

R E S O L U T I O N

WHEREAS, Samuel Kaizen is the owner of a 2.37-acre parcel of land known as Parcel 60, Tax Map 9, Grid E-4, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on December 31, 2002, Samuel Kaizen filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02129 for Kaizen Property 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 13, 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 March 13, 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 Preliminary Plan of Subdivision 4-02129, Kaizen Property for Lot 1 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. The exact area, in both square feet and acreage, shall be reflected.
 - b. The appropriate centerline of baseline for US 1 shall be reflected.
 - c. The appropriate dedication, with dimensions, shall be reflected.
2. 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.
3. Total development of this property shall be limited to any use that does not generate more than five additional trips in any peak period. Any development that generates more than five peak -our trips shall require the submission of a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

4. The final plat of subdivision shall reflect the dedication of 40 feet from the property line for right-of-way along US 1.
5. Prior to the approval of any permits for new development, the following shall be performed to the satisfaction of the Prince George's County Health Department:
 - a. An environmental consultant must recommend to the Health Department a plan for sampling and disposal of the saturated soils, and this plan must be reviewed and approved by the Health Department prior to actual field implementation. The report of the analyzed samples must be submitted to the Health Department. Any remediation required pursuant to that report will need to be implemented prior to the issuance of any permits for new development.
 - b. The liquid in the drums on site must be evaluated and disposed of in an appropriate manner by a licensed hazardous waste company. A copy of the manifest must be submitted to the Health Department.
 - c. The fuel storage tanks located on this site must be removed and the contents properly discarded. If staining is encountered, the soils beneath these tanks must be removed and properly disposed. A representative from the Health Department must evaluate the soils for possible contamination once the tanks are removed.
 - d. The commercial debris, including motor vehicle bodies and engine blocks, and other vehicle parts that are found on the property and spilling onto adjacent properties must be removed and properly stored or discarded.
 - e. The numerous tires that are found on the subject property must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department.
6. If road improvements are required by the State Highway Administration (SHA) and if SHA approves, the applicant, his heirs, successors or assignees shall construct a Class II Trail along the frontage of the subject property. A note shall be placed on the final plat reflecting this requirement.

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 west side of Baltimore Avenue (US 1), approximately 1,700 feet north of the US 1/Muirkirk Road intersection in Beltsville.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	I-1	I-1
Use(s)	Motor Vehicle Storage and Repair	Motor Vehicle Storage and Repair
Acreage	2.37 acres	2.23 acres (approximate after dedication)
Lots	0	1
Parcels	1	0
Building Development	7,025 square feet approximate in five separate structures	None

4. **Environmental**—The Environmental Planning Section has reviewed the subject Preliminary Plan of Subdivision, stamped as accepted for processing by the Countywide Planning Division on January 8, 2003. The Environmental Planning Section has also reviewed the companion Conceptual Site Plan (CSP-02006).

A review of the available information indicates that 100-year floodplain, wetlands and streams are not found to occur on the property. The predominant soils found to occur according to the Prince George's County Soil Survey include soils in the Sassafras series, which pose few difficulties for development. According to available information, Marlboro clay is not found to occur on this property. The sewer and water service categories are S-4 and W-4 according to information obtained from the Department of Environmental Resources dated November 1, 2001. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Baltimore Avenue is a significant noise generator, however, the industrial use of the property will not require noise mitigation. There are no scenic or historic roads in the vicinity of this property. This property is located in the Indian Creek watershed of the Anacostia River basin and in the Developing Tier as reflected in the adopted General Plan.

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are less than 10,000 square feet of existing woodland on-site and it is not subject to a previously approved Tree Conservation Plan. A Letter of Exemption from the Woodland Conservation Ordinance must be submitted as part of any application for a grading or building permit.

