

R E S O L U T I O N

WHEREAS, Pre I Landover Developers are the owners of a 29.93-acre parcel of land known as Tax Map 59 in Grid C-4, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned E-I-A; and

WHEREAS, on February 22, 2007, Preferred Real Estate Investments, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 8 lots and 1 outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06147 for Maryland 50 Industrial Park was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 21, 2007, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on June 21, 2007, 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/12/07), and further APPROVED Preliminary Plan of Subdivision 4-06147, Maryland 50 Industrial Park, for Lots 14-21 and Outparcel A with the following conditions:

1. In conformance with the approved Landover and Vicinity Master Plan, the applicant, and the applicant's 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 "Share the Road with a Bike" sign. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 382444-2006 and any subsequent revisions.
3. Prior to signature approval of the preliminary plan, the preliminary plan and the TCP shall be revised to show the expanded stream buffer in conformance with the staff signed NRI.
4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer except for areas of previous impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

5. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan, TCPI/012/07, shall be revised as follows:
  - a. Clearly identify and label each area not counted toward woodland requirements;
  - b. Clearly identify and label all woodland cleared areas;
  - c. Remove soils information from the plan;
  - d. Show conceptual grading in reference to building footprints and revise the building footprints or limits of disturbance to show a realistic development proposal (at least 20 feet of clearing between the building footprints and the limits of disturbance);
  - e. Revise the legend to include graphic symbols for expanded buffer and water and sewer lines;
  - f. Show all existing and proposed easements (easements for sewer lines and stormwater management are not shown);
  - g. Revise the plan to provide a TCPI approval block and not a TCPII approval block;
  - h. Revise the plan to account for the woodland conservation shortage and specify the method of compliance;
  - i. The label for 2.09-acre “woodland clearing area” on northeast corner of site must be revised to point to the clearing area and not the preservation area;
  - j. Revise General Note 7 to refer to the NRI approval date as March 21, 2007;
  - k. Revise the computation worksheet accordingly to reflect changes made to the plan; and
  - l. Have the revised plan signed and dated by the qualified professional who prepared the plan.
6. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/012/07). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation

Plan (TCPI/012/06), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

7. Prior to the issuance of any building permits within the subject property, and if approved by SHA and DPW&T, the applicant shall (a) have full financial assurances, (b) have been permitted by DPW&T and SHA, and (c) have an agreed-upon timetable for implementation with DPW&T and SHA to interconnect the three traffic signals along Columbia Park between Cheverly Metro Access Road and Westbound US50 Ramp to ensure optimal traffic operation along Columbia Park Road, and elimination of any potential queuing that might occur at these locations.
8. The total development within the subject property shall be limited to 10,000 square feet of office space and 325,000 square feet of light industrial space or different uses generating no more than 280 AM peak hour trips (225 in, 55 out) and 280 PM peak hour trips (55 in, 225 out), respectively. Any development on the subject property resulting in a trip generation that exceeds this level shall be subject to the submission of a new preliminary plan of subdivision and a new test for transportation adequacy.
9. Prior to signature approval, the preliminary plan shall be revised to show Outparcel A as Outlot A.

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 south side of Columbia Park Road, south and east of its intersection with South Club Drive. The existing uses on the property consist of a 51,000-square-foot warehouse. The property has been used in this and other industrial capacities for many years. Most of the site is a paved parking area associated with the former Giant Food complex to the south. Adjoining properties are developed with light-industrial uses in the I-1 and I-2 Zones, with the exception of the property to the east, which is vacant land owned by M-NCPPC in the R-O-S Zone.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	<b>EXISTING</b>	<b>PROPOSED</b>
	E-I-A Light Industrial (51,000 square feet)	E-I-A Light Industrial (325,000 square feet) Commercial Office (10,000 square feet)
Acreage	29.93	29.93
Lots	2	8
Outparcels	0	1
Parcels	0	0
Public Safety Mitigation Fee		No

4. **Environmental**—A review of the GIS information available indicates that there is a stream, stream buffer, and floodplain found to occur on the extreme southern portion of the site. Columbia Park Road is a collector roadway generally not regulated for noise. The soils found to occur, according to the Prince George’s County Soil Survey, include Bibb, Christiana and Keyport. These soils have limitations with respect to perched water table, impeded drainage, flood hazard, and seasonally high water table. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. No designated historic or scenic roads abut this property. The site is predominantly developed and is located in the Cabin Branch watershed in the Anacostia River basin. The site is in the Developed Tier according to the 2002 General Plan.

#### **Landover and Vicinity Master Plan Conformance**

The subject property is located within Analysis Area K-3 of the Landover and Vicinity Master Plan. There are no specific environmental recommendations or designed standards that require review of conformance. The environmental requirements for woodland preservation, stormwater management, and noise are addressed in the Environmental Review section below.

#### **Countywide Green Infrastructure Plan Conformance**

The site is within Network Gap Areas, Evaluation Areas and Regulated Areas as part of the countywide Green Infrastructure Plan. This portion of the network gap is associated with an evaluation area to the east and regulated areas to the south. Although it is the intent of the *Countywide Green Infrastructure Plan* to connect the network gaps with the regulated areas, this is not possible because the site is cleared and graded from a previous approval.

## **Natural Resources Inventory**

An approved revised Natural Resources Inventory, NRI/145/06, was submitted with the application dated March 21, 2007. There is a stream, stream buffer, and floodplain found to occur on the subject property. A flooding study conducted on the subject site to determine the existing floodplain elevations of the site was submitted with the review package. No impacts to sensitive environmental features are proposed at this time. The preliminary plan and the TCP do not show the expanded stream buffer in conformance with the signed NRI.\_\_\_\_

## **Environmental Impacts**

The site contains significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations. All disturbances not essential to the development of the site as a whole are prohibited within the expanded buffer. Essential development includes such features as stormwater pond outfalls, public utility lines, road crossings, and so forth, which are mandated for public health and safety.

The plans as currently submitted show no impacts to sensitive environmental areas based on the building footprints as shown; however, the plan shows only the limit of disturbance but not the conceptual grading. A variation request is not required because no encroachment into regulated areas is proposed.

## **Woodland Conservation**

The 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. This site has a Type II Tree Conservation Plan, TCPII/49/92, which was approved in conjunction with SDP-9107. The specific design plan was approved on September 26, 1991 by the Prince George's County Planning Board. The SDP was later revised in conformance with condition of Approval 1, which states, "Prior to issuance of grading permits the landscape agreement (Liber 7713, Folio 483) between the Department of Parks and Recreation and Giant Foods, Inc., shall be amended and the planting plan described therein shall be approved, executed and recorded."

A copy of the recorded landscape agreement in compliance with Condition 1 of the previously approved SDP was submitted. The TCPI as submitted is in conformance with the landscape agreement in Condition 1 of SDP-9107 because the plan shows the entire 50-foot-wide buffer along the eastern property line being preserved.

The Type I tree conservation plan submitted has been reviewed and was found to require revisions to meet the requirements of the Woodland Conservation Ordinance.

The woodland conservation threshold for the site is 4.41 acres. An additional 0.79 acre is required due to the removal of woodlands, for a total woodland conservation requirement of 5.20 acres. The plan shows the requirement as 3.67 acres and provides 2.09 acres of woodland conservation on-site with a shortage of 1.58 acres. The plan does not state how the requirement

will be met. The proposed building footprints are too close to the limit of disturbance and the plans need to show conceptual grading. The plan needs to be revised to remove soils information from the plan, label all areas of woodland treatment, revise the computation worksheet accordingly, and show the symbols in the legend for the expanded buffer and water and sewer lines.

### **Soils**

According to the Prince George's County Soils Survey, the principal soils on the site are Keyport, Christiana and Bibb. This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit review.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 and this proposal will, therefore, be served by public systems.

5. **Community Planning**—The subject property is located in Planning Area 72/Seat Pleasant Community, and within the limits of the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)*. The master plan recommends a light industrial/office/business park land use for the site. The preliminary plan of subdivision conforms to the land use recommendations of the master plan by proposing light industrial uses for the site.

The 2002 *Prince George's County Approved General Plan* designates the subject property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use pedestrian-oriented, medium- to-high-density neighborhoods. The preliminary plan conforms to the visions for the Developed Tier by proposing development of industrial uses in an area identified as appropriate by the master plan, thus ensuring that such uses will not negatively impact the surrounding residential neighborhoods.

6. **Parks and Recreation**—According to Section 24-134(a) of the Prince George's County Subdivision Regulations, the above-referenced subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
7. **Trails**—The adopted and approved Landover and Vicinity Master Plan recommends a north-to-south trail connection from MD 202 to MD 704 on the eastern edge of the MD 50 Industrial Area. Segments of this trail are proposed on M-NCPPC parkland both to the north and south of Columbia Park Road, with a short trail connection proposed along Columbia Park Road. The master plan also designates Columbia Park Road as a bike/pedestrian corridor.

The road frontage of the subject site has already been improved to accommodate the trail from South Club Drive to the adjacent park property. The road frontage west of South Club Drive includes a standard sidewalk. The existing trail fulfills the recommendation included in the master plan. Staff recommends the provision of one "Share the Road with a Bike" sign along

Columbia Park Drive to alert motorists to the possibility of on-road bicycle traffic. Appropriate bicycle compatible pavement markings can be considered by DPW&T at the time of road resurfacing.

South Club Drive includes existing sidewalks along both sides.

8. **Transportation**—On March 8, 2007, the applicant's traffic study was referred to DPW&T and SHA for review and comments. Staff has also completed its review of the submitted traffic study as required under the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Based on this review and comments received from DPW&T, staff concluded the March study does not fully address the potential impact of the proposed development to the area road network. Following a staff meeting with the applicant's traffic consultant on May 14, 2007, the applicant's revised traffic impact study was deemed acceptable in addressing all issues raised during the first review, and was referred to DPW&T for additional review and comments. The revised study takes into consideration the existing truck restriction along Columbia Park Road between Columbia Park Terrace to MD 704, by assigning all of the site-generated truck traffic to Columbia Park Road in the westbound direction. In addition, the study includes a queuing analysis for traffic signals along Columbia Park Road between the Cheverly Metro Access Road and eastbound US 50 (John Hanson Highway).

The findings and recommendations outlined below are based upon a detailed review of the revised traffic study and queuing analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy—Service Level Standards**

The subject property is located within the Developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the Guidelines.

**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.

### Analysis of Traffic Impacts

The traffic study for this site examined the site impact at six signalized intersections listed below including the South Club intersection which will be used to gain access to the subject property:

MD 704/ Columbia Park Road/ Belle Haven Drive  
Columbia Park Road /South Club Drive  
Columbia Park Road /Cabin Branch Drive  
Columbia Park Road /Cheverly Metro Drive  
Columbia Park Road /Eastbound US50 Ramp  
Columbia Park Road /Westbound US50 Ramp/ Arbor Street

The existing conditions at the study intersections are summarized below:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 704/ Columbia Park Road/ Belle Haven Drive	979	1,033	A	B
Columbia Park Road /South Club Drive	300	319	A	A
Columbia Park Road /Cabin Branch Drive	421	551	A	A
Columbia Park Road /Cheverly Metro Drive	793	938	A	A
Columbia Park Road /Eastbound US50 Ramp	956	917	A	A
Columbia Park /Westbound US50 Ramp/ Arbor Street	869	859	A	A

To provide an adequate assessment of traffic volumes associated with approved, but not yet built or completed projects within the study, staff identified one such development consisting of 25,000 gross square feet of retail space. Since it is estimated that the proposed development will be completed in 2009, a 2 percent per year growth rate for three years was also applied to the reported existing traffic volumes. There are no additional fully funded and/or programmed improvements for construction within the next six years in the Prince George's County's Capital Improvement Program (CIP) or the Maryland State Highway Administration's Consolidated Transportation Program (CTP) in the area. Background conditions as reported in the traffic study are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 704/ Columbia Park Road/ Belle Haven Drive	1,040	1,123	B	B
Columbia Park Road /South Club Drive	315	331	A	A
Columbia Park Road /Cabin Branch Drive	453	586	A	A
Columbia Park Road /Cheverly Metro Drive	825	976	A	A



Columbia Park Road /Eastbound US50 Ramp	1,015	973	B	A
Columbia Park /Westbound US50 Ramp/ Arbor Street	922	912	A	A

The subject site is proposed to be developed with 10,000 square feet of office space and 325,000 square feet of light industrial space. The site trip generation rates shown in the traffic study are the same as the trip generation rates recommended by the Guidelines. The site trip generation is 280 AM peak-hour trips (225 in, 55 out) and 280 PM peak hour trips (55 in, 225 out). Using these figures, the following results are obtained under total traffic:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 704/ Columbia Park Road/ Belle Haven Drive	1,113	1,145	B	B
Columbia Park Road /South Club Drive	390	576	A	A
Columbia Park Road /Cabin Branch Drive	539	672	A	A
Columbia Park Road /Cheverly Metro Drive	886	991	A	A
Columbia Park Road /Eastbound US50 Ramp	1,090	1,048	B	A
Columbia Park /Westbound US50 Ramp/ Arbor Street	936	972	A	A

Given these analyses, the submitted traffic study concludes that all these intersections within the study area are operating acceptably and they would continue to operate at acceptable levels of service during both peak hours. However, the queuing analyses conducted for the three signalized intersections along Columbia Park between Cheverly Metro Access Drive and US50 Ramps (Eastbound and Westbound) indicates the traffic operation along Columbia Park would be negatively impacted by inadequate left-turn storage that exist at these intersections. Since provision of additional left-turn lanes are not practical, the traffic study proposes better coordination for these three signals to ensure optimal traffic operation along Columbia Park Road.

### Plan Comments

South Club Drive, an existing industrial roadway, is proposed as the only access roadway for the subject property. No direct access is proposed to Columbia Park Road, an existing Collector facility with a total right-of-way of 80 feet. The preliminary plan shows adequate dedication of 40 feet from centerline along Columbia Park Road.

### 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 consistent with these findings.

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, CB-30-2003, and CR-23-2003 and concluded the following:

The above subdivision is exempt from a review for schools because it is an industrial use.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service at Tuxedo Cheverly Fire Station, Company 22, located at 5711 Tuxedo Road has a service travel time of 3.13 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Landover Hills Fire Station, Company 30, located at Annapolis Road and 69<sup>th</sup> Avenue has a service travel time of 6.30 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Kentland Fire Station, Company 33, located at 7701 Landover Road has a service travel time of 4.15 minutes, which is within the 4.25-minute travel time guideline.

The proposed light industrial development will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ladder truck, and paramedic service.

The above 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 approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future developments. The plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 county residents.

The police facilities test is performed on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents formula, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary

plan 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. Stormwater Management Concept Plan 38441-2006-00 dated November 20, 2006, has been approved 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.
14. **Historic**—A Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no sites in the vicinity and no known historic structures within the vicinity of the subject property.

Section 106 review, however, may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

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 date of notice of 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 Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Clark and Vaughns absent at its regular meeting held on Thursday, June 21, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of July 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator