

R E S O L U T I O N

WHEREAS, a 2.68-acre parcel of land known as Parcel A, located on Tax Map 161 in Grid A-4, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned C-M; and

WHEREAS, on April 24, 2009, Naz Auto Body and Paint filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for Parcel A; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08034 for NAZ Auto 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 May 7, 2009, 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 May 7, 2009, 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 the Type I Tree Conservation Plan (TCPI/030/06-01), and further APPROVED Preliminary Plan of Subdivision 4-08034, Naz Auto, for 1 parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Note 10 will be corrected to reflect the proposed size of Building C.
  - b. The proposed conservation easement, with bearings and distances, will be shown on the plan.
  - c. The owner/applicant must immediately provide detailed information of the Sewage Disposal System (size of septic tank, depth and length of drain fields) to this office. The location of all components of the septic system should be located on the preliminary plan.
  - d. TCPI shall be corrected to reflect the correct preliminary plan number.
2. A Type II tree conservation plan shall be approved in conjunction with the Limited Detailed Site

Plan.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, and any subsequent revisions. A Stormwater Management Concept Plan, CSD 4553 -2006-01 has been approved by the Prince George's County DPW&T.
4. The final plat shall include a conservation easement described by bearings and distances. The conservation easement shall contain the wetlands and wetland buffer and be reviewed by the Environmental Planning Section prior to final plat approval. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M–NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
5. The final plat shall include the following note:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/003/06-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB–60–2005.”
6. Prior to the approval of permits, a limited detailed site plan (LDSP) shall be approved by the Planning Board. The review of the LDSP shall include, but not be limited to, compliance with master plan recommendations for access points, peripheral landscaping treatment, building mass and architectural design for all buildings on the site, and siting of Building C and its location on the property. The purpose of this LDSP is to ensure the attractiveness of the business development, to provide significant landscaping screening the adverse impacts of the development and enhancing landscaping that has been removed during construction of Building B, and to ensure compatibility of Building C with Building A and other residential uses that share the Livingston Road frontage.
7. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation (DPW&T) for the placement of a bikeway sign(s) along Livingston Road, a designated Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the DPW&T declines the signage, this condition shall be void.
8. At the time of final plat approval, the applicant shall dedicate right-of-way along Livingston Road of 40 feet from centerline.

9. Prior to approval of any building permit within the subject property, the applicant shall submit an acceptable traffic signal warrant study to State Highway Administration (SHA) for signalization at the intersection of MD 210 and Pine Drive. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with SHA prior to the release of any building permits within the subject property, and complete installation at a time when directed by SHA.
10. Total development within the subject property shall be limited to 18,881 square feet of auto body/auto repair facilities or equivalent development which generates no more than 49 AM peak hour and 58 PM peak-hour vehicle trips. Any development generating a traffic 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.
11. 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 Buildings B and C approved in this preliminary plan unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
12. The abandoned shallow well must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
13. Once public sewer is extended to the property and Buildings A and B are connected to public sewer, the abandoned septic system serving said buildings must be pumped out by a licensed scavenger and either removed or backfilled in place.
14. Building A shall be documented on a Maryland Inventory of Historic Properties (MIHP) form. The completed form shall be submitted to Historic Preservation staff for review and approval prior to the issuance of any building or grading permits on the subject property.
15. 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.

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 east side of Livingston Road approximately 500 feet south of its intersection with Bernice Lane.

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

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	C-M	C-M
Use(s)	Auto Body Shop	Auto Body Shop
Acreage	2.68	2.48 with .20 dedication
Lots	0	0
Outlots	0	0
Parcels	1	1
Dwelling Units:		
Detached	0	0
Public Safety		
Mitigation Fee	N/A	N/A

4. **Environmental**—The Environmental Planning Section previously approved a Type II Tree Conservation Plan, TCPII/032/04, as part of an application for a grading permit. A revised Type II Tree Conservation Plan, TCPII/032/04-01, was approved by staff as part of an application for a grading permit. Preliminary Plan of Subdivision 4-05120 and Type I Tree Conservation Plan TCPI/030/06 were approved with conditions by the Planning Board as reflected in PGCPB Resolution No. 06-98. The application has been filed because preliminary plan 4-05120 has expired. Detailed Site Plan DSP-06047 and Type II Tree Conservation Plan TCPII/032/04-02 are pending approval by the Planning Director. The current proposal is for the construction of a 10,730-square-foot auto repair shop in the C-M Zone.

This 2.68-acre property in the C-M Zone is located on the east side of Livingston Road approximately 500 feet south of its intersection with Bernice Lane. A review of the available information indicates that streams, 100-year floodplain, severe slopes and areas of steep slopes with highly erodible soils are not found to occur on the property. The plans show an area of wetlands on the site. No portion of the property contains or is near any Regulated Area, Evaluation Area or Network Gap as indicated in the June 2005 *Approved Countywide Green Infrastructure Plan*. According to the *Prince George's County Soil Survey*, the soils on the site are in the Beltsville series. According to available information, Marlboro clay does occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or on adjacent properties. There are no nearby sources of transportation-related noise. The proposed use is not expected to be a noise generator. No scenic or historic roads are affected by the proposed development. This property is located in the Mattawoman Creek watershed of the Potomac River basin and in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

In the September 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B*, the Environmental Envelope Section contains

guidelines for future development. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

1. **An open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation, natural ecological features, and estimated future population needs, should be established and maintained.**

None of the property is identified in the *Approved Countywide Green Infrastructure Plan* or the master plan as being part of any environmental network; however, the site contains an area of nontidal wetlands.

2. **Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulations and other innovative techniques that ensure responsible environmental consideration.**

This property is too small and isolated to be considered for development utilizing the Comprehensive Design Ordinance.

3. **Land dedicated in accordance with the subdivision regulations for the provision of needed recreational facilities should not consist solely of floodplains or other parts of the Natural Reserve Area.**

The preliminary plan does not propose land dedication for recreational facilities.

4. **The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.**

Section 24–130 of the Subdivision Regulations which addresses stream, wetland, and water management issues, and the Woodland Conservation and Tree Preservation Ordinance will focus development in an environmentally sound manner, by accommodating environmentally sensitive areas of the subject property in a statutorily prescribed manner.

5. **Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.**

The preliminary plan submitted proposes placing buildings across the entirety of the developable area and results in areas of preservation where possible.

- 6. Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**

This guideline is a standard practice for all tree conservation plans.

- 7. To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.**

This guideline is a standard practice for all tree conservation plans. Because the existing woodlands are currently a forest fragment, preservation of a large contiguous tract of woodland is not possible.

- 8. The Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except for agricultural, recreational and similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.**

The Subregion V master plan does not identify any area of Natural Reserve on the subject property.

- 9. All development proposals should provide effective means for the preservation and protection of Natural Reserve Areas, the development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.**

The Subregion V master plan does not identify any area of Natural Reserve on the subject property.

- 10. Limited development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.**

The Subregion V master plan does not identify any area of Conditional Reserve on the subject property.

- 11. In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution and other characteristics of excessive vehicular traffic should be protected by suitable construction techniques and by the enforcement of legally mandated standards.**

There are no nearby sources of transportation-related noise.

- 12. Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.**

There are no nearby sources of transportation-related noise.

- 13. Farming conservation measures such as diversions, terraces, and grassed waterways in conjunction with contour strip cropping and crop rotations should be implemented.**

No farming is proposed with this subdivision.

- 14. Citizens, developers and others should be encouraged to seek current information on the area's sensitive environmental condition, and on all aspects of related regulatory systems and functional programs from the appropriate local, State and Federal agencies.**

Information available at PGATLAS.com provides generalized information regarding sensitive environmental features of the region and the Natural Resources Inventory (NRI) provides detailed information regarding the subject property.

#### **Conformance with the *Approved Countywide Green Infrastructure Plan***

The *Approved Countywide Green Infrastructure Plan* indicates that none of the property is within or near the designated network.

A signed Natural Resources Inventory (NRI), NRI/115/05-02, was submitted with the application. The NRI contains a forest stand delineation (FSD) and a wetlands report. The FSD is based on two sample areas, identifies two forest stands totaling 1.11 acres and one specimen tree. The plan notes that some of the woodland had been cleared after the FSD was initially prepared. The plan clearly shows soils boundaries that conform to the *Prince George's County Soil Survey*. The soils chart indicating the erodibility and hydric characteristics of each soil type is correct. All wetlands and wetland buffers are correctly shown. Because of low species diversity, presence of invasive plants and lack of sensitive environmental features, Stand "A" is a very low priority area for preservation.

Section 24-130(b)(7) of the Subdivision Regulations requires that wetlands and their associated 25-foot wetland buffer be preserved. A wetlands study was submitted with the application. The limit of an area of wetlands and the required 25-foot wetland buffer are shown. No impacts to the

wetlands or wetlands buffers are proposed. Wetlands and wetland buffers shall be placed into a conservation easement at the time of final plat.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it has an approved tree conservation plan. Preliminary Plan of Subdivision 4-05120 and Type I Tree Conservation Plan TCPI/030/06 were approved with conditions by the Planning Board as reflected in PGCPB Resolution No. 06-98. The revised Type I Tree Conservation Plan, TCPI/003/06-01, has been reviewed. The plan proposes clearing 1.00-acre of the existing 1.11 acres of woodland. The woodland conservation threshold is 0.40 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 0.87 acres. The plan proposes to meet the requirement by providing 0.04 acres of on-site preservation and a fee-in-lieu for 0.65 acres. Development is subject to the restrictions of this TCPI.

According to the *Prince George's County Soil Survey* the soils on the site are in the Beltsville series. According to available information, Marlboro clay does not occur in the vicinity of this property. Although these limitations will ultimately affect the construction phase of this development, there are no limitations that would affect the site design or layout. It is important to understand that during the review of building permits the Department of Environmental Resources (DER) will likely require a soils study as part of a permit review.

A Stormwater Management Concept Plan, CSD 4553-2006-01 has been approved by the Prince George's County DPW&T. The concept plan requires the construction of a bioretention facility. The bioretention area is shown on the TCPI. No further action regarding stormwater management is required.

**Water and Sewer Categories**—The water and sewer categories are W-4 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The site will be served by **private** systems until connection is made to the public system.

5. **Community Planning**—The 2002 General Plan designates the subject site within 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. The proposed use of the property as an Automobile Body Shop is not inconsistent with the development pattern goals and policies of the General Plan as part of a cluster of low density employment facilities that are similar to nearby suburban development.

The approved Subregion V master plan and sectional map amendment (September 1993) retained this property in the C-M Zone and recommends Employment-Industrial land use for this property. The proposed auto body shop conforms to the intent and policies of the master plan, as a use permitted in this zone, and industrial employment facility similar to nearby facilities.

The master plan expresses concern about the appearance and compatibility of nonresidential uses when low-density residential land uses are proposed on the other side of Livingston Road in this



area. The subject site is identified as in Employment Area “F” on the map showing land use recommendations for the Accokeek area (See Page 89). The master plan states, “To ensure the attractiveness of business development, and to enhance compatibility with residential land uses that share the Livingston Road frontage, development proposals should be closely monitored. Zones requiring site plan approval, conditional zoning, conditional subdivision, and the full provisions of the landscape ordinance need to be utilized.” This application has frontage along a section of Livingston Road referenced by the policy above. Any approval of this application should consider whether compliance with the *Prince George’s County Landscape Manual* will be sufficient to comply with this master plan recommendation or if a condition for additional site plan review focusing on the appearance of this business and landscaping along the Livingston Road frontage is necessary.

A limited site plan review to evaluate the proposed landscaping and appearance of this business along Livingston Road is required.

PGCPB Resolution No. 06-98 required as Condition 9:

**Prior to the approval of permits, a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee. The review of the LDSP shall include, but not be limited to, compliance with master plan recommendations for access points, peripheral landscaping treatment, building mass and architectural design of the proposed building, and to ensure the attractiveness of business development and enhance compatibility with residential uses that share the Livingston Road frontage.**

The LDSP condition directly addresses screening and building volumes associated with the larger development associated with the site.

This application is in the Accokeek Development Review District. Pursuant to Section 27-687 of the Zoning Ordinance, the Accokeek Development Review District Commission was sent a referral for this application. No response was received.

The subject property is zoned C-M. While the subject application is not proposing any residential development, if legislation would permit such a land use, a new preliminary plan must be approved. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivisions, a new preliminary plan will be required if residential development is considered.

6. **The Department of Parks and Recreation**—In accordance with Section 24-134(a) of the Prince Georges County Subdivision Regulations, the proposed lot on the subject subdivision is exempt from Mandatory dedication of parkland requirements because it consists of nonresidential development.

7. **Trails**—The plan was reviewed for conformance with the countywide trails plan and/or the appropriate area master plan in order to implement planned trails.

The approved Subregion V master plan identifies Livingston Road as a master plan bicycle corridor. This has been implemented through the provision of bikeway signage on other previously approved subdivisions along the Livingston Road corridor, including approved 4-03015. Bikeway signage is typically recommended on roads that are designated as shared use bikeways. Signage can only be deployed by Department of Public Works and Transportation (DPW&T) if there is sufficient pavement area for bicycles on a given length of road. Existing Livingston Road is an open section with no sidewalks in the vicinity of the subject site. Contribution for bikeway signage is required.

8. **Transportation**—The Planning Board has reviewed this subdivision application for transportation adequacy. The subject property consists of approximately 2.68 acres of land in the C-M Zone. The property is located on the east side of Livingston Road, approximately 500 feet south of Bernice Drive and 1,200 feet south of Pine Drive. The applicant proposes a commercial subdivision of a single lot for the purpose of constructing and operating 18,881 square feet of auto repair facilities.

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

The application is a preliminary plan of subdivision for a commercial subdivision consisting of a single lot for the purpose of constructing and operating 18,881 square feet of auto repair facilities. Approximately 1,500 square feet of this total is Building A, an existing dwelling that is proposed to be converted for use as an office for the auto repair use. Using trip generation rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Guidelines) for "Automobile Care Center," it is determined that the proposed development would generate 49 AM (32 inbound and 17 outbound) and 58 PM (29 inbound and 29 outbound) weekday peak-hour vehicle trips. Although the use "Automobile Care Center" is not a good descriptor for the auto body shop that is proposed, it is the closest descriptor available, and probably slightly overstates the impact of the site. The traffic generated by the proposed preliminary plan would impact the following intersections, interchanges, and links in the transportation system:

- MD 210 and Pine Drive (MD 810E) (unsignalized)
- Livingston Road and Pine Drive (unsignalized)

A traffic study was not required to be done. Traffic counts at the critical intersection were requested for the purpose of making an adequacy finding, and counts dated November 2008 and February 2009 were submitted by the applicant. 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."

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections subject to meeting the geographical criteria in the *Guidelines*.

**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.

The critical intersections, when analyzed with existing traffic and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV,AM & PM)		Level of Service (LOS, AM & PM)	
	MD 210 and Pine Drive (MD 810E)	+999*	+999*	--
Livingston Road and Pine Drive	8.5*	8.6*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program (CTP)" or the Prince George's County "Capital Improvement Program (CIP)." Background traffic has been developed using two approved developments in the area and 1.0 percent annual growth rate in through traffic along MD 704. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follow:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (CLV, AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
	MD 210 and Pine Drive (MD 810E)	+999*	+999*	--
Livingston Road and Pine Drive	8.5*	8.7*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The critical intersections, when analyzed with total future traffic as developed using the "Guidelines", including the site trip generation as described above and a distribution of 47.5 percent north along MD 210, 32.5 percent north along Livingston Road, 10 percent south along MD 210, and 10 percent south along Livingston Road, operate as follow:

<b>TOTAL TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (CLV, AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
	MD 210 and Pine Drive (MD 810E)	+999*	+999*	--
Livingston Road and Pine Drive	8.8*	9.1*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is found that the critical intersection of Livingston Road and Pine Drive operates acceptably under existing, background, and total traffic in both peak hours, while the intersection of MD 210 and Pine Drive operates unacceptably as an unsignalized intersection under existing, background, and total traffic in both peak hours. At MD 210 and Pine Drive, 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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. As a result, a signal warrant study shall be completed at this location prior to the approval of the limited detailed site plan.

Therefore, with the completion of a traffic signal warrant study at MD 210 and Pine Drive along with the completion of any warranted improvements, the critical intersections can be found to be

operating at or better than the policy service level defined for the Developing Tier. Although adequacy has been determined for the use described, the plan is approved with a trip cap consistent with the development quantity and type that has been assumed in the adequacy finding. The total development quantity, 18,881 square feet, includes existing structures as well as structures proposed by the applicant.

The site is adjacent to Livingston Road, which is a master plan collector facility. The plan demonstrates dedication of 40 feet from centerline, which is adequate and consistent with master plan recommendations along this roadway.

Based on the preceding findings, adequate transportation facilities exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—There are no residential dwelling units proposed in the development. There are no anticipated impacts on schools.
10. **Fire and Rescue**—The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Regulations.

The existing engine service at Accokeek Fire/EMS Station, Company 24, located at 16111 Livingston Road, has a service travel time of 3.2 minutes, which is within the 3.25-minute travel time guideline.

The existing ambulance service at Accokeek Fire/EMS Station, Company 24, located at 16111 Livingston Road, has a service travel time of 3.2 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Silesia Fire/EMS Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 12.2 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ladder truck service at Allentown Road Fire/EMS Station, Company 32, located at 8709 Allentown Road, has a service travel time of 19.3 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 must be provided in all buildings proposed in this preliminary plan unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The existing ladder truck service located at Allentown Road Fire/EMS Station, Company 32 is beyond the recommended travel time guideline. The nearest fire station Accokeek Fire/EMS Station, Company 24 is located at 16111 Livingston Road, which is 3.2 minutes from the

development. This facility would be within the recommended travel time for ladder truck service if an operational decision to locate this service at that facility is made by the county.

11. **Police Facilities**—The proposed development is within the service area for Police District IV, Oxon Hill. The police facilities test for nonresidential development is done on a countywide basis in accordance with the policies of the Planning Board. There is 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 141 square feet per 1,000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet is above the guideline.
12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Naz Auto. It appears that the new Building B was connected in 2006 to the existing sewage disposal system (SDS) serving the existing Building A at 17412 Livingston Road. This connection and replacement of the existing septic tank were conducted without Health Department approval. Thus, the SDS may not be adequately sized for the current commercial operation. The owner/applicant must immediately provide detailed information of the SDS (size of septic tank, depth and length of drain fields) to the Health Department. The location of all components of the septic system must be located on the preliminary plan.

It is anticipated that public sewer will be extended to the property. Once public sewer is extended to the property and the existing residence and auto body shop are connected to public sewer, the abandoned septic system serving said buildings must be pumped out by a licensed scavenger and either removed or backfilled in place. The abandoned shallow well must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.

13. **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 4553–2006–01 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**—A Phase I archeological survey is not required for the subject 2.68-acre property located at 17412 Livingston Road in Accokeek, Maryland. 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. Modern construction has limited the potential of identifying archeological sites on the property. However, the applicant should be aware that there are thirteen previously identified prehistoric archeological sites located within a one-mile radius of the subject property.

However, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) 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.

In addition, according to tax records the existing house on the property was built about 1930. The subject property was purchased by Henry W. and Sarah E. Johnson in 1919. Henry W. Johnson is listed in the 1920 and 1930 census records as an African-American carpenter. It is possible that Henry Johnson designed and built the house on the subject property. This house should be documented on a Maryland Inventory of Historic Properties (MIHP) form. The completed form shall be submitted to the Historic Preservation Section for review and approval prior to the issuance of any building or grading permits on the subject property.

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 date of notice of 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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Clark and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, May 7, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of May 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:RD:bjs