

R E S O L U T I O N

WHEREAS, Smith Lakes Association is the owner of a .48-acre parcel of land known as Block 15, Part of Lot 10 and Lots 11-13, Tax Map 10, in Grid B-2, Plat Book A-108, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned C-O; and

WHEREAS, on September 13, 2004, Paul Mohtari 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 4-04132 for South Lakes, Phase II 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 February 10, 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 February 10, 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 Preliminary Plan of Subdivision 4-04132, South Lakes, Phase II for Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. To label denied access to Clarke Avenue and Ash Street from Lot 1.
  - b. To label that the access easement is provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
  - c. To provide the approved stormwater management concept plan approval date.
2. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan, 3109-2004-00, or any approved revision thereto.
3. Total development within the subject property shall be limited to 13, 250 square feet of office development, or equivalent development which generates no more than 37 AM and 49 PM peak hour vehicle trips. Any development with 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.

4. The applicant shall obtain a permanent minimum 22-foot-wide ingress/egress easement from the South Lakes Office Condominium prior to approval of the final plat and grading permit. Recorded liber and folio data for the easement(s) shall be noted on the final plat.
5. Prior to issuance of any building permit on the subject property, the applicant shall obtain approval from DPW&T and/or SHA and have been permitted for provision of the right-in/right-out access driveway.
6. 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.
7. Prior to the issuance of any building permit on the subject property, and if deemed warranted by the DPW&T and SHA, the applicant shall install or fully fund the installation of a traffic signal and/or all other necessary geometric modifications for the intersection of US1 with Pinehill Street.

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 located on the east side of US 1, extending through to Clarke Avenue and north of Ash Street, a paper street.
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	C-O	C-O
Uses	Vacant	Offices
Acreage	0.48	0.48
Lots	4	0
Parcels	0	1
Square Footage/GFA	0	13,270

4. **Environmental**—The subject property is undeveloped and contains no regulated environmental features. On February 4, 2004, the Environmental Planning Section issued a standard letter of exemption from the Woodland Conservation Ordinance. This letter is valid through February 4,

2006. The proposed method of stormwater management is by underground infiltration. A copy of the stormwater management concept approval letter has been submitted with case 3109-2004-00. The approval letter was issued by the county's Department of Environmental Resources on February 23, 2004, and is valid until February 23, 2007.

There are two noise sources in close proximity to the site. These include US 1 (a major arterial road) and railroad tracks transporting freight cars. The site is within 200 feet of operational CSX Transportation Railroad tracks. These two sources of noise are not anticipated to impact the proposed commercial-office use. The proposed use of the site is not anticipated to generate noise.

### **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 62/South Laurel. 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 1990 master plan for Subregion I recommends an office-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 associated with this application.
8. **Transportation**— To address the staff concern with regard to site access, the applicant submitted to our office a revised site plan. The revised site plan show that access to the site will be via a private easement (22 feet wide), through the existing South Lake Condominium Office development. However, at this date the applicant has not provided staff with an acceptable easement agreement. Additionally, and in response to comments echoed at the Subdivision Review meeting by the SHA staff, the applicant is proposing to revise the existing access to US 1. The existing access driveway along US 1 serving the existing South Lake Condominium Office development as well the proposed development would be reconstructed in accordance with the SHA standards and requirements as a limited right-in/right-out driveway. The proposed development is not proposing any access to the existing Clarke Avenue, located along the eastern edge of the subject property. No additional access is proposed to Contee Place or the unimproved Ash Street. At the subdivision review meeting held for the site, the applicant expressed a desire to abandon the dedicated right-of-way for Ash Street. Staff does not concur with the applicant's assessment that Ash Street is not needed, as it provides street frontage to several recorded lots.

The findings and recommendations outlined below are based upon a review of available traffic information 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 located 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.

### **Staff Analysis of Traffic Impacts**

Staff has determined that the intersection of US 1 and Pinehill Street should be the critical intersection for the subject property, as the site-generated traffic will be oriented to US 1 northbound. This intersection is an unsignalized intersection. Transportation staff analysis has determined that the above intersection is operating adequately with an average vehicle delay of 46 and 40 seconds (during the AM and PM peak hours for the left turning movement from and to the minor street. These operating conditions are determined using the Highway Capacity Manual. The planning Board has determined that for unsignalized intersections on the transportation network, any intersection having an average delay exceeding the acceptable level (50 seconds) in any movement is deemed to be operating unacceptably. Therefore, under existing condition this intersection operates acceptably as an unsignalized intersection with the existing traffic. The average delay with background conditions (existing traffic plus applicable growth in through traffic and traffic generated by all approved but unbuilt developments in the general vicinity) during the AM and PM peak hour would reach the unacceptable average delay levels of 124 and 113 seconds.

The applicant proposes an office development of 13,230 square feet. The proposed office development would generate 37 AM peak hour trips and 49 PM peak hour trips. With site traffic, the intersection of US1 and Pinehill Street would continue to operate unacceptably as an unsignalized intersection during the AM and PM peak hour with average delay levels of 167 and 145 seconds.

In response to the reported inadequacies identified at the unsignalized intersections, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install if it is deemed warranted by the appropriate operating agency. US1 is state-maintained highway facility and a traffic signal is already in place at its intersection with Contee Road (about 800 feet south of Pinehill Street). Initial discussion with SHA staff regarding placement of traffic signal at Pinehill was deemed unwarranted. Nevertheless, staff believes preparation of a traffic signal warrant study at this location would be necessary.

### **Transportation Staff Conclusions**

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 applicant is approved with conditions limiting the development potential of the site and ensuring an access easement is obtained.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for review 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 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.

The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane has a service travel time of 3.11 minutes, which is within the 3.25-minute travel time guideline.

The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road has a service travel time of 3.01 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road has a service travel time of 3.01 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Beltsville Fire Station, Company 31, located at 4911 Prince George's Avenue has a service travel time of 5.81 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 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.

The above findings are in conformance with the standards and guidelines contained in the *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 VI-Beltsville. The Planning Board’s current test for police adequacy applicable to the subject 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 the capacity for an additional 57 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.
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, 3109-2004-00, has been approved. The approval date must be noted on the plan. Development must be in accordance with this approved plan or any revisions thereto.
14. **Cemeteries**— There are no known cemeteries on the subject property.
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.

\* \* \* \* \*

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, February 10, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of March 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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