

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 11, 2002, regarding Detailed Site Plan DSP-02006 for Brandywine Pressure Reducing Station, the Planning Board finds:

1. The subject Detailed Site Plan is for a pressure reducing station by Washington Gas Light Company within a larger industrial development. The site consists of 4.28 acres in the I-1 Zone and is located on the north side of Brandywine Road (MD 381), approximately 300 feet east of the intersection with Mattawoman Drive. Detailed Site Plan approval is required by Condition 1 of Zoning Map Amendment A-9751-C, which states the following:

**Detailed Site Plan approval by the Planning Board pursuant to Section 27-281 of the Prince George's County Code and by the District Council prior to the issuance of building permits.**

The Zoning Map Amendment was approved on July 25, 1989, subject to 14 conditions. The Detailed Site Plan is in compliance with most of the conditions. For further information, see Findings 5, 6 and 7 below.

2. The site development data is as follows:

Zone	I-1
Area	4.28 acres
Use	Pressure Reducing Station
Parking spaces required (Unmanned Station)	none
Parking spaces provided (for service vehicles)	3 spaces
Loading spaces required	none
Loading spaces provided	none

3. The Detailed Site Plan is in compliance with all applicable requirements of the *Landscape Manual*.
4. The Detailed Site Plan is in compliance with all Zoning Ordinance requirements with the exception of Section 27-474(b)C Table 1C Setbacks. Section 27-465(a) requires that all fences greater than six feet in height comply with the setback requirements in Industrial Zones. The applicant proposes a six-foot-high chain-link fence surrounding the

compound with an additional one-foot-high barbed-wire extension above the fence, for a total of seven feet. Instead of locating the fence 25 feet behind the property line, as required by the Zoning Ordinance, the applicant proposes to locate the fence 10 feet behind the ultimate right-of-way of Brandywine Road, requiring a 15-foot variance.

The criteria for approving a variance, provided in Section 27-230(a) of the Zoning Ordinance, are as follows:

- (1) *A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;*

The applicant's justification statement states that the property exhibits a triangular shape with floodplain, woodlands, and wetlands forming the rear property boundary. Washington Gas Light Company did not want to impact these environmental features, therefore the reducing station was placed the greatest distance possible from the floodplain and woodlands without being too close to MD Route 381. Staff agrees with the applicant that the specific parcel of land does have an exceptional shape that limits the usable area of the site. The fence is proposed to be located 30 feet behind the existing right-of-way of Brandywine Road. In the future, should Brandywine Road be widened, the proposed fence would be located 10 feet behind the ultimate right-of-way.

- (2) *The strict application of this subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;*

The applicant's justification statement indicates that Washington Gas Light Company did not want to place the reducing station too close to the floodplain and woodlands. The location and path of the below ground gas lines and above ground valves also dictate where the fence needed to be located. Washington Gas needed the fence to be placed far enough away from the above ground pipes and valves for general maintenance purposes and for increased security of the equipment. Moving the fence to meet the 25-foot building setback would force Washington Gas to reconfigure the proposed site layout for the reducing station and make it an inefficient and more costly layout. A reduced area would create undo [sic] hardship for Washington Gas because a smaller area would not allow for the accomplishment of the project purpose. Staff is in agreement with the applicant's justification and furthermore submits that to require the applicant to meet a 25-foot setback for a 1-foot-high barbed wire extension would result in unusual practical difficulties to the owner of the property. Moreover, barbed wire is necessary for the security of this facility.

- (3) *The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.*

The applicant states that Washington Gas is honoring the Subregion V Master Plan by proposing the reducing station in a Master Plan identified Industrial area. Washington

Gas is also honoring the Master Plan by protecting the health and welfare of the Prince George=s County residents by placing a fence around the reducing station to prevent the general public from gaining access to the site. Having chain-link fencing around these stations is quite common, and placing the fence within the 25-foot setback will not create any unnecessary health risks to the general public because the area is surrounded by industrially-zoned land and there is limited pedestrian access to this area.@ Staff agrees that the addition of a one-foot-high barbed wire extension of the fence is necessary for safety reasons and that the variance will have no impact to the integrity of the General Plan or Master Plan. However, staff is of the opinion that the fence should be more attractive in appearance and should therefore be specified as black, vinyl-coated chain-link fence on the site plans.

5. In a memorandum dated March 21, 2002 (Markovich to Wagner), the Environmental Planning Section found that there are no significant environmental impacts associated with the proposed development of the property. DSP-02006 and TCPII/23/02 are recommended for approval subject to Condition 2 in the Recommendation section below.

#### Background

This site was previously reviewed by the Environmental Planning Section in conjunction with the approvals of a Preliminary Plan of Subdivision, 4-90045, and a Type I Tree Conservation Plan, TCPI/84/90.

#### Site Description

The 4.282-acre site is located approximately 300 feet east of the MD 381 and Mattawoman Drive intersection on the north side of MD 381. A review of the information available indicates that streams, wetlands, and 100-year floodplains are found to occur on the subject property. No areas of severe slopes or steep slopes with highly erodible soils are found to occur on the subject property. The property is not impacted by transportation-related noise generators. The soils found to occur according to the Prince George=s County Soil Survey include Beltsville silt loam, Bibb silt loam, Iuka silt loam, and Keyport fine sandy loam. Some of these soils have been identified as having limitations with respect to development. No Marlboro clays are found to occur in the vicinity of the property. The sewer and water service categories are S-3 and W-3 respectively. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled AEcologically 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 scenic or historic roads in the vicinity of this parcel. This property is located in the Mattawoman Creek subwatershed of the Potomac River.

#### Conditions of Approval for A-9751-C to be addressed at Detailed Site Plan

The approval of the zoning case by the District Council for the larger property which

included this parcel and the approval of the Preliminary Plan of Subdivision by the Planning Board included numerous conditions, several of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions associated with those approvals are addressed below. The respective conditions are in **bold** type face and the associated comments are in standard type face.

**2.C. The Timothy Branch shall be buffered by a fifty (50) foot building setback.**

The plans as submitted provide a setback in excess of 50 feet from the banks of Timothy Branch.

**8. An approved 100 year floodplain study and stormwater management concept plan shall be provided prior to Detailed Site Plan approval by the Planning Board.**

The application included an approved 100-year floodplain study stamped as received by the Environmental Planning Section on February 22, 2002. The revised plans show a bioretention pond along the eastern edge of the proposed facility.

**9. Restrictive slopes shall be maintained in their vegetated states to the extent practicable and shall be shown on the detailed site plan.**

No steep or severe slopes are found to occur within the limits of this application.

**11. A soils study shall be provided at the time of Detailed Site Plan submittal to address grading, drainage and soil stability.**

A Geotechnical Report dated January 2002 and date stamped as received by the Countywide Planning Division on February 22, 2002, has been reviewed and found to address the grading, drainage, and soil stability issues for this parcel. The most significant issue raised by the report focuses on the potential for infiltration for bioretention ponds. The revised plans show a bioretention pond.

Conditions of Approval for 4-90045 to be addressed at Detailed Site Plan

Following the approval of the zoning case, a Preliminary Plan of Subdivision was approved for the entire area of the prior approval.

**8. There shall be no disturbance within the 100-year floodplain areas shown on this plan except for the disturbance necessary for road crossings and for the building of proposed Street AC@ unless otherwise agreed to by the Watershed Protection Branch of the Department of Environmental Resources and the Natural Resources Division of the M-NCPPC.**

This application does not propose impacts to the 100-year floodplain.

13. **Prior to the approval of each Detailed Site Plan, technical stormwater management approval shall be obtained for the on-site stormwater management ponds that provide stormwater management for the submitted Detailed Site Plan. If the ponds need to be enlarged, additional areas shall be taken from the adjacent lots for these ponds and their required buffers. Up to one acre outside of the floodplain may be necessary on Lot 5 and up to two acres outside of the floodplain may be necessary on Lot 9. This may require modification of the existing lot lines.**

Because the proposed Pressure Reducing Station minimizes the area of impervious surface, it is unlikely that stormwater management ponds would need to be enlarged for this site. However, the determination of stormwater management needs for this site shall be made by the Prince George's County Department of Environmental Resources. As of this date no information with respect to the technical stormwater management plan approval has been provided.

15. **As part of the Detailed Site Plan review, additional tree save areas shall be established to compensate for those wooded areas that have been lost due to the floodplain disturbance required to construct Street AC@.**

The TCPII as revised proposes 0.13 acre of on-site afforestation in the 100-year floodplain to satisfy the Woodland Conservation requirements for this property.

#### Environmental Review

- a. A Forest Stand Delineation (FSD) was reviewed in conjunction with the Preliminary Plan of Subdivision in 1990 and found to address the requirements for an FSD in accordance with the Prince George's County Woodland Conservation and Tree Preservation Technical Manual. A review of the 1993 and 2000 aerial photography reveals that the extent of existing woodlands on the subject parcel has not changed since the approval of TCPI/84/90 and the FSD for the entire property.

*Discussion: No further information is required with respect to the FSD.*

- b. This property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because a Type I Tree Conservation Plan, TCPI/84/90, was approved by the Planning Board on May 31, 1990. The Prince George's County Woodland Conservation and Tree Preservation Policy Document, as adopted in February 1993, states, ATree Conservation Plans approved between November 21, 1989, and the effective date of this ordinance will be in effect until such time as revisions to the development

plan require a significant revision to the Tree Conservation Plan. Revisions which require a significant change in the location or quality of woodland preserved will be considered significant. @

The revised Type II Tree Conservation Plan, TCPII/23/02, stamped as received by the Countywide Planning Division on March 20, 2002, has been found to address the requirements of the Prince George's County Woodland Conservation Ordinance and is recommended for approval in conjunction with DSP-02006.

*Discussion: No additional information is required.*

- c. The plans as revised propose the use of bioretention ponds for stormwater management. Although this is encouraged as of this date there is no information on the status of Technical Stormwater Management Plan approval.

*Recommended Condition: Prior to certification of this Detailed Site Plan, proof of the approval of a Technical Stormwater Management Plan shall be submitted.*

- d. Streams, wetlands, and 100-year floodplains are found to occur on the property.

*Discussion: This application does not propose disturbances to these features. No further information is required unless plan revisions should propose impacts to these features.*

- 6. In a memorandum dated February 26, 2002 (Chellis to Wagner), the Subdivision Section offered the following comments:

The subject property is located on Tax Map 145, in Grid B-3, and is known as Parcel 95. The site plan submitted for review is for a portion of Parcel 95. The site plan must be revised to demonstrate Parcel 95 in its entirety or the applicant must demonstrate that the part of Parcel 95 was created pursuant to an exemption contained in Section 24-107(c) of the Subdivision Regulations.

Specifically, Section 24-107(c)(4) provides for the division and conveyance of land by deed to a public utility for transmission line purposes. The applicant must demonstrate that the use is for transmission line purposes. If so, the site plan should be revised to provide a note that the property is being subdivided pursuant to Section 24-107(c)(4) of the Subdivision Regulations.

This property is within the limits of a valid, approved Preliminary Plan of Subdivision, 4-90045, Brandywine Business Park. Three 2-year extensions have been granted extending the validity period of this preliminary plan to July 31, 2002.

Section 27-252(g) of the Zoning Ordinance establishes that no grading permit shall be issued unless that permit is in conformance with the approved preliminary plan. Resolution 90-230, File 4-90045, which includes the subject property, was approved with

16 conditions. Steps should be taken to determine that the location of the transfer station will not jeopardize the implementation of the preliminary plan. For example:

**Condition 13** requires that prior to approval of the DSP for each lot, technical stormwater management approval shall be obtained for the on-site stormwater management ponds. If the ponds need to be enlarged, additional areas shall be taken from the adjacent lots for these ponds and their required buffers. This condition states that up to one acre outside of the floodplain may be necessary on Lot 5 for this requirement, which could require the modification of the proposed lot lines. This site is a portion of proposed Lot 5 as shown on the approved Preliminary Plan of Subdivision. The Department of Environmental Resources should be consulted regarding this condition.

**Condition 15** requires that during the review of the DSP for each lot additional tree save areas shall be established to compensate for those wooded areas that will be lost due to the floodplain disturbance necessary to construct proposed Street AC. In addition the approved Preliminary Plan of Subdivision locates a 30-inch caliper Black Gum tree on the subject property along Brandywine Road. The Environmental Planning Section should evaluate the DSP for these issues.

There are no other Subdivision issues at this time.

7. In a memorandum dated February 25, 2002, the Transportation Planning Section offered the following comments:

The application involves the installation of a pressure reducing station within a larger industrial development. The subject property is 4.28 acres, zoned I-1, and is located on the north side of MD 381 approximately 300 feet east of its intersection with Mattawoman Drive.

As the facility would be unmanned, there would be no resulting traffic impact on local roadways. The applicant will need to coordinate access to MD 381 with the State Highway Administration.

This site is part of a larger development which was rezoned under Zoning Map Amendments A-9751 and A-9752, and subdivided under Preliminary Plan of Subdivision 4-90045. The resolutions for both approvals contain a number of transportation-related conditions. While a number of the conditions relate to Mattawoman Drive (a.k.a the Brandywine Spine Road), which is not adjacent to this site, others concern the staging of various elements of the future transportation network. These conditions are briefly highlighted below:

Condition 14 of A-9751/52: This condition requires the bonding and start of construction of three road improvements prior to the granting of use and occupancy permits within the subject property. Staff has not field-checked the site to see if the listed improvements are in place. Notwithstanding, staff believes the intent of the condition, by making it

enforceable at the time of use and occupancy, was that the improvements be underway at the time the subject property began generating vehicle travel. As noted earlier, the proposed facility would be unmanned and would not generate vehicle travel; therefore, staff's position is that the condition should only be enforced when trip-generating uses are located within the site.

Condition 2 of 4-90045: This condition requires that a full half section of Mattawoman Drive (identified in the resolution as the Spine Road) be bonded for construction prior to the issuance of building permits. While staff is not aware of the applicant's intent regarding this condition, staff believes that the intent of the Spine Road was to serve as a main access way for traffic generated by the applicant's site. As noted earlier, the proposed facility would be unmanned and would not generate vehicle travel; therefore, staff's position is that the condition should only be enforced when trip-generating uses are located within the site.

Condition 4 of 4-90045: This condition requires a pro rata payment per square foot of gross floor area constructed within the subject property toward area transportation improvements required in support of a finding of transportation adequacy. The proposed facility would not include a building (cabinets and racks are not enclosed buildings); therefore, staff does not anticipate collecting fees with regard to this condition. If an equipment building is required in the future, however, the appropriate pro rata fee should be collected at the time that a building permit is issued.

With these comments regarding the conditions, the transportation staff finds the site plan to be acceptable.

8. In a memorandum dated February 21, 2002 (Bailey to Wagner), the State Highway Administration has found the plans acceptable as submitted.
9. The Detailed Site Plan represents a reasonable alternative for satisfying the Site Design Guidelines without requiring unreasonable costs and without detracting substantially from the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/23/02) and APPROVED Variance Application No. VD-02006, and further APPROVED Detailed Site Plan DSP-02006 for the above-described land, subject to the following conditions:

1. Prior to the approval of grading permits, the applicant shall demonstrate that the part of Parcel 95 was created pursuant to Section 24-107(c)(4) of the Subdivision Regulations which provides for the division and conveyance of land by deed to a public utility for transmission line purposes.



2. Prior to certification of the Detailed Site Plan:
  - a. Provide proof to the Environmental Planning Section of the approval of a Technical Stormwater Management Plan for the site.
  - b. Revise the plans to indicate that black, vinyl-coated chain-link fence will be provided surrounding the compound.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the final notice of the Planning Board=s decision.

\* \* \* \* \*

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 Brown, with Commissioners Eley, Brown, Scott, and Hewlett voting in favor of the motion, and with Commissioner Lowe absent, at its regular meeting held on Thursday, April 11, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of April 2002.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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