

C O R R E C T E D R E S O L U T I O N

WHEREAS, JCA IV Forestville, LLC is the owner of a 43.55-acre parcel of land known as Tax Map VJ 180 @ 65, Parcel O said property being in the 6th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on February 13, 2002, JCA IV Forestville, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02012 for Alban - Forestville 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 April 11, 2002, 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 April 11, 2002, 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 the Type I Tree Conservation Plan *TCPI/58/93-01[(TCPI/126/95-01)], and further APPROVED Preliminary Plan of Subdivision 4-02012, Alban - Forestville, for Parcels P, Q, R with the following conditions:

1. Prior to the approval of grading permits for each parcel, a Limited Detailed Site Plan addressing screening, buffering and views from the Capital Beltway, access location and design onto Westphalia Road, and noise mitigation shall be approved by the Planning Board.
2. The final plat of subdivision shall carry a note that the property is located within the United States Air Force designated APZ-1 (Accident Potential Zone-1). The United States Air Force has determined that this zone is characterized by a high incidence of aircraft accidents.
3. Prior to the approval of the final plat of subdivision, the applicant, his successors and/or

*Denotes correction

[Brackets] denote deletion

Underlining denotes addition

assignees shall:

- a. Vacate Old Westphalia Road along the west side of existing Parcel 86.
 - b. Secure approval from DER for the location of the access easement serving the stormwater management pond along the northwest property line of Parcel A
4. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #8003950-1994-00.
5. Prior to signature approval the preliminary plan shall be revised to:
 - a. Label Lot A, B, and C as Parcels P, Q, and R.
 - b. Delineate the alignment of the MD 4/Westphalia Road interchange.
 - c. Label denied access to the Capital Beltway, MD 4, and Flower Road.
 - d. Remove reference to Asetbacks per approved plan.@
 - e. More clearly delineate that portion of Old Westphalia Road to be vacated.
 - f. Deny direct access to Westphalia Road from Lot B pursuant to Section 24-128(b)(9) of the Subdivision Regulations and locate an access easement for Parcel B on the Astem@ of Parcel C along the northeast property line of the two.
6. Any abandoned septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 and witnessed by a representative of the Health Department prior to final plat.
7. All commercial structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
8. Prior to the issuance of the first building permit, the applicant his heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class II bikeway signage along Westphalia Road.
9. Total development within the subject property shall be limited to uses which generate no more than 974 AM and 974 PM peak-hour vehicle trips. Any development other than that identified herein above shall require an additional Preliminary Plan of Subdivision

with a new determination of the adequacy of transportation facilities.

10. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream buffers, and wetland buffers, and be reviewed by the Environmental Planning Section prior to certificate approval. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

11. The Limited Detailed Site Plan for each parcel shall include a 75 dBA(Ldn) noise contour. Uses and structures shall be individually reviewed for conformance with State of Maryland noise regulations.

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 in the northeast quadrant of the Capital Beltway and Pennsylvania Avenue (MD 4) interchange with additional road frontage on Westphalia Road to the southeast and Flower Road to the northeast.
3. Environmental - This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size, it contains more than 10,000 square feet of woodland, and because the site has previously approved Tree Conservation Plans. A Type I Tree Conservation Plan, TCPI/58/93, was approved by the Planning Board with 4-93085. A Type II Tree Conservation Plan, TCPII/126/95, was approved with DSP-97022 and a revised TCPII with DSP-97022/01 for AutoNation.

The site is currently undeveloped. Roughly 20 percent of the property is currently wooded. No Historic or Scenic Roads are affected by this proposal. There are streams, wetlands, and floodplain on the property associated with the southwest branch of the Patuxent River watershed. The Capital Beltway and Andrews Air Force Base are significant nearby noise sources. No species listed by the State of Maryland as rare, threatened, or endangered are known to occur in the general region. According to the sewer service and water service maps produced by DER, the property is in categories W-3 and S-3. The soils information in the APrince George=s County Soils Survey@

indicates that the principal soils on the site are in the Beltsville, Bibb, Matapeke, and Sassafras soils series.

The area of 4-02012 is larger than that of 4-93085. Parcel 86, a 1.7-acre parcel, has been included in this subdivision. A revision to the Type I Tree Conservation Plan, TCPI/58/93, was necessary because of the change in area. The revised plan, * TCPI/58/93-01[TCPI/126/95-01], proposes the clearing of 25.43 acres of the existing woodland and has a minimum woodland conservation requirement of 12.97 acres. The plan proposes to meet this requirement by preserving 8.37 acres on site, reforesting 0.70 acre on site, and providing 3.90 acres off site.

Except for a small amount of clearing to construct a needed sewer line, all of the priority woodland on site will be preserved. The 9.07 acres of on-site woodland conservation is substantially above the threshold of 6.61 acres for the property. The woodland preserved also serves as a substantial buffer.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River Primary Management Area (PMA) preservation area is defined in Section 24-101(b) of the Subdivision Regulations as an area to be preserved in its natural state to the fullest extent possible. A Jurisdictional Determination regarding the extent of regulated streams and wetlands has been obtained from the U.S. Army Corps of Engineers. Wetlands are correctly shown on the Preliminary Plan of Subdivision. Section 24-130(b)(7) requires a minimum 25-foot wetland buffer, which is correctly shown on the plan. Each of the elements and the boundary of the PMA are delineated on the plan.

The total area of PMA on the site is 8.01 acres. The plan proposes disturbance to 0.37 acres of the PMA for the construction of a needed sanitary sewer line. This disturbance is necessary and unavoidable to provide a connection to the closest existing sanitary sewer. The PMA is preserved in its natural state to the fullest extent possible under these specific circumstances. The existing sanitary sewer is located in the stream valley. The plan proposes preserving 7.64 acres of the PMA in its natural state.

The soils on the property include Matapeke and Sassafras, which pose no problems for development. Beltsville soils, also found on the property, can pose problems on steep and severe slopes because of their highly erodible nature and in flatter areas because of impeded drainage and a perched water table. Bibb soil, which is also found to occur here, is associated with floodplains. The site was graded under Permit #40029-98-CG, in accordance with the approved TCP II.

The Capital Beltway and Andrews Air Force Base are significant nearby noise sources.

According to the Air Installation Compatible Use Zone Study (AICUZ), the entire property is within the 70 to 80 dBA noise area associated with Andrews Air Force Base. The I-1 zone has a noise threshold of 75 dBA(Ldn). Further noise analysis can be deferred until Detailed Site Plan review when specific uses are proposed for development. The 75 dBA(Ldn) noise contour is correctly shown on the plan.

4. Community Planning - The property is located within the limits of the Melwood-Westphalia Master Plan, approved March 1994, in Planning Area 78. The recommended land use for the subject property is for employment land use.

The subject property was retained in the I-1 Zone in the *Sectional Map Amendment for Melwood-Westphalia*, approved March 1994. The zoning maps for this property identify CR-100-1981, page 6(a) as having specific recommendations for the development of this property. CR-100-1981 recommends that this property should be developed in a unified manor so as to minimize industrial access points onto Westphalia Road. In addition, the resolution recommends that common access points should be provided where appropriate. Staff recommends that the access for Lot B and C be combined into one access point as discussed further in the Transportation Section of this report.

The subject property is within the Air Installation Compatible Use Zone (AICUZ) study area for Andrews Air Force Base (AAFB). The most significant community planning concern at this location is how to provide for compatible development in proximity to a major military air installation. The master plan addresses this concern in the chapter A Impact of AAFB@ (which was based on the 1989 AICUZ) as follows:

In Planning Area 78 within APZ I and within the moderate to high noise contours (65-75 Ldn) the land is mostly undeveloped. Therefore, the potential for development is great. The zoning is I-1 and there are no development restrictions that take into consideration airfield impacts except for the site plan review requirements that are attached to several parcels in the northeast quadrant of MD 4 and Westphalia Road. The I-1 zoned land in the northwest quadrant of this intersection is the most problematic because it is in APZ I, within the high (70-75 Ldn) noise contour.

The AICUZ study was updated in 1998, and based on this more recent AICUZ study, the subject property is within the 75-80 dBA noise contours and Accident Potential Zones I and II. In response to these issues, the plan recommends the following actions:

1. Establish a floor-to-area ratio of 0.3 and require that building orientation and design provide sufficient open areas for emergency landings.

