

A M E N D E D   R E S O L U T I O N

WHEREAS, Chec Limited Partnership is the owner of a 4.57-acre parcel of land known as Nazcon Concrete, Lots 13, 14, 28 & 29 of Block 47 and Lots 13-16, Block 49 Plat Books A, page 64 and Parcel 93, Tax Map 13, Grid B-4 said property being in the 1st Election District of Prince George's County, Maryland, and being zoned I-2; and

WHEREAS, on May 18, 2001, Chec Limited Partnership filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01044 Nazcon Concrete, 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 26, 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 July 26, 2001, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

\*WHEREAS, on September 28, 2001, Bernard J. Becker, a party of record filed a request for reconsideration of Condition 11; and

\*WHEREAS on October 18, 2001, the Planning Board granted the request on the basis of mistake; and

\*WHEREAS, the Planning Board found that purpose for the condition was to fully and adequately address traffic impacts and the intent of the condition was agreed to by the applicant and neighboring citizens; and

\*WHEREAS, the wording of original Condition 11 did not fully or adequately address these concerns and, therefore, was a mistake; and

\*WHEREAS, the Planning Board heard the merits of the requested revision to original Condition 11 on November 1, 2001, and agreed with proposed changes.

\*Denotes amendment

[Brackets] denote deletion

Underlining denotes addition

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/13/98-01), and further APPROVED Preliminary Plat of Subdivision 4-01044, Nazcon Concrete for Parcel 1 with the following conditions:

1. At the time of final plat approval, the applicant, heirs, successors and/or assigns, shall dedicate right-of-way along Odell Road as shown on the submitted preliminary plan. Improvements within the dedicated right-of-way will be as determined by DPW&T.
2. At the time of final plat approval, the applicant, heirs, successors and/or assigns, shall dedicate an additional 20 feet of right-of-way along Maryland Avenue to provide for a roadway facility having a width of no less than 70 feet. The amount of required dedication may be reduced accordingly if positive evidence is produced indicating that the existing right-of-way along Maryland Avenue is greater than 50 feet. Improvements within the dedicated right-of-way will be as determined by DPW&T.
3. Total development of this site shall be limited to a concrete batching plant and its related facilities approved under SE-4320, or other permitted uses which generate no more than 39 AM and 29 PM peak hour vehicle trips. Any development generating 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.
4. A note shall be added to the final plat that building permits shall be referred to the Health Department. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall submit to the Health Department and operation plan relating to the handling and disposal of waste from the site, procedures proposed to reduce dust and other particulate matter so that it does not become a nuisance to neighboring properties and assurances that the operation will not impact Indian Creek.
5. Prior to issuance of building permits, the applicant, his heirs, successors and/or assigns shall submit all necessary state water and air pollution control permits to the Health Department for review.
6. Prior to grading or building permit approval, the applicant shall submit to the Health Department a detailed plan describing the use of the property and to assess the potential of surface or ground water discharge.
7. The following note shall be placed on the final plat:

\*Denotes amendment

[Brackets] denote deletion

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■An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.●

8. Development of this site shall be in conformance with the approved stormwater concept plan, Concept # 8006960-1997-02, or as revised.
9. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/13/98-01). 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 (TCP I/13/98-01), 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/Tree Preservation Policy.●

10. Prior to the issuance of any permits, a Type II Tree Conservation Plan shall be approved in conformance with the Type I TCP and shall designate the location of the 0.60 of off-site mitigation.
11. [All concrete trucks accessing the site shall use Maryland Avenue to Odell Road.]  
\*All concrete trucks generated by the concrete plant and accessing the site from the south shall do so via Cook Road, to Old Baltimore Pike, to Frederick Avenue, to Maryland Avenue. These concrete trucks shall follow a reverse course of this route when departing the site traveling south. All concrete trucks generated by the concrete plant and accessing the site from the north shall do so via Edmonston Road, to Odell Road. These trucks shall follow a reverse course of this route when departing the site and traveling north. The operator of the site shall prepare and distribute, to any companies involved, an informational brochure describing these routes.

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 property is located on the southeast corner of the intersection of Odell Road and Maryland Avenue on the east side of the CSX railroad tracks in the Beltsville Industrial Park.

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3. Environmental Issues - While the Environmental Planning Section raised several concerns at the Subdivision Review Committee meeting, the revised plans as submitted address all applicable environmental requirements subject to the recommended conditions at the end of the memorandum.

The subject property was originally reviewed in 1998 as a special exception (SE-4320) and subsequently as a Preliminary Plan of Subdivision (4-98078), TCPI/13/98 and TCPII/12/01 respectively. The previous preliminary plan expired.

