

R E S O L U T I O N

WHEREAS, Moe's Carpet is the owner of a 1.44-acre parcel of land known as Lots 1 and 2, Parcel A-C, Plat VJ 182@88, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on October 2, 2006, Moe's Carpet Service filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06100 for Rajae Warehouse 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 December 7, 2006, 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 December 7, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-06100, Rajae Warehouse for Parcel B with the following conditions:

1. Prior to signature approval of the preliminary plan, a copy of the approved stormwater management concept letter and associated plan shall be submitted for the official file and the number and approval date reflected on the preliminary plan.
2. Development must be in accordance with the approved stormwater management concept plan and any subsequent revisions.
3. The final plat shall include the following notes:
  - a. "This property is located within the Andrews Air Force Base Air Installation Compatible Use Zone (AICUZ) Clear Zone and Accident Potential Zone I (APZ I). This area is characterized by possible incidence of aircraft accidents."
  - b. An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

4. The Adopted and Approved Melwood-Westphalia Master Plan recommends that Old Marlboro Pike be designated as a Class III bikeway with appropriate signage. Because Old Marlboro Pike is a county right-of-way, the applicant, and the applicants heirs, successors, and or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
5. A standard sidewalk shall be provided along the subject site's entire frontage of Old Marlboro Pike unless modified by DPW&T.
6. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees, shall pay a pro-rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike-Westphalia Road. This above improvement shall have full financial assurances through either private money and/or full funding in the CIP. The pro rata share shall be payable to Prince George's County (or its designee), with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be  $\$40,793.51 \times (\text{Engineering News Record Highway Construction Cost Index at the time of building permit application}) / (\text{Engineering News Record Highway Construction Cost Index for the second quarter 2006})$ . Before this payment can be made, the Planning Board must adopt a resolution establishing the SCRP.
7. Prior to signature approval of the preliminary plan the standard 10-foot wide public utilities easement (P.U.E.) shall be shown.
8. A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any exiting buildings. Any hazardous materials located in the structure must be removed and properly stored or discarded prior to the structure being razed.
9. All construction materials currently found stored on the property must be removed and properly stored or discarded once the existing business vacates the site.
10. An environmental assessment will be required by the Health Department prior to the approval of building or grading permits.
11. Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.

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 subject property is located on Tax Map 90 in Grid B-3 and consists of a plat known as Lots 1 and 2, Parcel A, and Outparcels A, B, and C subdivided in 1998 by record plat VJ 182@88, Kelly Properties. The property is 1.44 acres and is zoned I-1.
3. The subject property is located at the west side of Old Marlboro Pike, approximately 300 feet north of its intersection with Suitland Parkway.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone	EXISTING	PROPOSED
Use(s)	I-1	I-1
	Commercial	Commercial (31, 907 square feet)
Acreage	1.44	1.44
Lots	1	0
Outparcels	2	0
Parcels		1
Mitigation	0	None

5. **Environmental**—The Environmental Planning Section has reviewed the above referenced Preliminary Plan of Subdivision stamped as received by the Environmental Planning Section on October 6, 2006. The site contains no regulated features. Because there are less than 10,000 square feet of existing woodland on the site, a standard letter of exemption from the Prince George’s County Woodland Conservation Ordinance was issued on August 11, 2006.

**BACKGROUND**

The Environmental Planning Section has previously reviewed this site with Preliminary Plan of Subdivision, 4-96093, which was approved by the Planning Board. This application proposes one parcel in the I-1 zone.

**SITE DESCRIPTION**

This 1.44-acre property in the I-1 zone is located on the west side of Old Marlboro Pike approximately 300 feet north of its intersection with Suitland Parkway. There are no streams, wetlands or 100-foot floodplain on the property. The site eventually drains into Henson Creek Branch in the Potomac River watershed. According to the “Prince George’s County Soils Survey” the principal soil on this site is in the Westphalia series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program Merlin website, rare, threatened, or endangered species do not occur in the vicinity of this property. The portion of Old Marlboro Pike adjacent to this site is not a designated scenic or historic road. There are no nearby sources of traffic-generated noise. Based

on the most recent air installation compatible use zone study released to the public in August 1998 by the Andrews Air Force Base, aircraft-related noise is significant. Because this site is not proposed for residential use, noise mitigation is not necessary. This property is located in the Developing Tier as reflected in the 2002 General Plan.

## **ENVIRONMENTAL REVIEW**

An approved Natural Resources Inventory, NRI/107/06, was submitted with the application. There are no regulated features on the property. The site is fully developed with no woodlands. According to the Countywide Green Infrastructure Plan, none of the property is in or near any regulated area, evaluation area or network gap. The NRI correctly shows all of the required information.

The site is exempt from the Prince George's County Woodland Conservation Ordinance because there are less than 10,000 square feet of existing woodlands on-site. The Environmental Planning Section issued a standard letter of exemption on August 11, 2006. This letter is valid for a time period of two years from the date of issuance. A copy of the letter must be included in all county permit applications, beginning with the grading permit. No further information regarding woodland conservation, such as a tree conservation plan, is required.

Based on the most recent air installation compatible use zone study released to the public in August 1998 by the Andrews Air Force Base, aircraft generated noise is significant in the area. The study indicates that the noise threshold is between 75 dBA (Ldn) and 80 dBA (Ldn) on the subject property. Because no residential use is proposed for this site, noise mitigation is not necessary.

According to the *Prince George's County Soils Survey* the principal soil on this site is in the Westphalia series. Westphalia soils are highly erodible and are in the C-hydric group. 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 process review.

A stormwater concept plan was submitted; however, it is not an approved plan. A copy of the approval letter and associated plan must be submitted prior to signature approval of the preliminary plan. Prior to signature approval of the preliminary plan, a copy of the approved stormwater management concept letter and associated plan should be submitted for the official file.

## **Water and Sewer**

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 water and sewer plan designated this property in water and sewer category 3. Water and sewer lines traverse the property.

6. **Community Planning**—The subject property is located on Burton Lane at the intersection with

Old Marlboro Pike Road in the Developing Tier. It is 1.44 gross acres and currently undeveloped. The applicant proposes to subdivide for a 31,907 square foot retail store and warehouse. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application for one parcel to contain permitted I-1 Zone uses conforms to the land use light industrial/office/business park recommendations at this location in the *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (1994)*. As notification to potential purchasers, the final plat should include a note indicating that the subject property is within the Andrews Air Force Base Clear Zone and Accident Potential Zone (APZ I).

7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed subdivision is exempt from mandatory dedication of parkland because it is an industrial development.
8. **Trails**—The Rajae Warehouse, Preliminary Plan 4-06100 was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area master plan in order to provide the master plan trails. The Adopted and Approved Melwood-Westphalia Master Plan designates Old Marlboro Pike as a master plan bikeway. The master plan recommends that roadways be designated as a Class III bikeway for cyclists through the provision of “Share the Road with a bike” signage. Bicycle compatible pavement markings can be considered by DPW&T at the time of road improvement. There is an existing sidewalk along the frontage of the property immediately to the south of the subject site on Old Marlboro Pike. Staff recommends that this sidewalk be continued across the frontage of the subject property, unless modified by DPW&T.
9. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan for the above-referenced property. The 1.43 acre, I-1 zoned property is located in the southwest quadrant of the Burton Lane-Old Marlboro Pike Intersection. The subject application proposes the construction of a building, which will have a floor area of 31,907 square feet. 3,000 square feet of the proposed building will be used as a retail facility (carpet), while the remaining 28,907 square feet will function as a warehouse.

#### **TRANSPORTATION STAFF FINDINGS**

The application is a preliminary plan of subdivision for a commercial/industrial development consisting of 3,000 square feet of retail and 28,907 square feet of warehousing. Given the type of retail that is being proposed, and citing trip rates from the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual*, the retail portion of the proposed development is projected to generate 1AM peak hour trip and 1PM peak hour trip at the time of full build-out. Applying trip rates from the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” 28,907 square foot portion of the development would generate 12 AM peak hour trip and 12 PM peak hour trip at the time of full build-out.

The subject property is located within the Developing 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) 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 traffic generated by the proposed preliminary plan would impact the intersection of Westphalia Road-Old Marlboro Pike/MD 4. Based on numerous traffic studies in which this intersection has been analyzed, this intersection is currently operating at unacceptable levels of service. It is not programmed for improvement with 100% construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program nor the Prince George’s County Capital Improvement Program. However, there are plans that are currently in design for the upgrade of this signalized intersection to a grade-separated interchange. The design and construction of this interchange has been proffered by the developers of the recently approved Smith Home Farm preliminary plan of subdivision (PGCPB No. 06-64(A), 4-05080, Condition 42).

Based on the preliminary design (30 percent complete) of the proposed interchange, while the at-grade intersection of MD 4 and Westphalia Road-Old Marlboro Pike will no longer exist, the following new signalized at-grade intersections will be created as part of the new interchange:

- Westphalia Road-Service Road
- Old Marlboro Pike-Ramps
- Service Road-Ramps

These intersections, when analyzed with the total future traffic (which includes the subject property, the Smith Home Farms and D’Arcy Park—North & South) as developed using the Guidelines, were found to be operating at or better than the policy service level defined above:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Westphalia Road-Service Road	C/1251	B/1056
Old Marlboro Pike-Ramps	A/778	A/993

Service Road-Ramps	A/669	A/422
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Ordinarily, if an improvement that is not listed in the CTP or CIP as being fully funded, is factored in the determination of adequacy, the applicant would be conditioned on either providing that improvement, or await the provision of that improvement prior to a building permit being issued. In the current circumstance however, this applicant will not be required to construct the proposed interchange at MD and Westphalia Road.

As mentioned previously, the developers for the Smith Home Farm are in the process of having design plans prepared for an interchange at the MD 4-Westphalia Road intersection. During the July 27, 2006 Planning Board hearing for the Smith Home Farm preliminary plan, staff prepared and presented a set of findings, outlining the basic groundwork for the creation and implementation of a Surplus Capacity Reimbursement Procedure (SCRIP) for the proposed interchange. Specifically, the findings identified:

- Scope of the improvement
- Cost of improvement
- Total capacity of the improvement
- Capacity associated with the Smith Home Farm (SHF) development
- Excess capacity (total capacity less SHF capacity)
- Formulation for pro-rata contribution for SHF
- Formulation for pro rata contribution for subsequent development(s)

Based on the findings adopted by the Planning Board (PGCPB 06-64(A)) for The Smith Home Farm, the following represents the methodology for computing the pro-rata amount for this application:

**Pro Rata Share for Subject Development:**

It is determined that 100 percent of site traffic would use the MD 4/Westphalia Road intersection, with 70 percent destined for the Beltway (north and south) and MD 4 (inside the beltway), 15 percent for MD 4 (south, towards Upper Marlboro) and 15 percent for Westphalia Road. The following results are determined:

**Base Condition**

Total cost of Construction **\$25,841,100.00**

Westphalia Road/service road:	AM CLV – 788; PM CLV – 679	
Average	733.5	
Old Marlboro Pike/MD 4 EB ramps:	AM CLV – 623; PM CLV – 620	Average 621.5
Service road/MD 4 WB ramps:	AM CLV – 569; PM CLV – 366.	Average 467.5
Interchange base statistic	$(733.5 + 621.5 + 467.5) / 3 =$	607.50

Base Capacity: 1450 – 607.5 842.50 (capacity units)

Allocable cost per capacity unit:  $\$25,841,100.00 / 842.5 = \mathbf{\$30,671.81}$

Base Condition (with SHF + D’Arcy + Rajae)

Westphalia Road/service road:	AM CLV – 1251; PM CLV – 1056	Average 1153.5
Old Marlboro Pike/MD 4 EB ramps:	AM CLV – 778; PM CLV – 993	Average 885.5
Service road/MD 4 WB ramps:	AM CLV – 669; PM CLV – 422.	Average 545.5

Rajae Warehouse

Interchange traffic statistic:  $(1153 + 885.5 + 545.5) / 3 = 861.5$

D’Arcy (North & South) + SHF

Interchange traffic statistic: 860.1667

Change in traffic statistic = Rajae - (D’Arcy + SHF)

Change in traffic statistic =  $861.50 - 860.17 = 1.33$

Share = Change x Allocable cost per capacity unit

Share =  $1.33 \times \$30,671.81 = \mathbf{\$40,793.51}$

It should be noted that all of the CLV computations are based on a lane configuration as shown on the most recently available construction drawings (30% complete) for the proposed interchange. These computations may vary from those that were outlined in PGCPB 06-64(A) for The Smith Home Farm since staff had to rely on a design (and lane usage) that was in the very early planning phase. As the design plans get closer to 100 percent completion, it is conceivable that the proposed lane usage and subsequently, the final CLV’s for the three intersections may change yet again. Staff is confident that by the time final action by the Planning Board is taken regarding the establishment of a SCR, staff will have available, 100% design plans with a definitive lane usage.

With the approval of the Smith Home Farm preliminary plan, and

- (a) The establishment of SCR improvement in accordance with Section 24-124; and
- (b) A methodology for computing the pro-rata payment associated with this improvement, subsequent developments; including the subject property could use this finding and methodology as a means of finding adequacy at the MD 4/Westphalia Road intersection.

In making this recommendation, all parties must be aware that subsequent action will be needed by the Planning Board to establish a SCR at this location. This would be done by resolution at a later date only after the improvement is bonded and permitted. Any subsequent developments seeking to utilize the SCR prior to the passage of the SCR resolution by the Planning Board must receive a condition that requires passage of the resolution establishing the SCR prior to issuance of building permits.

## TRANSPORTATION STAFF CONCLUSIONS

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with conditions.

10. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The existing fire engine at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike has a service travel time of 0.57 minutes, which is within the 3.25 minutes travel time guideline. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 6.53 minutes, which is within the 7.25 minutes travel time guideline. The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 5.64 minutes, which is beyond the 4.25 minutes travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan* 1990 and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

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 done 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, 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. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the subdivision is exempt from review for schools because it is a commercial use.

13. **Stormwater Management**—A stormwater management concept plan should be submitted prior to signature approval.
14. **Health Department**— The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Rajae Warehouse Property. A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any exiting buildings. Any hazardous materials located in the structure must be removed and properly stored or discarded prior to the structure being razed. All construction materials (trailers, roofing paper; labeled barrels of asphalt adhesive and aluminum paint and port-a-johns) currently found stored on the property must be removed and properly stored or discarded once the roofing construction business vacates the site. Due to this type of operations on site and the potential contamination to surface oils and the groundwater, and environmental assessment will be required prior to detailed site plan approval or, if detailed site plans are not required, prior to the approval of building or grading permits.
15. **Archeology**—Phase I 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 the probability of archeological sites within the subject property is low. The subject property appears to have been impacted by modern construction to the point that intact archeological deposits probably no longer exist.  
  
Section 106 reviews may require archeological survey for state or federal agencies, however. 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.
16. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.
17. **Subdivision**—The subject property is zoned I-3. While the subject application is not proposing any residential development, it is adjacent to property that is zoned for residential use. Because there exist different adequate public facility tests, and there are considerations for recreational components for residential subdivision, any future consideration for residential development beyond one single-family dwelling should require the approval of a new preliminary plan of subdivision.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Eley and Vaughns voting in favor of the motion, and with Commissioner Parker absent at its regular meeting held on Thursday, December 7, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of January 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator