

A M E N D E D R E S O L U T I O N

WHEREAS, South County Construction Company is the owner of a .48-acre parcel of land known as Lot 34, Tax Map 108 in Grid A-4, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on July 19, 2007, South County Construction Company filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07003 for South County Business Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 19, 2007, 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 July 19, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, on July 19, 2007 the Planning Board approved Preliminary Plan of Subdivision 4-07003; and

*WHEREAS, on October 29, 2009 the Planning Board approved a request to reconsider Preliminary Plan of Subdivision 4-07003 based on inadvertence pertaining to the timing of the abandonment of the existing septic system on the property; and

*WHEREAS, that inadvertence established a timing sequence that precluded the orderly transition of the use of the existing building to the use of the proposed building; and

*WHEREAS, on November 19, 2009 the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with all of the original conditions and findings, with the modification of Finding 13 and Condition 5.

*Denotes Amendment

Underlining indicates new language

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/17/07), and further APPROVED Preliminary Plan of Subdivision 4-07003, South County Business Center, for Parcel A with the following conditions:

1. Development shall be in conformance with the approved Stormwater Management Concept Plan 6084-2007-00 and any subsequent revisions.
2. The applicant, heirs, successors or assignees shall provide a standard sidewalk along the subject site's entire frontage of Delano Road, unless modified by DPW&T.
3. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/017/07), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”
4. Total development of the subject property shall be limited to uses that would generate no more than 17 AM and 16 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
5. A raze permit is required prior to the removal of the house on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structure on site must be removed and properly stored or discarded prior to the structure being razed. A note needs to be affixed to the preliminary plan that requires that the structure be razed and the septic system properly abandoned *[before the approval of the final plat] prior to the razing of the structure.
6. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
7. All construction materials stored on the property must be properly stored or removed when the construction business vacates the site.

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8. An environmental assessment is required prior to approval of an amended detailed site plan.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property consists of 0.48 acre of land in the I-1 Zone. The property is located on Tax Map 108, Grid A-4, and is known as Lot 34.
3. The site is located on the south side of Delano Road, approximately 200 feet east of its intersection with Alexandria Ferry Road.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	I-1 Residential / Industrial	I-1 Industrial / Commercial
Acreage	0.48	0.48
Lots	1	0
Outparcel	0	0
Parcels	0	1
Public Safety Mitigation Fee		No

5. **Environmental**—A review of the information available indicates that there are no streams, wetlands, or floodplain on the subject property. The site eventually drains into Tinkers Creek in the Potomac River watershed. According to the Prince George's County Soil Survey, the soils are in the Beltsville series. There are no rare, threatened, or endangered species located on this property or on adjacent properties based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. There are no nearby sources of traffic-generated noise. The subject property is located between the 70 and 75 dBA noise contours established by the Andrews Air Force Base Aircraft Installation Compatibility Use Zone (AICUZ) study. No historic or scenic roads are affected by this proposal. The site is in the Developing Tier according to the adopted General Plan.

Conformance with the Subregion V Master Plan

The master plan shows that the subject property is within the AICUZ. Implementation of the Subdivision Regulations will result in conformance with the requirements of the master plan concerning development in AICUZ areas.

Conformance with the Countywide Green Infrastructure Plan

The *Countywide Green Infrastructure Plan* indicates that none of the property is in or near any portion of the designated network.

Environmental Review

A signed natural resources inventory (NRI), NRI/171/06, containing the subject property and abutting Lot 142 was submitted with the application. There are no streams, wetlands, or 100-year floodplain on the property. There are no priority preservation areas, as defined in the "Prince George's County Woodland Conservation and Tree Preservation Policy Document" on the site. The property is subject to the Woodland Conservation Ordinance because it has a previously approved tree conservation plan, TCPII/112/04.

A Type I tree conservation plan, TCPI/017/07, containing the subject property and abutting Lot 142, has been reviewed and was determined to be consistent with TCPII/112/04. The plan accounts for the clearing previously completed on Lot 142. TCPI/017/07 proposes clearing of the entire site. The woodland conservation requirement has been correctly calculated as 0.65 acre. The plan proposes to meet the requirement by providing a fee-in-lieu for 0.65 acre. A note detailing the restrictions of the tree conservation plan should be placed on the final plat of subdivision.

This property, which is located just south of Andrews Air Force Base, is within the 70 to 75 dBA noise contour associated with the flight path of aircraft. Based on the proposed use of the property, as a contractor's office and outside storage yard, this noise impact will not be required to be attenuated.

According to the Prince George's County Soil Survey, the soils on the site are in the Beltsville series. Beltsville soils have a K factor of 0.43 and are considered highly erodible; however, the site is essentially flat and no special erosion/sediment controls measures will be required. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by Prince George's County during the permit process review.

A stormwater management concept plan, CSD 6084-2007-00, has been approved by the Prince George's County Department of Public Works and Transportation. This approval amends CSD 40230-2205-00, which had been approved by the Prince George's County Department of Environmental Resources.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps

obtained from the Department of Environmental Resources dated June 2003. The property will, therefore, be served by public systems.

6. **Community Planning**—The application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This site is located on the east side of Old Alexandria Ferry Road, south of Delano Road, roughly one-and-a-half miles from the end of the runway under the flight path for aircraft at Andrews Air Force Base. The 1993 Subregion V SMA retained the property in the I-1 Zone.

This property was originally developed as a small-lot, single-family detached, residential subdivision south of Andrews Air Force Base. As the frequency of operations and size of aircraft at Andrews AFB increased, so did the impact on residential subdivisions under the flight path near the base, especially with respect to aircraft noise. The US Air Force has published noise impact and accident potential studies for this area, known as the Air Installation Compatible Use Zone (AICUZ) study (last updated in 1998).

The AICUZ study referenced in the master plan text has been updated to reflect changing operations at Andrews Air Force Base. The current AICUZ study is dated 1998 and identifies the subject property as in Accident Potential Zone One (APZ I) and in the 75-80 Ldn noise contour (somewhat worse than in 1989). Low-intensity industrial uses, including appropriate interior noise reduction techniques, are appropriate for this location. Guidelines for development in areas impacted by high noise levels are contained in the environmental envelope chapter of the master plan on page 140.

Studies such as AICUZ recommended against locating housing in such severely impacted areas. In accordance with the guidelines set forth for Employment Area B on page 74 of the 1993 master plan, the sectional map amendment (SMA) placed this property in the I-1 Zone for low, land extensive industrial land use. Recognizing that the transition from a developed residential area to an industrial area would take time to complete, a zoning condition (A-9741C) was approved that requires detailed site plan review for new businesses with particular attention to buffering and screening for remaining residential uses, as well as acoustical buffering for new business uses.

This land use referenced by this application, commercial office building, is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This land use referenced by this application conforms to the Employment area land use recommendations of the 1993 Subregion V Master Plan.

7. **Parks**—According to Section 24-134(a) of the Prince George's County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because the proposed use is nonresidential.
8. **Trails**—There are no master plan trails issues identified in the approved Subregion V Master Plan that impact the subject site. Where frontage improvements have been made along Old Alexandria

Ferry Road; standard sidewalks have been provided. There is an existing sidewalk immediately to the east of the subject site. If road frontage improvements are required, staff recommends the continuation of the standard sidewalk across the frontage of the subject property.

9. **Transportation**—Although initially it appeared that a traffic study was required, the site proposal was further evaluated after the Subdivision Review Committee meeting. Due to the limited trip generation of the site, transportation staff determined that a traffic study detailing weekday analyses was not needed; however, traffic counts were requested and provided by the applicant. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. 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 Ordinance, 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.

Analysis of Traffic Impacts

The intersection of Old Alexandria Ferry Road and Delano Road is determined to be the critical intersection for the subject property. This intersection is the nearest intersection to the site, and would serve all of the site-generated traffic. The critical intersection is unsignalized.

Transportation staff has available counts taken by the applicant in 2007. These counts indicate that the critical intersection operates with a maximum delay in any movement of 19.5 seconds during the AM peak hour. During the PM peak hour, the intersection operates with a maximum delay of 27.4 seconds.

There are no funded capital projects at this intersection in either county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical

intersection. There are several approved but unbuilt developments that would affect the intersection. With background growth added, the critical intersection would operate as follows: AM peak hour—21.6 seconds of delay; PM peak hour—31.1 seconds of delay.

