

R E S O L U T I O N

WHEREAS, Parvez and Birjees Shah are the owners of a 9.37-acre parcel of land known as Parcel 1, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on December 3, 2003, Cambridge Development Group filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03117 for Naco Site 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 18, 2004, 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 18, 2004, 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/71/03), and further APPROVED Preliminary Plan of Subdivision 4-03117 and the Variation to Section 24-130 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 label the dedication of 35 feet from the center line of Northern Avenue.
 - b. To label the dedication of 40 feet from the center line of Good Luck Road.
2. At the time of detailed site plan, a Type II Tree Conservation Plan shall be approved.
3. 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.
4. Prior to the approval of permits, a detailed site plan shall be approved by the Planning Board or

its designee, consistent with the findings of this approval.

5. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan.
6. 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 Good Luck Road, 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.
7. **MD 193 at MD 564:** Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with DPW&T/SHA:
 - a. Provide dual left-turn lanes along the northbound and southbound approaches of MD 193.
 - b. Provide a dual left-turn lane along the eastbound approach of MD 564.
 - c. The above improvements shall be waived with the provision of the following documentation at the time of any building permit: a statement, on federal letterhead, of occupancy of development on the site by a federal agency, with details of staffing, including number of employees and work hours. In the event that the facilities are no longer occupied by a federal agency, or it is deemed that the federal agency will have work shifts that would affect the peak hours of 7:45 to 8:45 A.M. or 5:00 to 6:00 P.M., the above improvements shall be required prior to approval of occupancy permit.
8. At the time of final plat approval, the applicant shall dedicate a right-of-way along proposed Good Luck Road of 40 feet from centerline, as shown on the submitted plan. The applicant shall also dedicate a right-of-way along Northern Avenue of 35 feet from centerline, as shown on the submitted plan. DPW&T shall have the authority to determine the scope of improvements within the rights-of-way and adjust the size of the rights-of-way if necessary.
9. Total development within the subject property shall be limited development which generates no more than 125 AM and 123 PM peak-hour vehicle trips. Any development that generates a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
10. Prior to the approval of the initial building permit on the subject property, the applicant shall submit an acceptable traffic signal warrant study to SHA and, if necessary, DPW&T for the intersection of MD 193 and Northern Avenue. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by the responsible agency at that time, the

applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by the appropriate permitting agency.

11. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/71/03). 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 (TCPI/71/03), 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 make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

12. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
13. The grading permit package submission shall include a copy of the approved stormwater technical plans so that it can be determined that the limits of disturbance on the TCPII and the approved stormwater technical plans are coterminous.

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 southern quadrant of the intersection of Northern Avenue and Good Luck Road.
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)	Vacant	Office/Industrial 143,027 sq.ft
Acreage	9.37	9.37
Parcels	1	1

4. **Environmental**—The site is subject to the Woodland Conservation Ordinance because the site is greater than 40,000 square feet and more than 10,000 square feet of woodland exist. A revised TCPI has been submitted and reviewed. There are no areas of 100-year floodplain that would be subtracted from the gross tract area. Existing woodland at the site totals 9.25 acres. The revised TCPI shows the amount of woodland cleared to be 8.15 acres; this results in a woodland conservation requirement of 3.65 acres. The requirement is proposed to be met through the provision of 0.25 acre of on-site preservation and 3.40 acres of off-site mitigation.

The site contains significant areas of wetlands that have been shown on the plans. The proposed development impacts both areas of wetlands. Neither of the wetlands is connected to other sensitive environmental features.

The plan proposes impacts to two areas of isolated wetlands that consist of 0.78 acre. The total area of proposed wetland impacts and associated buffers is 0.72 acre. A field delineation identified the two noncontiguous wetland areas as Wetlands A and B. Wetland A is located along the northern portion of the site at Northern Avenue and consists of 0.29 acre. Wetland B is in the center of the site and is associated with an existing drainage swale and consists of 0.49 acre. Staff notes the two wetlands are considered to be “isolated” based on their location and lack of connectivity to an adjacent stream or similar features typically found in relation to wetlands.

Impacts to these wetland areas are restricted by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation finding is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The proposed impacts to the areas of isolated wetlands for paving along the backside of the proposed building for vehicular access and the construction of the building are not detrimental to the public safety, health, or welfare and are not injurious to other property because of the isolated

nature of the wetlands on-site. Prior to grading permit issuance, the applicant will be required to obtain state and federal permits for the proposed work. The additional review with a detailed site plan will assure that the impacts are minimized and that impacts to other properties are not included.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

This variation request is based on the fact that two areas of isolated wetlands exist, and in order to develop the property, impacts to wetlands are necessary. The isolated location of both wetlands is unique to this property in that wetlands are usually associated with other sensitive environmental features. In this instance, these are isolated wetlands due to a lack of connectivity to other similar environmental features.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

Even if approved by the Planning Board, the applicant must obtain federal and state permits prior to the issuance of any grading permit. As such, there is no violation of other applicable laws.

(4) 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;

Because of the isolated wetlands and their location at the site, and because the site is a corner parcel in relation to three existing public rights-of-way (i.e., Good Luck Road, Northern Avenue and Hubble Drive), there are site planning constraints associated with the site. Denying the variation could result in a hardship to the property owner because the developable area of the entire site would be severely constrained. One of the two wetlands occurs in the center of the property, and roadway access issues constrain the available design options.

Staff recommends approval of the variation requests for the proposed impacts.

No streams or 100-year floodplains are present. Nine soil types are associated with the site including some areas with soils having hydric characteristics. Soil series present include Cristina Silt Loam, Galestown-evesboro Loamy Sands, Iuka Sandy Loam (ImA and ImB), Keyport Fine Sandy Loam, Keyport Silt Loam, Sunnyside Fine Sandy Loam and Woodstown Sandy Loam. Of these soil series the Christiana Silt Loam and Keyport Silt Loam both are characteristic of being highly erodible. Marlboro Clays are not present at this location. The site is in the Folly Branch watershed of the Patuxent River basin. There are no significant noise generators or scenic or historic roads in vicinity of the site.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources.

5. **Community Planning**—The subject property is located within the limits of the 1993 *Glenn Dale-Seabrook-Lanham and Vicinity Master Plan*, Planning Area 70, in the Lanham-Severn Road Community, in Employment Area 1. The master plan land use recommendation for the site is for low-intensity research and development. The 2002 General Plan locates the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of distinct Commercial Centers and employment areas that are increasingly transit serviceable. The proposed preliminary plan is consistent with the recommendations of the master plan and General Plan.

As discussed in the Finding 14, the master plan provides specific recommendations for the development of this property. The detailed site plan process is necessary to ensure conformance with the recommendations of the master plan relating to screening, buffering, lighting, site access, building height, and location.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the proposed subdivision is exempt from the requirements of mandatory dedication of parkland because the proposed use is nonresidential.
7. **Trails**—The Adopted and Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan recommends that Good Luck Road and Northern Avenue be designated as a Class III bikeways with appropriate signage. Because Good Luck Road and Northern Avenue are county rights-of-way, the applicant should provide a financial contribution for the placement of two signs. One “Share the Road” sign will be placed along each road. A note should be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged to safely accommodate bicycle traffic.
8. **Transportation**—The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated December 2003 that was referred for comment; comments from State Highway Administration (SHA) and the county Department of Public Works and Transportation (DPW&T) are attached. 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 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 better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

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.

Analysis of Traffic Impacts

The traffic study for this site examined the site impact at four intersections:

MD 193/Good Luck Road (signalized)
MD 193/MD 564 (signalized)
Good Luck Road/Northern Avenue (unsignalized)
MD 193/Northern Avenue (unsignalized)

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 193 and Good Luck Road	1,319	1,342	D	D
MD 193 and MD 564	1,234	1,338	C	D
Good Luck Road and Northern Avenue	8.9*	9.5*	--	--
MD 193 and Northern Avenue	412.5*	66.8*	--	--
*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. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

The area of background development includes 14 properties in the vicinity of the subject property. There are no programmed improvements in the county Capital Improvement Program (CIP) or the state Consolidated Transportation Program (CTP). As a part of the relocation of Soil Conservation Road, however, the federal government plans to make improvements to the intersection of MD 193 and Good Luck Road. These improvements would provide a four-lane approach southbound (right-turn, through, and dual left-turn lanes), along with a dual left-turn

PGCPB No. 04-58
File No. 4-03117
Page 8

lane along eastbound MD 193. Background conditions are summarized below:

**This document was truncated here because it was created using
Aspose.Words in Evaluation Mode.**