Based on aerial photographic observation the site is vacant, undeveloped and heavily wooded, especially on the western and eastern portions of the site. The site is characterized with relatively rolling terrain to the east, and drains into unnamed tributaries of the Indian Creek watershed. There are streams, wetlands, Waters of the US, and erodible soils associated with the site. There are no rare/threatened/endangered species located in the vicinity of this property. According to the Sewer Service and Water Service maps produced by DER, the property is in categories W-3 and S-3. The predominant soil types on-site are Bibb, Aura and Sassafras. These soil types generally exhibit slight to severe limitations to development due to slow permeability, steep slopes, high water table, flood hazard and poor drainage. There are noise issues associated with the site. It has been determined that noise generated from the batching plant is not expected to exceed 66 dBA (Ldn) which is below the State acceptable noise level of 75dBA for industrially zoned areas. There are no historic or scenic roads affected by this proposal.

This property is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 feet of woodland. A Forest Stand Delineation was previously reviewed in conjunction with the site, and was recommended for approval as part of the previously approved Type I Tree Conservation Plan (TCPI/13/98).

The applicant submitted a revised Type I Tree Conservation Plan (TCPI/13/98-01). The woodland conservation threshold for the site is 0.60 acres of the Net Tract. Additionally, 0.74 acres is required due to the removal of woodlands, for a total minimum woodland requirement of 1.34 acres. The plan shows the requirement being met with 0.53 acres of on-site preservation, 0.21 acres of reforestation, and 0.60 acres of woodland credit off-site. Staff recommends approval of the TCPI/13/98-01 as revised. The 0.60 acres requirement for off-site mitigation on another property is yet to be satisfied in full. On February 2, 2001 a Declaration of Conservation Easement and Covenants for Woodland Conservation Areas was recorded for 0.4981 acres of woodlands. An additional 0.11 acres of woodland is required in order to satisfy the woodland requirements as proposed. Prior to issuance of any permit a Type II TCP should be submitted that is in conformance with the Type I TCP and designates the location of the 0.60 of off-site mitigation.

The proposed stormwater discharged for the parcel will be directed to the Indian Creek 100-year floodplain and drainage basin. According to the approved Stormwater Concept Plan (978006960), a bioretention facility will be constructed in the 100-year floodplain along the eastern perimeter of the property. No further action is required.

4. Community Planning - The 1990 *Master Plan for Subregion I* recommends heavy industrial land use for this property and the 1990 *Sectional Map Amendment for Subregion I* retained the I-2 Zone. The proposed preliminary plan is consistent with the recommendations of the master plan and implements master plan recommendation.
5. Parks and Recreation - In accordance with Section 24-134(a) of the Subdivision Regulations, the preliminary plan is exempt from the requirements of mandatory park dedication because it is in an industrial zone and no residences are proposed.
6. Trails - There are no master plan trails issues associated with this preliminary plan.
7. Transportation - The transportation staff has determined that intersection of Edmonston Road and Odell Road, an unsignalized intersection, is to be considered the critical intersection for the subject property. At staff's request, the applicant submitted weekday traffic counts taken July 2001 at this location. 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 (Guidelines)*.

#### Summary of Traffic Impacts

The existing operating conditions at the critical intersection, based on recent counts, are summarized using maximum vehicle delay under the Highway Capacity Manual analysis procedure, considering the effect of the nearby signalized intersection of Edmonston Road and Old Baltimore Pike on traffic flow. Currently, the intersection of Edmonston Road and Odell Road operates with a maximum delay of 21.7 seconds during the AM peak hour and a maximum delay of 25.1 seconds during the PM peak hour. The Prince George's County Planning Board, in the *Guidelines*, has defined the upper limit of LOS E (or a maximum vehicle delay of 50.0 seconds) as the lowest acceptable operating condition for unsignalized intersections on the transportation system. As a result, the Edmonston Road/Odell Road intersection currently operates acceptably.

The traffic study included an analysis of approved background developments in the vicinity of the subject property. The transportation staff has utilized the following developments for the purpose of analyzing background conditions:

N. Beltsville Ind. Pk.	42,215 square feet of heavy industrial uses
Marinucci Prop.	236,960 square feet of heavy industrial uses

Longwood

75 townhouses and 301 single family detached units, with 75 townhouses and 175 single family detached units built

The study assumes growth in through traffic to be 1.0 percent per year along Edmonston Road. The growth rate along Edmonston Road is somewhat less than would be expected given historical growth, but has been reduced because of the inclusion of approved development (and its associated traffic) in the area. There are no funded capital improvements in the area. Background traffic conditions (which includes existing traffic, growth in through traffic, and traffic generated by background developments with funded improvements) would yield maximum delays of 28.3 seconds and 35.9 seconds during the AM and PM peak hours respectively.

