

R E S O L U T I O N

WHEREAS, Langley Park Plaza, Inc. is the owner of a 4.03-acre parcel of land in the 17th Election District of Prince George's County, Maryland, and being zoned R-10; and

WHEREAS, on June 16, 2003, Shellhorn Langly, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03051 for University Plaza West 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 the Type I Tree Conservation Plan (TCPI/143/03), and further APPROVED Preliminary Plan of Subdivision 4-03051, University Plaza West for Lots 1 and 2 including Variation to Section 24-121 with the following conditions:

1. Prior to signature approval of the preliminary plan, a stormwater concept plan shall be approved and the approval number and date shall be shown on the plan.
2. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/143/03). 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/143/03), 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.”

3. A Type II Tree Conservation Plan shall be approved prior to approval of any permits on the site.
4. Prior to the issuance of building permits for any residential units on this site, a new preliminary

plan shall be approved.

5. Total development within the subject property shall be limited to 52,000 square feet of retail/commercial space, or equivalent development which generates no more than 27 AM and 150 PM new peak-hour vehicle trips. Development of up to 5,000 additional square feet of space shall not constitute a significant change in trip generation. Any development which generates more peak-hour vehicle trips than that identified herein shall require an additional 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 property is located on the south side of University Boulevard, approximately 1,000 feet west of its intersection with Riggs Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-10	R-10
Use(s)	Vacant	Commercial Offices
Acreage	4.03	4.03
Lots	0	2
Parcels	1	0
Dwelling Units	0	0
Gross Floor Area	0	52,000

4. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with high erodible soils do not occur on the property. University Boulevard is an arterial roadway that generates noise onto adjacent properties. The soils found to occur on the site according to the Prince George's County Soil Survey are Chillum Urban Land Complex, Sandy and Clayey Land, and Sunnyside Urban Complex. These soil series generally exhibit moderate to severe limitations to development due to poor stability, high shrink-swell and high erosion potential, and steep slopes. According to available information, Marlboro clays are not found to occur in the vicinity of this property.

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. There are no designated scenic and historic roads adjacent to this property. This property is located in the Northwest Branch watershed of the Anacostia River Basin and in the Developed Tier as delineated on the adopted General Plan.

### **Woodland Conservation**

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size, and it contains more than 10,000 square feet of existing woodland. A Forest Stand Delineation (FSD) has been submitted for this proposal and was found to be in compliance with the requirements of the Woodland Conservation Ordinance.

The revised Type I Tree Conservation Plan, TCPI/143/03, stamped as accepted for review on July 11, 2003, has been reviewed and was found to meet the requirements of the Woodland Conservation Ordinance. The minimum woodland requirement for the site is 0.81 acre of the Net Tract. Additionally, 1.61 acres are required due to the removal of woodlands, for a total of 2.42 acres. The plan shows the requirement being met with 2.42 acres of off-site credits.

### **Noise**

Even though the proposed use is commercial, noise is a major consideration in the review of this proposal due to the existing R-10 Zone. University Boulevard is an arterial highway generally regulated for noise. Based on projected traffic (Average Daily Traffic or ADT projected 10 years) data supplied by the State of Maryland, the Environmental Planning Section Noise Model projected the 65 dBA (Ldn) noise contour for MD 193 to be 266 feet from the centerline of the roadway. Noise is not an issue for commercial uses. Should the applicant decide to develop this site with residential uses, a new preliminary plan will be required.

### **Water and Sewer Categories**

The property is in Water Category W-3 and Sewer Category S-3; it will be served by public systems.

5. **Community Planning**—The property is in Planning Area 65/Langley Park. It is in a Corridor in the Developed Tier. The vision for Corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. The 1989 *Approved Langley Park-College Park-Greenbelt Master Plan* recommends multifamily residential use at the “High Urban” density (17.0 to 48.4 dwelling units per acre). The 1990 *Adopted Langley Park-College Park-Greenbelt SMA* retained the R-10 Zone for the property.

The master plan recommends multifamily residential uses for the property. The master plan contains the following statement on page 70, paragraph 7:

“Although there are a large number of apartments in this sub-community, it is recommended that the vacant multifamily zoned property on University Boulevard at 15<sup>th</sup> Avenue be developed for apartments to prevent more strip-commercial development.”

However, the District Council amended the Zoning Ordinance to allow commercial uses in the R-10 Zone in order to revitalize the University Boulevard Corridor (see CB-4-2003).

The proposed commercial use is not inconsistent with the 2002 General Plan Development Pattern for Corridors in the Developed Tier.

6. **Parks and Recreation**—In accordance with Section 24-134 (a) of the Prince George’s County Subdivision Regulations, the above referenced subdivision is exempt from Mandatory Dedication of Parkland requirements because it consists of nonresidential development.
7. **Trails**—There are no master plan trail issues identified for this property in the Adopted and Approved Langley Park-College Park-Greenbelt Master Plan.
8. **Transportation**—The applicant has submitted a traffic study dated July 2003. 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*. The study has been referred to the appropriate operating agencies, and comments from the County Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) are in the file.

#### **Growth Policy - Service Level Standards**

The subject property is located within 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.

**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.

#### **Summary of Traffic Impacts**

The application is a preliminary plan of subdivision for a retail/commercial subdivision of two lots. Existing conditions in the vicinity of the subject property are summarized as follows:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 193/15 <sup>th</sup> Avenue/site entrance	670	1,104	A	B
MD 193/MD 212	1,305	1,481	D	E
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The study assumed limited growth along MD 193 and MD 212. No approved developments were identified in the area. Background conditions are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 193/15 <sup>th</sup> Avenue/site entrance	688	1,136	A	B
MD 193/MD 212	1,327	1,518	D	E
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The applicant proposes 52,000 square feet of retail/commercial facilities. The traffic study assumes that approximately 60 percent of trips would be pass-by trips (i.e., trips already on the roadway in front of the site). The study also assumes that 15 percent of trips would use a walk or transit mode.

Given these assumptions, the development would generate 27 AM and 150 PM peak hour vehicle trips. Total traffic with the development of the subject property is summarized below:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 193/15 <sup>th</sup> Avenue/site entrance	703	1,235	A	C
MD 193/MD 212	1,345	1,586	D	E
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is				

measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Based on the review of transportation adequacy issues in the area, both intersections would operate acceptably in both peak hours. The conditions of approval should include a trip cap on the subject property consistent with the analysis that has been done.

DPW&T had no comments on the study. SHA comments have not been received to date.

MD 193 is a master plan arterial. Existing right-of-way is sufficient for implementation of master plan recommendations, and no further dedication is required of this plan.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests:

- a. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**
- b. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**
- c. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**
- d. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

**Comment:** The applicant would suffer a particular hardship if the strict letter of the regulations were followed since this is the sole access to the property. The entrance will be developed to State Highway Administration standards, ensuring public safety and conformance to all other applicable laws.

Given that MD 193 is the only means of access for this site, the granting of driveway access from this site onto an arterial poses no concerns. All access to the site must be approved by the State Highway Administration.

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 a condition limiting development to that proposed.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans 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). The proposed subdivision is exempt from APF test for schools because it is commercial use only.
10. **Fire and Rescue**—The Historic Preservation 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 Chillum-Adelphi Fire Station, Company 34, located at 7833 Riggs Road, has a service travel time of 0.47 minutes, which is within the 3.25-minute travel time guideline.
  - b. The existing ambulance service at Chillum-Adelphi Fire Station, Company 34, has a service travel time of 0.47 minutes, which is within the 4.25-minute travel time guideline.
  - c. The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 4.59 minutes, which is within the 7.25-minute travel time guideline.
  - d. The existing ladder truck service at Hyattsville Fire Station, Company 1, located at 6200 Belcrest Road, has a service travel time of 4.07 minutes, which is within the 4.25-minute travel time guideline.

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. 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*.

11. **Police Facilities**—The proposed development is within the service area for Police District I-Hyattsville. In accordance with Section 24-122.1(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed University Plaza West 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 June 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 additional 69 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department noted that significant quantities of cans and glass bottles were found on the property and requires these to be removed and properly discarded.

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 not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a Stormwater Management Concept Plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**¾ There are no known cemeteries on or adjoining the property.
15. **Public Utility Easement**—The preliminary plan includes a note indicating that the required 10-foot-wide public utility easement will be established adjacent to the public right-of-way. This easement will be shown 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 Lowe, seconded by Commissioner Vaughns, with Commissioners Lowe, Vaughns, Eley, Harley 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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