2. Require the use of sound attenuating construction materials or techniques to maintain the interior office noise levels consistent with state noise regulations.
3. Preclude any commercial land use that might impair a pilot=s vision or navigational precision.

The subdivision is consistent with the master plan.

5. Parks and Recreation - In accordance with Section 24-134(a) of the Subdivision Regulations, the subdivision is exempt from mandatory dedication of parkland because the application is not a residential subdivision.
6. Trails - The *Adopted and Approved Melwood-Westphalia Master Plan* recommends that Westphalia Road be designated as a Class III bikeway with appropriate signage. Because Westphalia Road is a county right-of-way, the applicant should provide a financial contribution to the Department of Public Works and Transportation for the placement of bikeway signage. If road improvements are required for Westphalia Road, a seven- to ten-foot-wide asphalt shoulder is recommended in conjunction with the placement of bikeway signage.
7. Transportation - No traffic study was requested of the applicant nor was one provided for review. The findings and recommendations outlined below are based upon a review of these and other relevant 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.

Summary of Traffic Impacts

There have been no fewer than two earlier subdivisions on this site. Fairly precise findings were made in connection with preliminary plan 4-93085, so staff will rely upon those findings to a great degree in presenting findings for the subject property.

A small parcel has been included in the subject subdivision which was not included in the previous subdivisions. Since the parcel is small in comparison to the entire site, and since the applicant does not propose to increase the amount of development proposed for the site by including the added parcel, staff has not required new traffic analyses. Staff will allow the cap established under the previous Westphalia Center subdivision to be appropriate for the current plan.

The subject property includes areas of two previous subdivisions for which long-standing

adequacy findings exist. Development generating 550 AM and 550 PM peak-hour vehicle trips was assumed for the property when it was subdivided into Parcel A (recorded in Plat Book CEC 91 @ 27) and Parcel B (recorded in Plat Book NLP 118 @ 73). Parcel B was further subdivided in 1983, and development generating 424 PM peak-hour vehicle trips was assumed for that approval (this development would have generated 424 AM trips as well, but this trip quantity was not specifically cited by staff). Development generating the sum of these trips, 974 AM and 974 PM trips, has been assumed as background for other more recent developments in the area.

Development has not been specified for Lots B and C. Provided that the subdivision has a trip cap consistent with past approvals, and any future development is consistent with that trip cap, the transportation staff finds that the proposed subdivision would result in no net trips over and above those which have been already approved for the underlying subdivision and which could legally be built on the subject property without further subdivision.

MD 4 and the Capital Beltway are master plan freeway facilities, and Westphalia Road is a master plan collector facility. It was determined during review of the 1993 subdivision that no further dedication was needed from this property to satisfy the requirements of the master plan, so staff concludes that adequate roadway dedication exists. The State Highway Administration (SHA) has provided initial plans for a proposed future partial interchange at MD 4 and Westphalia Road. While these plans may necessitate minor changes to the stormwater management facility proposed for the southern end of the property, the need for additional right-of-way dedication or imposition of a building restriction line is not appropriate at this time. Construction funding has not been allocated for design, right-of-way acquisition, or construction.

Access to each lot is proposed from Westphalia Road. The site access should be more thoroughly reviewed at the time of detailed site plan. However, due to a master plan recommendation which indicates that access points along Westphalia Road be limited to reduce the likelihood of traffic congestion, staff would suggest that the access points to proposed Lots B and C be combined into a single driveway. This would reduce the industrial traffic congestion and promote the safety of the users of Westphalia Road.

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 Subdivision Regulations.

8. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations* for

Schools (CR-23-2001) and concluded that the subdivision is exempt from the 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 fire and rescue facilities and concluded the following:
 - a. The existing fire engine service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service response time of 0.76 minute, which is within the 3.25-minute response time guideline.
 - b. The existing ambulance service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service response time of 0.76 minute, which is within the 4.25-minute response time guideline.
 - c. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road, has a service response time of 7.86 minutes, which is beyond the 7.25-minute response time guideline. The nearest fire station with paramedic service is Forestville, Company 23, located at 8321 Old Marlboro Pike, which is 0.76 minute from the development. This facility would be within the recommended response time for paramedic service.
 - d. The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike, has a service response time of 5.82 minutes, which is beyond the 4.25-minute response time guideline.

The above 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*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all commercial structures be fully sprinklered 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 II-Bowie Police Station. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed development.
11. Health Department - Any abandoned septic system should be located on the preliminary

plan. If located, the septic system should be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 and witnessed by a representative of the Health Department prior to final plat.

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, #8003950-1994-00, 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.

The site currently has two existing stormwater management ponds, both located on Lot A. One additional pond has been approved by DER to serve Lot C but has not been constructed. One of the existing ponds is located in the northwest portion of Lot A and also serves all of Lot B. Because the pond serves more than one development site (Lots A and B), the Department of Environmental Resources is requiring an easement to that pond for access and monitoring. Access is proposed via Westphalia Road along the south property line of Lot B.

The location of the access easement should be evaluated at the time of DSP review as it relates to the development of the surrounding properties and improvements on those parcels. The easement location may impact the location of bufferyards. The access easement could be relocated from its proposed location on the preliminary plan to accommodate development if approved by DER prior to approval of the final plat of subdivision.

13. The proposed subdivision consists of approximately 43.55 acres of land in the I-1 Zone. The property is to be resubdivided from one undeveloped parcel into three. This property was originally subdivided into Parcel A (recorded in Plat Book CEC 91 @ 27) and Parcel B (recorded in Plat Book NLP 118 @ 73) in 1974. Parcel B was then resubdivided into Outlot A (recorded in Plat Book NLP 133 @ 92) and Parcel C (recorded in Plat Book NLP 133 @ 91). In 1993 the entire site was resubdivided into 11 parcels for industrial warehouse and commercial uses. In 1997 a vacation petition was approved and a final plat was filed in accordance with Section 24-108(a)(3) of the Subdivision Regulations to consolidate all 11 parcels and the street right-of-way into Parcel O for the development of a car sales dealership known as AutoNation. The Detailed Site Plan was approved but the facility was never constructed.

Also proposed with this application is the addition of Parcel 86, a 1.7-acre parcel located in the northeast corner of proposed Lot A. This acreage parcel has frontage on Westphalia Road, as well as Old Westphalia Road, dedicated pursuant to NLP 118 @ 73.

The applicant is proposing to vacate that portion of the 30-foot-wide street which is an east-west extension off of Westphalia Road. The applicant has initiated road closure procedures with the Department of Public Works and Transportation.

The property is located in the northeast quadrant of the intersection of the Capital Beltway and Pennsylvania Avenue (MD 4) with frontage on Westphalia Road to the southeast and a 30-foot private road known as Flower Road to the northeast. Access is proposed via Westphalia Road, an 80-foot-wide existing right-of-way. The interchange alignment of Pennsylvania Avenue (MD 4) and Westphalia Road may impact the size and location of access points for Parcel P. The interchange alignment impacts the southern most portion of the site in the vicinity of an existing stormwater management pond on Parcel P. The State Highway Administration (SHA) has indicated that the project planning for the interchange is complete but the project is not funded for construction.

Development on Parcel P is subject to two existing runway clearance easements (Liber 2847 Folio 426 and Liber 2847 Folio 375) for Andrews Air Force Base. The easements are located over the southern most portion of the site and are reflected on the original plat of subdivision, as well as all subsequent final plats for the property. Both easements restrict the height of planting and construction within their limits. The property had previously been graded and has two existing stormwater management facilities on siteC one on Parcel P in the southern most corner and one on Parcel Q adjacent to the Capital Beltway. A third pond had been located on Parcel R, as shown on the approved stormwater management plan, but has not been constructed.

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 Eley, seconded by Commissioner Scott, with Commissioners Eley, Scott, Brown and Hewlett voting in favor of the motion, and with Commissioner Lowe absent at its regular meeting held on Thursday, April 11, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of May 2002.

Trudye Morgan Johnson

PGCPB No. 02-72(C)
File No. 4-02012
Page 11

Executive Director

By Frances J. Guertin
Planning Board Administrator

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