This subdivision proposes a concrete batching plant and its related facilities. The use was analyzed thoroughly during the staff's review of the special exception, and the development of the site under the proposed use would generate 39 total trips during the AM peak hour, and 29 total trips during the PM peak hour, with a directionality of two-thirds/one-third. In accepting this trip generation quantity, the transportation staff made two observations in review of the special exception:

- a. Site trip generation was estimated at 39 AM peak hour trips and 29 PM peak hour trips, and daily site trip generation was estimated at 240 trips. There are no rates provided in either the *Guidelines* or the Institute of Transportation Engineers' *Trip Generation Manual* for concrete batching plants. In much the same way that the trip generation rate for a sand and gravel mining operation is estimated, the capacity of the operation is indicative of its trip generation. The transportation staff has analyzed these numbers, and finds them to be reasonable.
- b. The applicant currently operates an existing batching facility about one-half mile north of the subject site. According to the applicant, this facility will remain operational for specialty jobs (i.e., colored concrete). Materials received from the applicant indicated that, with the additional larger batching facility, activity from both sites would remain at existing levels. While the transportation staff questions the presumption that adding additional capacity would not result in additional activity and additional trips, if the existing batching plant were to be operated for specialty batching jobs, additional vehicle trips in the area would be minimized.

As identified in special exception process, trucks entering and leaving the site will utilize Odell Road for primary access to the regional transportation system at Edmonston Road. The transportation staff believes that 90 percent of site traffic would be oriented southbound along Edmonston Road (toward the Beltway) and 10 percent would be oriented northbound. With the site characteristics, and assuming a passenger vehicle equivalent of 3.0 for trucks, total traffic conditions (including background and site generated traffic) would result in a maximum vehicle delay of 32.6 seconds and 49.0

seconds during the AM and PM peak hours respectively at the critical intersection. Therefore, the transportation staff would conclude that the intersection of Edmonston Road and Odell Road operates acceptably as an unsignalized intersection with the development of the subject property.

Special Exception 4320 establishes the size and phasing of a potential concrete batching plant on the subject property. In particular, the current approval requires that the batching plant not become operational until the time that the Odell Road bridge over the Indian Creek is replaced. The transportation staff would support capping the development of the subject property to uses which would not generate more trips than the batching plant, and would also support a staging condition that would prevent a batching plant from assuming operation until the Odell Road bridge is replaced. This bridge replacement was fully funded for construction at the time the special exception was reviewed, and has now been completed.

At the time of Subdivision Review Committee, the transportation staff noted the uncertainty of the extent of the right-of-way along Maryland Avenue and whether additional dedication along Maryland Avenue would be needed. Since that time, the transportation staff has researched plats and other materials, and has found that the existing right-of-way along Maryland Avenue appears to have a width of 50 feet. Maryland Avenue is identified on the *Subregion I Master Plan* as an industrial roadway (I-4) with a planned right-of-way of 70 feet. Furthermore, Note 4 in the regulations table under Section 27-474 requires a street width of at least 70 feet adjacent to any industrial property.

The west side of Maryland Avenue is the railroad right-of-way, meaning that Maryland Avenue can not be expanded to the west. Therefore, additional right-of-way must be dedicated on the east side of Maryland Avenue. Therefore, staff recommends that the final plan reflect dedication of an additional 20 feet along Maryland Avenue. This quantity shall be reduced accordingly if positive evidence is produced indicating that the existing right-of-way along Maryland Avenue is greater than 50 feet.

Proposed dedication along Odell Road (I-3), another industrial street shown on the *Subregion I Master Plan*, is acceptable as shown on the submitted plan.

Based on these findings, 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 several transportation related conditions included in this report.

8. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public 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 January 2001) (CR-4-1998). The proposed subdivision is exempt from the adequate public facilities test for schools because it is a commercial use only.

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.
  - a. The existing fire engine service at Beltsville Fire Station, Company 31, located at 4911 Prince George's Avenue, has a service response time of 3.51 minutes, which is beyond the 3.25 minutes response time guideline.
  - b. The existing ambulance service at Beltsville Fire Station, Company 31, has a service response time of 3.51, which is within the 4.25 minutes response time guideline.
  - c. The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service response time of 8.25 minutes, which is beyond the 7.25 minutes response time guideline. The nearest fire station Beltsville, Company 31, is 3.51 minutes from the development. This facility would be within the recommended response time for paramedic service.
  - d. The existing ladder truck service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service response time of 9.47 minutes, which is beyond 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*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that all commercial structures be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

10. Police Facilities - The proposed development is within the service area for District VI-Beltsville. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, existing county police facilities will be adequate to serve the proposed Nazcon Concrete development.
11. Health Department - The Health Department raised concerns with the stormwater management facility, the existence of debris and oil stained soils, and the need to assess the potential of surface or ground water discharge, given the property's proximity to Indian Creek. State and/or federal water and air pollution control permits may be necessary. Any building permit issued by the county will be contingent upon approval of those state and/or federal permits. Trash and other debris will be removed as part of the



building permit process. Given these concerns, the Health Department should be part of the building permit review process.

12. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8006960-1997-02, was approved with conditions on December 8, 2000, to ensure that development of this site does not result in on-site or downstream flooding. This approval is valid through December 8, 2003. Development must be in accordance with this approved plan.
13. Public Utility Easement - The preliminary plan includes the required 10-foot-wide public utility easement. The easement will be reflected 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 Brown, seconded by Commissioner Eley, with Commissioners Brown, Eley, Scott, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 1, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of January 2002.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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