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Preliminary Plan 4-07056

Application	General Data
Project Name: EDMOND'S SUBDIVISION Location: Located along the west side of Kenilworth Avenue at its intersection with Lloyd Street. Applicant/Address: Randy Wocy/Superior Concrete Materials, Inc 4600 Forbes Blvd., suite 105 Lanham, MD 20706 Property Owner: CRISS BROTHERS PARTNERSHIP	Date Accepted: 8/7/2007
	Planning Board Action Limit: 11/8/2007
	Plan Acreage: 2.50
	Zone: I-2/I-D-O
	Gross Floor Area: 34,668
	Lots: 2
	Parcels: 0
	Planning Area: 69
	Tier: Developed
	Council District: 05
	Election District: 02
	Municipality: N/A
	200-Scale Base Map: 204NE04

Purpose of Application	Notice Dates
Two Industrial lots, including a Variation from Section 24-121(a)(3), of the Subdivision Regulations.	Adjoining Property Owners Previous Parties of Record Registered Associations: 6/4/2007 (CB-58-2003)

Staff Recommendation		Staff Reviewer: John Ferrante	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-07056
Edmonds Subdivision, Lots 6 and 7, Block B

OVERVIEW

The subject property is located on Tax Map 50, Grid D-4 and is known as Lot 1, Block B, Edmonds Subdivision. The property was recorded in 1947 as BB 12 @ 96, and consisted of one lot (Lot 1) having a net lot area of 109,242 square feet (2.5 acres). The property is currently improved with a 34,668 square foot warehouse which occupies a large portion of the land area within proposed Lot 6. Proposed Lot 7 has primarily been used for a storage yard and is currently unimproved with the exception of 10-foot-high fences and a concrete pad. The applicant is now proposing to subdivide the 2.5-acre lot into two lots. Lot 6, fronting along Kenilworth Avenue and abutting Lloyd Street to the north, will consist of 1.37 acres, and Lot 7, abutting Lloyd Street to the north and the CSX Railroad tracks to the west, will consist of 1.04 acres. The remaining .09 acres (4,143 square feet) will be utilized for right-of-way dedication associated with Kenilworth Avenue. Although an additional lot is proposed to be created through this preliminary plan of subdivision application, there is no new development proposed to be constructed at this time.

The property is zoned I-2/I-D-O, (Intense Development Overlay) Zone, and is within the limits of the Chesapeake Bay Critical Area. As such, the subject property is subject to the development regulations set forth in the Conservation Manual. Prior to the approval of a preliminary plan of subdivision within the Chesapeake Bay Critical Area Overlay Zone, a Conservation Plan and Conservation Agreement is required to be submitted in accordance with the Conservation Manual for review by the Subdivision Review Committee, and approval by the Planning Board in accordance with Section 27-548.11(b) of the Zoning Ordinance. A Conservation Plan application, (CP-07005), has been submitted as a companion case to this preliminary plan application. On April 6, 2007, the Subdivision Review Committee determined that the Conservation Plan was in general conformance with the requirements of the I-D-O Zone and the Chesapeake Bay Critical Area Conservation Manual. The Environmental Planning Section is recommending approval of CP-07005.

The preliminary plan submitted for this application demonstrates that portions of the existing building and a 10-foot-high fence do not meet the setback requirements of the I-2 Zone. A companion variance application (VC-07005) is being processed by the Environmental Planning Section in conjunction with the Conservation Plan to validate the existing structures. The existing warehouse building, which was constructed in 1952, does meet the required 25-foot setback from Kenilworth Avenue. However, additional right-of-way dedication is now required along Kenilworth Avenue to implement the 120-foot-wide, ultimate right-of-way in accordance with the recommendations within the 1994 Bladensburg, New Carrollton and Vicinity Master Plan. The expansion of the Kenilworth Avenue right-of-way, to accommodate a four lane divided arterial roadway, also creates the need for a variance, as the existing warehouse building can no longer meet the required 25-foot setback from the right-of-way.

Although the property has had direct access to Kenilworth Avenue since the time the warehouse building was constructed in 1952, any preliminary plan application which proposes direct access to a

designated arterial roadway must obtain approval of a variation request by the Planning Board. A variation request along with a justification statement has been submitted by the applicant, and the variation was heard by the Subdivision Review Committee on August 24, 2007. At this time, no new development is proposed on the property, and the existing driveway entrances along Kenilworth Avenue are proposed to remain within their current configuration. Both the Transportation Planning Section and the State Highway Administration have recommended approval of the preliminary plan application and have raised no objections for the driveway entrances along Kenilworth Avenue to remain in place. More information regarding the variation request is contained within Finding 6 of this report.

SETTING

The property is located along the west side of Kenilworth Avenue at its intersection with Lloyd Street. All surrounding properties consist of industrial uses within the I-1 and I-2 Zones and within the Chesapeake Bay Critical Area Overlay Zone (I-D-O). The CSX Railroad tracks about the property along the western property line.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	I-2/I-D-O	I-2/I-D-O
Use(s)	Industrial	Industrial
Acreage	2.5	2.5
Lots	1	2
Parcels	0	0
Public Safety Mitigation Fee		N/A

2. **Environmental**—The Environmental Planning Section has reviewed the above referenced revised Preliminary Plan of Subdivision 4-07056, stamped as received by the Environmental Planning Section on August 10, 2007. Approval of a Chesapeake Bay Critical Area Conservation Plan is required before this application can be approved. The Environmental Planning Section recommends approval of Preliminary Plan 4-07056.

Background

The Environmental Planning Section has previously reviewed Preliminary Plan 4-06124 for this property. However, the prior application was withdrawn before being heard by the Planning Board. The subject property is located within the Chesapeake Bay Critical Area. As such, approval of a Conservation Plan is required prior to any Planning Board approval of the Preliminary Plan. Chesapeake Bay Critical Area Plan Application no., CP-07005, is currently under review by the Environmental Planning Section.

Site Description

There are no floodplains, streams steep slopes, or wetlands on the property. Current air photos indicate that the site contains existing structures and is not wooded. No historic or scenic roads are affected by this proposal. The Baltimore & Ohio Railroad is a nearby noise source and the proposed use is not expected to be a noise generator to nearby residentially zoned properties. Noise is not a major consideration in this review due to the industrial zoning of the property. No

species listed by the State of Maryland as rare, threatened or endangered are known to occur in the general region. The Prince George's County Soils Survey indicates that the principal soil on the site is in the Elsinboro soil series, which poses no significant difficulties to development except when it occurs on steep slopes. The site is in the Developed Tier according to the adopted 2002 General Plan.

Bladensburg, New Carrollton and Vicinity Master Plan Conformance

The subject property is located within Analysis Area 4 of the Bladensburg, New Carrollton and Vicinity Master Plan. There are no specific environmental recommendations or design standards that require review for conformance. The environmental requirements for woodland preservation and stormwater management are addressed within the Environmental Review Section of this staff report.

Countywide Green Infrastructure Plan Conformance

The site contains Network Gaps within the designated network of the *Countywide Green Infrastructure Plan*. This portion of the Network Gap is associated with Evaluation Areas to the north and the site is currently developed. The intent of the Green Infrastructure Plan is to connect Network Gaps with Evaluation and Regulated Areas. There are no existing environmental features available on the subject property to facilitate any connections to the network features located off-site.

Environmental Review

The preliminary plan application has a signed Natural Resources Inventory, (NRI/141/06), dated December 22, 2006, which was included within the application package. The preliminary plan shows all the required information correctly and no further revisions will be required to demonstrate conformance with the signed NRI.

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is within the Chesapeake Bay Critical Area. The Standard Letter of Exemption, issued November 28, 2006, does not reference this method of exemption. However, since the CBCA exemption is also a Standard Exemption due to no woodland existing on the site, a revised letter is not required. No further action is needed as it relates to the Woodland Conservation Ordinance requirements. The Letter of Exemption should accompany all future applications for plans and permits.

An approved Stormwater Management Concept Plan, # 49412-2006-00, and the associated approval letter have been submitted with this application. Since no new development is proposed at this time, there are no stormwater management devices being required by DPW&T. Any future development proposed on the subject property will require a separate stormwater management concept plan to be approved by DPW&T.

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 site is currently served by public systems.

3. **Community Planning**—The subject property is located within Employment Subarea 2 of the *1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity*. The master plan recommends a Heavy Industrial land use for the subject property. This application proposes a Heavy Industrial land use which is consistent with the land use recommendation within the *1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity*.

The 2002 General Plan locates the subject property within the Developed Tier. One of the visions for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The proposed use is consistent with the development pattern goals and policies of the General Plan as set forth in this report.

The 1994 *Bladensburg-New Carrollton and Vicinity Sectional Amendment Map* retained the subject property within the I-2 (Heavy Industrial) Zone.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, this application is exempt from Mandatory Dedication of Parkland requirements because it consists of non-residential development.
5. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Bladensburg-New Carrollton and Vicinity Master Plan that impact the subject property. The property is situated outside of the Bladensburg Town Center. Existing Lloyd Street is open section for its entire length. Similarly, Kenilworth Avenue (MD 201) includes no sidewalks for the majority of its length from MD 450 to the District of Columbia line. The provision of sidewalks in this largely industrial area is best addressed through a comprehensive sidewalk retrofit project, rather than piece-meal for individual properties. There are no master plan trail recommendations.
6. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan application for Edmond's Subdivision, and determined that a traffic study was not warranted by the size of the proposed development. Traffic counts were not requested because the applicant is not proposing any changes to the existing land use, or the development of any new buildings or structures.

The applicant is not proposing any changes in use or additional square footage. Therefore, no additional trips are expected to occur during the AM or PM peak hours. There would be no additional impacts on any adjacent intersections other than what the existing uses on the site are currently generating. Any change in use which generates trips beyond the trip cap provided in this report, will require the submission and approval of a new preliminary plan. The trip generation rates and the associated trip cap were determined in accordance with the requirements provided within *The Guidelines for the Analysis of Traffic Impact of Development Proposals*. The subject property is located within the Developed Tier, as defined within the General Plan for Prince George's County.

The Transportation Planning Section has calculated the number of AM and PM peak-hour trips which are currently generated from the existing uses on the site using the designated rates for warehouse space within the guidelines. The rates used are based on trips per 1,000 square feet of gross floor area. The existing building on Lot 1 has an approximate gross floor area of 34,668 square feet. Based on the existing gross floor area of the building, a transportation trip cap has been established. The trip cap will be set at 14 AM peak hour trips and 14 PM peak-hour trips (or 0 new AM and PM peak-hour trips).

The Prince George's County Planning Board could deem the site's impact at this location to be de minimus, since the existing trips being generated from the site are already impacting the road network, and no new development is proposed by this application. Secondly, since there is no new construction proposed as a part of this application, there is no additional net traffic impact on the nearby intersections. Therefore, the Transportation Planning Section recommends that the Planning Board find that 0 new AM and PM peak-hour vehicle trips would have a de minimus impact upon delay at the critical intersection of MD 201 and Lawrence Street.

Both of the proposed lots are abutting Lloyd Street, which has an existing right-of-way width of 40 feet. According to the Zoning Ordinance (Subtitle 27) for industrial zones, and Part 7, Table of Uses, "For this regulation, a street shall mean a right-of-way line, as shown on the current approved Master Plan, Functional Master Plan of Transportation, or General Plan, Prince George's County Capital Improvement Program, or Maryland State five (5) Year Highway Construction Program, whichever indicates the greatest right-of-way width. Any other street shall be deemed to have a right-of-way of a least seventy (70) feet." Based on Part 7, Table of Uses, within the Zoning Ordinance, the right-of-way width of Lloyd Street must be deemed at least 70 feet. However, it was determined that the existing building on Lot 6 is less than 10 feet from the existing edge of pavement along Lloyd Street. A dedication of 35 feet from the centerline of Lloyd Street would extend well into the existing building. At this time, since no new development is proposed as a part of this application, Lloyd Street is deemed to meet the requirements of the Zoning Ordinance, and no further dedication on Lloyd Street will be required.

The 1994 Bladensburg, New Carrollton, and Vicinity Master Plan designates Kenilworth Avenue (MD 201) as an arterial roadway with a minimum right-of-way width of 120 feet. As a result, the applicant will be required to dedicate 60 feet from the master plan centerline of Kenilworth Ave (MD 201). The required dedication of 60 feet is properly reflected on the submitted preliminary plan.

Direct access to existing or planned roadways of arterial classification require Planning Board approval of a variation request from Section 24-121(a)(3) of the Subdivision Regulations. Although the applicant's direct driveway access to Kenilworth Avenue has possibly existed since 1952, when the building was initially constructed, the submittal of a preliminary plan of subdivision application requires that any direct access point, whether existing or proposed, to a roadway of arterial designation be approved by the Planning Board. On August 7, 2007, the applicant submitted a justification statement in support of the requested variation. The legal findings for a variation request contained in Section 24-113 of the Subdivision Regulations have been addressed below.

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 injurious to other property;**

Comment: The variation request is for direct access to Kenilworth Avenue, MD 201, which is classified as an arterial roadway with an ultimate right-of-way width of 120-feet. Two existing commercial driveway entrances are currently being used to provide access to proposed Lot 6 directly from MD 201. This section of MD 201 (Kenilworth Avenue) already contains numerous curb cuts and side entrances from adjoining parcels. According to the applicant, the industrial building currently situated on proposed Lot 6 was built in approximately 1952. The existing commercial entrances from MD 201 have been in use for decades, and there is no evidence to indicate that allowing the existing entrances to remain open would be detrimental to public safety, health, or injurious to other property.

(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;

Comment: The size of the industrial building and the building's existing configuration would preclude any access to the building's front entrance and driveway, unless the existing access point can continue to occur along MD 201. The companion CBCA plan (CP-07005) currently being processed by the Environmental Planning Section includes a variance application (VC-07005) for the industrial building's inadequate setbacks from the Lloyd Street right-of-way. This would prohibit access from being provided along Lloyd Street, as the building is currently setback only three feet from the existing right-of-way, and the main building line itself, occupies a majority of the Lloyd Street road frontage which is allocated to Lot 6, therefore, leaving the only viable access for Lot 6 to be provided along Kenilworth Avenue.

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

Comment: The variation does not constitute a violation of any other applicable law, ordinance, or regulation and no new access permits will be required.

(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 strict letter of these regulations is carried out;

Comment: A large portion of the industrial building currently has no setback along the southern property line, as it is constructed directly on the property line, and extends the length of Lot 6 until terminating just three feet from the Lloyd Street right-of-way. Because a portion of the building spans the entire length of the lot from north to south, vehicular access to the southern portion of the building, where setbacks are being provided, can only be accomplished from Kenilworth Avenue due to the shape of the specific property involved. Access to this portion of the building can not be provided from Lloyd Street.

The applicant is not proposing any new development as part of this preliminary plan application, and the requested variances are only to validate existing conditions associated with the older nonconforming building and fencing. Without the continued use of the existing Kenilworth Avenue driveway entrances, the owner would lose, not only the vehicular access to the southern portion of the building where loading may occur, but also their vehicular access to the front of the building resulting in a particular hardship, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

The Transportation Planning Section supports the requested variation from Section 24-121(a)(3), for the applicant's continued use of the property's driveway entrances along Kenilworth Avenue.

Transportation Staff Conclusions and Recommendations

Based on the preceding findings, the Transportation Planning Section has concluded 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.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section have concluded that the review of this preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003 and CR-23-2003, is not required because the application proposes an industrial use.
8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section have reviewed the preliminary plan application for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. The application proposes an industrial use within the I-2 Zone.

The existing fire engine service at Bladensburg Fire Station, Company 9, located at 4213 Edmonston Road, has a service travel time of 2.26 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Bunker Hill Fire Station, Company 55, located at 3716 Rhode Island Avenue, has a service travel time of 3.38 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Bunker Hill Fire Station, Company 55, located at 3716 Rhode Island Avenue has a service travel time of 3.38 minutes, which is within the 4.25-minute travel time guideline.

The above findings are in conformance with the *Adopted and Approved 1990 Public Safety Master Plan*, and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

9. **Police Facilities**—The approved 2002 General Plan addresses the provision of public facilities which 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 performed 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 required. The current amount of space available, 267,660 square feet, is above the guideline. The proposed development is within the service area for Police District I, Hyattsville.

10. **Health Department**— The Environmental Engineering Program has reviewed the preliminary plan of subdivision application for Edmonds Subdivision and have no comments to offer.

11. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #49412-2006-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
12. **Historic**— A Phase I archeological survey is not recommended on the 2.50-acre property located along Kenilworth Avenue at intersection with Lloyd Street. This plan proposes a subdivision to create two lots for the continuation of an industrial use. 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. Aerial photographs indicate that most of the property has previously been impacted by the construction of commercial and industrial buildings and parking lots, indicating that any archeological sites that may have been present on the property have already been adversely impacted. However, the applicant should be aware that there are numerous National Register properties, Historic Sites, and Historic Resources related to the town of Bladensburg within a one-mile radius of the subject property. There is also one historic archeological site, 18PR96, the George Washington Inn, located within a one-mile radius of the subject property.

Moreover, Section 106 review may require an 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.
13. **Residential Land Use**— The subject property is zoned I-2. While the subject application is not proposing any residential development, if legislation would permit such a land use, a new preliminary plan should be approved. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivisions, a new preliminary plan should be required if residential development is to be considered.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Revise general note 11 to indicate that a Standard Letter of Exemption to the Woodland Conservation Ordinance was issued by the Environmental Planning Section on November 28, 2006.
 - b. Add a general note which references the variance application no. (VC-07005), and provide a brief description of the variances requested (as demonstrated on the variance exhibit plan).
2. Development of this site shall be in conformance with the Stormwater Management Concept Plan, # 49412-2006-00 and any subsequent revisions.
3. At the time of final plat, the applicant, his heirs, successors, and or assignees shall be required to dedicate 60 feet of right-of-way from the master plan centerline of MD 201 (Kenilworth Avenue).

4. Total development within the subject property shall be limited to the existing 34,668 square feet of warehouse space or industrial manufacturing/storage facilities, or equivalent development which generates no more than 14 AM and 14 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.
5. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
6. Prior to signature approval of the preliminary plan of subdivision, the staff-signed, certified copy of the Chesapeake Bay Critical Area Conservation Plan (CBCA), application no. CP-07005 shall be submitted to the Subdivision Section. The CBCA plan shall include the approval of the required variances under variance application, VC-07005.

STAFF RECOMMENDS APPROVAL OF PRELIMINARY PLAN, 4-07056, INCLUDING A VARIATION FROM SECTION 24-121(a)(3) OF THE SUBDIVISION REGULATIONS.