

R E S O L U T I O N

WHEREAS, Shin and Shin Property Partnership is the owner of a .25-acre parcel of land known as Lot 18 in Cottage Square, said property being in the 16th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on November 30, 2000, Shin Nd Shin Property Partnership filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00068, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 1, 2001, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on March 1, 2001, 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 Plat of Subdivision 4-00068, Cottage Square for Lots 24 and 25 with the following conditions:

1. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, Concept # 988007960, or any of its revisions.
2. Prior to the issuance of any permits, the applicant shall obtain a Letter of Exemption from the Woodland Conservation Ordinance from the Environmental Planning Section. A copy of the Letter of Exemption shall be submitted at time of permit application.
3. Prior to final plat approval, the applicant, his heirs, successors and/or assigns shall provide evidence that the controlling jurisdiction has determined that there is no need for additional right-of-way along 44th Avenue and Crittenden Street.
4. Prior to final plat approval, the applicant shall provide documentation, to the satisfaction of the Prince George's County Health Department, that the site has been cleaned, including the removal of oil soaked soils.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located between 44th and Rhode Island Avenues, and approximately 150 feet west of Baltimore Avenue in the City of Hyattsville.
3. Environmental Issues - The property is located within the Anacostia River drainage basin and has existing water and sewer service. According to the Preliminary Plan, the property is improved with two one-story buildings and macadam pavement. The site is exempt from the full provisions of the Woodland Conservation and Tree Preservation Ordinance because it is less than 40,000 square feet. Therefore, a Tree Conservation Plan is not required. A Letter of Exemption is required prior to the issuance of any permits on the site.

The property is in Water and Sewer Category 3 and is served by public systems. There are no other environmental issues at this time.

4. Community Planning - Recognizing the long-standing use of the property, the 1994 *Planning Area 68 Master Plan* recommends General Industrial land use for this property. The 1994 Sectional Map Amendment retained the I-1 Zone. During the master plan preparation the Melrose Industrial area (located east of Rhode Island Avenue and west of Baltimore Avenue and part of the area generally known as East Hyattsville) containing the subject resubdivision was considered for rezoning to the U-L-I Zone. However, the plan also suggested that the area east of the railroad tracks across from the Hyattsville Justice Center be studied for potential inclusion in the Hyattsville Town Center. Consequently the U-L-I Zone was not applied. The underlying issue of both these considerations involve the desire to enhance the image of the community along gateway roads. The subject resubdivision of this property does not have an impact on the master plan recommendations.
5. Parks and Recreation - The proposed subdivision is exempt from mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations because it proposes no residential uses and it is zoned industrially.
6. Trails - There are no master plan trails associated with this application.
7. Transportation - The application is a proposal to resubdivide one existing industrial lot into two lots. The lot to be resubdivided is part of an existing subdivision, and is recorded. The single lot is improved with two structures, each of which would be placed on its own lot under the resubdivision.

Table 1 in Section 27-474 of the Zoning Ordinance, which defines setbacks for industrial zones, indicates that the standard right-of-way in front of an industrially-zoned property is 70 feet, or 35 feet from center line. The minimum standard right-of-way, regardless of

zoning, is 50 feet, or 25 feet from center line. None of the adjacent streets meets either the industrial or the minimum standard. This zoning regulation exists primarily for determining required setbacks, but the transportation staff can ask for additional right-of-way if deemed necessary by the operating agency. If the Department of Public Works and Transportation (DPW&T) or the City of Hyattsville does not determine a need for additional right-of-way, no further dedication along 44th Avenue or Crittenden Street will be needed. Staff realizes that any expansion of these rights-of-way would affect existing structures, and therefore would support maintaining the existing rights-of-way if DPW&T or the City of Hyattsville agree.

The proposed preliminary plat has no impact on Master Plan rights-of-way. There are railroad tracks between the subject property and the state-maintained right-of-way for US 1 (Rhode Island Avenue).

The subdivision would generate no net trips as a result of the resubdivision. There would be no resulting impact on traffic operations at the US 1Alt/Crittenden Street intersection, which is the development's critical intersection, as a result of the resubdivision.

The Transportation Planning Division concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved. At this time, staff would support maintaining the existing rights-of-way as the existing buildings are old and have existed for some time. If the buildings are razed to make way for new construction, new buildings will be required to respect a right-of-way of 35 feet from the centerline of these roads.

8. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public school facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised July 2000) (CR-4-1998) concluded that the proposed subdivision is exempt from APF test for schools because it is a commercial use.
9. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities and concluded that the proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck and paramedic services.
 - a. The existing fire engine service at Bladensburg Fire Station, Company 9, located at 4213 Edmonston Road, has a service response time of 2.14 minutes, which is within the 3.25 minutes response time guideline.
 - b. The existing ambulance service at Bladensburg Fire Station, Company 9, has a service response time of 2.14 minutes, which is within the 4.25 minutes response time guideline.

- c. The existing paramedic service at Brentwood Fire Station, Company 4, located at 3712 Utah Avenue, has a service response time of 2.66 minutes, which is within the 7.25 minutes response time guideline.
- d. The existing ladder truck service at Cottage City Fire Station, Company 2, located at 3840 Bladensburg Road, has a service response time of 2.23 minutes, which is within the 4.25 minutes response time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*.

- 10. Police Facilities - The proposed development is within the service area for District I-Hyattsville. In accordance with Section 24-122.01 (c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County police facilities will be adequate to serve the proposed Cottage Square development.
- 11. Health Department - The Health Department noted that some soil was soaked with oil and the area was in need of a general clean up. This was a concern during the previous application and the area was cleaned; however, a new oil spill was found. The Health Department also noted that it would require the clean up prior to final plat approval.
- 12. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, # 988007960, 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.
- 13. Public Utility Easement - The required 10-foot wide Public Utility Easement is shown correctly on the preliminary plat. This easement will be included on the final plat.

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 adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 1, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of March 2001.

PGCPB No. 01-43
File No. 4-00068
Page 5

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk