale Boulevard has a service travel time of three minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Glenn Dale Fire/EMS Station, Company 18, located at 11900 Glen Dale Boulevard has a service travel time of three minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Bowie Fire/EMS Station, Company 19, located at 13008 9th Street has a service travel time of 4.6 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings in this subdivision/special exception unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

10. **Police Facilities**—The development is within the service area for Police District II, Bowie. The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department; and the July 1, 2008 (U.S. Census Bureau) county population estimate is 820,852. Using the 141 square feet per 1,000 residents, it calculates to 115,740 square feet of space required for police and is the adequate amount of space under the guideline.
11. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 Water and Sewer Plan placed this property in water and sewer Category 3, Community System.
12. **Health Department**—The Prince George's County Health Department has evaluated the preliminary plan of subdivision and has no comments to offer.
13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 34423-2008, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Cemeteries**—No cemeteries have been identified on the property.

15. **Historic**—A Phase I archeological survey is not recommended on the above-referenced 7.04-acre property located at 10210 Greenbelt Road in Lanham, Maryland. This plan proposes to subdivide the parcel into two commercial lots for a bank and office use. Previous construction on the parcel has likely impacted any archeological deposits. The probability of archeological sites within the subject property is low. However, the applicant should be aware that there are four County historic sites, Van Horn House (70-052-26), St. George’s Chapel and Cemetery (70-052-27), Brookland M.E. Chapel and Cemetery (70-028), and GCFC Magnetic Test Site (64-006) located within a one-mile radius of the subject property. In addition, there are two known archeological sites, one prehistoric and one historic site, within a one-mile radius of the subject property. Overall, the subdivision of this parcel into two commercial lots for a bank and office use will have no effect on identified historic sites, resources, or districts.

However, Section 106 of the National Historic Preservation Act and the Maryland Historical Trust Act of 1985 may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

16. **Previous Approvals**—Parcel 54 was the subject of Zoning Map Amendment A-7025-C, which rezoned the property from the R-R Zone to the I-1 Zone in 1970 and required that the subject property meet the requirements of the I-3 (Planned Industrial/Employment Park) Zone except for building height. At the time of approval of the rezoning, the Zoning Ordinance included a maximum 35 percent building coverage requirement. The subdivision would result in 7.7 percent building coverage for Parcel 1 and 11.2 percent building coverage for Parcel 2.

The current I-3 Zone requires a 25 percent green area for the site. However, this area requirement of the I-3 Zone is not applicable to the subject property because this requirement had not yet been established at the time of approval of Zoning Map Amendment A-7025-C. Therefore, this requirement does not govern the development of this property.

The Planning Board approved Variance No. 2735 for the subject property on April 20, 1970 for reductions to the building setbacks. The variance was given for a 20-foot setback to the north and east boundaries, a 50-foot setback for the west boundary, and a 100-foot setback required along the south boundary. The site is also the subject of Alternative Compliance AC-99012, which provided relief from Section 4.3(c) of the *Prince George’s County Landscape Manual*. The site’s conformance to the Landscape Manual and AC-99012 should be reviewed at the time of detailed site plan.

17. **Use Conversion**—The subject property is zoned I-1. While the subject application is not proposing any residential development, if legislation would permit such a land use, a new preliminary plan should be approved if residential development is to be considered.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Cavitt, with Commissioners Clark, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire temporarily absent at its regular meeting held on Thursday, September 24, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of October 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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