

PGCPB No. 15-24(C)

File No. CDP-0101-03

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

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on March 26, 2015, regarding Comprehensive Design Plan CDP-0101-03 for Central Wholesalers at Town Center Business Campus, the Planning Board finds:

1. **Request:** To increase the overall trip cap for the project to allow for the ultimate build out of the site at 342,378 square feet with approximately 120,000 square feet on Lot 3.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	E-I-A	E-I-A
Use(s)	Warehouse	Warehouse
Acreage	25.23	25.23*
Square Footage	222,378	120,000
Total Square Footage	222,378	342,378**

Notes: *The original acreage of the CDP was reduced by 0.27 to 25.23 acres as the result of right-of-way dedication.

** Maximum square footage permitted on the site is 400,000 per the approval of CDP-0101.

3. **Location:** The subject property is located on the eastern side of Konterra Drive approximately 800 feet south of its intersection with Van Dusen Road. The property is also located in Planning Area 60 and Council District 1. Note that Konterra Drive was previously named Virginia Manor Road. A condition of this approval requires the applicant to correct all references to Virginia Manor Road to Konterra Drive prior to certificate approval of the plans.
4. **Surrounding Uses:** The site is bounded to the northwest by Konterra Drive, with vacant land beyond in the M-X-T Zone; to the northeast by industrial development in the E-I-A Zone; to the southeast by residential (single-family attached and detached development) in the I-1 Zone; and to the southwest by a single-detached dwelling and an industrial use in the I-1 Zone.
5. **Previous Approvals:** The site is subject to the requirements of the approval of Zoning Map Amendment approvals A-9030, A-9033, A-9034, A-9067 and A-9068. The site is also subject to the requirements of the approval of Comprehensive Design Plan CDP-0101 (PGCPB Resolution

No. 01-64) and its two revisions CDP-0101-01 (PGCPB Resolution No. 05-12) and CDP-0101-02 (PGCPB Resolution No. 05-140). The site is also subject to the requirements of the approval of Preliminary Plans of Subdivision 4-01011 (PGCPB Resolution No. 01-89) and 4-04026 (PGCPB Resolution No. 05-64). The site is also the subject of the approval of Specific Design Plan SDP-0102 (PGCPB Resolution No. 01-72) and its revisions SDP-0102-01, (approved at staff level), SDP-0102-02 (PGCPB Resolution No. 05-195), and SDP-0102-03 (approved at staff level). A fourth revision of the SDP has been filed in order to implement the increase in trip cap by inclusion of a building larger than what was previously contemplated. The site also has a Stormwater Management Concept Plan No. 44786-2013-00 approved on May 20, 2014 and valid for three years or until May 20, 2017. Preliminary Plan of Subdivision 4-14010, was accepted and reviewed, heard, and approved on the same day, March 26, 2015 subsequent to the subject CDP.

DESIGN FEATURES

6. The nature of the subject revision is to amend Condition 5 of the approval of Comprehensive Design Plan CDP-0101-01 only, to increase the trip cap for the new warehouse building to be placed on Lot 3. All the rest of the previous conditions of approval remain valid. The CDP includes Lots 2, 3, and 4, and Parcels 10 and 38, though Lot 3 is the focus of this application. Condition 5 of the approval of CDP-0101-01 states the following:
 5. **For purposes of determining transportation adequacy, total development within the subject property under this comprehensive design plan 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 and 53 P.M. peak hour trips) generated by the above development. Requests for any additional development, regardless of quantity, beyond that which is considered by the transportation staff herein shall require a CDP amendment, and it shall be accompanied by a traffic study which will be processed, referred, and reviewed using standard procedure.**

Per this condition, a traffic study was required of the applicant, and accepted and referred to the Planning Board who reviewed the report using standard procedures. The Planning Board, , after a lengthy review of the submitted traffic study, concluded that the plan conforms to the required findings for approval of the comprehensive design plan from the standpoint of transportation as approved herein subject to the following condition:

Total development within the subject property shall be limited to uses which generate no more than 104 (84 in; 20 out) AM peak hours and 96 (30 in; 66 out) PM peak hour trips in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.

The above condition has been made a condition of this approval. Therefore, it may be said that the applicant is in conformance with Condition 5 of the approval of CDP-0101-01. See Finding 14(b) for a more complete discussion of the transportation planning analysis of this approval.

7. **Zoning Map Amendments (Basic Plans): A-9030, A-9033, A-9034, A-9067, and A-9068:** The District Council approved Zoning Map Amendments on November 17, 1977 (CR-102-1977). Each applicable requirement of that approval is included in **boldface** type below, followed by Planning Board Findings:

(a) **Gross Floor Area:**

A maximum of 440,000 square feet of gross floor area of building space (40% of gross tract) shall be permitted.

The land area that was the subject of the zoning map amendments is currently composed of existing Lots 2 and 3 which currently contain 130,165 square feet of existing development; Lot 4 – Post Newsweek Media, Inc., to the north of the subject site, currently contains 92,213 square feet of existing development; and Parcels 10 and 38, to the north of Lots 2–4, which are currently vacant. The total existing development on site is 222,378 square feet of GFA, leaving 217,622 square feet of GFA for future development. Therefore, the additional development of 120,000 square feet of GFA approved herein is in conformance with the above condition.

(a) **Open Space:**

A minimum of 20% of the net development area must be designated on the Comprehensive Design Plan and Specific Design Plans as permanent open space. Credit will be given for all or part of the following types of open space, the specific amount to be dependent upon the function served:

- **floodplain**
- **preserved slopes**
- **buffers and screening**
- **yards and setbacks**
- **pedestrian system**
- **all landscaped areas, including those in atriums and other innovative**
- **uses of landscaping, and landscaping internal to parking compounds in excess of the 5% required by Section 27-419 of the Zoning Ordinance.**

The 20% shall be applied on a net lot area basis for each major section of the project as closely as can be estimated and as defined as follows:

- gross area of each section
- minus rights-of-way purchased by, or dedicated to public agencies
- minus future rights-of-way placed in reservation or otherwise set aside as required by the Planning Board or District Council
- minus private internal roads serving as collectors as designated by the Planning Board or District Council.
- minus easements required by any public agency which restrict the land area available for development equals net lot area of each section.

For the purpose of applying the 20% requirement this figure shall be calculated for each major section of the project. The purpose of this method is to ensure that open space is somewhat evenly distributed throughout the project, while maintaining flexibility in site planning so that open space can be clustered in strategic locations (e.g., in highly visible locations). The applicants' Basic Plans shall not be rigidly interpreted in terms of its open space proposals but shall serve as the general guide for the location of open space.

Calculations indicate conformance to this condition.

8. **Comprehensive Design Plan CDP-0101 and its revisions:** Comprehensive Design Plan CDP-0101 was approved by the Planning Board on March 29, 2001 and the resolution, PGCPB Resolution No. 01-64, was adopted on April 19, 2001. Each relevant condition of that approval is included in **boldface** type below:

1. **For the purposes of determining transportation adequacy, total development within the subject property under this Comprehensive Design Plan shall be limited to a building or buildings for warehouse/distribution and related uses of no more than 91,150 square feet; or different uses generating no more than the number of new peak hour trips (37 AM peak hour trips and 37 PM peak hour trips) generated by the above development. Requests for any additional development, regardless of quantity, beyond that which is considered by the transportation staff herein shall require a CDP amendment, and it shall be accompanied by a traffic study which will be processed, referred, and reviewed using standard procedures.**

As the transportation-related issues presented by this project, have been fully reviewed, it may be said that the applicant has conformed to this requirement.

4. **All commercial structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County Laws.**

A condition of this approval ensures conformance to this requirement.

7. **All loading areas shall be screened from Virginia Manor Road and all access roads by utilizing a combination of matching building materials extended from the building and landscaping.**

This requirement shall be addressed at the time when a specific design plan is approved for the subject project.

Comprehensive Design Plan CDP-0101-01 was approved by the Planning Board on January 3, 2005 and the resolution, PGCPB Resolution No. 05-12, was adopted on February 3, 2005. Each relevant condition of that approval is included in **boldface** type below.

1. **The comprehensive design plan revision is subject to all previous CDP conditions contained in PGCPB No. 01-64 and the approved CDP Text.**

The Planning Board has reviewed the subject project against the relevant requirements of PGCPB Resolution No. 01-64 and found the application in conformity.

5. **For the purposes of determining transportation adequacy, total development within the subject property under this comprehensive design plan 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. Requests for any additional development, regardless of quantity, beyond that which is considered by the transportation staff herein shall require a CDP amendment, and it shall be accompanied by a traffic study which will be processed, referred, and reviewed using standard procedures.**

As the subject CDP revision is approved herein for the additional square footage only after fully vetting the transportation-related issues presented by this project, it may be said that the applicant has conformed to this requirement.

Comprehensive Design Plan CDP-0101-02 was approved by the Planning Board on June 23, 2005 and the resolution, PGCPB Resolution No. 05-140, was adopted on June 23, 2005. Each relevant condition of that approval is included in **boldface** type below.

2. Development of this site shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/18/05). 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/18/05), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

The Planning Board herein approves Comprehensive Design Plan CDP-0101-03 and Tree Conservation Plan *[TCP-004-01-02] TCP1-004-01-03, subject to certain findings and conditions, bringing the approval into compliance with an approved Type 1 Tree Conservation Plan.

4. 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.

A condition of this approval shall require conformance to this requirement.

5. The following setbacks are required:

<i>Parking Setbacks:</i>	Front 30 feet minimum
	Side 15 feet minimum
	Rear 20 feet minimum**
<i>Building Setbacks:</i>	Front 30 feet minimum
	Side 30 feet minimum
	Rear 25 feet minimum **
	(Excluding the minimum 10-foot-high masonry wall.)
<i>Building Height:</i>	55 feet maximum

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

****Note: The rear yard setbacks are subject to the provision of a minimum 10-foot-high masonry wall on the subject site to screen the loading area from the adjacent Pines of Laurel development. The screen wall should be provided as close to the loading area as possible. The screen wall should be constructed of materials that are attractive and are compatible with the materials of the building and will not only screen the loading activities but provide some sound mitigation from trucks that use the site on a regular basis.**

This condition has been made a condition of the subject approval for the CDP, with the provision that alternative buffering treatment which may include a wall or other form found acceptable to the Planning Board and/or its designee would be considered at the time of SDP.

9. **Preliminary Plans of Subdivision 4-04026, 4-05021 and 4-01011:** Preliminary Plan of Subdivision 4-04026 (PGCPB Resolution No. 05-64) was approved by the Planning Board on March 3, 2005 subject to ten conditions. The Planning Board subsequently adopted PGCPB Resolution No. 05-64 on March 31, 2005, formalizing that approval. Relevant Condition 7 of that approval is included in **boldface** type below.

7. **Total development of the subject property shall be limited to a building of 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.**

It has been determined that development approved herein will generate more trips than what was approved with the previous preliminary plan. Therefore, a new Preliminary Plan of Subdivision (PPS) is required. PPS 4-14010, was submitted for concurrent review and was heard by the Planning Board on March 26, 2015. PPS 4-14010 supersedes PPS 4-04026 for the development of this property.

Preliminary Plan of Subdivision 4-05021 (PGCPB Resolution No. 05-139) was approved by the Planning Board on June 23, 2005, for the Gazette Newspaper building, subject to nine conditions. The Planning Board subsequently adopted and formalized that approval on the same day. Relevant Condition No. 6 of that approval is included in **boldface** type below.

6. **Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:**
- a. **To label denied access to Virginia Manor Road from Lot 4.**

b. To label that the access easement is provided pursuant to Section 24-128(b) (9) of the Subdivision Regulations.

Pursuant to this condition, vehicular access to Virginia Manor Road is denied along the frontage of Lot 4 and access is provided via a vehicular access easement (as allowed by Section 24-128(b)(9) of the County Code. Denial of access should be reflected on the CDP plan for Lot 4 accordingly, and the major external site access symbol at the northern portion of the lot should be removed. A condition of this approval requires these revisions to the plans prior to certificate approval of the plans. A Variance to Section 27-501(b)(1) which states that "Each lot shall have frontage on and direct vehicular access to, a public street" should be sought together with a future application for the Gazette portion of the CDP.

Preliminary Plan of Subdivision 4-01011 (PGCPB Resolution No. 01-89) was approved by the Planning Board on April 26, 2001 subject to five conditions. The Planning Board adopted PGCPB Resolution No. 01-89 that same day, formalizing the approval. This approval, however, subsequently expired.

10. **The Prince George's County Zoning Ordinance:** The subject project has been reviewed the requirements of each of the following sections of the Zoning Ordinance. (Note: see Finding 15 for a detailed discussion regarding the project's conformance to Section 27-521 of the Zoning Ordinance). The required findings for approval of a Comprehensive Design Plan are as follows:

- a. Section 27-499 regarding the purposes of the E-I-A Zone;
- b. Section 27-500 regarding permitted uses in the E-I-A Zone;
- c. Section 27-501 regarding regulations in the E-I-A Zone;
- d. Sections 27-516 to 27-524 regarding CDPs.

Per Section 27-499 of the Zoning Ordinance, the project approved herein would support the following purposes of the E-I-A Zone:

- (3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses; and existing and proposed public facilities and services by providing landscaping standards designed to preclude nuisances (such as noise, glare, odor, and pollution), so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.**

The subject approval will ensure compatibility of the proposed land use with the existing industrial warehousing and residential uses; either by using architecture similar to the architecture of the adjacent existing warehousing/distribution facilities; or by providing the full required buffer between the proposed development and the adjacent residential development through pursuing an Alternative Compliance application and obtaining an easement from the adjacent Pines of Laurel subdivision, to allow the full width and number of plantings, required by the applicable Section 4.7 buffer, pursuant to the

requirements of the 2010 *Prince George's County Landscape Manual*, or by a combination of all the above options. A condition of this approval assures that this will occur.

- (4) **Provide for a mix of employment, institutional, retail, and office uses in a manner which will retain the dominant employment and institutional character of the area;**
- (5) **Improve the overall quality of employment and institutional centers in Prince George's County; and**

Per Section 27-515 of the Zoning Ordinance the warehousing and distribution proposed on the site is a permitted use.

Conformance to the regulations in the E-I-A Zone, Section 27-501 of the Zoning Ordinance will be evaluated at the later time of approval of a SDP for the site. The subject project conforms to the requirements of Sections 27-516 to 27-524 of the Zoning Ordinance regarding CDPs. See Finding 15 herein for a detailed discussion regarding the project's conformance to the requirements of Section 27-521 of the Zoning Ordinance, the required findings for approval of a Comprehensive Design Plan (CDP).

- 11. **The Prince George's County Woodland and Wildlife Conservation Ordinance:** This site is subject to the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A Natural Resources Inventory *[(NRI-038-12)] (NRI-018-05-01) and a *[Type-I] Type 1 Tree Conservation Plan *[(TCP1-047-96-06)] TCP1-004-01-02 were previously approved for the site.
- 12. **The Prince George's County Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage Ordinance requires ten percent tree canopy coverage for properties in the E-I-A Zone. This requirement can be met either through the preservation of the existing trees, the proposed on-site landscaping, or a combination of both, and will be evaluated at the time of SDP review.
- 13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

*Denotes Correction

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[Brackets] and ~~strikethrough~~ indicate deleted language

- a. **The Subdivision Review**—The subject site is located on Tax Map 9 in Grid E-3 and in the E-I-A Zone and measures approximately 25.23 acres. The property was recorded in the County Land Records on June 8, 2006, as Lots 2 and 3 (Central Wholesalers), on Plat REP 213-17; and on December 23, 2005, as Lot 4 (Post Newsweek Media, Inc.) on Plat REP-209-90. The site is currently developed with 222,378 square feet of gross floor area (GFA) for office/warehouse uses. A Comprehensive Design Plan (CDP) has been submitted for a proposed increase of 120,000 square feet of GFA for office/warehouse uses on Lot 3 for a total GFA of 340,378 square feet. Lots 2 and 3 were previously approved as part of Preliminary Plan of Subdivision 4-04026 which encompassed 16.08 acres of the site. See Finding 9 for a discussion of relevant Condition 7 of the approval of Preliminary Plan of Subdivision 4-04026 and for a discussion of Condition 6 of Preliminary Plan of Subdivision 4-05021. The current configuration of Lot 3 does not provide the 22 feet required for direct access pursuant to Section 27-501(b)(1) of the Zoning Ordinance, so a condition of this approval requires that the current 20.06-foot frontage of Lot 3 along Kontee Drive be revised to demonstrate a minimum of 22 feet of frontage and stem of Lot 4 should be adjusted to be 22 feet wide as well.

- b. **The Transportation Planning—**

Traffic Study Analyses

The applicant submitted a traffic study dated January, 2015. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by of the Planning Board, consistent with the “Transportation Review Guidelines, Part 1” (Guidelines). The table below shows the intersections deemed to be critical, as well as the levels of service representing total conditions:

TOTAL CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Konterra Drive and Konterra Town Center Access 2	A/666	A/941
Konterra Drive and Konterra Town Center Access 4	A/792	A/972
Konterra Drive and Central Wholesalers Entrance *	49.6 seconds	46.4 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A delay of 50 seconds/car is deemed acceptable. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the “Guidelines.”		

The aforementioned results in the traffic study were determined by including traffic from background developments, primarily from Phase 1 of the approved Konterra Town Center. The site traffic was derived based on the following table:

Trip Generation (Proposed 120,000-Square-Foot Building)						
	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Trips/1,000 sq. ft. (Phase I development)	0.70	0.17	0.87	0.25	0.55	0.80
Total trips-120,000 sq. ft.	84	20	104	30	66	96

The trip rates in the table above were based on actual trip generation of the adjacent Phase 1 development. The Planning Board is not supportive of those rates and herein requires that, given the uses herein approved, the trip rates in the "Guidelines" for Light Service Industrial be utilized. The following table reflects the required trip rates and trip generation:

Trip Generation (Proposed 120,000-Square-Foot Building)						
	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Trips/1,000 sq. ft. ("Guidelines")	0.69	0.17	0.86	0.17	0.69	0.86
Total trips - 120,000 sq. ft.	83	20	103	20	83	103

Based on the revised trip generation, the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Konterra Drive and Konterra Town Center Access 2	A/666	A/941
Konterra Drive and Konterra Town Center Access 4	A/792	A/977
Konterra Drive and Central Wholesalers Entrance	A/574	A/534

Based on the results shown above, all of the study intersections will operate at satisfactory levels of service (LOS).

Transportation Review and Comments

In addition, the traffic study was also reviewed by the Department of Public Works and transportation (DPW&T). In their review of the study, the County identified flaws and

errors within said study. While some of those errors seem insignificant, there are many that are significant enough to alter the findings and conclusions. In a February 12, 2015 memorandum to the Planning Board from DPW&T (Issayans to Burton), the issues are summarized as follows:

- Verification of appropriate trip generation
- Verification of growth in through traffic
- Verification of planned lane usage
- Concerns regarding the appropriate methodology for traffic analyses

In light of the concerns raised by the County, the applicant's traffic consultant has provided the Planning Board with a letter dated February 26, 2015, which all of the above-mentioned concerns were addressed. Based on information provided in the letter, the Planning Board is satisfied with the updated results, and the underlining conclusion that the modified lane usage as recommended by the traffic consultant, all of the critical intersections will operate adequately.

Master Plan, Site Review

The property is located in an area where the development policies are governed by the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (SMA) as well as the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). Given the site's location and road frontage, there are no master plan recommendations that will be affected by the development approved herein. All other aspects of the site regarding access and layout are deemed to be acceptable.

Transportation Planning Findings

- (1) The approval analyzed herein is for a Comprehensive Design Plan (CDP) representing Phase III of a warehouse/distribution complex. The CDP is comprised of three lots and two parcels. Two of the lots are the subject of a preliminary plan approval, heard by the Planning Board also on March 26, 2015. The two parcels are undeveloped. The CDP revision is to increase the trip cap on the property to allow the construction of a 120,000 square foot warehouse on Lot 3. Based on trip rates that were derived from the Phase I operation adjacent to the development approved herein, this development will be adding the Phase II development which was approved pursuant to PGCPB Resolution No. 05-64, on March 3, 2005 with a trip cap of 53 trips during both peak hours. Similarly, the Phase II development was approved under PGCPB Resolution No. 05-139 (4-05021) with a trip cap of 54 AM and 48 PM peak-hour trips. Since this approval includes two previously approved lots with trip caps, the new combined trip cap for the subject application is 211 AM and 197 PM peak-hour trips.
- (2) The traffic generated by the proposed comprehensive design plan revision would impact the following intersections:

- Konterra Drive and Konterra Town Center Access 2
 - Konterra Drive and Konterra Town Center Access 4
 - Konterra Drive and Central Wholesalers Entrance *
- (3) The approval is supported by a traffic study dated January 2015 (revised February-2015) provided by the applicant and referred to DPW&T. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Planning Board, consistent with the "Guidelines."
- (4) The subject property is located within the Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:
- (a) Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;
 - (b) 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 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.
- (5) The intersections identified in Finding 2, when analyzed with the total future traffic as developed using the "Guidelines," were found to be operating at or better than the policy service level defined in Finding 4 above.

Transportation Planning Conclusions

Based on the preceding findings, the Planning Board has determined that the plan conforms to the required findings for approval of the Comprehensive Design Plan from the standpoint of transportation as the application is approved with the following condition:

- (1) Total development within the subject property shall be limited to uses which generate no more than 211 AM peak-hour trips and 197 PM peak-hour trips in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.

- c. **The Environmental Planning**—The Planning Board has reviewed the revised Comprehensive Design Plan, CDP-0101-03, and ~~*[Type-I]~~ Type 1 Tree Conservation Plan, ~~*[TCPI-004-01-02]~~ TCPI-004-01-03, stamped as received December 5, 2014.

The Planning Board has previously reviewed this site with the following applications, which have all been approved: CDP-0101 with TCPI/004/01 (PGCPB No. 01-64), Preliminary Plan of Subdivision 4-01011 (expired), CDP-0101-01 with TCPI/004/01-01 (PGCPB No. 05-12), Preliminary Plan of Subdivision 4-04026 (PGCPG No. 05-64), Specific Design Plan SDP-0102 with TCPII/025/01 (PGCPB No. 01-72), Specific Design Plan SDP-0102-01 (staff), Specified Design Plan SDP-0102-02 with TCPII/025/0-01 (PGCPB No.05-195), and Specific Design Plan SDP-0102-03 with TCPII/025/01-02.

The overall site of this CDP contains 25.23 acres. The current approval is for a revision to the building location and orientation, vehicular access, and pedestrian circulation on Lots 2 and 3. This approval is occurring at the same Planning Board meeting as 4-14010. Specific Design Plan SDP-0102-04 will follow at a later time that the two applications being approved herein.

Regarding “grandfathering,” the project is subject to the environmental regulations contained in Subtitle 24 and 27 of the County Code that came into effect on September 1, 2010 and February 1, 2012, so the project will require a new preliminary plan. The Planning Board then described the site from an environmental perspective as follows:

The site is located on the east side of Konterra Drive (formerly Virginia Manor Road), approximately 3,000 feet south of the intersection of Virginia Manor Court. The overall site contains 25.23 acres and is zoned E-I-A. According to the approved NRI (NRI/018/05-01), one area of existing woodlands exists along the southern boundary of Lot 3 covering 0.62 acres. A review of the available information identified that no regulated environmental features (stream buffers, wetlands, and 100-year floodplains) are found on the property; however, areas of steep slopes exist onsite. This site is within the Indian Creek watershed, which drains into the Middle Potomac River basin. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Beltsville silt loam (2-5% slopes), Beltsville-Urban land complex (0-5% slopes), and Russett-Christiana complex (2-5% slopes). According to available information

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Marlboro clay is not present on-site; however, Christiana complexes are found on this property. In a letter dated January 30, 2014 from the Wildlife and Heritage Service of the Maryland Department of Natural Resources they are indicated that there are no rare, threatened, or endangered (RTE) species mapped to occur on or in the vicinity of this property. The site has frontage on Konterra Drive (formerly known as Virginia Manor Drive) to the west, which is identified as having no master plan roadway designation and is not currently regulated for noise. No adjacent roadways are designated as scenic or historic roads. According to the Countywide Green Infrastructure Plan, the site includes Evaluation Areas, and Network Gaps. The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035 Approved General Plan.

Noting that no relevant previous environmental conditions of approval were found to be applicable to this approval with regards to previously approved applications CDP-0101 (PGCPB Resolution No. 01-64), CDP-0101-01 (PGCPB Resolution No. 05-12), 4-04026 (PGCPB Resolution No. 05-64), SDP-0102 (PGCPB Resolution No. 01-72), and SDP-0102-02 (PGCPB Resolution No.05-195).

- An approved Natural Resource Inventory (NRI-018-05-01) was submitted with the review package. The NRI verifies that only one forest stand exists on-site totaling 0.62 acres. This stand is an early successional pioneer forest dominated by Virginia pine and southern red oak. Three non-native herbaceous species, multiflora rose, Japanese honeysuckle vine, and bush honeysuckle were found throughout the stand. This stand has a low priority retention rating because it is isolated, and has no wetlands or other significant environmental features associated with it. A January 2014 review letter from the Maryland Department of Natural Resources indicated that no rare, threatened, or endangered (RTE) species are mapped to occur on or in the vicinity of this property.

The NRI also shows that no regulated environmental features other than areas of steep slopes occur on or immediately within 100 feet of this site.

- The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site has a previously approved tree conservation plan. A *~~[Type-I]~~ Type I Tree Conservation Plan, *~~[TCP1/004/05]~~ TCP1-004-01 and Type II Tree

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Conservation Plan (TCPII/025/01) were previously reviewed and have had subsequent revisions. Because this project will require a new preliminary plan, the project is no longer grandfathered and will be reviewed for conformance with the current environmental regulations. A revised Type 1 Tree Conservation Plan *[(TCPI-004-01-02)] (TCPI-004-01-03 is approved herein, with conditions.

- The site has a woodland conservation threshold of 15 percent or 2.41 acres. According to the worksheet, the total woodland conservation requirement, based on the proposed clearing, is 3.12 acres. The TCPI shall meet the entire requirement in an off-site woodland conservation bank.
- The original tree-line consistent with the first TCP that set the requirements for the site is not shown. The original tree-line consistent with the first FSD/TCP shall be a condition of this approval required to be shown on the TCP prior to certificate of approval.
- Much of the pertinent environmental information needed to be evaluated on the TCPI plan is visually overwhelmed and obscured by the proposed stormwater design elements. The graphic lines for the stormwater symbols are too bold. A condition of this approval requires the applicant to revise the TCPI by placing less of a visual emphasis on the proposed stormwater design elements on the plan such that the existing tree-line, and other design elements associated with a TCPI to become more visible.
- In the legend of the TCPI there is a symbol labeled “tree preservation area.” “This symbol is shown on an area of the plan identified as a tree clearing area.” By a condition of this approval, the applicant is required to remove this symbol from the legend and the plan as no woodlands are to be preserved on-site. There are other symbols identified in the legend for features that either do not occur on this site, or do not need to be shown on the TCPI plan. Remove the following symbols from the TCPI legend and plan: “prop. Trees,” “15%-25% slopes,” “25% slopes,” “tree protection device,” and “tree preservation sign” and clearly identify the area of off-site tree clearing.

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

- The name for the road that runs across the frontage of Lot 2 has changed from “Virginia Manor Road” to “Konterra Drive;” however, this name change had not been reflected on the TCPI plan or on its respective vicinity map. Change all references for “Virginia Manor Road” on the TCPI plan to “Konterra Drive” to accurately reflect the current name of this road.

The Standard TCPI Note shall be a condition of this approval required to be shown on the Type I TCP plan.

- The site has a Stormwater Management Concept Approval Letter and associated plan (44786-2013-00). The approval letter was issued on May 20, 2014 and is subject to conditions. According to the approval letter, water quality is to be provided through bioretention. The site is also required to attenuate for the 100-year storm. Additional approval from the Maryland State Highways Administration is also required. The stormwater concept plan for this project will replace two existing stormwater detention ponds with an underground storage vault that will discharge into an existing stormdrain. A series of micro-bioretention areas are being proposed to further pre-treat the stormwater runoff as well before discharging into the proposed underground storage facility. The stormwater concept was approved under the current regulations requiring Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP).
- The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Beltsville silt loam (2-5% slopes), Beltsville-Urban land complex (0-5% slopes), and Russett-Christiana complex (2-5% slopes). According to available information Marlboro clay is not present onsite; however Christiana complexes are found on this property. A soils study may be required at the time of permit as determined by the Department of Permitting, Inspections and Enforcement.

This information is provided for the applicant’s benefit. The County may require a soils report in conformance with CB-94-2004 during the building permit process review.

- d. **The Prince George’s County Department of Permits, Inspection and Enforcement (DPIE)**—In a memorandum dated February 9, 2015, the Prince George’s County Department of Permits, Inspection and Enforcement offered information regarding needed frontage improvements and stated that the property is the subject of Stormwater

Management Concept Approval No. 44786-2013, approved May 20, 2014, which indicates several different environmental site design facilities to be included on the site to handle the stormwater runoff. Then DPIE noted that their memorandum incorporated the site development plan review pertaining to stormwater management per Section 32-182(b) of the County Code and offered detailed comment regarding on outstanding items in the applicant's submission in this respect. The DPIE's requirements will be met through their separate permitting process.

- e. **The Prince George's County Health Department:** In a memorandum dated December 8, 2014, the Prince George's County Health Department stated that they had completed a health impact assessment review of the comprehensive design plan submission for the Central Wholesalers at Town Center Business Campus and had the following comments and recommendations:
- (1) The property is located in the recharge area for the Patuxent aquifer, a groundwater supply that serves the majority of the County particularly for high-volume withdrawal points in the Rural Tier. Conversion of green space to impervious surface in this recharge area could have long term impacts on the sustainability of this important ground water resource.
 - (2) In the SDP phase, indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.
 - (3) As a water conservation measure, the developer should consider design for and implementation of water reuse practices for the buildings and landscaping proposed on the site.
 - (4) Indicate the intent to conform to construction activity noise control requirements as specified in Subtitle 18 of the Prince George's County Code.
 - (5) Indicate the dust control procedures to be implemented during the construction phase of this project. No dust should be allowed to cross over property lines and impact adjacent properties. Dust control requirements should conform to standards as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment control.
- f. **The Prince George's County Fire Department—**In a memorandum dated December 3, 2014, the Prince George's County Fire Department offered comment regarding private road design, needed accessibility and the location and performance of fire hydrants.

- g. **The Prince George's County Police Department**—In a memorandum dated November 21, 2014, the Prince George's County Police Department indicated that they had found no Crime Prevention Through Environmental Design (CPTED)-related issues in their review of the subject case.
 - h. **The Maryland State Highway Administration (SHA)**—In a brief e-mail dated December 4, 2014, the Maryland State Highway Administration deferred to comment on the subject as its primary access is to a County road.
14. **Urban Design Concerns:** The Planning Board is concerned about impacts of the proposed development on the adjacent Pines at Laurel Subdivision. However, as the project is pursuant to Section 27-501 of the Zoning Ordinance, subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), the applicant will be required, pursuant to Section 4.7 of the Landscape Manual, to provide a 50-foot-wide building setback and 40-foot-wide landscape yard along the shared property line between the proposed warehouse building and adjacent residential use. The Planning Board notes that the applicant intends to provide this buffering off-site, on Pines at Laurel HOA land. The Planning Board believes it is too early in the review process to deal with this issue. A condition of this approval requires that the applicant, at time of SDP application for the proposed project, either show complete conformance with Section 4.7 or seek relief from the requirement to be reviewed by the Planning Board or its designee.
15. In accordance with Section 27-521, Required Findings of Approval, the Planning Board must make the following required findings for approval of this revision to a Comprehensive Design Plan.
- (a) **Prior to approving a Comprehensive Design Plan, the Planning Board shall find that:**
 - (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The subject approval to increase the trip cap so as to be able to construct a 120,000-square-foot warehouse on Lot 3 does not affect the previous findings of conformance of the subject project with Zoning Map Amendments A-9030, A-9033, A-9034, A-9067 and A-9068 which were approved as specified above.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

The subject approval to increase the trip cap so as to be able to construct a 120,000-square-foot warehouse on Lot 3 does not affect the previous finding that the subject project will result in a development with a better environment than could be achieved under other regulations.

- (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

The subject approval to increase the trip cap so as to be able to build a 120,000-square-foot warehouse on Lot 3 does not affect the previous finding that approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project.

- (4) **The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**

The subject approval to increase the trip cap so as to be able to build a 120,000-square-foot warehouse on Lot 3 does not affect the previous finding that the proposed development will be compatible with existing land use, zoning and facilities in the immediate surroundings.

- (5) **Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**

- (A) **Amounts of building coverage and open space;**
- (B) **Building setbacks from streets and abutting land uses; and**
- (C) **Circulation access points;**

The subject approval to increase the trip cap so as to be able to build a 120,000-square-foot warehouse on Lot 3 does not affect the previous finding that the land uses and facilities covered by the CDP will be compatible with each other in relation to the amounts of building coverage and open space, building setbacks from streets and abutting land uses and circulation access points.

- (6) **Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**

The subject approval to increase the trip cap so as to be able to construct a 120,000-square-foot warehouse on Lot 3 does not affect the previous finding of conformance of the subject project to the required finding that each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability.

- (7) **The staging of development will not be an unreasonable burden on available public facilities;**

The subject approval to increase the trip cap so as to be able to build a 120,000-square-foot warehouse on Lot 3 does not affect the previous finding that the staging of development for the subject project will not be an unreasonable burden on available public facilities.

- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**
- (A) **The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
 - (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
 - (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The subject approval of CDP does not include an adaptive use of a Historic Site. Therefore, this required finding is not applicable to the subject approval.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

The subject approval of CDP does not include townhouse development. Therefore, this required finding is not applicable to the subject approval.

- (10) **The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**

The Planning Board has reviewed Type 1 Tree Conservation Plan TCPI-004-01-03 for the subject site and has recommended approval of TCP1-004-01-03, subject to conditions. The subject plan is in conformance with an approved Type I Tree Conservation Plan.

- (11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5).**

There are no regulated environmental features found on the site. Therefore, this required finding is not applicable to the subject approval.

- (12) Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

This requirement is not applicable to this approval since no residential development is included, only warehouse use is proposed.

- (13) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a) (1) and Section 27-508(a) (2) of this Code**

As the subject approval is not for a Regional Urban Community, this required finding does not apply.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type I Tree Conservation Plan (TCPI-004-01-03) and further APPROVED Comprehensive Design Plan CDP-0101-03 for Central Wholesalers at Town Center Business Campus, subject to the following conditions:

1. Prior to certificate approval of the comprehensive design plan (CDP), the applicant shall:
 - a. Revise the plans to indicate a denial of vehicular access to Lot 4 from its Konterra Drive frontage and provision of vehicular access via a vehicular access easement as permitted by Section 24-128(b)(9) of the Subdivision Regulations, and the major external site access symbol at the northern portion of the lot shall be removed. Additionally, the major external site access symbol at the northern portion of the lot shall be removed.
 - b. Revise Type I Tree Conservation Plan TCPI-004-01-03 as follows:
 - (1) Revise the tree-line to be consistent with the first forest stand delineation (FSD)/tree conservation plan (TCP) that set the requirements for the site.

- (2) Update the TCPI worksheet as necessary, and revise the site statistics table to correctly indicate the existing woodlands on-site per the first FSD that set the requirements for the site plus any additional woodlands that are now present on-site.
 - (3) Revise the TCPI plan by placing less of a visual emphasis on the proposed stormwater design elements on the plan such that the existing tree-line is more visible on the plan.
 - (4) Remove the symbol labeled "tree preservation area" from the legend and the TCPI plan.
 - (5) Remove the symbol labeled "prop. trees" from the legend and the TCPI plan.
 - (6) Remove the symbol labeled "15%–25% slopes" from the legend and the TCPI plan.
 - (7) Remove the symbol labeled "25% slopes" from the legend and the TCPI plan.
 - (8) Remove the symbol labeled "tree protection device" from the legend and the TCPI plan.
 - (9) Remove the symbol labeled "tree preservation sign" from the legend and the TCPI plan.
 - (10) Identify the area of offsite clearing on the TCPI.
 - (11) Change all references for "Virginia Manor Road" on the TCPI plan to "Konterra Drive" to accurately reflect the current name of this road.
 - (12) Add the Standard TCPI Notes required to be shown on a Type I TCP plan.
- c. Correct all references in the plan set from "Virginia Manor Road" to "Konterra Drive."
2. An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable Prince George's County laws.
 3. Prior to the approval of the next SDP application or revision for the subject project, the applicant shall either show full conformance with the requirements of Section 4.7 of the 2010 *Prince George's County Landscape Manual*, or seek relief from the requirements to be approved by the Planning Board and/or its designee.

4. Total development within the subject property shall be limited to uses which generate no more than 211 peak-hour trips and 197 PM peak-hour trips in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
5. At time of SDP, the applicant shall show conformance with the following design standards or alternative buffering treatments which may include a wall or other form found acceptable to the Planning Board and/or its designee. Specific screening and buffering techniques, including the ten-foot-high wall in the condition shall be evaluated and be approved by the Planning Board and/or its designee.

Parking Setbacks: **Front 30 feet minimum**
 Side 15 feet minimum
 Rear 20 feet minimum**

Building Setbacks: **Front 30 feet minimum**
 Side 30 feet minimum
 Rear 25 feet minimum (Excluding the**
 minimum 10-foot-high masonry wall.)

Building Height: **55 feet maximum**

****Note: The rear yard setbacks are subject to the provision of a minimum 10-foot-high masonry wall on the subject site to screen the loading area from the adjacent Pines of Laurel development. The screen wall should be provided as close to the loading area as possible. The screen wall should be constructed of materials that are attractive and are compatible with the materials of the building and will not only screen the loading activities but provide some sound mitigation from trucks that use the site on a regular basis.**

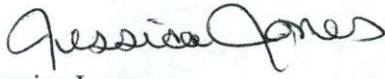
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

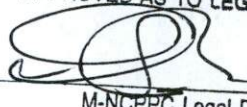
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 26, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of April 2015 *and corrected administratively on December 23, 2015.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:WC:rpg

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 12/29/15

*Denotes Correction

Underlining indicates new language

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