

C O R R E C T E D   R E S O L U T I O N

WHEREAS, Melwood HTC is the owner of a 17.19-acre parcel of land known as Melwood Horticultural Center (Parcel 99), located on Tax Map 98 and Grid D-2, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned I-4; and

WHEREAS, on October 22, 2003, Melwood Horticultural Training Center, Inc., filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for two parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03107 for Melwood Horticultural Training 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 January 22, 2004, 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 January 22, 2004, 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/13/03)] \*(TCPI/15/03), and further APPROVED Preliminary Plan of Subdivision 4-03107, Melwood Horticultural Training Center for Parcels A and B with the following conditions:

1. Prior to signature approval of the preliminary plan and certification of [(TCPI/13/03)]\*(TCPI/15/03) TCPII/59/90 shall be revised to account for the change of area and show the woodland conservation area to be used for [(TCPI/13/03)] \*(TCPI/15/03).
2. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of a bikeway sign along Dower House Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.

\*Denotes correction

[Brackets] denotes deletion

Underlining denotes addition

3. In addition to the existing 50,283 gross square feet of development on Parcel 1, total additional development on Parcels 1 and 2 shall be limited to only 40,000 gross square feet industrial warehouse space or any other permitted uses that would generate no more than the additional 16 AM or 16 PM peak-hour vehicle trips.
4. Development shall be in accordance with the approved stormwater management concept plan, Concept 8001660-2000-01, or any approved revisions thereto.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and be reviewed by the Environmental Planning Section prior to approval.
6. The following notes shall be placed on the final plat:
  - a. "Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/15/03), 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."
  - b. "Properties within these boundaries have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights."
  - c. "Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the east side of Dower House Road at Old Pike Way, approximately 1,500 feet south of the intersection of Dower House Road with Old Marlboro Pike.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	I-4	I-4
Uses	Private trade school	Private trade school and warehouse
Acreage	17.19	17.19
Parcels	1	2
Square footage	50,283	90,283 (existing school + proposed warehouse)

4. **Environmental**—There are streams, wetlands and 100-year floodplain on the property associated with the Charles Branch in the Patuxent River watershed. About 15 percent of the site is forested. The Melwood-Westphalia master plan indicates that there is a small area of Natural Reserve on the site. No designated scenic or historic roads are affected by this proposal. There are no nearby sources of traffic-generated noise; however, the entire site is within the 65-70 dBA noise area associated with Andrews Air Force Base. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The *Prince George’s County Soils Survey* indicates that the site was a gravel pit. Marlboro Clay does not occur in this area.

#### **Woodland Conservation**

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size, has more than 10,000 square feet of woodland, and has a previously approved tree conservation plan for a portion of the total area. TCPII/115/90 was approved by staff as part of a grading permit. A forest stand delineation was reviewed with TCPII/115/90.

A Type II tree conservation plan, TCPII/115/90, was approved by staff as part of a grading permit. A Type I tree conservation plan, TCPI/15/03, has been submitted with this application. The TCP originally submitted with the application did not contain the entire acreage of the proposed subdivision. The plan did correctly indicate proposed clearing of 2.60 acres on Parcel 1 in conformance with TCPII/115/90.

This proposed subdivision includes a lot line adjustment with the adjacent property that is the subject of an approved Type II Tree Conservation Plan, TCPII/59/90. TCPII/59/90 includes some woodland conservation areas used to satisfy TCPII/115/90 and will be needed to satisfy [TCPI/13/03] \*(TCPI/15/03). Because of the lot line adjustment, the area of TCPII/59/90 will change and that plan will need to be revised accordingly prior to certification of [TCPI/13/03] \*(TCPI/15/03).

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The revised Type I tree conservation plan, [TCPI/13/03] \*(TCPI/15/03), has been reviewed. The

plan correctly shows all streams, wetlands, stream buffers, wetland buffers and the limits of the Patuxent River Primary Management Area. The plan proposes clearing 2.60 acres of the existing 3.82 acres of upland woodland; no clearing of any of the 1.08 acres of floodplain woodland; and correctly calculates the woodland conservation requirements as 2.13 acres. The plan proposes to meet this requirement by providing 1.22 acres of on-site preservation and 1.24 acres of off-site conservation for a total of 2.46 acres. The proposed woodland conservation areas serve to provide added protection to the stream valleys and provide screening and buffering of the site from adjacent properties.

### **Patuxent River Primary Management Area (PMA)**

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Melwood-Westphalia master plan indicates that there is a small area of Natural Reserve on the site. The Natural Reserve on the master plan represents the Patuxent River Primary Management Area (PMA) as defined in Section 24-101 of the Subdivision Regulations. The preliminary plan of subdivision shows streams, wetlands, their associated buffers and the “approximate” boundary of the PMA. On this property, the boundary of the PMA coincides with the 50-foot stream buffer. No impacts to the PMA are proposed. In accordance with Section 24-130 of the Subdivision Regulations, the PMA is preserved in its natural state to the fullest extent possible. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the Patuxent River Primary Management Area and be reviewed by the Environmental Planning Section prior to approval. An appropriate note should be placed on the plat.

The *Prince George’s County Soils Survey* indicates that the site is a reclaimed gravel pit. A soils report may be required by the Prince George’s County Department of Environmental Resources during the permit process review.

### **Noise**

There are no nearby sources of traffic-generated noise; however, the entire site is within the 65-70 dBA noise area associated with Andrews Air Force Base. The preliminary plan of subdivision notes that the entire site is between the 65 and 70 dBA noise contours associated with Andrews Air Force Base. A note regarding this noise should be included on the final plat.

### **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. The property will be served by public systems.

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5. **Community Planning**—The 2002 General Plan places the 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. Education and economic development are high priorities of the 2002 General Plan. A preliminary subdivision for the expansion of an existing trade school in an employment area in the Melwood community is not inconsistent with the 2002 General Plan Developing Tier policies.

The property is in Planning Area 77 / Melwood. The 1994 Melwood-Westphalia master plan recommends limited intensity industrial land use for the property. There is some conditional reserve identified in the master plan on proposed Parcel 2. Dower House Road (A-52) is to be upgraded to a 4-6 lane arterial roadway. This facility is needed to provide adequate capacity to serve the planned industrial development south and east of Andrews Air Force Base and the residential development in the Melwood and Rosaryville planning areas. This is a later need associated with future development. The SMA for this planning area (adopted 1994) retained the subject property in the I-4 Zone (Limited Intensity Industrial). The proposed preliminary subdivision for the Melwood Horticultural Training Center in the I-4 Zone conforms to recommendations of the master plan for limited intensity industrial land use in this part of the Melwood community. A trail identified on the plan map along the south side of proposed Parcel 2 is not indicated on the preliminary subdivision plan and needs to be identified.

6. **Parks and Recreation**—The proposed subdivision is exempt from the mandatory parkland dedication requirements of Section 24-134(a) of the Prince George's County Subdivision Regulations because it consists of nonresidential development.
7. **Trails**—The adopted and approved Melwood-Westphalia master plan designates Dower House Road as a Class III Bikeway and recommends appropriate signage. In cases along county rights-of-way, the Planning Board has typically required the applicant to provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage.
8. **Transportation**—The applicant submitted a limited scope traffic analysis. The traffic count included in the analysis was conducted in July 2003. The submitted traffic analysis suggests the proposed 40,000-square-foot warehouse development would generate no more than 16 peak-hour trips. This would be the maximum allowable trip cap for the site.

The preliminary plan shows access to the proposed development by extending the existing Old Pike Way, a 70-foot-wide industrial roadway. The plan does not propose any new or additional access to Dower House Road, a planned arterial facility with 120 feet of right-of-way. The plan shows adequate dedication for Dower House Road (60 feet) from the existing centerline.

The application is a preliminary plan of subdivision for 17.19 acres of I-4 zoned land into two parcels, one of which is improved with approximately 50,283 gross square feet of existing buildings used as part of a private trade school. The applicant is proposing to construct an additional 40,000 gross square feet building to be used as a warehouse. As stated, the proposed development would generate 16 AM and 16 PM peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed preliminary plan would impact the intersection of Old Pike Way with Dower House Road. At the current time, this intersection is controlled by a stop sign. This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The subject property is located within the Developing Tier, as defined in the 2002 General Plan. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The intersection of Old Pike Way with Dower House Road, when analyzed with total future traffic as developed using the Guidelines, was found to be operating at or better than the Level-of-Service D.

Given these findings, adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with a condition limiting development to that which will generate no more than 16 AM or PM peak-hour trips.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of 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 adequacy test for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
  - a. The existing fire engine at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 3.80 minutes, which is beyond the 3.25-minute travel time guideline.
  - b. The existing ambulance at Forestville Fire Station, Company 23, has a service travel time of 3.80 minutes, which is within the 4.25-minute travel time guideline.
  - c. The existing paramedic at Clinton Fire Station, Company 25, has a service travel time of 8.81 minutes, which is beyond the 7.25-minute travel time guideline. The nearest fire station, Forestville, Company 23 is 3.80 minutes from the development. This facility

would be within the recommended travel time for paramedic service.

- d. The existing ladder truck at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 8.81 minutes, which is beyond the 4.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in 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, 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.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy 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 June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 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 Melwood Horticultural Training Center development.
12. **Health Department**—The Health Department reviewed the application and noted that any abandoned well or septic system would have to be pumped and/or backfilled and sealed in accordance with COMAR 26.04.04.
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, # 8001660-2000-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through June 30, 2004. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**¾ There are no known cemeteries on or adjoining the subject property.
15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown 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

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George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 22, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of February 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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