5. **Community Planning**—The subject property is located in Planning Area 60 in the Northwestern Area community and is subject to the 1990 *Master Plan for Subregion I*. That master plan recommends Industrial land use. The 1990 Sectional Map Amendment for Subregion I retained

this property in the I-3 Zone. The property was subsequently rezoned to I-1 through Zoning Map Amendment (ZMA) A-9919. The 2002 General Plan placed the property in the Developing Tier. The site is also in the US 1 designated Corridor for which development nodes have not yet been determined. The General Plan targets growth toward a limited number of designated Centers and Corridors in the county. The plan recommends that in the Developing Tier development should occur at designated Corridor segment nodes (major intersections, major existing development) and be planned as transit-oriented development.

Because of this site's location along a General Plan-designated corridor, US1, and its proximity to I-3 zoned properties that the Master Plan recommended be part of a future employment center, special consideration should be given to the appearance of this development. Attractive landscaping and fencing should be considered to enhance the view of this industrial site from the roadway and ensure compatibility with the future I-3 development that is planned for around this subdivision. These issues are more appropriately addressed through the site plan process that is required for this property based on the condition of the ZMA.

6. **Parks and Recreation**—The subject application is exempt from Mandatory Dedication of Parkland requirements because no residential uses are proposed.
7. **Trails**—One Master Plan trail impacts the subject property. The 1990 *Master Plan for Subregion I* recommends a Class II Trail be constructed along the frontage of the subject property (US 1 right-of-way).
8. **Transportation**—The Transportation Planning Section reviewed the subject application for adequacy of transportation. The subject property consists of approximately 2.39 acres of land in the I-1 Zone. Based on an aerial photograph of the subject property, the site is currently improved as an outdoor storage facility for used and/or abandoned cars. The applicant proposes to develop the site by providing six fenced-in storage areas. Each storage area will be accessible via a 22-foot on-site driveway. There are a few ancillary buildings that are currently on the property, which will be incorporated in the proposed use.

Neither the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (revised 2002) nor the Institute of Transportation Engineer's (ITE) *Trip Generation Manual* provide trip generation rates for the specific use being proposed by the applicant. For the sake of comparison, however, staff examined the ITE *Trip Generation Manual* trip rates for mini-warehouses based on 1,000 square feet of gross floor area. Those rates are 0.15 trip/1,000 square feet during the AM peak hour, and 0.26 trip/1,000 square feet during the PM peak hour. Based on the net usable area of the property (less area for driveway and road dedication), which is approximately 84,000 square feet, the property could generate approximately 13 AM peak-hour trips and 26 PM peak-hour trips had the use been mini-warehouses. In trying to assign new trips as a result of the proposed application, staff considers the fact that there is an existing storage use that does generate some traffic during peak periods. Given the fact that the proposed use is outdoor storage, it is staff's opinion that the proposed outdoor storage use will generate no more than an additional five trips in either peak hour. Pursuant to provisions in the *Guidelines*, the Planning Board may find that traffic impact of small developments is *de minimus*. A *de minimus*

development is defined as one that generates five trips or fewer in any peak period.

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 lower.

The existing conditions at the critical intersection for this application are summarized below:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US I and Muirkirk Meadows Drive	1,124	1,498	B	E

With recent traffic counts, the analysis indicates that the critical intersection operates acceptably during the AM peak hour, but failed during the PM peak hour. However, since the net new trips total approximately five during either peak period, staff finds that the impact will be *de minimus*. Staff found no background development in the nearby vicinity that would have any significant impact on the critical intersection. The intersection will therefore continue to operate with unacceptable levels of service under total condition.

The primary transportation issue involved with the development of this site involves the right-of-way for the planned A-44 facility. The *Subregion I Master Plan* recommends a six-lane facility from MD 197 to the Montgomery County line. This recommendation includes an interchange with A-44 and US 1. The footprint of the proposed interchange would impact the entirety of the subject property. To that end, on January 17, 2003, the Transportation Section sent letters concerning the potential reservation of the subject property (attached) to the State Highway Administration (SHA) as well as the Department of Public Works and Transportation (DPW&T). As of this writing, staff has not received a written response from either public agency.

Based on no indication from an acquiring agency regarding future funding for the acquisition of the property, staff was unable to make a finding that there is a reasonable expectation that the property may be acquired during a reservation period if one were imposed. Based on the inability to make that finding, staff did not recommend that the property be placed in reservation.

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 limiting the amount of future development and appropriate dedication for right-of-way along US 1.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section reviewed the subject

application for adequacy of public 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 subdivision is exempt from APF test for schools because it is a commercial use.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section reviewed the subject application for adequacy of public facilities and concluded the following.
- a. The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service travel time of 4.88 minutes, which is beyond the 3.25-minute travel time guideline.
 - b. The existing ambulance service at Beltsville Station, Company 31, located at 4911 Prince George's Avenue, has a service travel time of 4.07 minutes, which is within the 4.25-minute travel time guideline.
 - c. The existing paramedic service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service travel time of 4.22 minutes, which is within the 7.25-minute travel time guideline.
 - d. The existing ladder truck service at Beltsville Station, Company 31, located at 4911 Prince George's Avenue, has a service travel time of 4.07 minutes, which is within 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 Police District VI-Beltsville. In accordance with Section 24-122.01(c)(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 Kaizen Property development. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Division of Environmental Health of the Prince George's County Health Department reviewed the subject application and offered a number of comments primarily relating to the environmental impacts caused by the existing motor vehicle repair and maintenance use on the site.

Petroleum contamination of the underlying soils is found throughout the property and must be remediated. The petroleum-saturated soils are to be removed, stored and contained on an impervious barrier where composite chemical samplings are to analyze the composition of

contaminants. An environmental consultant must recommend to the Health Department a plan for sampling and disposal of the saturated soils and this plan must be reviewed and approved by the Health Department prior to actual field implementation. The report of the analyzed samples must be submitted to the Health Department. Any remediation required pursuant to that report will need to be implemented prior to the issuance of any permits for new development.

Several dozen unlabeled drums were found on the property. A portion of the drums contains some type of liquid. The liquid must be evaluated and disposed of in an appropriate manner by a licensed hazardous waste company. A copy of the manifest must be submitted to the Health Department. If the drums are not removed as part of this preliminary plan approval, the Health Department will contact the Hazardous Materials Section of the Prince George's County Fire Department for proper disposal.

Fuel storage tanks are also located on this site. These tanks must be removed and the contents properly discarded. If staining is encountered, the soils beneath these tanks must be removed and properly disposed. A representative from the Health Department must evaluate the soils for possible contamination once the tanks are removed.

A significant amount of commercial debris, including motor vehicle bodies and engine blocks, and other vehicle parts were found on the property and spilling onto adjacent properties. This debris must be removed and properly stored or discarded.

Numerous tires were found on the subject property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department.

If any existing structures are to be removed, a raze permit may be required by 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 razing of the structure.

13. **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, #008002350, was approved for this site on November 8, 1999, to ensure that development of this site does not result in on-site or downstream flooding. That approval subsequently expired on November 8, 2002. Because the subject application is not proposing, with the exception of the road dedication, to divide the existing configuration of the property, staff believes the future concept plan approval number and date should be placed on the preliminary plan prior to signature approval. Subsequent development must be in accordance with this approved plan.
14. **Cemeteries** - Note No. 16 of the General Notes on the preliminary plan states that there are no cemeteries located within the subject property.
15. **Plan Information** - The Preliminary Plan of Subdivision states that the gross tract area is 2.39

acres, but the application form indicates that the property is 2.37 acres in size. The Transportation Planning Section recommended that the plan provide for 40 feet of dedication along US 1. The plan does not reflect a dimension for the area to be dedicated, but it scales to 30 feet. The amount of dedication, in square feet, along with the appropriate centerline of baseline for US 1, should be reflected on the plan.

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 and Hewlett voting in favor of the motion, and with Commissioner Scott absent at its regular meeting held on Thursday, March 20, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of April 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:AH:rmk