

R E S O L U T I O N

WHEREAS, Community-Parston, LP, is the owner of a 5.05-acre parcel of land known as Parcel 15, being located on Tax Map 82 and Grid A-4, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on March 11, 2004, Community-Parston Limited Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for two lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04054 for Forestville Commercial Center 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 June 24, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on June 24, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-04054, for Lots 12 and 13, Block D with the following conditions:

1. Total development within proposed Lot 13 shall be limited to 34,000 square feet of light industrial, or equivalent development that generates no more than 14 AM and 14 PM new peak-hour vehicle trips. Any development with an impact greater than that identified herein above shall require an additional Preliminary Plan of Subdivision with a new determination of the adequacy of transportation facilities.
2. Prior to signature approval of the preliminary plan, Stormwater Management Concept Plan approval shall be obtained from the Department of Environmental Resources. The approval number and date shall be added to the plan.
3. A letter of exemption from the Woodland Conservation Ordinance shall be obtained from the Environmental Planning Section prior to application for any building permit or grading permit.
4. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. All other trash must be removed and properly discarded.

5. Remove notes 8, 13 and 15 from the plan, as they are not applicable to this application.
6. The following note shall be placed on the Final Plat:

“This site is subjected to noise levels between 75 and 80 dBA (Ldn) from aircraft landing and taking off from Andrews Air Force Base. These noise levels are the maximum allowed for industrial land uses. Interior work spaces are required to be designed to reduce noise levels from exterior sources.”

7. Each building permit shall include a 75 dBA (Ldn) noise contour. Structures for industrial and commercial uses shall be designed to reduce interior noise levels to 55 dBA (Ldn) or less.
8. Prior to the issuance of building permits for structures on this site, the building permits shall be modified to contain certification by a professional engineer with competency in acoustical analysis that the building shells within the 75 and 80 dBA (Ldn) noise corridors for Andrews Air Force Base have been designed to attenuate noise levels to 55 dBA (Ldn) or less for industrial or commercial use.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the southeast side of Parston Drive, approximately 2,000 feet east of its intersection with Forestville Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	I-1	I-1
Uses	Garage, Office	Garage, Office, Warehouse
Acreage	5.21	5.21
Parcels	1	0
Lots	0	2
Square footage	22,000	56,000 (maximum)

2. **Environmental**—This 5.04 acre site in the I-1 Zone is located on the south side of Parston Drive, approximately 2,000 feet east of Forestville Road. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. Roadway-related noise associated with Parson Road, a collector roadway, is not an issue. However, this site is in close

proximity to I-95 and is located within the Air Compatible Installation Use Zone (AICUZ) of Andrews Air Force Base, both of which are major noise generators and generally regulated for noise impacts. The soils found to occur according to the Prince George's County Soil Survey include Galestown and Sassafras series. These soils have limitations with respect to steep slopes but will not affect the site layout. According to available information, Marlboro clay does not occur on this property. 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, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this application. This property is located in the Southwest Branch watershed of the Patuxent River basin and in the Developed Tier as reflected in the approved General Plan.

#### ENVIRONMENTAL REVIEW

A Forest Stand Delineation (FSD) was submitted with this application and was generally found to address the requirements for a simplified FSD in compliance with the requirements of the Woodland Conservation Ordinance. The subject property was cleared and developed in 1992. There is no woodland on-site. This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet; there are less than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan was submitted with the review package, although not required. The plans, however, confirm that no woodlands exist on-site. A letter of exemption from the Woodland Conservation Ordinance should be obtained from the Environmental Planning Section prior to application for any building permit or grading permit.

Noise impacts have been identified on this site. Based on the most recent AICUZ Study for Andrews Air Force Base released in 1998, it was noted that this property is located partially within the APZ-I (CUD-3). The designation of APZ-I means that the parcel is situated in a zone where aircraft accidents could occur. The designation of CUD-3 means that because of noise intrusion between 75-80 dBA (Ldn) the property may not be suited for residential, high-intensity employment, retail, commercial or office uses without adequate noise mitigation. A noise level reduction of 35 decibel at the least should be incorporated into shells of buildings, in order to maintain an interior noise level of 45 dBA (Ldn) for residential structures, and a 28 decibel minimum reduction for commercial structures in order to maintain an acceptable interior noise level of 55 dBA (Ldn) for employment uses. Furthermore, this site is in close proximity to I-95, a freeway and major noise generator.

#### **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 site will utilize public systems.

3. **Community Planning**—The property is in Planning Area 75B/District Heights Community. The subject property is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use pedestrian-oriented, medium- to-high-density neighborhoods. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The 1985 *Suitland-District Heights & Vicinity Master Plan* recommends employment land use for the property. This application conforms to the master plan recommendation for employment land use.
4. **Parks and Recreation**—The site is exempt from mandatory dedication because it consists of a nonresidential development.
5. **Trails**—There are no master plan trails issues regarding the subject application.
6. **Transportation**—The Transportation Planning Section has reviewed the subdivision application. Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did request traffic counts, and the requested counts dated April 2004 were provided by the applicant. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy-Service Level Standards**

The subject property is in the Developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better is required in the Developed Tier.

**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 intersection of Forestville Road and Parston Drive is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site, and would serve virtually all of the site-generated traffic. The applicant provided traffic counts dated April 2004. These counts indicate that the critical intersection operates at Level-of-Service (LOS) B, with a critical lane volume (CLV) of 1,115, during the AM peak hour. During the PM peak hour, the intersection operates at LOS C with a CLV of 1,258.

There are no funded capital projects at this intersection in either County Capital Improvement Program or the State Consolidated Transportation Program that would affect the critical intersection. There are six approved but unbuilt developments that would affect the intersection. With background growth added, the critical intersection would operate as follows: AM peak hour–LOS D, with a CLV of 1,305; PM peak hour–LOS D, with a CLV of 1,422.

With the development of 34,000 square feet of warehouse space, the site would generate 14 AM (11 in and 3 out) and 14 PM (3 in and 11 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 35 percent–north along Forestville Road and 65 percent–south along Forestville Road. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour–LOS D, with a CLV of 1,322; PM peak hour–LOS D with a CLV of 1,431. Therefore, the critical intersection operates acceptably under existing, background, and total traffic.

The site is not within or adjacent to any master plan transportation facilities.

As the adequacy finding is based upon a level of development that has been specified by the applicant, the subdivision should be capped accordingly on the corresponding trip impact.

Based on the preceding findings, 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 limiting the amount of development.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of 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 adequacy test for schools because it is a nonresidential use.
8. **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 Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 2.51 minutes, which is within the 3.25-minute travel time guideline.
  - b. The existing ambulance service at Forestville Fire Station, Company 23, has a service travel time of 2.51 minutes, which is within the 4.25-minute travel time guideline.
  - c. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road, has a service travel time of 7.68 minutes, which is beyond the 7.25-minute travel time guideline.

- d. The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike, has a service travel time of 3.79 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Silver Hill Fire Station, Company 29, is beyond the recommended travel time guideline. The nearest fire station Forestville, Company 23, is 2.51 minutes from the development. This facility would be within the recommended travel time for paramedic service, if this service were implemented at that facility.

These findings are in conformance with the standards and guidelines contained in the 1990 *Approved Public Safety Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

9. **Police Facilities**—The proposed development is within the service area for Police District III-Landover. The Planning Board’s current test for police adequacy 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 June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
10. **Health Department**—The Health Department reviewed the application and offered the following comments:
  - “1. A significant amount of domestic trash and other debris was found in the west rear corner of Lot 13 should be removed and properly stored or discarded.
  - “2. Approximately two dozen tires were found on the property, scattered along the front property line bordering Parston Drive. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to this office.”
11. **Stormwater Management**—Based on note #14 in the Preliminary Plan of Subdivision, the subject property was partially developed in 1989 under a stormwater management concept (# 89761-23) to provide fee-in-lieu payment and infiltration/oil grit separators for the site. The applicant has applied for a subsequent review by the Department of Environmental Resources (DER). A copy of the concept approval letter from DER is necessary prior to signature approval of the preliminary plan.
12. **Cemeteries**—There are no known cemeteries on the subject property.
13. **Public Utility Easement**—There is an existing 10-foot-wide public utility easement adjacent to Parston Drive. It is accurately reflected on the proposed preliminary plan and will be included on the final plat.

14. **Plan Notes**—There are several notes on the plan that should be removed (Nos. 8, 13 and 15) as they are not applicable to this application.

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.

\* \* \* \* \*

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 24, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of July 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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