

R E S O L U T I O N

WHEREAS, Aldi, Inc. is the owner of a 11.69-acre parcel of land known as Parcel B , record plat WWW 77 @ 35, Tax Map 81, Grid C-3, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on September 19, 2002. Aldi, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02082 for District Heights Plaza, Aldi Food 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 February 6, 2003, 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 February 6, 2003, 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/15/02), and further APPROVED Preliminary Plan of Subdivision 4-02082, District Height Plaza, Aldi Food for Parcels D and E with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. To provide the Stormwater Management Concept approval number and approval date for Parcel E.
  - b. To note that Stormwater Management Concept approval is required prior to the development of Parcel D.
2. Total development on Parcels D and E shall be limited to 143,200 square feet of gross floor area or other uses which would generate no more than 373 AM peak hour vehicle trip and 545 PM peak hour vehicle trips. The total gross floor area identified above (143,200) includes the existing development of 16,792 square feet of gross floor area on Parcel E, and is not in addition to that square footage.
3. All proposed commercial structures shall be fully sprinkled in accordance with National Fire

Protection Association Standard 13D and all applicable Prince George's County laws.

4. Prior to signature approval of TCPI/15/02 the plan shall be revised as follows:
  - a. Revise the notes on the plan as required exclusively for a Type I Tree Conservation Plan, fill in all the required information, and revise the clearing penalty to read \$1.50 per square foot.
  - b. Show only one existing tree line for the whole site and place it in the legend.
  - c. Label the area to remain as an "Woodland Conservation Area" and use shading or hatching to highlight the area. Place the symbol in the legend.
  - d. Include in the worksheet calculations the clearing for the gas station and fast-food restaurant. The TCP must address all the woodland conservation requirements for the entire site.
  - e. Revise the worksheet as necessary to address all comments.
  - f. Have the revised plan signed and dated by a qualified professional

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 in the southern quadrant of the intersection of Regency Parkway and Marlboro Pike in District Heights.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	16,792 square feet Commercial/Retail	126,408 square feet Commercial/Retail
Acreage	11.7	11.7
Parcel	1	2

4. **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 area and contains more than 10,000 square feet of woodland. A Type II Tree Conservation Plan, TCPII/116/97, was reviewed and approved for this property as part of an application for a building and grading permit for the Aldi Food Store and the construction of Regency Parkway. A Type I Tree Conservation Plan is required for the approval of this Preliminary Plan of Subdivision. The revised Type I Tree Conservation Plan (TCPI/15/02) was reviewed and found to require additional revisions. Several of the comments from the previous review of the Type I Tree Conservation Plan have not been addressed. The worksheet will need to be revised to include previous clearing of woodlands.

Because the Preliminary Plan requires a Type I TCP, the previously approved TCPII/116/97 has been revised and submitted as TCPI/15/02. The TCPI is for a larger area than the subject application and should include Parcel C of the original record plat creating existing Parcel B. The plan proposes to meet all woodland conservation requirements on-site for the entire development. The gross tract area for this property for purposes of determining conformance to the Woodland Conservation Ordinance is 13.149 acres, which includes Parcels B and C of record plat WWW 77@35, approved in 1971.

The TCPII/116/97 that was approved on December 17, 1997, for the development of the Aldi Food Store and Regency Parkway contains the note: "will require future revision." The extent of grading shown on the preliminary plan is different and greater than that shown on that approved Type II Tree Conservation Plan. The Type I Tree Conservation Plan worksheet will need to be revised to account for previously approved woodland clearing for the Aldi Food Store, and the designated woodland conservation area on the plan will need to be increased.

There are no streams, wetlands or floodplain on the subject property. The site is characterized with terrain sloping toward the north, and drains into unnamed tributaries of Western Branch of the Patuxent River basin. No historic or scenic roads are nearby. Old Marlboro Pike is the nearest noise source; however, noise is not a major consideration at this time due to the underlying commercial zoning of the property (C-S-C Zone). The proposed use is not expected to be a noise generator.

No species listed by the State of Maryland as rare, threatened or endangered are known to occur in the general region. According to the Water Service and Sewer Service maps produced by DER, the property is in categories W-3 and S-3. The Prince George's County Soils Survey indicates that the predominant soil type on the site is Beltsville, which generally exhibit moderate limitations to development due to perched water table, impeded drainage and steep slopes. These characteristics do not typically create severe problems for foundations or parking lots. This property is located in the Developed Tier as delineated on the adopted General Plan.

5. **Community Planning**—The subject property is located within the limits of the 1985 *Approved Master Plan for Suitland-District Heights and Vicinity* in Planning Area 75B, in the District Heights Community. The 2002 *General Plan* identifies this property within the Developed Tier. The master plan land use recommendation for this property is retail/commercial. The proposed preliminary plan is consistent with the land use recommendation of the master plan.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the proposed preliminary plan is exempt from the requirements of mandatory dedication of parkland because it is a commercial subdivision.
7. **Trails**—There are no master plan trails issues associated with this application. The standard sidewalks as reflected on the plat are adequate to accommodate pedestrians.
8. **Transportation**— There is an existing food store (16,792 gross square feet, [GSF]) on the proposed Parcel E. This parcel has access to the existing Regency Parkway and Marlboro Pike, both collector facilities with a total width of 80 feet of right-of way. Parcel D is proposed to have direct access to Regency Parkway and proposes an extension of a private road through the proposed Parcel E to Marlboro Pike. The proposed circulation and access points are acceptable. However, the Subdivision Regulations restricts the use of access easements to serve commercial properties. The easement extension from Parcel E to Parcel D is permitted but only as a secondary point of access for Parcel D. Primary access for Parcel D is Regency Parkway.

The application is a preliminary plan of subdivision of Parcel B into two new parcels (D and E). Existing Parcel B is the subject of a record plat and, except for the existing 16,792 square feet of gross floor area (GFA) for the existing food store, is undeveloped. Further information shows that the record plat for Parcel B was recorded in 1971, and as such has a general development potential of 143,200 GFA of commercial development. The stated 143,200 GFA of commercial space is equal to the amount of development that has been assumed as background in all subsequent adequacy determinations of other nearby subdivision applications.

Since the site is currently improved with only 16,792 GSF of commercial development, staff can find that the proposed resubdivision would have adequate access roads if the additional development on the two proposed parcels is limited to 126,408 GSF of commercial space or different uses generating no more than the vested number of peak hour vehicle trips (373 AM peak hour and 545 PM peak hour).

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

9. **Schools**— The Historic Preservation 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 CR-38-2002) and concluded that the proposed subdivision is exempt from the school APF test because it is a commercial use.
10. **Fire and Rescue**— The Historic Preservation 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 District Heights Fire Station, Company 26, located at 6200 Marlboro Pike, has a service travel time of 0.46 minutes, which is within the 3.25-minute travel time guideline.
- b. The existing ambulance service at District Heights Fire Station, Company 26, located at 6200 Marlboro Pike, has a service travel time of 0.46 minutes, which is within the 4.25-minute travel time guideline.
- c. The existing paramedic service at Silver Hill Station, Company 29, located at 3900 Silver Hill Road, has a service travel time of 4.82 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at Hillside Fire Station, Company 6, located at 1234 Larchmont Avenue, has a service travel time of 4.46 minutes, which is beyond the 4.25-minute travel 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, the Fire Department recommends that a fire suppression system be installed in all commercial structures in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

11. **Police Facilities**— The proposed development is within the service area for District III-Landover 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 District Heights Plaza Aldi Food development. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department reviewed the proposed subdivision and had no comments.
13. **Stormwater Management**— The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required for Parcel E. A Stormwater Management Concept Plan, # 21558-2002-00, has been approved with conditions to ensure that development of Parcel E does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

The Department of Environmental Resources (DER), Development Services Division, has not determined the extent of the required stormwater management for Parcel D. Approval of a Stormwater Management Concept Plan will be required at the time of development of Parcel D to ensure that development of Parcel D does not result in on-site or downstream flooding.

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 Scott, seconded by Commissioner Lowe, with Commissioners Scott, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 6, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of March 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:rmk