With the development of 8,400 square feet of office space, the site would generate 17 AM (15 in and 2 out) and 16 PM (3 in and 13 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 60 percent northwest along Old Alexandria Ferry Road, and 40 percent southeast along Old Alexandria Ferry Road. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—22.6 seconds of delay; PM peak hour—32.3 seconds of delay. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections; it is determined that this intersection operates acceptably as an unsignalized intersection under existing, background, and total traffic. Although adequacy has been determined, the plan should be approved with a trip cap consistent with the development quantity that has been assumed.

The site is not within or adjacent to any master plan transportation facilities. The site plan has already been reviewed by transportation staff, and site access and circulation are acceptable.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

10. **Fire and Rescue Services**—The Historic Preservation and Public Facilities Planning Section has reviewed this commercial subdivision plan application for a proposed office and warehouse on 0.48 acre in the I-1 Zone 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 Ordinance

The existing engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 3.78 minutes, which is beyond the 3.25-minute travel time guideline. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 3.78 minutes, which is within the 7.25-minute travel time guideline. The existing ladder truck service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 14.59 minutes, which is beyond the 4.25-minute travel time guideline.

However, if a ladder truck were assigned to Clinton, Company 25, located at 9025 Woodyard Road, which is 3.78 minutes from the development, then the project would be within the recommended travel time for ladder truck service. (An operational decision to locate this service at that facility would need to be made by the county fire department).

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 proposed in this preliminary plan unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The above findings are in conformance with the *Approved Public Safety Master Plan* [1990] and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police**—The proposed development is within the service area for Police District V Clinton. The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police facilities and they are:

Station space per capita: 141 square feet per 1,000 county residents

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the standard of 141 square feet per 1,000 residents, 116,398 square feet of space for police facilities are needed. The current amount of space available, 267,660 square feet, is above the guideline.

12. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the above subdivision is exempt from a schools review because it is a commercial use.
13. **Health Department**—The Health Department reviewed the subject application and determined that all construction materials currently found stored on the property must be removed and properly stored or disposed of once the construction business vacates the site. A raze permit is required prior to the removal of any existing structures and any hazardous materials located in any of the structures must be properly removed, stored or discarded prior to the structures being razed. Due to the type of operations on site and the potential contamination to surface soils and groundwater, an environmental assessment will be required prior to detailed site plan approval or, if detailed site plans are not required, prior to approval of building or grading permits.

*The Health Department determined that as long as the septic system is properly abandoned prior to the razing of the structure, they have no concern whether these steps occur prior to or after the approval of a final plat of subdivision. The applicant expressed the need to stay in their existing structure until such time as their new structure is constructed and ready for occupation. Given the applicant's need and the position of the Health Department, the Planning Board sees no impediment to allowing the final plat to move forward so the applicant can construct their new building and then proceed on to the abandonment of the septic system and the razing of the existing structure.

14. **Stormwater Management**—Stormwater Management Concept Plan 1837-2005-01 was approved with conditions. Development of the site must be in accordance with this approved plan.
15. **Public Utilities Easement**—The applicant has shown the ten-foot public utilities easement on the preliminary plan as requested.
16. **Archeology**—Phase I archeological survey is not recommended on the above-referenced 0.48-acre property located at 7725 Delano Road in Clinton, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Aerial photographs indicate that the building currently on the property was placed there between 1938 and 1965. Surrounding parking lots were added in the 1990s. The entire subject property has been extensively impacted by this recent construction and it is unlikely that any undisturbed archeological sites will be identified.
17. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.

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.

*Denotes Amendment

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

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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, Squire and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, July 19, 2007, in Upper Marlboro, Maryland.]~~

~~*[Adopted by the Prince George's County Planning Board this 13th day of September 2007.]~~

*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 @, seconded by Commissioner @, with Commissioners @ voting in favor of the motion at its regular meeting held on Thursday, November 19, 2009, in Upper Marlboro, Maryland.

*Adopted by the Prince George's County Planning Board this 19th day of November 2009.

Patricia Colihan Barney
Acting Executive Director

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:AH:arj

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