

R E S O L U T I O N

WHEREAS, Jerry M. Warder is the owner of a .68-acre parcel of land known as Part of Lot 63, Tax Map 117 in Grid A-1, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned I-4; and

WHEREAS, on April 19, 2007, Jerry M. Warder 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 4-05023 for 7910 Old Alexandria Ferry Road 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 April 19, 2007, 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 April 19, 2007, 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 4-05023, 7910 Old Alexandria Ferry Road, for Parcel A with the following conditions:

1. Prior to submitting for any permit, the applicant, heirs, or successors shall obtain a new Standard Letter of Exemption from the Prince George's County Woodland Conservation Ordinance from the Environmental Planning Section of the Prince George's County Planning Department.
2. Development shall be in conformance with the approved Stormwater Management Concept Plan, 8679-2004-00 and any subsequent revisions.
3. Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
4. The applicant, heirs, or successors shall provide a standard sidewalk along the subject site's frontage of Old Alexandria Ferry Road, unless modified by DPW&T.
5. At the time of final plat approval, the applicant shall dedicate 50 feet of right-of-way from the master plan centerline (i.e., the roadway centerline) of Old Alexandria Ferry Road.

6. Total development within the subject property shall be limited to a 8,650 contractor's office, or other uses which generate no more than 5 AM and 5 PM peak hour vehicle trips. 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.

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 situated on the east side of Old Alexandria Ferry Road approximately 750 feet west of its intersection with Woodyard Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING I-4 Residential	PROPOSED I-4 Industrial / Commercial (8,650 sf)
Acreage	0.68	0.68
Lots	0	1
Outparcel	0	0
Parcels	1	0
Public Safety Mitigation Fee		No

4. **Subdivision**—The subject property is zoned I-4. The subject application is not proposing any residential development; however, because of the different adequate public facility tests for residential subdivisions, any future consideration for residential development beyond one single-family dwelling will require the approval of a new preliminary plan of subdivision.
5. **Environmental**—A review of available information indicates there are no regulated environmental features associated with the site. Based on Year 2000 air photos the site contains a few scattered trees that do not meet woodland requirements. The soil type found to occur on the subject property according to the Prince George's County Soil Survey is Beltsville silt loam. Based on GIS information obtained from the Maryland Department of Natural Resources Natural Heritage Program staff, rare, threatened and endangered species do not occur in vicinity of the site. There are no designated scenic or historic roads adjacent to the site. The site is located in close proximity to major noise generators including Andrews Air Force Base operations. This site is not located within the framework of the Countywide Green Infrastructure Plan. The site is in Piscataway Creek of the Potomac River basin, and the Developing Tier of the 2002 adopted General Plan.

Environmental Review

A signed Natural Resources Inventory, NRI/056/06, was submitted with the application. The NRI correctly shows all of the required information. This property is exempt from the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodland and there are no previously approved Tree Conservation Plans for this site. A Standard Letter of Exemption from the Prince George's County Woodland Conservation Ordinance was issued to the property owner on October 29, 2003; however, that exemption has expired. A new Standard Letter of Exemption will need to be obtained from the Environmental Planning Section prior to submitting for any permit.

Based on the most recent Air Installation Compatible Use Zone Study (AICUZ) released to the public in August 1998 by the Andrews Air Force Base, aircraft generated noise is significant in the area. The study indicates that the noise threshold is between 75 dBA (Ldn) and 80 dBA (Ldn) for most of the property. Noise impacts on this site are not an issue because the proposed use is for industrial purposes.

The approved Stormwater Management Concept letter and plan were included in the package. The plan proposes a detention pond near the rear of the proposed site.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and the property will, therefore, be served by public systems.

6. **Community Planning**—The application is located 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 site is located on the east side of Old Alexandria Ferry Road, south of Bellefonte Lane, roughly one-and-a-half miles from the end of the runway under the flight path for aircraft at Andrews Air Force Base. The 1993 Subregion V SMA reclassified this property from the R-R Zone to the I-4 Zone.

The subject property was developed as part of a small-lot, single-family detached, residential subdivision south of Andrews Air Force Base. There is currently a single-family detached dwelling on the property. As the frequency of operations and size of aircraft at Andrews AFB increased, so did the impact on residential subdivisions under the flight path near the base, especially with respect to aircraft noise. Studies such as AICUZ recommended against locating housing in such severely impacted areas. In accordance with the guidelines set forth for Employment Area B on page 74 of the 1993 Master Plan, the Sectional Map Amendment (SMA) placed this property in the I-4 Zone for low, land extensive industrial land use. Recognizing that the transition from a developed residential area to an industrial area would take time to complete, a zoning condition was approved that requires detailed site plan review for new businesses with

particular attention to buffering and screening for remaining residential uses, as well as acoustical buffering for new business uses.

The applicant is proposing to create one lot for a proposed 8,650 square foot building for a contractor's office and indoor storage. This land use is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The use also conforms to the Employment area land use recommendations of the 1993 Subregion V Master Plan, which recommends very low-intensity, land extensive industrial uses for this area in Employment Area B (p.74).

This application is located south of Andrews Air Force Base under the flight path for military aircraft. The US Air Force has published noise impact and accident potential studies for this area, known as the Air Installation Compatible Use Zone (AICUZ) study (last updated in 1998). This application should be referred to Andrews Air Force Base personnel for information and comment.

The Subregion V Plan text contains extensive discussion of impact of the flight operations at Andrews Air Force Base and the recommendations of the 1989 Air Installation Compatible Use Zone (AICUZ) study, which identifies this area in Accident Potential Zone I and the 75-80 Ldn noise level contours. Noise levels in excess of 65 Ldn are identified as unsuitable for residential uses. See the Environmental Planning Section referral for additional comments on the AICUZ study.

7. **Parks**—According to Section 24-134(a) of the Prince George's County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because the proposed use is nonresidential.
8. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan that impact the subject site. Where frontage improvements have been made along Old Alexandria Ferry Road, standard sidewalks have been provided. There is an existing sidewalk immediately to the east of the subject site. If road frontage improvements are required, staff recommends the continuation of the standard sidewalk across the frontage of the subject property.
9. **Transportation**—The application is a preliminary plan of subdivision for a commercial/ industrial development consisting of a contractor's office with indoor storage on a single parcel. The existing tax parcel contains an existing residence. Analyzing the site as flex office would indicate that the proposed development would generate 6 AM and 6 PM peak-hour vehicle trips as determined using the "Guidelines for the Analysis of the Traffic Impact of Development Proposals." Given that the site contains an existing residence, the net trip generation would be 5 AM and 5 PM peak-hour vehicle trips.

The site is 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.

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 traffic generated by the proposed preliminary plan would impact the intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road. This intersection is signalized. Approximately 50 percent of site-generated traffic would utilize the critical intersection, which is the nearest major intersection to the subject property.

There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program.

Staff has available turning movement counts at the critical intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road that are approximately one year old. Recent analyses done indicate that the critical intersection, with background growth added, would operate as follows: AM peak hour – LOS F, with a CLV of 2,155; PM peak hour – LOS F, with a CLV of 1,717. Nonetheless, due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 5 AM and 5 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the MD 223 and Old Alexandria Ferry Road/Dangerfield Road intersection.

Old Alexandria Ferry Road is designated as a master plan major collector in the *Subregion V Master Plan* with a right-of-way of 100 feet.

TRANSPORTATION STAFF CONCLUSIONS

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.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the commercial subdivision plan for a proposed contractor's office and indoor storage for adequacy of public facilities.

The existing fire engine service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service travel time of 1.45 minutes, which is within the 3.25-minutes travel time

guideline. The existing paramedic service at Clinton Fire Station, Company 25 located at 9025 Woodyard has a service travel time of 1.45 minutes, which is within the 7.25-minutes travel time guideline. The existing ladder truck service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service travel time of 1.45 minutes, which is within the 4.25-minutes travel time guideline.

The proposed contractor's office and indoor storage development will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ladder truck and paramedic service.

11. **Police**—The proposed development is within the service area for Police District V Clinton. The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The Plan includes planning guidelines for police facilities and they are:

Station space per capita: 141 square feet per 1,000 county residents

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the standard of 141 square feet per 1,000 residents, 116,398 square feet of space for police facilities are needed. The current amount of space available, 267,660 square feet, is above the guideline.

12. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the above subdivision is exempt from a schools review because it is a nonresidential use.
13. **Health Department**—The Health Department reviewed the subject application and has found numerous abandoned vehicles located on the property must be removed and properly disposed. A raze permit is required prior to the removal of any existing structures and any hazardous materials located in any of the structures must be properly removed, stored or discarded prior to the structures being razed.
14. **Stormwater Management**—Stormwater Management Concept Plan 8679-2004-00 was approved with conditions. Development of the site must be in accordance with this approved plan.
15. **Public Utilities Easement**—The applicant has shown the ten-foot public utilities easement on the preliminary plan. They will be reflected on the final plat.
16. **Archeology** - Phase I archeological survey is not recommended on the above-referenced 0.68-acre property at 7910 Old Alexandria Ferry Road in Clinton, Maryland. The proposed use of the property will be a contractor's office with indoor storage. A search of current and historic

photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A house was built on the property between 1938 and 1965, indicating that any archeological sites that may have been present on the property have already been adversely impacted.

However, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

17. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.

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 Clark, with Commissioners Eley, Clark, Squire, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, April 19, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of May 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

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