

R E S O L U T I O N

WHEREAS, Arnett, Trustee, et. al. are the owners of a 3.99-acre parcel of land known as Parcel 18, Tax Map 58, Grid D-1, said property being in the 2nd Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on April 3, 2003, Dahn Corporation filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03024 for Hyattsville Consolidated Storage 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 September 25, 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 September 25, 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 Preliminary Plan of Subdivision 4-03024, Hyattsville Consolidated Storage for Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To delineate the 15-foot access easement which served Parcel 143 as described in Liber 13842, Folio 001 and provide reference to the recorded easement release agreement. Remove the "apparent/possible" language from the plan. Indicate if Parcel E has the right of access.
 - b. To remove General Note 14 relating to the required setbacks for development.
 - c. To provide the stormwater management concept number and approval date.
 - d. To provide a note that a raze permit must be obtained prior to the removal of any existing structures on site.
2. A Detailed Site Plan shall be approved by the Planning Board for development on Parcel A in

accordance with Part 3 Division 9 of Subtitle 27.

3. Development of this property shall be in accordance with the approved Stormwater Management Concept Plan.
4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along 52nd Avenue, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
5. Prior to the issuance of grading permits, the applicant shall demonstrate that a manifest has been submitted to the Health Department demonstrating that the fuel storage tanks located on the property have been properly disposed of by a licensed waste company and reclamation of any contaminated soils has occurred under the direction of the Health Department.
6. The applicant shall provide standard sidewalks along the property's entire street frontage unless modified by the State Highway Administration at the time of issuance of street construction permits.
7. The applicant, his heirs, successors and/or assignees shall dedicate right-of-way along 52nd Avenue of 40 feet from the centerline of pavement, as shown on the preliminary plan.
8. Total development within the subject property shall be limited to 66,100 square feet of consolidated storage, or other development within the I-1 Zone which generates no more than 9 AM and 19 PM peak-hour vehicle trips. Development of up to 5,000 additional square feet shall not constitute a significant change in peak-hour vehicle trip generation. Development of more than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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 northeastern quadrant of the intersection of Kenilworth Avenue and 52nd Avenue at Inwood Street.

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)	Single-family dwellings (2 existing)	Consolidated Storage (66,087 sq.ft.)
Acreage	3.99 acres	3.99 acres
Parcels	1	1

4. **Environmental**—The Environmental Planning Section has reviewed the above referenced Preliminary Plan of Subdivision and finds that the site is exempt from the Prince George's County Woodland Conservation Ordinance because although the gross tract area of the property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland.

The subject property is a 3.99-acre parcel in the I-1-Zone located on the east side of 52nd Avenue, in the northeast quadrant of the intersection of 52nd Avenue and Kenilworth Avenue (MD 201). A review of the available information indicates that streams, 100-year floodplain, nontidal wetlands, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the property. Due to the proposed use of the site, staff has determined that there are no significant transportation-related noise impacts associated with Kenilworth Avenue, an arterial.

The soil type found to occur, according to the Prince George's County Soil Survey, is Sandy and Clayey, which have no significant limitations with respect to the development proposed. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "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. There are no designated scenic and historic roads in the vicinity of this property. This property is located in the Anacostia River Basin.

5. **Community Planning**—The subject property is located within the limits of the *Bladensburg, New Carrollton and Vicinity (PA 69) Approved Master Plan & SMA* (1994) in Employment Area E-3. The General Plan locates that property in the Developed Tier. The land use recommendation for the property is light industrial. The proposed subdivision is consistent with the recommendations of the master plan (with conditions) and General Plan.

This proposed subdivision conforms to the industrial land use and zoning map recommendations within the 1994 *Bladensburg, New Carrollton and Vicinity (PA 69) Approved Master Plan & SMA*. However, the master plan text recommends that this site (Parcel 18) be developed in accordance with the plan's urban design guidelines. A Detailed Site Plan (DSP) is necessary to ensure review of the proposed development within the context of master plan design guidelines.

The master plan specifically refers to the subject property and recommends the following:

“Redevelopment of any parcels which front Kenilworth Avenue should be done in strict accord with the guidelines set forth in the Urban Design chapter. Particular attention should be paid to the parcel at 52nd and Kenilworth Avenue, which now contains residences. The higher elevation of this parcel increases its prominence.”

Although the address of the property is 52nd Avenue, the property is located with frontage on the ultimate right-of-way of Kenilworth Avenue. A portion of the property was deed conveyed to the State Highway Administration in 1954 (Liber 1732, Folio 269) for the right-of-way of Kenilworth Avenue. Inwood Street, 52nd Avenue, and Kenilworth Avenue all merge in front of this property. The northbound lane of Kenilworth Avenue is approximately 200 feet west. This distance remains unobstructed, providing clear views of the property.

This property is located within the limits of the *Bladensburg, New Carrollton and Vicinity (PA 69) Approved Master Plan & SMA* (1994). The master plan has specific recommendations for the development of this property (Parcel 18) relating to landscaping, lighting, signage and architecture. The subject property is located at the intersection of Kenilworth Avenue and 52nd Avenue. Any development on the property would be highly visible from Kenilworth Avenue and should be developed within the focus of the master plan guidelines as specifically recommended.

As proposed, the site development rises 20 feet in elevation from the front property line to the center of the property at the first floor elevation of proposed Building BB

Section 27-475.04 of the Zoning Ordinance requires approval of a Detailed Site Plan (DSP) in accordance with Part 3, Division 9 for a consolidated storage use in the I-1 Zone. If the applicant proceeds with the use as proposed on the preliminary plan, a DSP will be required. However, the approval of a preliminary plan does not establish the use of the property. The applicant could receive approval of a preliminary plan of subdivision and develop the property with another use within the parameters established by the Planning Board’s potential approval, without the review of a DSP.

Therefore, staff is recommending the review and approval of a DSP in accordance with Part 3, Division 9, of the Zoning Ordinance for development of Parcel A. This condition would be established for development of the property (Parcel A) and not related to a specific use. This condition would ensure conformance to the recommendations of the *Bladensburg, New Carrollton and Vicinity (PA 69) Approved Master Plan & SMA* for any future development of this property as discussed further in Finding 3 of this report.

The plan’s employment area urban design guidelines should be applied to this property because of its visual and physical prominence at this location. This could be done through the appropriate means of the review of a Detailed Site Plan. The guidelines apply to the streetscape, site layout, service, loading and parking areas, freestanding signs, and building details and materials.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed subdivision is exempt from the requirement for the mandatory dedication of

parkland because the property is not residentially zoned.

7. **Trails**—The adopted and approved Planning Area 69 master plan recommends that 52nd Avenue be designated as a Class III bikeway with appropriate signage. Because 52nd Avenue is a county right-of-way, the applicant should provide a financial contribution to the Department of Public Works and Transportation (DPW&T) for the placement of this signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required, the provision of a standard sidewalk is recommended along 52nd Avenue with the concurrence of DPW&T.
8. **Transportation**—The proposal is to develop approximately 66,100 square feet of consolidated storage/mini-warehouse. Due to the size of the subdivision, traffic counts were requested and were provided by the applicant for analysis. 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*.

Growth Policy - Service Level Standards

The subject property is in the developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better is required in the Developed Tier.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The intersection of MD 201 and 52nd Avenue is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site, and would serve virtually all of the site-generated traffic. The transportation staff has available counts taken by the applicant at staff's request in May 2003. It was determined that the MD 201/52nd Avenue intersection operates as two signalized intersections: a northern intersection that also serves a business driveway, and a southern "T" intersection. Counts were taken at both locations.

These counts indicate that the north intersection operates at Level-of-Service (LOS) A, with a critical lane volume (CLV) of 740, during the AM peak hour. During the PM peak hour, the north intersection operates at LOS A with a CLV of 882. The southerly intersection operates as follows: AM peak hour – LOS A, with a CLV of 949; PM peak hour – LOS A, with a CLV of

820.

There are no funded capital projects at this location in either the County Capital Improvement Program or the State Consolidated Transportation Program. With background growth added, the north intersection would operate as follows: AM peak hour – LOS A, with a CLV of 806; PM peak hour – LOS A, with a CLV of 955. The southerly intersection would operate as follows: AM peak hour – LOS B, with a CLV of 1,027; PM peak hour – LOS A, with a CLV of 894.

With the development of 66,200 square feet of consolidated storage/mini-warehouse space, the site would generate 9 AM (5 in and 4 out) and 19 PM (10 in and 9 out) peak hour vehicle trips. The site was analyzed with the following trip distribution: 10 percent – north along 52nd Avenue, 35 percent – north along MD 201, and 55 percent – south along MD 201. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the north intersection would operate as follows: AM peak hour – LOS A, with a CLV of 811; PM peak hour – LOS A with a CLV of 962. The southerly intersection would operate as follows: AM peak hour – LOS B, with a CLV of 1,028; PM peak hour – LOS A, with a CLV of 897.

As the critical intersections operate at LOS E or better in both peak hours under existing, background, and total traffic, no adequacy issues are identified at this location.

52nd Avenue is a master plan collector facility, and dedication of 40 feet from centerline, as shown on the plan, is acceptable.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code

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 subdivision is exempt from the APF test for schools because it is an industrial use and is located in the Developed Tier.
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 Bladensburg Fire Station, Company 9, located at 4213 Edmonston Road has a service travel time of 2.18 minutes, which is within the 3.25-minute travel time guideline.
 - b. The existing ambulance service at Bladensburg Fire Station, Company 9, located at 4213 Edmonston Road has a service travel time of 2.18 minutes, which is within the 4.25-minute travel time guideline.
 - c. The existing paramedic service at Brentwood Fire Station, Company 4, located at 3712 Utah Avenue has a service travel time of 3.99 minutes, which is within the 7.25-minute

travel time guideline.

- d. The existing ladder truck service at Cottage City Fire Station, Company 2, located at 3840 Bladensburg Road has a service travel time of 2.66 minutes, which is within the 4.25-minute travel time guideline.

The above findings are in conformance with the 1990 *Adopted and Approved Public Safety Master Plan* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. 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 service.

11. **Police Facilities**—The proposed development is within the service area for Police District I—Hyattsville. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Hyattsville Consolidated Storage development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of 6/30/2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel.

12. **Health Department**—The Health Department notes that the Department of Environmental Resources (DER) requires that the applicant obtain a raze permit prior to the removal of any existing structures on site. A note should be placed on the preliminary plan in acknowledgment. In addition, fuel storage tanks associated with the existing structures must be removed and the contents properly discarded. A representative from the Health Department should evaluate the soils beneath these tanks for possible contamination and the soils properly discarded if contamination has occurred.

13. **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 has been submitted, but is not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan.

14. **Access Easement**—At the time of submittal of the preliminary plan of subdivision, Parcel 18, the subject property, was encumbered by a 15-foot-wide access easement along the south property line. This easement appears to have been the sole vehicular access serving Parcel 143 to the east. Staff requested that the applicant clarify the existence of the easement and provide the deed for the subject property (Liber 6786, Folio 486) and for Parcel 143 (described in Liber 13842, Folio 001) for review.

The deeds submitted by the applicant provided evidence that the easement existed. The applicant

was advised at that time that the preliminary plan and final plat of subdivision for the subject property must demonstrate the easement and that the easement must remain unencumbered and unobstructed. Subsequent to this discussion, the applicant submitted a Release of Right-of-Way deed dated September 5, 2002, between the Teitel Family, LLC, current owner of Parcel 143, and Willie Arnett, the current owner of Parcel 18. The release agreement, although stamped for acceptance by the Circuit Court for processing, was not provided with a deed description.

Because the 15-foot easement serves as the apparent sole vehicular access for Parcel 143, staff has concerns that the arrangement between these property owners has left Parcel 143 without frontage on or direct vehicular access to a public street. Staff recommends that the applicant submit a copy of the recorded easement release agreement and provided evidence that alternative legal access is arranged for Parcel 143, if it exists. If alternative access has not been provided for Parcel 143, staff would be concerned that the owners of Parcel 143 understand the ramifications of the potential of the loss of the ability to develop Parcel 143 due to the loss of legal access. In addition, it appears that Parcel E to the east of Parcel 143 may also have the right of access to the 15-foot easement. If so, the easement must be demonstrated on the final plat of subdivision as an encumbrance on Parcel 18.

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.

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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 Harley, with Commissioners Eley, Harley, Lowe, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 25, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of October 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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