

R E S O L U T I O N

WHEREAS, Anthony J. Izzo, Jr. is the owner of a 6.57-acre parcel of land known as Parcel 40, Tax Map 9, Grid E-2, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned E-I-A; and

WHEREAS, on May 19, 2005, Post-Newsweek Media, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05021 for Gazette Newspapers 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 23, 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 June 23, 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 the Type I Tree Conservation Plan (TCPI/18/05), and further APPROVED Preliminary Plan of Subdivision 4-05021, Gazette Newspapers for Lot 4 with the following conditions:

1. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/18/05). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/18/05), 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/Tree Preservation Policy.”

2. In conjunction with the specific design plan, a Type II tree conservation plan shall be approved.
3. 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.

4. Development of this subdivision shall be in compliance with an approved stormwater management concept plan or any approved revision thereto. The approval date and number shall be noted on the plan
5. The plan shall be revised to show a ten-foot-wide public utility easement adjacent to Virginia Manor Road.
6. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To label denied access to Virginia Manor Road from Lot 4.
 - b. To label that the access easement is provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
7. The applicant shall improve and widen the shared access easement, if deemed necessary by the Department of Public Works and Transportation.
8. Total development of the subject property shall be limited to a 92,213-square-foot newspaper publishing, printing, and distribution building or equivalent development that generates no more than 54 AM and 48 PM peak-hour vehicle trips. Any development generating 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.
9. *Van Dusen Road and Virginia Manor Road:* Prior to the approval of any building permits within the subject property, the following road improvements shall have full financial assurances by either the applicant or by other parties, have been permitted for construction, and have an agreed-upon timetable for construction with DPW&T:
 - a. Prior to the issuance of any building permits within the subject property, the applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for the intersection of Van Dusen Road and Virginia Manor Road. This study requirement may be waived if DWP&T indicates, in writing, that a recent study is available for them to determine signal warrants. 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 DPW&T. If deemed warranted by DPW&T, the applicant shall fund a fair share of the cost of a future traffic signal and/or any physical improvements at that location. The amount of the fair share shall be determined by DPW&T in consideration that the subject property contributes approximately 33 peak hour trips to this intersection and the Pines of Laurel (Special Exception SE-4391, an application for 650 units of elderly housing) would contribute over 100 trips.

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 along the east side of Virginia Manor Road, 2,000 feet south of its intersection with Van Dusen Road and approximately one mile north of Muirkirk Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	E-I-A	E-I-A
Uses	Vacant	Newspaper Publishing Business
Acreage	6.57	6.57
Parcels	1	0
Outparcels	0	0
Lots	0	1
Square Footage	0	92,213

4. **Environmental**—Based on year 2000 air photos, the 6.57-acre site is mostly wooded. No jurisdictional streams, wetlands or 100-year floodplain are on the site. Two soils types are associated with the site and these include: Beltsville silt loam and Keyport Silt Loam. These soils do not have development constraints associated with them. Marlboro clays are not in the vicinity of the site. No significant traffic noise generators are in the vicinity of the property. According to the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” published in December 1997, a rare, threatened or endangered species is known to occur in the project vicinity; however, the 6.57-acre portion of the proposal will not affect the habitat area. No historic or scenic roads are in vicinity of the proposal. The site is in the Indian Creek watershed of the Anacostia River basin and is in the Developing Tier of the 2002 adopted General Plan.

Natural Resources Inventory

A natural resources inventory (NRI) was prepared and signed on May 18, 2005. The subject plans appropriately reflect the information contained on the signed NRI.

Woodland Conservation

The plan is in conformance with the previously approved Type I tree conservation plan (TCPI/18/05), which was approved with CDP-0101/01 and as shown in CDP-0101/02.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and the development will be served by public systems.

5. **Community Planning**—The property is in Planning Area 60/Employment Area 5. The 2002 General Plan places the subject 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 site is subject to the recommendation of the 1990 Master Plan for Subregion I, which calls for an industrial/employment use. This application conforms to the master plan recommendation for industrial/employment uses.
6. **Parks and Recreation**—This site is exempt from mandatory dedication because it is a nonresidential development.
7. **Trails**—There are no master plan trail issues identified in the 1990 Master Plan for Subregion I for this property. Existing Virginia Manor Road is open section with no sidewalks. Due to this, and the lack of existing sidewalks to connect to, no sidewalk construction is recommended for the site frontage.
8. **Transportation**—The applicant prepared a traffic impact study dated April 2005, in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the guidelines.

Growth Policy—Service Level Standards

The subject property is in 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 is required in the developing 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 traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

- Van Dusen Road and Contee Road (unsignalized)
- Van Dusen Road and Virginia Manor Road (unsignalized)
- Virginia Manor Road and site access (unsignalized)

Existing traffic conditions within the study area are summarized as follows:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Van Dusen Road and Contee Road	94 .3 *	75.5*	--	--
Van Dusen Road and Virginia Manor Road	14 7. 6*	112.8*	--	--
Virginia Manor Road and site access	12 .1 *	11.8*	--	--
<p>*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 guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.</p>				

The traffic study, at the entrance to the site, did not include the existing traffic to and from the site as an existing condition. The staff’s analysis has utilized estimated existing traffic (based upon the existing use on the site) in order to gain an understanding of the traffic operations at the site

access.

The submitted traffic study provides an analysis for assessing the background traffic situation. This study considered the following:

- A 5 percent annual growth factor for through traffic along Van Dusen Road.
- Background (i.e., approved) development in the area.
- Improvements to Contee Road and Van Dusen Road, including potential signalization, were determined to be bonded.

Background conditions are summarized as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Van Dusen Road and Contee Road	1,127	1,430	B	D
Van Dusen Road and Virginia Manor Road	454.8*	459.8*	--	--
Virginia Manor Road and site access	24.1*	28.7*	--	--

*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 guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

The site is proposed for a 92,213-square-foot newspaper printing and distribution office. The traffic study suggests trip generation of 54 AM and 48 PM peak-hour trips, based largely on employment and the start and end of shifts. In 1995, the transportation staff reviewed trip generation for a newspaper printing and distribution facility as a part of its review of CEI Property, Preliminary Plan of Subdivision 4-95027. That facility was also highly oriented toward employee shifts, and the trip generation took account to a great degree of employee movements during the average workday. In that case, a 420,000-square-foot facility was estimated to generate 50 AM and 18 PM peak-hour trips.

The facilities are not, however, completely comparable. The facility proposed under this subdivision would include newsroom, administrative, and copy preparation, and these functions were not a part of the CEI Property facility. This difference would certainly result in an increase in peak-hour trip generation for the subject facility, particularly in the PM peak hour, and, therefore, the trip generation assumed does appear to be reasonable.

To reiterate, the site trip generation would be 54 AM peak-hour trips (29 in, 25 out) and 48 PM peak-hour trips (16 in, 32 out). Therefore, the following results are anticipated under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Van Dusen Road and Contee Road	1,139	1,443	B	D
Van Dusen Road and Virginia Manor Road	474.8*	480.9*	--	--
Virginia Manor Road and site access	27.5*	31.3*	--	--

*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 guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

It is noted that the Van Dusen Road/Virginia Manor Road intersection operates unacceptably as an unsignalized intersection in accordance with the guidelines. In response to the inadequacies, the applicant proffers the following improvements:

Van Dusen Road and Virginia Manor Road: The analysis has assumed single lane approaches on all approaches, and states that prior studies have established that a signal will ultimately be required at this location. Nonetheless, it appears that signalization, at a minimum, is needed for acceptable operations.

It is noted that the traffic study proffers a pro-rata fair share payment toward the signals. A fair share payment toward the signals was made a condition of both CDP-0101 and CDP-0101/01, along with prior subdivisions within the Central Wholesalers development, by the Planning Board, and the identical condition will be carried forward at this time.

Plan Comments

The Subregion I Master Plan includes a recommendation that Virginia Manor Road be upgraded to an arterial facility labeled as A-56 on the master plan. In the vicinity of this site, A-56 would be a new alignment slightly west of the existing roadway, and the proposed dedication of 35 feet from centerline is acceptable.

This subdivision is being reviewed concurrently with Comprehensive Design Plan CDP-0101/02 and Specific Design Plan SDP-0503. It should be noted that the CDP indicates two separate access points from Virginia Manor Road serving the subject property, one driveway on the northern side that would be new, and one access along the southern boundary that is an existing driveway. DPW&T has indicated that due to sight distance issues, access should be limited to the existing driveway. The elimination of the northern driveway is reflected on the specific design plan.

The subject property received its E-I-A Zoning under resolution CR-102-1977 approving a sectional map amendment for Planning Area 60. Under CDZ Amendment 1, the transportation staff notes that the proposed level of development is well within the limits established by the basic plan approval of 440,000 square feet. Previous CDP/subdivision applications included the development of 130,165 square feet of warehouse/light industrial space. Condition 4 (termed a basic plan modification) discusses the alignment of C-104, a collector roadway with an uncertain alignment. Since 1977, a new master plan was approved in 1990 without any provision for a collector roadway passing near the subject property; only the A-56 facility discussed above. As the 1990 Subregion I Master Plan is the plan that is now in effect, there is no need for this subdivision plan to take the C-106 facility into consideration.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the conditions found at the end of this report.

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. The proposed subdivision is exempt from the review for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section reviewed the subdivision plans for adequacy of fire and rescue facilities applicable to the proposed use.

The existing engine service at Laurel Fire Station Company 10, located at 7411 Cherry Lane, has a service travel time of 3.60 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Beltsville Fire Station, Company 31, located at 4911 Prince George's Avenue, has a service travel time of 5.25 minutes, which is beyond 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 6.91 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 5.25 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 existing ambulance service located at Beltsville, Company 31, is beyond the recommended travel time guideline. The nearest fire station Laurel, Company 10, is located at 7411 Cherry Lane, which is 3.60 minutes from the development. This facility would be within the recommended travel time for ambulance service if an operational decision to locate this service at that facility is made by the county.

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."

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 had no comments.
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 approval letter from the DER has been submitted. This letter (7356-2004-00) relates to the recent Central Wholesalers' expansion to the south (CDP-0101/01). A copy of the concept approval letter for the subject 6.57-acre site is required prior to signature approval

14. **Historic**—The Planning Board has recently identified that the possible existence of historic and prehistoric archeological sites on certain properties must be considered in the review of development applications and that potential means for preservation of these resources should be considered. A Phase I archeological review of the site directly to the south was completed in April 2005. Based on the conclusions contained in that study, archeological Phase I fieldwork was not recommended. No further archeological investigation is recommended for this site.
15. **Public Utility Easement**—The plan must be revised to show a ten-foot-wide public utility easement adjacent to Virginia Manor Road. This easement 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.

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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 Harley, with Commissioners Squire, Harley, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 23, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of June 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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