

R E S O L U T I O N

WHEREAS, CWI Limited Partnership is the owner of a 16.08-acre parcel of land known as Lot 1 (REP 192@41) and Parcels 42, 43 & 44, Tax Map E, Grid 3, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned E-I-A; and

WHEREAS, on December 14, 2004, CWI Limited Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04026 for Central Wholesalers 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 3, 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 March 3, 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/04/01-01), and further APPROVED Preliminary Plan of Subdivision 4-04026, Central Wholesalers for Lots 2 and 3 with the following conditions:

1. Prior to signature approval of the preliminary plan, the FSD shall be revised to show the correct acreage in the text and map for the three lots (at 1.31 acres) for a total area of 16.08 acres.
2. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. In the worksheet, delete the reference to 0.42 acres of floodplain and show no acreage for this feature as being found at the site.
 - b. After the revision has been made, the qualified professional who prepared the plan shall sign and date it.
3. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/04/01-01). 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/04/01-01), 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/ Tree Preservation Policy.”

4. In conjunction with the Specific Design Plan, a Type II Tree Conservation Plan shall be approved.
5. 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.
6. Development of this subdivision shall be in compliance with the approved stormwater management concept plan (7356-2004-01) or any approved revision thereto.
7. Total development of the subject property shall be limited to a building or buildings for warehouse/distribution and related uses of no more than 130,165 square feet; or different uses generating no more than the number of new peak-hour trips (53 AM peak-hour trips and 53 PM peak-hour trips) generated by the above development. Any development other than that identified herein above shall require an additional Preliminary Plan of Subdivision with a new determination of the adequacy of transportation facilities.
8. Van Dusen Road and Contee Road: Prior to the approval of building permits beyond 91,150 square feet 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. On the westbound Contee Road approach, provision of a right-turn lane and a shared through/left-turn lane
 - b. On the northbound Van Dusen Road approach, provision of a right-turn lane and a shared through/left-turn lane
 - c. On the southbound Van Dusen Road approach, provision of a left-turn lane and a shared through/right-turn lane
 - d. 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 Contee 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 11 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.

9. Van Dusen Road and Virginia Manor Road: Prior to the approval of building permits beyond 91,150 square feet 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 11 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.
10. Prior to the submittal of the specific design plan (SDP) or any grading or clearing on site, the applicant shall submit a Phase I archeological investigation to the Planning Department staff for review and concurrence. If determined necessary by Planning Department staff at the time of review of the SDP, the applicant shall submit Phase II and Phase III investigations. The investigation should provide a plan for avoiding and preserving the resource in place, or provide a plan for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

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, 1,200 feet south of it 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	Office/Warehouse Single-family Residences	Office/Warehouse
Acreage	16.08	16.08
Parcels	3	0
Outparcels	0	0
Lots	1	2
Square Footage	91,150	130,165 (this application) 277,200 (maximum permitted)

4. **Environmental**— Based on Year 2000 aerial photos the original portion of the site was mostly wooded and included a manmade pond in the northeast portion. The three parcels contain 1.31 acres and were developed for two single-family residences on two of the lots. The residential uses have ceased and the three lots are partially wooded. No jurisdictional wetlands, streams or areas of 100-year floodplain are associated with the site. Three soils are found on the 16.08 acres and these include: Beltsville silt loam, Christiana silt loam and Keyport silt loam. These soils do not have development constraints associated with them. Marlboro clays are not in vicinity of the site. Because of the zoning and proposed uses of the property, no significant noise impact is expected from outside noise sources and no noise impact is expected to be generated by on-site activities. 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 December 1997, a rare, threatened or endangered species is known to occur in the project vicinity, but the proposal will not affect the habitat area. No historic or scenic roads are in the vicinity of this proposal. The site is in the Indian Creek watershed of the Anacostia River basin and the Developing Tier of the 2002 approved General Plan.

Woodland Conservation

A revised Simplified Forest Stand Delineation (FSD) prepared in January 2005 has been submitted and reviewed. The revised FSD includes the 1.31-acre area of Parcels 42-44. The conclusion of the FSD is that the majority of the trees are scattered, in poor condition and no forest structure is present. One specimen tree, a 32-inch pin oak was found on the property. It was evident the previous residential land use of the three lots had mowed turf areas. Vines and similar vegetation have overgrown areas that were once lawn. This vegetation includes both native and non-native invasive species.

Submittal of the revised FSD to include the 1.31-acre portion of the site meets the requirements of the Prince George’s County Woodland Conservation Ordinance; however, there is a discrepancy as to the actual acreage associated with the three lots. The FSD text and map refers

to these lots as totaling 1.58 acres. The map also shows the total area of the property (the larger portion plus the three lots) at 16.37 acres. The 1.31-acre reference is accurate when added to the 14.77 acres that were identified in the approved TCPI for the larger portion of the site prior to the inclusion of these three lots. In addition, the recent review of CDP-0101/01 was for the subject three lots. In the CDP revision the area of these lots was referred to as 1.31 acres and the total area of the larger portion was shown as 16.08 acres.

The site is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are previously approved Tree Conservation Plans associated with the 14.77 acre portion of the overall site, making the entire site subject to the Ordinance.

Previously, the site had 12.00 acres of existing woodland. The Woodland Conservation Threshold (WCT) associated with the site is 15 percent (or 2.41 acres). The site has a woodland conservation requirement of 6.77 acres based on the proposed clearing. Because the site is partially developed, the Woodland Conservation Worksheet showed the woodland conservation requirement as having been met with 0.55 acres of on-site woodland preservation, 3.58 acres of area approved for fee-in-lieu, and credit for off-site mitigation of 2.64 acres. The current TCPI worksheet proposes off-site clearing of 0.10 acres in the northeast portion of the site for a sanitary sewer connection. However, no additional clearing of woodland is proposed because the revised Intermediate FSD showed no woodland area to be found on the 1.31 acres.

There is one minor error on the TCPI. The current TCPI worksheet shows 0.42 acres of 100-year floodplain at the site. The site does not have any area of floodplain associated with it, and the worksheet should be revised accordingly. After this revision has been made, the qualified professional who prepared the plan needs to sign and date it.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and 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 non-residential 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 June 2004 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 2002 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 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 were based on traffic counts done in December 2003. Existing conditions within the study area are summarized as follows:

EXISTING CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
Van Dusen Road and Contee Road	94.3*	75.5*	-- --
Van Dusen Road and Virginia Manor Road	147.6*	112.8*	-- --
Virginia Manor Road and site access	12.1*	11.8*	-- --
*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 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.

Background conditions are summarized as follows:

BACKGROUND TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
Van Dusen Road and Contee Road	341.4*	402.1*	-- --
Van Dusen Road and Virginia Manor Road	457.6*	438.9*	-- --
Virginia Manor Road and site access	28.6*	25.5*	-- --
*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 an additional 39,015 square feet of warehouse space. The site trip generation would be 16 AM peak-hour trips (13 in, 3 out) and 16 PM peak hour trips (3 in, 13 out). Therefore, we obtain the following results under total traffic:

TOTAL TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
Van Dusen Road and Contee Road	347.2*	407.8*	-- --
Van Dusen Road and Virginia Manor Road	463.5*	447.3*	-- --
Virginia Manor Road and site access	32.1*	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.			

It is noted that two intersections, the Van Dusen Road/Contee Road intersection and the Van Dusen Road/Virginia Manor Road intersection, both operate unacceptably as unsignalized intersections in accordance with the Guidelines. In response to the inadequacies, the applicant proffers the following improvements:

Van Dusen Road and Contee Road: The analysis has assumed several lane improvements plus signalization, and it suggests that other parties in the area will construct them. This applicant offers to accept responsibility for one of the approach lane widenings that would be constructed by other parties. However, there is no evidence provided that any of the widening or signalization improvements is bonded. Therefore, in order to ensure adequate transportation facilities at this location, the needed widenings and signalization should be made conditions of this plan. If these improvements are funded or bonded by other parties, this applicant would not be responsible for them. If evidence of full funding or bonding is provided for any or all of the improvements, they can be dropped from the list.

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.

In both circumstances, it is noted that the traffic study proffers a pro-rata fair share payment toward the signals, and staff believes that partial payment does not ensure that a needed signal will be installed. Nonetheless, a fair share payment toward the signals was made a condition of CDP-0101/01 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.

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. 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 conditions limiting the amount of development on the site and requiring certain improvements to the surrounding transportation network.

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.

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 beyond 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 within 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 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 offered the following comments:

“Once the property is connected to public sewer, the abandoned septic system serving the existing warehouse must be pumped out by a licensed scavenger and either removed or backfilled in place. In the interim, any damaged lids to the septic tanks must be replaced to make the system watertight.”
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, 7356-2004-00, 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. The approval number and date

must be noted on the preliminary plan. There are no conflicts with the location of the pond and an adjacent woodland preservation area at the 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. Review of Historic Preservation office files indicates that the property is east of the historic Mitchell residence as shown on the 1861 Martenet map (the structure is no longer extant). Phase I research and archeological investigations are required to examine historic maps and also to determine if the Mitchell family owned slaves that may have lived or been buried on the subject property, and to search for any historic or prehistoric archeological sites.

Prior to the submittal of the specific design plan (SDP) or any grading or clearing on-site, the applicant should submit a Phase I archeological investigation. The findings should be submitted to the Planning Department staff for review and concurrence. If determined necessary by Planning Department staff at the time of review of the SDP, the applicant shall submit Phase II and Phase III investigations. The investigation should provide a plan for avoiding and preserving the resource in place or provide a plan for mitigating the adverse effect upon these resources.

All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

15. **Public Utility Easement**—The plan shows a ten-foot-wide public utility easement adjacent to Virginia Manor Road and along the access easement to Lot 2. It is accurately reflected on the proposed preliminary plan and will be included on the final plat.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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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 Eley, with Commissioners Squire, Eley, Vaughns, Harley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 3, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of March 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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