

R E S O L U T I O N

WHEREAS, Rodney L. Faller is the owner of a 23.92-acre parcel of land known as Parcel 84, Tax Map 99, Grid E-3, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on July 14, 2005, The Michael Companies filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 6 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05008 for Dower Employment Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on December 8, 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 December 8, 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/23/05), and further APPROVED Preliminary Plan of Subdivision 4-05008, Dower Employment Center for Lots 11-12, Block B and Lots 4-7, Block C with the following conditions:

1. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/23/05). 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/23/05), 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. 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.

3. Development of this subdivision shall be in compliance with the approved stormwater management concept plan (CSD 22558-2005-00) or any approved revision thereto.
4. The applicant shall provide standard sidewalks along the site's frontage on both sides of Fallard Drive, unless modified by DPW&T.
5. Prior to the issuance of any building permits within the subject property, the roadway improvements or contributions listed in a – c below must be satisfied by the applicant with the Department of Public Works and Transportation.

a. Dower House Road/Fallard Drive intersection

Prior to the issuance of any building permits, the developer shall be required to construct a southbound left turn lane on Dower House Road at Fallard Drive. The design should maximize the left turn storage length, provide painted channelization on the northbound Dower House Road approach to shadow the left turn lane and provide adequate tapers for the northbound through lane according to established standards. A detailed design shall be presented to the Department of Public Works and Transportation by the developer for review and approval prior to building permit.

b. Dower House Road/MD 223 intersection

Prior to the issuance of any building permits the developer shall be required to make a contribution of \$51,289.54 for the future necessary improvements to this intersection.

c. Dower House Road/MD 4 intersection

Prior to the issuance of any building permits the developer shall be required to make a contribution of \$147,861.63 for the future necessary improvements to this intersection.

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 at the northern end of Fallard Drive, 1,500 feet north of its intersection with Dower House Road.

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	I-1	I-1
Uses	Vacant	Warehouse/Light Industrial
Acreage	23.92	23.92
Parcels	1	0
Outparcels	0	0
Lots	0	6
Square Footage	0	Warehouse 250,000 Light Service Industrial 40,000

4. **Environmental**—There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into Charles Branch in the Patuxent River watershed. According to the “Prince George’s County Soils Survey,” the principal soils on this site are in the Beltsville, Chillum, Sandy Land and Sassafras series. A significant portion of the site had been mined for sand and gravel. Marlboro clay does not occur in this area. 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, rare, threatened or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by Andrews Air Force Base, aircraft-generated noise is significant. The study indicates that the property is within the 65-70 dBA (Ldn) noise contour. This noise level is within the state acceptable noise level for industrial land uses. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

**Natural Resources Inventory**

An approved natural resources inventory (NRI) was submitted with the application. The inventory indicates that there are no streams, wetlands, 100-year floodplain, or specimen trees on the property.

**Woodland Conservation**

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the site has a previously approved tree conservation plan. A Type II Tree Conservation Plan, TCPII/53/03, was approved by staff as part of a grading permit that included the subject property. Lot 10 was subsequently developed.

The revised Type I tree conservation plan has been reviewed. The area included in the TCPI is all 23.92 acres that are the subject of the current application plus the adjacent Lot 10 and conforms to the area of TCPII/53/03. The plan proposes clearing 11.12 acres of the existing 12.75 acres of woodland. The woodland conservation threshold is 4.29 acres. The woodland conservation requirement has been correctly calculated as 9.07 acres. The plan proposes to meet the requirement by providing 2.24 acres of on-site preservation, 1.58 acres of on-site planting and 5.25 acres of off-site conservation for a total of 9.07 acres.

The northern corner of the site is proposed for afforestation. This afforestation area is in complete compliance with the adopted Countywide Green Infrastructure Plan because this afforestation will help close a designated network gap. The wide preservation area along the south boundary will provide significant buffering between the adjacent residentially zoned land and the industrial zone of the subject property. The plan proposes on-site woodland conservation that fulfills the goals of the Woodland Conservation Ordinance.

### **Soils**

According to the “Prince George’s County Soils Survey” the principal soils on this site are in the Beltsville, Chillum, Sandy Land and Sassafra series. A portion of the site has been mined for sand and gravel. Because the site is to be developed in industrial uses and not residential uses, a soils report focusing on the previously mined areas is not required at this time.

### **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 the development will be served by public systems.

5. **Community Planning**—The property is in Planning Area 77/Melwood. 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 1994 Melwood-Westphalia master plan, which calls for an industrial/employment use. This application conforms to the recommendations of both documents.
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 1994 Melwood-Westphalia master plan for this property. Existing Fallard Drive has sidewalks along both sides. Staff recommends the continuation of these sidewalks.

8. **Transportation**— As part of the development application, the applicant presented staff with a traffic study that was prepared in August 2005.

**Traffic Study Analyses:**

The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Dower House Road/ MD 4	F/1916	E/1590
Dower House Road/Fallard Drive** (unsignalized)	C/16.1	B/13.3
Dower House Road/MD 223 ** (unsignalized)	F/537.7 secs.	F/3,999
**Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E,” which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines.		

The traffic study identified 14 background developments whose impact would affect some or all of the study intersections. A second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Dower House Road/ MD 4	F/2132	E/1823
Dower House Road/ MD 4 (Inc. CIP imp)	E/1,546	D/1,315
Dower House Road/Fallard Drive** (unsignalized)	D/26.2 secs.	C/18.9 secs.
Dower House Road/MD 223 ** (unsignalized)	F/1045 secs.	F/*** secs.
Dower House Road/MD 223 (CIP-signalized)	C/1184	C/1251

Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the study has indicated that the proposed development of 250,000 GSF of warehouse use and 40,000 GSF of light service industrial use will be adding 135 (108 in; 27 out) AM peak-hour trips and 135 (27 in; 108 out) PM peak-hour trips at the time of full build out. A third analysis was done, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Dower House Road/ MD 4	F/2141	E/1855
Dower House Road/ MD 4 (Inc. CIP imp)	E/1,554	D/1,347
Dower House Road/ MD 4 (Inc. CIP + TFMP imp.)	D/1,430	D/1,298
Dower House Road/Fallard Drive ** (unsignalized)	E/48.6	D/25.3
Dower House Road/MD 223 (CIP- signalized)	C/1245	C/1287

The analysis under “total” condition has indicated that the Dower House Road/MD 4 intersection would operate inadequately, even with the inclusion of all of the CIP-funded improvement. Because this intersection is located within the MD 4 corridor, where the use of mitigation (CR-29-1994) is allowed, the applicant has proffered an improvement at the intersection to bring the level-of-service to acceptable limit. Specifically, on the northbound approach of the Dower House Road/MD 4 intersection, the applicant is proposing the following:

- Double left turn lanes
- One shared through/left lane
- One exclusive right turn lane

With these improvements in place, combined with the full compliment of CIP-funded improvements, the projected LOS/CLV would be “D” during both peak hours.

The traffic study concluded that adequacy of public facilities can be achieved for the land uses proposed under the current preliminary plan application. The study also pointed out the fact that there would be a requirement for a minor change to the Dower House Road/MD 4 intersection, beyond what is proposed in the current county CIP for the subject intersection. Consequently, there is a recommendation in the study for the applicant to modify the intersection accordingly.

**Staff review and comments:**

Upon review of the applicant’s traffic study, staff does not totally concur with its findings and conclusion. In addition to the planning staff, the study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public and Transportation (DPW&T). As of this writing, SHA has not provided staff with its findings regarding its review of the study. SHA’s comments on the traffic study could be significant since the applicant is proposing changes to the Dower House Road/MD 4 intersection, which is an SHA facility.

In an October 4, 2005, memorandum to staff (Issayans to Burton), DPW&T staff noted that the Dower House Road/MD 223 intersection was not fully funded as noted in the county’s CIP 2006-2011. DPW&T staff further noted that the applicant should be required to provide a traffic signal

warrant study, and ultimately, the installation of a signal if warranted. Regarding the Dower House Road/Fallard Drive intersection (which is county-maintained), DPW&T staff recommended the following improvements:

- Provide a northbound deceleration lane
- Provide a northbound acceleration lane
- Provide a southbound left-turn lane
- Provide a two-lane approach at Fallard Drive

It should be noted that with the exception of the acceleration and deceleration lanes, the lane configuration requested by DPW&T staff is the lane usage on which the applicant's finding of adequacy was determined. While the intersection was determined to function adequately without the need for acceleration and deceleration lanes, the addition of these improvements does enhance the operation of the intersection from the perspective of safety; consequently, staff supports DPW&T's recommendation for the provision of these improvements.

#### **TRANSPORTATION STAFF FINDINGS**

The application is a preliminary plan of subdivision for a six-lot industrial/warehouse development consisting of 250,000 gross square feet (GSF) of warehouse use and 40,000 GSF of light service industrial use. The proposed development would generate 135 (108 in; 27 out) AM peak-hour trips and 135 (27 in; 108 out) PM peak-hour trips at the time of full build out. The traffic generated by the proposed preliminary plan would impact the following intersections:

- Dower House Road/ MD 4
- Dower House Road/Fallard Drive \*\* (unsignalized)
- Dower House Road/MD 223 \*\* (unsignalized)

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.

As indicated in the traffic study, all of the intersections within the study area will operate adequately, based on the policy LOS threshold, and pending the implementation of all of the CIP-funded improvements previously described. All of the adequacy findings were predicated on the proposed development generating 135 trips during each peak hour. Based on the current I-1

zoning, and assuming the most intense use allowable (general office) under such zoning, the subject property could potentially generate as many as 837 AM peak-hour trips and 774 PM peak-hour trips. Consequently, any approval granted for the subject application should be limited to no more than 135 trips being generated in either peak hour.

The analyses were conducted based on various CIP-funded improvements being provided at the Dower House Road/MD 4 intersection as well as the Dower House Road/MD 223 intersection. Regarding the description for the CIP project (FD669451 2006-2011) at the Dower House Road/MD 223 intersection, the funding source was listed as the State of Maryland as well as developer contributions. Although this improvement is shown to be fully funded, that full funding is heavily contingent upon developer contributions. Of the \$2.75 million cost, developer contributions—either direct or via collections of smaller amounts by the county—make up \$2.25 million of the total. For that reason, and because the improvements at MD 223/Dower House Road are needed for adequacy for the subject property, the assumed improvements should occur concurrently with the development of the subject property. Therefore, this application should be conditioned on the improvements, which include signalization and construction of an exclusive right-turn lane along eastbound Dower House Road.

With regard to the CIP project (FD666951 2006-2011) at the Dower House Road/MD 4, the project is listed as being 100 percent funded for construction based on funding from the State of Maryland and developer contributions. Unlike the CIP project for MD 223/Dower House Road, however, this CIP project did not identify a dollar amount, or what percentage of the project cost that will be defrayed by developer contributions.

In its finding for adequacy, the traffic study assumed the following CIP-funded improvements at the MD 4/Dower House Road intersection:

At Dower House Road/MD 4 intersection (Eastbound Approach)

Provide a left turn lane  
Provide five (5) through lanes

At Dower House Road/MD 4 intersection (westbound approach)

Provide a left turn lane  
Provide five through lanes  
Provide a right turn lane

At Dower House Road/MD 4 intersection (southbound approach)

Provide a double left turn lane  
Provide shared through-right lanes

At Dower House Road/MD 4 intersection (northbound approach)



Provide double left turn lanes  
Provide one through lane  
Provide one exclusive right turn lane

As stated before, the CIP improvements would not be sufficient to provide the LOS D adequacy threshold, consequently, the applicant has proffered the following additional improvement:

At Dower House Road/MD 4 intersection (northbound approach)

Provide double left turn lanes  
Provide one shared through/left lane  
Provide one exclusive right turn lane

With the additional improvements proffered by the applicant combined with the CIP-funded improvements, the Dower House Road/MD 4 intersection would operate with a LOS/CLV of D/1,430 during the AM peak hour and D/1,298 during the PM peak hour. It should be noted that the additional improvements proffered by the applicant was proffered as mitigation improvements. The proposed development will add 8 CLV trips to the intersection during the AM peak hour. Pursuant to mitigation guidelines, the proffered improvement must lower the intersection CLV by at least 150 percent, or 12 CLV trips. The improvements being offered will reduce the intersection CLV by 124 CLV, which is well above the 12 CLV trips that are required. While these improvements will lower the intersection CLV by more than 12 trips, they will also lower the overall CLV threshold to less than 1,450 during both peak hours. Therefore, the use of mitigation as a strategy for lowering the intersection CLV was not necessary, since that objective can be achieved using conventional methods.

#### **Site Plan Review**

The applicant shall construct the portion of Fallard Drive that is located on the property as a 70-foot-wide industrial right-of-way road, pursuant to DPW&T's specification. Regarding the site layout and overall circulation, staff has no issues.

#### **TRANSPORTATION STAFF CONCLUSIONS**

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with the conditions contained 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 fire engine service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 6.19 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 6.19 minutes, which is beyond the 4.25-minute travel time guideline.

The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 9.69 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ladder truck service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 9.69 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 paramedic service located at Clinton, Company 25, is beyond the recommended travel time guideline. The nearest fire station, Forestville Company 23, is located at 8321 Old Marlboro Pike, which is 6.19 minutes from the development. This facility would be within the recommended travel time for paramedic service if an operational decision to locate this service at that facility were 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 V-Clinton. The police chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers. 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 Plan, CSD #22558-2005-00, has been approved for the entire Dower Employment Center. The water quality and quantity pond that will serve the property that is the subject of this application is located off-site

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. The vast majority of this site has been mined for sand and gravel, disturbing whatever items of significance may have existed. No further archeological investigation is recommended.
15. **Public Utility Easement**—The plan must be revised to show a ten-foot-wide public utility easement adjacent to Fallard Drive. 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.

\* \* \* \* \*

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 Vaughns, with Commissioners Squire, Vaughns and Eley voting in favor of the motion, with Chairman Hewlett absent at its regular meeting held on Thursday, December 8, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of February 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator