

R E S O L U T I O N

WHEREAS, Sailors Retreat, LLC is the owner of a 2.18-acre parcel of land known as Parcel 45, Tax Map 165, Grid A-1 said property being in the 11th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on February 13, 2001, Balton Latham, LLC filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01015, FMC Properties, 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 April 19, 2001, 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, with conditions of the application with conditions; and

WHEREAS, on April 19, 2001, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plat of Subdivision 4-01015, FMC Properties for Parcel A with the following conditions:

1. Total development within the subject property shall be limited to 31,000 square feet of light- industrial space, or equivalent development permitted within the I-1 zone, which generates no more than 27 AM and 27 PM peak hour vehicle trips. Any development that generates more trips than those identified herein shall require an additional Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.
2. The applicant and/or the applicant=s heirs, successors, or assigns shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a Road Club that will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area AC@ in the Subregion V Master Plan, as well as any properties along U.S. 301/MD 5 between T.B. (the intersection of U.S. 301 and MD 5 in Prince George=s County) and Mattawoman Creek, and any other properties for

which participation is deemed necessary by the Planning Board.

For development of the subject property, the applicant=s sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

A fee calculated as \$1.41 per gross square foot X (the most recent FHWA Highway Construction Cost Composite Index four-quarter average available at the time of building permit application) / (FHWA Highway Construction Cost Composite Index for first quarter, 1993)

Payment is to be made in trust to the Road Club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permits, the applicant shall provide written evidence to the M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the Road Club escrow account by Road Club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen US 301/MD 5 from a four (4) lane road to a six (6) lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently-approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widen US 301 from a four (4) lane road to a six (6) lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point Spine Road crosses US 301 northeast of T.B.

- h. Reconstruct the traffic signal at MD 5/Brandywine Road.
  - i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
  - j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
  - k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
  - l. Widen US 301/MD 5 from a six (6) lane road to an eight (8) lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
  - m. Widen MD 5 from a four (4) lane road to a six (6) lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
3. At the time of final plat approval, the applicant, his heirs, successors and/or assigns shall dedicate right-of-way along Cedarville Road/Mattawoman Drive as shown on the submitted preliminary plan. Any improvements within the dedicated right-of-way will be determined by DPW&T.
4. The plat shall indicate that there shall be no direct access from the site onto Cedarville Road/Mattawoman Drive.
5. Prior to signature approval, the preliminary plat shall be revised to include:
- a. The Stormwater Management Concept Plan approval number and date.
  - b. A Parcel or Lot designation.
6. The following note shall be placed on the final plat:
- AAn automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George=s County laws.@

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 northwest corner of Cedarville Road and Betty Drive in Brandywine, approximately 200 feet east of US 301.
3. Environmental IssuesCA review of the information available indicates that no streams, wetlands, 100-year floodplain, steep and severe slopes, or slopes with highly erodible soils are found to occur on this property. The site is located in the Mattawoman Creek watershed, which is a tributary to the Potomac River. No adverse off-site noise impacts have been identified that would limit the development of this property for this use. Because no specific use has been shown, it is not clear whether or not it would be considered a noise generator. The soils found to occur on this property, according to the Prince George=s County Soil Survey, include the Beltsville Silt Loam series, which poses no special problems for development. There are no rare, threatened or endangered species located in the vicinity of this property, based on information provided by the Maryland Department of Natural ResourcesCNatural Heritage Program. Cedarville Road is a designated Historic Road according to the *Prince George=s County Design Guidelines and Standards for Scenic and Historic Roads* and the *Subregion V Master Plan*. The property is in Sewer and Water Category 3.

This site is not subject to the provisions of the Woodland Conservation Ordinance because the site is more than 40,000 square feet in size, has less than 10,000 square feet of woodland, and is not subject to a previously approved Tree Conservation Plan. A Tree Conservation Plan is not required; however, a Letter of Exemption must be obtained from the Environmental Planning Section prior to the issuance of any permits. This letter should be presented at time of application for all building permits.

Cedarville Road is a designated Historic Road according to the *Prince George=s County Design Guidelines and Standards for Scenic and Historic Roads* and the *Subregion V Master Plan*. Any improvement within the right-of-way of scenic or historic roads is subject to approval by DPW&T under the *Design Guidelines and Standards for Scenic and Historic Roads*. As requested by the Environmental Planning Section, the preliminary plat has been revised to correctly identify this historic road.

4. Community PlanningCThe 1982 *General Plan*, as amended by the 1993 *Subregion V Master Plan*, identifies this area as a Major Employment Area in the Category II Policy Area. The 1993 *Subregion V Master Plan* recommends employment uses for the property and includes it as part of Employment Area AC.@ The 1993 *Subregion V Sectional Map Amendment* classified this property in the I-1 Zone. The proposed subdivision is consistent with the recommendations of the master plan for employment land use in Employment Area AC@ in the Brandywine community.
5. Parks and RecreationCThe proposed subdivision is exempt from the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations because it is a nonresidential use in an industrial zone.

6. TrailsC There are no master plan trails issues associated with this application.
7. TransportationC No traffic study was requested of the applicant nor was one submitted for review. 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 for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*.

#### Summary of Traffic Impacts

The application is a preliminary plat of subdivision for an industrial parcel that is proposed to contain 31,000 square feet of light industrial space. The proposed development would generate 27 AM and 27 PM peak hour vehicle trips as determined using *The Guidelines*. The site was analyzed using the following trip distribution:

Cedarville from the east:	5%
McKendree from the west:	5%
US 301/MD 5 from the north:	60%
US 301/MD 5 from the south:	30%

The traffic generated by the proposed preliminary plan would impact the signalized intersection of US 301 and Cedarville/McKendree Roads. There are no improvements at this intersection that are currently funded for construction in either the County *Capital Improvement Program* or the Maryland Department of Transportation *Consolidated Transportation Program*.

The Prince George=s County Planning Board, in the *Guidelines*, has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system. The intersection of US 301 and Cedarville/McKendree Roads, when analyzed under existing traffic, was found to be operating at a critical lane volume (CLV) of 1,441, or level of service (LOS) D, in the AM peak hour and at a CLV of 1,677 and LOS F during the PM peak hour. With growth in through traffic and a considerable amount of approved development, background traffic was found to be operating at a CLV of 3,806 and LOS F in the AM peak hour and at a CLV of 4,082 and LOS F during the PM peak hour. Under total future traffic as developed using the *Guidelines*, adding the impact of the proposed development, the critical intersection was found to be operating with a CLV of 3,819 and LOS F in the AM peak hour and at a CLV of 4,094 and LOS F during the PM peak hour. Therefore, the critical intersection is operating unacceptably, at LOS E or F, in both peak hours.

In reviewing other nearby properties, the transportation staff has noted ongoing issues regarding poor traffic service levels in this area, and the Planning Board has acted on a number of nearby cases. Reference is made here to the attached memorandum prepared on December 4, 1990. This memorandum documents the assumptions regarding the

Brandywine Road Club and its potential member properties and establishes the improvements that are required in the area for Adequate Public Facilities.

According to this memo, which is in the file, no geographic limits for the Road Club membership have been defined. Property owners within Employment Area AC, property owners along US 301/MD 5 between T.B. and Mattawoman Creek, and the Brandywine Village M-A-C property, along with any adjacent properties to these, are included as current or prospective members of the Road Club. The subject property is within Employment Area AC as defined in the *Subregion V Master Plan*.

The December 4, 1990 memorandum sets forth the improvements associated with prospective Road Club members. Because the points of access for the properties on the east side of US 301 are so similar, all current or prospective Road Club properties on the east side of US 301 have similar list of Road Club improvements associated with them. Only in cases where a property does not have direct access to A-63 (otherwise known as the Spine Road) on-site does the list of improvements change, along with the corresponding payment to the Road Club. In the case where a property on the east side of US 301 is required to construct the on-site portion of the Spine Road, a payment of \$1.41 per gross square foot of building space to cover the cost of Road Club improvements is required. In the case where a property on the east side of U.S. 301 is not required to construct the on-site portion of the Spine Road, a payment of \$2.07 per square foot to cover the cost of Road Club improvements, plus a share of the cost of the Spine Road, is required.

To ensure that adequate funding is available in the future to construct the facilities needed, the County Council, in a May 21, 1991 letter, requested that cost estimates and future pro-rata payments include an inflation factor.

Notwithstanding the above finding, the transportation staff will recommend a trip cap condition for the property consistent with the proposed use.

Mattawoman Drive/Cedarville Road along the property frontage is shown on plats for the Montgomery Wards Warehouse as an access-denied right-of-way. Therefore, the subject property must obtain access via Betty Drive. Mattawoman Drive/Cedarville Road (A-63) is a master plan arterial. Right-of-way dedication as shown on the submitted plan is required at the time of record plat.

Based on the preceding findings, 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 transportation-related conditions included in this report.

8. Schools The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the*

*Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998). The subdivision is exempt from Adequate Public Facilities test for schools because it is an industrial use.

9. Fire and Rescue The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following.
- a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service response time of 5.58 minutes, which is beyond the 3.25 minute response-time guideline.
  - b. The existing ambulance service at Brandywine Fire Station, Company 40, has a service response time of 5.58 minutes, which is beyond the 4.25 minute response-time guideline.
  - c. The existing paramedic service at Brandywine Fire Station, Company 40, has a service response time of 5.58 minutes, which is within the 7.25 minute response-time guideline.
  - d. The existing ladder truck service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service response time of 10.07 minutes, which is beyond the 4.25 minute response-time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all commercial structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County Laws

10. Police Facilities The proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County police facilities will be adequate to serve the proposed FMC Property development.
11. Health Department The Health Department reviewed the application and offered no comments.
12. 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, 8326817-2000-00, 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 included on the preliminary plat prior to signature approval.

13. Public Utility Easement CThe preliminary plat includes the required 10-foot-wide public utility easement. This easement will be included on the final plat.
14. Parcel or Lot Designation CThe preliminary plat does not propose a parcel or lot designation for the property. The platting process will require this property to be known as something other than its current nomenclature of Parcel 45. Once platted, the property will be known as a parcel or lot in the FMC Subdivision. Prior to signature approval, the preliminary plat should be revised to call include the parcel or lot designation.

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 19, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of May 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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