

R E S O L U T I O N

WHEREAS, Spargo Enterprises Corporation is the owner of a 4.76-acre parcel of land known as Parcel 290, Tax Map 73 in Grid D-4, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on December 5, 2005, Hill Management Services, Inc. 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 4-05132 for Spargo Property 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 March 23, 2006, 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 March 23, 2006, 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 4-05132, Spargo Property, including a Variation from Section 24-121(a)(3) for Parcel 1 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Revise Lot 1 on the preliminary plan to Parcel 1.
 - b. The specific commercial use of the adjacent parcel to north (Parcel 289) must be demonstrated.
 - c. Provide a general note that demonstrates that the property is exempt from the mandatory dedication of parkland requirements because it consists of non-residential development.
 - d. Provide a general note that demonstrates that there are no rare, threatened, or endangered species found to occur in the vicinity of the property.
 - e. Revise general note #7 to indicate that there are no wetlands, streams, or 100-year flood

plain within the property.

- f. Delineate the centerline of Addison Road and demonstrate the 60-foot right-of-way width from the centerline of Addison Road.
 - g. Provide the actual right-of-way width of Walker Mill Road.
 - h. Provide a general note that states that raze permits must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings.
2. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #19477-2005 and any subsequent revisions.
3. Prior to the issuance of any building permits, the applicant, his heirs, successors, and/or assignees shall ensure that the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. The modification of westbound Walker Mill Road to provide an exclusive left-turn lane and a left-turn/right-turn lane
4. The applicant, his heirs, successors, and/or assignees shall provide standard sidewalks along the property's entire street frontage unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
5. Prior to the approval of a grading permit, the applicant, his heirs, successors, and/or assignees shall provide an environmental assessment to the Prince George's County Health Department to evaluate potential contamination to surface soils and groundwater.
6. The final plat shall carry a note that: "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."
7. A Detailed Site Plan shall be approved by the Planning Board in accordance with Subtitle 27, Part 3, Division 9 of the Prince George's County Zoning Ordinance. The Detailed Site Plan review shall include, but not be limited to, addressing the issues of compatibility, including landscaping, screening, zoning conformance that includes addressing the billboards on the property, soils, clean up, and architecture and color schemes for all proposed buildings.

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 to the northwest of the intersection of Addison Road and Walker Mill Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	I-1	I-1
Use(s)	Bus Storage & Maintenance	Consolidated Storage (128,050)
Acreage	4.76	4.76
Lots	0	0
Parcels	1	1
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the above referenced Preliminary Plan of Subdivision 4-05132, stamped as received by the Environmental Planning Section on January 3, 2006. The Environmental Planning Section recommends approval of 4-05132 subject to one condition. The Environmental Planning Section has no records of any previous applications for this property. The subject property is currently partially developed and contains less than 10,000 square feet of woodland.

This 4.76-acre site is located on the west side of Addison Road, approximately 100 feet from the intersection of Walker Mill Road, both of which are arterial roadways, and generally regulated for noise impacts. The predominant soil type found to occur on the site according to the Prince George’s County Soil Survey is Beltsville. This soil series has limitations with respect to patched water table and impeded drainage but with no adverse impact on 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 entitled “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 or historic roads in the vicinity of this application. The subject property is relatively flat and is characterized with terrain sloping gradually toward the north and drains into unnamed tributary of the Beaverdam Creek watershed of the Anacostia River basin. This site is located in the Developed Tier as reflected in the approved General Plan. This property is not subject to the provisions of the Prince George’s

County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodlands and it has no previous approved tree conservation plan. A Type I tree conservation

plan was not submitted with the review package and is not required. A standard letter of exemption from the Ordinance was issued by the Environmental Planning Section, Countywide Planning Division, on December 16, 2005.

A Stormwater Management Concept Approval Letter (19477-2005-00) dated June 29, 2005, and a signed natural resources inventory (NRI/041/05), dated July 5, 2005, was included with the application package.

Addison Road is an arterial roadway normally regulated for noise impacts for residential uses. However, no residential or residential type uses are now proposed.

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 will therefore be served by public systems.

5. **Community Planning**—The subject property is located within the limits of the 1985 Approved Master Plan for Suitland-District Heights & Vicinity, Planning Area 75B in the Capitol Heights Community. The master plan recommends employment use for the property. The proposed development of a consolidated storage facility is consistent with the master plan recommendations for industrial use, as set forth in this report.

The 2002 General Plan locates the property in 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 preliminary plan is consistent with the recommendations of the 2002 General Plan, as set forth in this report.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the subdivision is exempt from the Mandatory Dedication of Parkland requirements because it consists of nonresidential development.
7. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Suitland-District Heights and Vicinity Master Plan that impact the subject site. The site is located approximately 6,500 feet south of the Addison Road Metro Station along Addison Road.

A variety of road cross sections are present along Addison Road in the vicinity of the subject site. The site immediately to the south of the subject property includes a standard sidewalk along its frontage. Staff recommends that a standard sidewalk be provided along the subject site's frontage of Addison Road, unless modified by DPW&T.

8. **Transportation**—The application is a preliminary plan of subdivision for a development consisting of the following uses:

- Mini Warehousing - 125,050 square feet
- General Office - 1,500 square feet
- Apartment (1 family) - 1,500 square feet

The proposed development would generate 23 (14 in, 9 out) AM and 37 (18 in, 19 out) PM peak-hour vehicle trips as determined using “The Guidelines for the Analysis of the Traffic Impact of Development Proposals,” and the Institute Of Transportation Engineer’s Trip Generation Manual, 7th Edition. The property is located in the northwest quadrant of the Addison Road/Walker Mill Road intersection.

The traffic generated by the proposed preliminary plan would impact the signalized intersections of:

- **Addison Road/Walker Mill Road intersection**

This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George’s County Capital Improvement Program:

The subject property is located within the Developed Tier as defined in the 2002 *Approved 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 the signalized intersections operating at a critical lane volume (CLV) of 1,600 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 traffic controls) if deemed warranted by the appropriate operating agency.

The table below identifies the intersection on which the proposed development would have the most impact:

EXISTING CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Addison Road/Walker Mill Road intersection	D/1439	E/1475

Staff's research of background developments revealed three developments (Walker Mill Business Park, sections A, B, C, 4-87194, 4-89052, 807,660 square feet—light service industrial) that could potentially affect the referenced intersection. These three developments could add approximately 695 trips during either peak hour. With the inclusion of trips from these developments, the analysis revealed the following results:

BACKGROUND CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Addison Road/Walker Mill Road intersection	F/1644	F/1680

Citing the trip generation rates from the Guidelines, and the ITE manual, the proposed development would generate 23 (14 in, 9 out) AM and 37 (18 in, 19 out) PM peak-hour vehicle trips. By combining site-generated trips with background traffic, the results are as follows:

TOTAL CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Addison Road/Walker Mill Road intersection	F/1654	F/1702

The results of the analyses showed that the critical intersection would operate inadequately, with

the inclusion of background and site-generated traffic. Within the last 18 months, the Planning Board has approved two developments that were conditioned to provide improvements at the Addison Road/Walker Mill Road intersection. Those developments are:

- Addison Road South—4-05016
- Glenwood Hills Venture—4-04081

Specifically, the improvement involves the modification of westbound Walker Mill Road to provide an exclusive left-turn lane and a left-turn/right-turn lane. When this improvement was factored in the analyses for the subject application, the following results were determined:

TOTAL CONDITION with Improvement		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Addison Road/Walker Mill Road intersection	D/1357	D/1312

Regarding site layout and on-site circulation, staff has no issue.

Transportation Staff Conclusions

The Planning Board concludes that adequate access roads will exist as required by Section 24-124 of the Prince George’s County Code with the following conditions:

Variation Request

The following is an analysis of the variations. The text in **bold** represents the text from the Subdivision Ordinance.

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 Addison Road, which is classified as an arterial road with a right-of-way width of 120-feet. The property does have frontage on Walker Mill Road; however, Walker Mill Road is also classified as an arterial road. Direct access to either road would require that the Planning Board approve a variation request. The proposed direct access point to Addison Road was located as far north on the property as possible. This area allows the safest entrance for sight distance purposes and its location is supported by the Department of Public Works and Transportation. The location of the proposed entrance would also allow a new left-hand turn lane to be installed that will provide access to the subject property from northbound Addison Road.

(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;

Discussion: The property is located where two roads of arterial classification come together. The remainder of the property's boundary abuts other lots. The property has no other available roadways for access.

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

Discussion: The variation does not constitute a violation of any other applicable law, ordinance, or regulation.

(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;

Discussion: There is no alternative access for the property. The property has frontage on two arterial roads. Without approval of the variation request the applicant would be unable to develop the property as proposed.

9. **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 and CB-30-2003 and CR-23-2003 and concluded the following.

The above subdivision is exempt from the review for schools because it is a commercial use.

10. **Fire and Rescue/EMS**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service at District Heights Fire Station, Company 26 located at 6208 Marlboro Pike has a service travel time of 1.97 minutes, which is within the 3.25-minute travel time guideline.

The existing ambulance service at District Heights Fire Station, Company 26 located at 6208 Marlboro Pike has a service travel time of 1.97 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Silver Hill Station, Company 29 located at 3900 Silver Hill Road has a service travel time of 5.70 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Capitol Heights Fire Station, Company 5 located at 6061 Central Avenue has a service travel time of 4.14 minutes, which is within the 4.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck and paramedic services.

11. **Police Facilities**—The proposed development is within the service area for Police District III-Landover. 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**—A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings (house/office and garage). Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed.

Due to the type of operations on-site and the potential contamination to surface soils and the groundwater, an environmental assessment will be required prior to detailed site plan approval or, if detailed site plans are not required, prior to approval of building or grading permits. Be advised that this office investigated a complaint of contaminated soils at the above-referenced property on September 27, 2000. The contaminated soils were observed to be eliminated on October 10, 2000.

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, #19477-2005 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.
14. **Historic**—Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of

the subject property.

Section 106 review may require archeological survey for state or federal agencies, however. 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 federal monies, federal properties, or federal permits are required for a project.

15. The subject property is zoned I-1. 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 subdivision, a new preliminary plan should be required if residential development is to be considered.
16. **Planning Board Hearing**— The Planning Board found that aerial photos of the property demonstrate that at least two billboards exist on the property. These structures are not demonstrated on the Preliminary Plan of Subdivision. Section 27-593 (a)(13) of the Prince George’s County Zoning Ordinance specifically lists billboards (outdoor advertising signs) as prohibited signs. The billboards on the property are considered zoning violations and should be addressed during the Detailed Site Plan process.

At the Planning Board Hearing on March 23, 2006, the Planning Board heard testimony from citizens expressing several concerns regarding the compatibility of future development on the subject property with the surrounding neighborhood. To that end, the Planning Board determined that a detailed site plan should be approved for the subject property in accordance with Subtitle 27, Part 3, Division 9 of the Prince George’s County Zoning Ordinance.

The detailed site plan review should include, but not be limited to, addressing the issues of compatibility, including landscaping, screening, zoning conformance that includes addressing the billboards on the property, soils, clean up of the property, and architecture and color schemes for all proposed buildings.

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 and Parker voting in favor of the motion, and with Commissioner Vaughns opposing the motion, at its regular meeting held on Thursday, March 23, 2006, in Upper Marlboro, Maryland.

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Adopted by the Prince George's County Planning Board this 20th day of April 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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