

R E S O L U T I O N

WHEREAS, SMECO is the owner of a 11.95-acre parcel of land known as part of Lot 23, Plat Book BB9@35, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned C-M; and

WHEREAS, on November 9, 2004, SMECO filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04085 for SMECO 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 31, 2005, 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 31, 2005, 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/93/04), and further APPROVED Preliminary Plan of Subdivision 4-04085, SMECO Property for Lots 1-4, including a variation with the following conditions:

1. The final plat shall reflect that direct access to MD 210 is denied. Lots 1-4 shall access via Beech Lane, a parallel service road along MD 210.
2. The applicant or his/her heirs, successors, or assignees will be responsible for any frontage improvements along Beech Lane and at the intersection of MD 210/Pine Drive/Beech Lane to access the proposed development as required by the State Highway Administration and/or the Department of Public Works and Transportation.
3. Total development within proposed Lot 4 shall be limited to 6,875 square feet of professional office space or equivalent development which generates no more than 20 AM and 26 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
4. Total development within proposed Lots 1, 2 and 3 shall be limited to the existing uses, or

equivalent development which generates no greater traffic impact than the existing uses. Any development generating an 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.

5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

6. 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.

7. 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/93/04) 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.”

8. Development of this property shall be in conformance with the approved stormwater management concept plan, #9788-2004-00, or any approved revision thereto.
9. 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.
10. Prior to approval of the final plat of subdivision and/or any disturbance occurring on this property, the applicant shall submit a Phase I archeological investigation and, if determined to be needed by Planning Department staff, a Phase II and Phase III investigation. If necessary the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

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 site is located on the southeast side of Beech Lane and MD 210, approximately 500 feet northeast of pine Drive.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-M	C-M
Uses	Retail, Contractor's Offices	Retail, Contractor's Offices
Acreage	11.95	11.95
Lots	1	4
Parcels	0	0
Square Footage/GFA	33,000	39,875

4. **Environmental**—There is no 100-floodplain on the property. The plan indicates a stream and wetlands on-site. The site eventually drains into Mattawoman Creek in the Potomac River watershed. According to the *Prince George's County Soils Survey* the principal soils on this site are in the Beltsville, Manor and Sassafras series. Marlboro clay does not occur in the area. 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, rare, threatened, or endangered species do not occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. Indian Head Highway is an adjacent source of traffic-generated noise. The proposal is not expected to be a noise generator.

Streams, Wetlands and Floodplain

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The same areas compose the Natural Reserve shown on the Subregion V Master Plan. For the purposes of this review, these areas include all of the expanded stream buffer. A wetlands delineation was submitted with the application. All streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, areas with severe slopes, and areas with steep slopes containing highly erodible soils are shown on the plans. The expanded stream buffers are correctly shown on the plans.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design of any subdivision should avoid impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), streets,

and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare.

Impacts to sensitive environmental features require variations to the Subdivision Regulations. One variation request, to connect proposed Lot 4 to the existing sanitary sewer, has been submitted.

Section 24-113 of the Subdivision Regulations contains four required findings to be made before a variation can be granted:

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 the evidence presented to it in each specific case that:

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the sanitary sewer is required by other regulations to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

The only available existing sanitary sewer to serve this development is wholly within an expanded stream buffer.

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

The installation of the sanitary sewer is required by other regulations, and the variation request is only for Section 24-130 of the Subdivision Regulations. No other applicable law, ordinance or regulation will be violated.

- (4) Because of the peculiar 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 regulation is carried out.**

The extent of the expanded stream buffer provides no alternative for connection to the existing sanitary sewer that is required to serve the development.

Staff supports the variation request for the reasons stated above.

Woodland Conservation

A detailed forest stand delineation (FSD) was submitted with this application. A single stand of young Virginia pine/sweetgum/red maple/southern red oak covers approximately 7.09 acres of the northern portion of the site. No specimen trees were found. Most of the trees are 6 to 12 inches diameter at breast height. The shrub layer contains American holly, highbush blueberry, and spicebush. There are some invasive vines. The priority areas are those associated with the stream and wetlands. The FSD meets the requirements of the Woodland Conservation Ordinance.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland.

The revised Type I Tree Conservation Plan, TCPI/93/04, has been reviewed. All streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, areas with severe slopes, and areas with steep slopes containing highly erodible soils are shown on the plans.

The plan proposes clearing 3.79 acres of the existing 7.09 acres of woodland. The woodland conservation threshold has been correctly calculated as 1.79 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 2.74 acres. The plan proposes to meet the requirement by providing 3.19 acres of on-site preservation.

An abundance of larger diameter Virginia pine (*Pinus virginiana*) is located within the proposed tree preservation areas. This species is relatively short-lived and is subject to windfall. An appropriate note to address this issue with the Type II Tree Conservation Plan is included on the plan.

The plan indicates the intent to meet all requirements by on-site preservation. The proposed preservation areas correctly include the stream valley, additional woodland associated with it, and a 40-foot-wide buffer that will also serve as a landscape buffer required by the *Landscape Manual*. The proposed woodland conservation areas satisfy the intent of the Woodland Conservation Ordinance.

Noise

Indian Head Highway is an adjacent source of traffic-generated noise. Because the property is zoned C-M, traffic-generated noise is predicted to be below state noise standards for the proposed development.

Soils

According to the Prince George's County Soils Survey, the principal soils on this site are in the Beltsville and Iuka series. Beltsville soils are highly erodible, may have a perched water table, and are in the C-hydric group. Iuka soils are may have a high water table, impeded drainage, and wetlands inclusions and are in the C-hydric group.

Water and Sewer Categories

The property is in water category W-3 and sewer category S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. This development will utilize these public facilities.

5. **Community Planning**—The property is in Planning Area 83/Accokeek. The 2002 General Plan places the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The 1993 master plan for Subregion V recommends a commercial use for the site. This application does not impair the master plan recommendation.
6. **Parks and Recreation**—The proposed subdivision is exempt from the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations because it is in a nonresidential zone and no dwelling units are proposed.
7. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan. Access to the site is from an open section service road immediately east of MD 210. No connecting sidewalks exist to the site.
8. **Transportation**—The transportation staff determined that a traffic study from the applicant was not required due to the size of the proposed development. However, a traffic count and traffic signal warrant study for the intersection of MD 210 (Indian Head Highway) and MD 810E (Pine Drive) was done as a result of a previous application and was used to determine adequacy. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by 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 2002 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, may be considered 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.

Staff Analysis of Traffic Impacts

The transportation staff is basing its findings on the traffic impacts at one critical intersection, which is not signalized. The traffic generated by the proposed preliminary plan would impact the intersection of MD 210 (Indian Head Highway) and MD 810E (Pine Drive). The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The application is a plan for a 6,875-square-foot commercial or professional office building. The existing 33,000 square feet of development is considered in background conditions. Based on the permitted uses in the C-M Zone, and highest possible trip rate (office medical/professional), the proposed development would generate 20 AM (16 in, 4 out) and 26 PM (6 in, 20 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

60 percent—North along MD 210
40 percent—South along MD 210

The traffic generated by the proposed plan would primarily impact the intersection of MD 210 and Pine Drive (MD 810E). The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the

transportation system. The following conditions exist at the critical intersection: AM peak hour, maximum average delay of 54.2 seconds; and in the PM peak hour, a maximum average delay of 776.3 seconds.

An annual growth rate of 2.0 percent was assumed for through and background traffic along US 301. The following background traffic conditions were determined: AM peak hour, maximum average delay of 71.8 seconds; and in the PM peak hour, a maximum average delay of 845.2 seconds. With site traffic, the following operating conditions were determined: AM peak hour, maximum average delay of 77.0 seconds; and in the PM peak hour, a maximum average delay of

950.4 seconds.

In analyzing unsignalized intersections, average vehicle delay for various movements through an intersection is measured in seconds of vehicle delay. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values above “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy. Staff has determined that the minimum delay exceeds 50.0 seconds during both the AM and PM peak hours at the intersection of MD 210 (Indian Head Highway) and MD 810E (Pine Drive).

Since the amount of delay exceeds 50.0 seconds, staff would normally recommend a traffic signal warrant study to determine the feasibility of a new traffic signal at this location. However, a traffic signal warrant study at this location was recently completed by another consultant for the Summerwood development. None of the eight signal warrants were met to justify a traffic signal at this location. Moreover, the amount of traffic expected from the current proposal would also not be enough to justify a traffic signal at MD 210. Staff anticipates that the proposed building would add 20 additional AM and 26 additional PM peak-hour trips to the intersection of MD 210 and MD 810E (Pine Drive).

In consideration of the recent determination that a traffic signal would not be warranted at this location, staff finds that the MD 210/Pine Drive intersection would operate acceptably under total future traffic. It is important to recall that a traffic signal warrant study is, in itself, a more detailed study of the adequacy of an unsignalized intersection in comparison to the delay computation provided in the guidelines.

Site Plan Comments

The proposed building on Lot 4 would have access to Beech Lane via a new commercial entrance. Beech Lane is within the MD 210 right-of-way. A median break exists on MD 210 to allow left turns from westbound Beech Lane to southbound MD 210. There will be no access from any of the lots to MD 210. All of the lots will use Beech Lane and access MD 210 at that intersection.

Master Plan Comments

The Subregion V master plan lists MD 210 (Indian Head Highway) as an expressway facility with a right-of-way width of 250 feet and four travel lanes, which currently exist. No additional dedication along MD 210 will be required. Staff notes that a final environmental impact statement was completed with recommendations for improvements along MD 210 between I-95/I-495 (Capital Beltway) and MD 228. The current proposal at Beech Lane is just to the south of the study area and will not affect the selected alternative.

Findings and Recommendations

Based on the preceding findings, adequate transportation facilities 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 the conditions contained at the end of this report.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposed subdivision is exempt from the review test for schools 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.
 - a. The existing fire engine service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service travel time of 4.03 minutes, which is beyond the 3.25-minute travel time guideline.
 - b. The existing ambulance service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service travel time of 4.03 minutes, which is within the 4.25-minute travel time guideline.
 - c. The existing paramedic service at Allentown Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 10.03 minutes, which is beyond the 7.25-minute travel time guideline. The nearest fire station Accokeek, Company 24, is located at 16111 Livingston Road, which is 4.03 minutes from the development. This facility would be within the recommended travel time for paramedic service if an operational decision to locate this service at that facility is made by the county.
 - d. The existing ladder truck service at Oxon Hill Fire Station, Company 21, located at 7600 Livingston Road, has a service travel time of 14.82 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should 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.

The above findings are in conformance with the standards and guidelines contained in 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 IV-Oxon Hill. The Planning Board's test for police adequacy applicable to this application 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department reviewed the application and has no comment.
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, CSD#9788-2004-00, was approved by the Prince George's County Department of Environmental Resources on April 6, 2004. Development must be in accordance with this approved plan or any revisions thereto.
14. **Cemeteries**— The Planning Board has determined that the possible existence of slave quarters and slave graves or prehistoric sites on certain properties must be considered in the review of development applications and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. This land is in the vicinity of a number of prehistoric sites, some undisturbed, and is close to the E.R. Boswell residence shown on the 1861 Martenet Map. Documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials or prehistoric sites.

Prior to approval of the final plat and/or any disturbance occurring on this property, the applicant should submit a Phase I archeological investigation to the Planning Department staff for review and concurrence, and if determined to be needed, a Phase II and Phase III investigation. The final plat, if necessary, should provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to all public rights-of-way. It is accurately reflected on the proposed preliminary plan and will be included 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.

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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 Vaughns, seconded by Commissioner Harley, with Commissioners Vaughns, Harley, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 31, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of April 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk