



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 15-25(C)

File No. 4-14010

## CORRECTED RESOLUTION

WHEREAS, CWI Limited Partnership is the owner of a 16.08-acre parcel of land known as Tax Map 9 in Grid E-3 and is also known as Lots 2 and 3, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned Employment and Institutional Area (E-I-A); and

WHEREAS, on December 12, 2014, CWI Limited Partnership filed an application for approval of a Preliminary Plan of Subdivision for the addition of 120,000 square feet of gross floor area (GFA) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-14010 for Central Wholesalers at Town Center Business Campus 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 March 26, 2015, for its review and action in accordance with the Land Use Article of the 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 March 26, 2015, 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 1 Tree Conservation Plan (TCP1-004-01-04), and further APPROVED Preliminary Plan of Subdivision 4-14010, Central Wholesalers at Town Center Business Campus, for 2 lots with the following conditions:

- I. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to make the following technical corrections:
  - a. Revise the adjacent land use for Pines of Laurel to "single-family residential and townhouse" instead of "multifamily residential."
  - b. Revise ownership table to state "Lot" instead of "Parcel."
  - c. Revise General Note 4 to state "...and adding 120,000 square feet of gross floor area."
  - d. Revise General Note 5 to include "CDP-0101-02."

- e. Revise General Note 24 to include the \*[TCPI] TCP1 number \*~~["TCP1-004-01-02."]~~  
"TCP1-004-01-04."
  - f. Remove all references to the easements established by L.422 F.418 and L.21785 F.25.
  - g. Revise General Note 6 to state that "the gross and net acreage is 16.08 acres."
- 2. Development of this site shall be in conformance with Stormwater Management Concept Plan 44786-2013-00 and any subsequent revisions.
  - 3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement (PUE) along all public rights-of-way.
  - 4. Prior to approval of the Final Plat of Subdivision, add the following note on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan \*~~[(TCP1-004-01-02)]~~ (TCP1-004-01-04), or as modified by the Type 2 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."
  - 5. Prior to the approval of SDP, a copy of the Erosion and Sediment Control Concept Plan shall be submitted.
  - 6. Prior to signature approval of the PPS, \*~~[(TCP1-004-01-02)]~~ TCP1-004-01-04 shall be revised as follows:
    - a. Revise the tree-line to be consistent with the first FSD/TCP that set the requirements for the site.
    - b. Update the TCP1 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.
    - c. Revise the TCP1 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.

\*Denotes Correction

Underlining indicates new language

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

- d. Remove the symbols labeled "tree preservation area," "prop. Trees," "15%-25% slopes," "25% slopes," "tree protection device," and "tree preservation sign."
  - e. Identify the area of off-site clearing on the TCP1.
  - f. Add the Standard TCP1 Notes required to be shown on a Type 1 TCP plan.
  - g. Change all references to "Virginia Manor Road" to "Konterra Drive."
- 7. Prior to approval of the SDP, the landscape plan shall demonstrate the use of full cut-off optic light fixtures on this site to in order to reduce light intrusion into adjacent residential areas.
  - 8. Prior to approval of the SDP, the plan shall reflect two u-shaped bicycle racks near to the main entrance of the building. All proposed bicycle racks shall be located in a well-lit location and situated on a concrete pad.
  - 9. Total development within the subject property shall be limited to uses which generate no more than 157 AM peak-hour trips and 149 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 Preliminary Plan of Subdivision.
  - 10. Any residential development of the subject property shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
  - 11. Prior to approval of the SDP, the feasibility of providing a walkway connection along the existing shared access driveway from Lots 5 and 6 to the existing pedestrian facilities on Konterra Drive shall be evaluated and conditioned as part of the SDP approval, if feasible.
  - 12. Approval of this preliminary plan of subdivision shall supersede PPS 4-04026 (PGCPB Resolution No. 05-64) for the development of the site.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
- 2. **Background**—The subject property is located on Tax Map 9 in Grid E-3 and is known as Lots 2 and 3, Central Wholesalers, recorded in Plat Book REP 213-17 on June 8, 2006, in the Prince George's County Land Records. The property consists of 16.08 acres within the Employment and Institutional Area (E-I-A) Zone. Lot 2 is currently developed with 130,165 square feet of gross floor area (GFA) for warehouse and office use. The preliminary plan of subdivision (PPS)



proposes the addition of 120,000 square feet of gross floor area (GFA) for warehouse and office use on existing Lot 3, as well as a lot line adjustment between Lots 2 and 3.

Lot 2 (7.67 acres) and Lot 3 (8.42 acres) both front on the east side of Konterra Drive. Lot 3 is currently located at the rear of Lot 2 and has frontage along Konterra Drive through a 20-foot-wide stem that extends from the main portion of the lot to the road. The proposed lot line adjustment is to move the shared north-south lot line by approximately 25 feet to the west, and the shared east-west lot line by two feet to the south. This adjustment will bring existing Lot 3 into conformance with the minimum 22-foot-wide requirement for two-way driveway access in Part II, of the Parking and Loading zoning regulations. The lot line adjustment will also result in new designations for the existing lots: Lot 5 (formerly existing Lot 3) and Lot 6 (formerly existing Lot 2). For the purpose of this report, each lot will hereafter be referred to by its new lot designation. An access easement (L. 23642 F. 73) currently exists along the northern boundary of the site for the benefit of Lots 5 and 6, and adjacent Lot 4 – Post Newsweek Media, Inc., (to the north of the subject site).

PPS 4-04026 (PGCPB Resolution No. 05-64) was previously approved for Lots 5 and 6 on March 3, 2005. A development cap was conditioned with the PPS approval (Condition 7), which states the following:

7. **Total development of the subject property 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. 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.**

The proposed development would generate more trips than what was approved for Lots 5 and 6 with the previous PPS; therefore, a new PPS is required. This PPS has been approved and now supersedes PPS 4-04026 for the development of this property.

Comprehensive Design Plan CDP-0101 covered the subject site and was approved (PGCPB Resolution No. 01-64) by the Prince George's County Planning Board on April 19, 2001, with seven conditions, none of which is applicable to this application. A revision to the previously approved Comprehensive Design Plan, CDP-0101-01, was approved (PGCPB Resolution No. 05-12) by the Prince George's County Planning Board on January 13, 2005, with seven conditions. Condition 5 established an amended trip cap for the subject site, which is consistent with the previous PPS approval (PPS 4-04026). Comprehensive Design Plan CDP-0101-02 was approved (PGCPB Resolution No. 05-140) by the Prince George's County Planning Board on June 23, 2005, with six conditions. Condition 5 established the minimum building setbacks and the maximum heights permitted on the subject property. Comprehensive Design Plan CDP-0101-03 was submitted for concurrent review and approved by the Planning Board on March 26, 2015.

The PPS has been reviewed to ensure that the existing development on Lot 6 will meet the setback standards established by CDP-0101-02 (or any standards that were approved with CDP-0101-03) upon approval of the proposed lot line adjustment. It is noted however, that Lots 5 and 6 will continue to be evaluated as one development site. Therefore, the setback requirements will be applied to both lots in totality, rather than each lot individually.

The 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (Subregion 1 Master Plan and SMA) retained this property in the E-I-A Zone. An approved Natural Resources Inventory (NRI-018-05-01) was submitted with this application. The NRI verifies that only one forest stand exists on-site totaling 0.62 acres and also shows that no regulated environmental features other than areas of steep slopes which occur on or immediately within 100 feet of this site to the east. A revised Type 1 Tree Conservation Plan (TCP1-004-01-04) was submitted with this application and is approved, with conditions.

3. **Setting**—The subject site is located at the east side of Konterra Drive, approximately 3,000 feet south of Van Dusen Road. To the north of the site is E-I-A zoned property. To north and east of the site is I-3 zoned property developed with a retirement community (Pines of Laurel). To the south of the site is I-1 zoned property. To the west of the site, across Konterra Drive is vacant M-X-T zoned property.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

Zone	EXISTING	APPROVED
	E-I-A	E-I-A
Use(s)	130,165 square feet of GFA for warehouse and office use	250,165 square feet of GFA for warehouse and office use
Acreage	16.08	16.08
Lots	2	2
Outlots	0	0
Parcels	0	0
Dwelling Units:	0	0
Public Safety	No	No
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on January 2, 2015.

5. **Previous Approvals**—On November 15, 1977, the County Council of Prince George's County, Maryland, sitting as the District Council, adopted the recommendations of the Prince George's County Planning Board as its findings of fact and conclusions for Zoning Map Amendments A-9030, A-9034, A-9067, and A-9068 (District Council Resolution CR-107-1977). The zoning

map amendments were approved for land area that includes Lots 5 and 6. Several conditions are associated with the approval and the following conditions in **boldface text** are related to the review of this PPS:

(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 Lots 5 and 6 (subject of this PPS), 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 Lot 4, which are currently vacant. The total existing development within the boundary of the zoning map amendment is 222,378 square feet of GFA, leaving 217,622 square feet of GFA for future development. Therefore, the proposed development of 120,000 square feet of GFA does not exceed this 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.

Conformance to this condition will be reviewed with the SDP.

Condition 5 of CDP-0101-02 (PGCPB Resolution No. 05-140) established the minimum building setbacks and the maximum heights permitted on the subject property:

5. The following setbacks are required:

***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.

The proposed lot line adjustment conforms to the setbacks established above for the existing building on Lot 6.

Comprehensive Design Plan CDP-0101-03 was submitted for concurrent review and was approved by the Planning Board on March 26, 2015.

6. **Community Planning**—This application is located within the Established Community policy area of the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). Plan Prince George's 2035 states that this policy area is most appropriate for context-sensitive infill and low- to medium-density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure the needs of existing residents are met. The site is also located with the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (Subregion 1 Master Plan). The application is consistent with the land use recommendations of both Plan Prince George's 2035 and the Subregion 1 Master Plan.
7. **Urban Design**—As set forth in Section 27-515(b)(2), Uses Permitted, of the Prince George's County Zoning Ordinance, warehouses and general offices are permitted uses in the E-I-A Zone. Development within a comprehensive design zone must go through a three-step review and approval process including Basic Plan, Comprehensive Design Plan (CDP) and Specific Design Plan (SDP). A CDP revision to increase the trip cap has been approved by the Planning Board, and a new SDP approval is required to reflect the increase in GFA and lot line adjustment, prior to permit.

**Conformance with the Prince George's County Landscape Manual**

Pursuant to Section 27-501, Regulations, development in the E-I-A Zone is required to conform to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual will be determined at the time of SDP, when a more detailed plan of development is submitted for review. The SDP should be designed to provide adequate buffering between the subject site and the Pines at Laurel Subdivision. In accordance with Section 4.7, Buffering Incompatible Uses of the Landscape Manual, a 50-foot-wide building setback and 40-foot-wide landscape yard is the minimum requirement along shared property lines between the proposed warehouse building and adjacent single-family and townhouse residential uses.

**Conformance with 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.

8. **Environmental**—The Preliminary Plan of Subdivision, 4-14010, and Type 1 Tree Conservation Plan TCP1-004-01-04, stamped as received December 15, 2014, has been received. The project is subject to the environmental regulations contained in Subtitle 24 and 25 that came into effect on September 1, 2010 and February 1, 2012, because the project requires a new preliminary plan. The



Environmental Planning Section has previously reviewed this site with the following applications, which have all been approved: Comprehensive Design Plan CDP-0101 with TCP1/004/01 (PGCPB Resolution No. 01-64), Preliminary Plan of Subdivision 4-01011 (expired), and CDP-0101-01 with TCP1/004/01-01 (PGCPB Resolution No. 05-12). Preliminary Plan of Subdivision 4-04026 (PGCPB Resolution No. 05-64), Specific Design Plan SDP-0102 with TCP1I/025/01 (PGCPB Resolution No. 01-72), Specific Design Plan SDP-0102-01 (staff level), Specified Design Plan SDP-0102-02 with TCP1I/025/0-01 (PGCPB Resolution No. 05-195), and Specific Design Plan SDP-0102-03 with TCP1I/025/01-02. No relevant environmental conditions of approval were found to be applicable to this application with regards to previously approved applications.

According to the approved NRI (NRI/018/05-01), one area of existing woodlands exists along the southern boundary of Lot 5 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 on-site. 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 U.S. 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 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 (Byrne to Ford), 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 2005 *Approved 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*.

#### **Plan Prince George's 2035 Approved General Plan**

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*.

#### **Master Plan Conformance**

The 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* is the master plan for this area. In the master plan, the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

**POLICY 1: Protect, preserve and enhance the identified green infrastructure network within the Subregion 1 plan area.**

The PPS is reviewed for conformance to the Green Infrastructure Plan as discussed further in "Conformance with the Countywide Green Infrastructure Plan."

**POLICY 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

**POLICY 3: Implement the State Storm Water Management Act of 2007 in Subregion 1 as of the adoption of this Plan to enhance the water quality and control flooding in the Anacostia and Patuxent River watersheds.**

An approved Storm Water Management Concept letter and plan (44786-2013-00) was submitted with this application. The Department of Permitting Inspections and Enforcement (DPIE) found this project to be in conformance with the current provisions of the County Code, which addresses the state regulations.

**POLICY 4: Implement more environmentally sensitive building techniques and reduce overall energy consumption.**

The use of green building techniques and energy conservation techniques should be used as appropriate. The use of alternative energy sources such as solar, wind and hydrogen power is encouraged.

**POLICY 5: Reduce light pollution and intrusion, especially into the Rural Tier and environmentally sensitive areas.**

The site is adjacent to the Pines of Laurel retirement community. The use of alternative lighting technologies is encouraged so that light intrusion onto adjacent properties is minimized. Full cut-off optic light fixtures should be used, and is conditioned.

**POLICY 7: Reduce adverse noise impacts to meet State of Maryland noise standards.**

The site has frontage on Konterra Drive, which is identified as having no master plan roadway designation and is not currently regulated for noise. Due to the proposed warehouse and office use for this site, traffic generated noise would not be regulated in relation to this proposed use. However, the proposed use of a warehouse and office may be a noise generator that could result in episodic noise impacts to the rear yards and residences located to the east of Lot 5 at the Pines of Laurel retirement community, which would be regulated by the State of Maryland.

**Conformance with the Countywide Green Infrastructure Plan**

According to the 2005 *Approved Countywide Green Infrastructure Plan*, no Regulated Areas exist on the site. Although the entirety of Lots 5 and 6 are mapped as Evaluation Areas and Network

Gaps, existing Lot 6 is already developed with no woodlands onsite. Lot 5 consists largely of an open field, two storm water detention ponds, and a small 0.62 acres area of isolated woodlands that are identified as early successional pioneer forest co-dominated by Virginia pine (*Pinus virginiana*) and southern red oak (*Quercus falacata*). This area of woodlands is shown within a Network Gap; however, these woodlands do not meet the criteria for being considered as a high priority for preservation.

To find conformance with the 2005 *Approved Countywide Green Infrastructure Plan*, the Planning Board must find that the \*[TCPI] TCP1 plan adequately addresses the following policies:

**POLICY 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**

No Regulated areas are mapped onsite, or within 100 feet of Lots 5 and 6. Evaluation Areas and Network Gaps are mapped on-site; however, it does not appear that the areas mapped as Evaluation Areas and Network gaps on Lot 6 reflect current site conditions, which are entirely developed. Evaluation Areas and Network Gaps appear to be accurately mapped on Lot 5.

The existing and future zoning according to the Subregion 1 Master Plan is E-I-A. This site has a current land use designation of industrial, and is within ESA 2, (formally the Developing Tier).

The only developable area on the site is located on Lot 5, which is within the Evaluation Area and Network Gap. No Regulated Areas are located on or within the 100 feet of Lots 5 and 6.

Because the stormwater facilities, particularly the underground storage vault, are necessary to develop the site, it would be impossible to fully implement Policy 1 in accordance with the current Zoning Regulations. The applicant has proposed to provide woodland conservation on an off-site property which is acceptable.

**POLICY 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.**

The stormwater concept management plan was approved under the current stormwater regulations requiring Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). The plan proposes to treat off-site stormwater runoff from multiple sources as part of the design.

**POLICY 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.**

The current *Plan Prince George's 2035 Approved General Plan*, designates the site within ESA 2 (formerly the Developing Tier). No preservation of existing woodland resources is proposed on-site. The site's constraints limit the opportunity for preserving woodland resources on-site due to the existing zoning and previous approvals associated with this site, as well as the isolated



nature of the property being surrounded by developed properties. Despite this the proposed design meets the intent of the Countywide Green Infrastructure Plan to the fullest extent practicable by proposing to further improve water quality of potential stormwater discharging off-site by pretreating it in a series of 23 bioretention areas.

#### **Environmental Review**

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 indicates that no rare, threatened, or endangered (RTE) species 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. No revisions are required for conformance to the NRI.

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 1 Tree Conservation Plan ~~\*[(TCP1-004-05)]~~ (TCP1-004-01-04) and Type II Tree Conservation Plan (TCP1-025/01) were previously reviewed and have had subsequent revisions. Because this project requires a new PPS, the project is no longer grandfathered and will be reviewed for conformance with the current environmental regulations. A revised Type 1 Tree Conservation Plan (TCP1-004-01-04) was submitted with this application and is recommended for approval.

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 TCP1 proposes to meet the entire requirement in an off-site woodland conservation bank.

Several revisions are required. The original tree-line consistent with the first forest stand delineation FSD/TCP that set the requirements for the site is not shown, and should be. Much of the pertinent environmental information needed to be evaluated on the TCP1 plan is visually overwhelmed and obscured by the proposed stormwater design elements. The graphic lines for the stormwater symbols are too bold. Revise the TCP1 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 TCP1 are visible as well.

\*Denotes Correction

Underlining indicates new language

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

In the legend of the TCP1 there is a symbol labeled "tree preservation area." This symbol is shown on an area of the plan identified as a woodland clearing area. Remove this symbol from the legend and the plan as no woodlands are being proposed to be preserved onsite. 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 TCP1 plan. Remove the following symbols from the TCP1 legend and plan: "prop. Trees," "15%-25% slopes," "25% slopes," "tree protection device," and "tree preservation sign." Clearly identify the area of offsite woodland clearing.

The Standard TCP1 notes required to be shown on a Type 1 TCP are missing from the plan. Add these notes to the plan as required.

Development of this site shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-004-01-04). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-004-01-04), or as modified by the Type 2 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 TCP1 is approved, with conditions.

9. **Stormwater Management**—The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has approved a Stormwater Management Concept Plan, 44786-2013-00, to ensure that development of this site does not result in on-site or downstream flooding. The proposed site will manage stormwater through the use of environmental site design, which includes the use of 23 micro-bioretenion facilities. Development of the site shall conform to the approved stormwater management concept plan.

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection, and preservation of drinking water, stormwater, and wastewater systems within the county, on a countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, 100-year floodplain and woodland conservation, and programs implemented by DPIE, the Prince George's County Health Department, the Prince George's County Department of the Environment, the Prince George's Soil Conservation District, the Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department, and the Washington Suburban Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

10. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, mandatory dedication of parkland is not required for the subject site because it consists of nonresidential development.

11. **Trails**—This PPS has been reviewed for conformance with Sections 24-123 and 24-124.01 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the Subregion 1 Master Plan in order to implement planned trails, bikeways, and pedestrian improvements. The subject property is not located in a center or corridor based on Plan Prince George's 2035 Adequate Public, Pedestrian and Bikeway Facilities (APPBF) map and is therefore not subject to Section 24-124.01 of the Subdivision Regulations (Prince George's County Council Bill CB-2-2012).

Sidewalks were constructed recently on Konterra Drive. A short sidewalk segment was constructed along the existing unnamed driveway that connects to Konterra Drive to the subject property. Bus stops are located on Konterra Drive and transit use is expected to increase over time. Currently, the Central Maryland Regional Transit (CMRT) manages public transit services in the area. CMRT provided transit connections to Metrorail, MARC, and bus commuters in the area. CMRT runs transit services to the Muirkirk MARC Train Station, the Greenbelt Metrorail Station, and the College Park-U of MD Metrorail Station.

#### **Conformance to Plan Prince George's 2035**

The site is located east of Konterra, which was designated as a "Suburban Town Center" in *Plan Prince George's 2035 Approved General Plan*. The subject property has frontage along Konterra Drive. The property is south of the City of Laurel, and it is close to the recently constructed Intercounty Connector (ICC). It is anticipated that over time, transit use, pedestrian counts and bicycle traffic will increase in the area surrounding the subject property. Konterra East, part of the Konterra Suburban Town Center will contain a gridded road system with sidewalks and trails throughout the proposed development. Konterra Drive is recommended for sidepath/trail in the functional master plan. The existing wide sidewalk on the west side of Konterra Drive can be designated as a sidepath in the future by others. The trails will be located close to the subject property.

#### **Master Plan Conformance**

The Subregion 1 Master Plan designates Konterra East as a 132-acre "downtown core area" and a 356-acre pedestrian friendly "environs" area scaled and designed to support and supplement the downtown core. The downtown core area is dense with areas of vertically integrated uses. The Master Plan recommends a future multimodal transit center within the Konterra East Town Center. This multimodal transit center would be an integral part of the town center featuring bicycle amenities, and a local and regional bus transfer stop. The plan recommends that the multimodal transit center become a facility to link Konterra, by bus, to other employment centers such as Fort Meade, the Brick Yard and MARC station, the University of Maryland, and centers within Montgomery County."

#### **2009 Approved Countywide Master Plan of Transportation (MPOT)**

The Complete Streets Section of the MPOT recommends that "New development should include roadway improvements that accommodate all users" (page 8). The functional plan master includes



complete street principles and policies regarding sidewalk construction and the accommodation of pedestrians and bicyclists.

Based on the preceding analysis, adequate bicycle and pedestrian facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations, with conditions. It is conditioned that the applicant construct two u-shaped bicycle racks near to the main entrance of the building. All proposed bicycle racks shall be located in a well-lit location and situated on a concrete pad. A sidewalk connection to Konterra Drive from the existing and proposed development on-site would benefit pedestrian circulation. Prior to approval of the SDP, the feasibility of providing a walkway connection along the shared access driveway from Lots 5 and 6 to the existing pedestrian facilities on Konterra Drive shall be evaluated and conditioned as part of the SDP, if feasible.

12. **Transportation**—The findings and recommendations outlined below are based upon a review of materials and analyses consistent with the “Transportation Review Guidelines, Part 1” (Guidelines).

The traffic generated by the proposed PPS would impact the following intersections, interchanges, or links in the transportation system:

- Konterra Drive and Konterra Town Center Access 2
- Konterra Drive and Konterra Town Center Access 4
- Konterra Drive and Central Wholesalers Entrance \*

The subject property is located within Transportation Service Area (TSA) 2, as defined in *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to 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 procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this 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 intersections identified, 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 above.

A traffic study dated January 2015 was submitted by the applicant for the critical intersections for the addition of 120,000 square feet of GFA. The table below shows the intersections deemed to be critical, as well as the levels of service representing total conditions:

<b>TOTAL CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	<b>LOS/CLV</b>	<b>LOS/CLV</b>
Konterra Drive and Konterra Town Center	A/666	A/941
Konterra Drive and Konterra Town Center	A/792	A/972
Konterra Drive and Central Wholesalers	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:

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

The trip rates in the table above were based on actual trip generation of the existing development on Lot 6. Staff is not supportive of those rates and recommends that, given the proposed uses, the trip rates in the "Guidelines" for Light Service Industrial would be more appropriate. The following table reflects the preferred trip rates and trip generation:

<b>Trip Generation</b> (Proposed 120,000-Square-Foot Building)						
	<b>AM Peak</b>			<b>PM Peak</b>		
	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:

<b>TOTAL CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	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. Based on trip rates that were derived from the existing development on Lot 6, the proposed development of 120,000 square feet of GFA for a warehouse/distribution on Lot 5 will be adding 104 (84 in; 20 out) AM peak-hour trips and 96 (30 in; 66 out) PM peak-hour trips. Pursuant to PGCBP Resolution No. 05-64, the subject property was previously approved on March 3, 2005 with a trip cap of 53 trips during both peak hours for 130,165 square feet of gross floor area (GFA) for a warehouse/distribution use. Since the subject property is being tested for adequacy for an additional 120,000 square feet of warehouse/distribution, a new trip cap is recommended by adding the previous cap with the current cap. Consequently, the new trip cap for the subject site (Lots 5 and 6) will be 157 AM and 149 PM peak-hour trips.

#### **Department of Public Works and Transportation (DPW&T)**

In addition to the Transportation Planning Section, 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 the study. While some of those errors seem insignificant, there were many that were significant enough to alter the findings and conclusions. A February 12, 2015 memorandum from DPW&T (Issayans to Burton), stated the following summarized areas of concern:

- 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 staff with a letter dated February 26, 2015 (Guckert to Burton), in which all of the above-mentioned concerns were clarified. Based on information provided in the letter, staff is satisfied with the updated results, and the underlying conclusion that the modified lane usage as recommended by the traffic consultant, all of the critical intersections will operate adequately.

Based on the analysis, adequate transportation facilities will exist to serve the development, with conditions.

13. **Schools**—The subdivision has been reviewed for impact on public school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the "Adequate Public Facilities Regulations for Schools" (CR-23-2001 and CR-38-2002), and concluded that the subdivision will have no impact on public schools because it is a nonresidential use.
14. **Fire and Rescue**—The PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations. Section 24-122.01(e)(1)(E) states that "A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month."

The proposed project is served by Laurel Fire/EMS, Company 10. This first due response station, located at 7411 Cherry, is within the maximum seven-minute travel time.

#### **Capital Improvement Program (CIP)**

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

15. **Police Facilities**—The proposed development is within the service area of Police District IV, Oxon Hill. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the July 1, 2013 (U.S. Census Bureau) County population estimate is 890,081. Using 141 square feet per 1,000 residents, it calculates to 125,501 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.
16. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary plan or final plat approval." The 2008 *Water and Sewer Plan* designates this property in water and sewer Category 3, Community System, and will therefore be served by public systems.

17. **Health Department**—The PPS was referred to the Prince George’s County Health Department for review. At the time of the writing of this report, comments have not been received from the Health Department.
18. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when public utility easements (PUEs) are required by a public utility company, the subdivider should include the following statement on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The PPS correctly delineates a ten-foot-wide public utility easement along the public right-of-way as required, which will be reflected on the final plat prior to approval.

19. **Historic**—Phase I archeological survey is not recommended on the above-referenced property. The subject property has been extensively graded and is already developed. 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. This proposal will not impact any historic sites or resources, documented properties, or any known archeological resources.
20. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new PPS is recommended. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are other considerations for a residential subdivision not considered in the review of commercial, industrial, and mixed-use development including the recreational components, noise, and access. A new PPS is required if residential development is to be proposed.


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.

\* \* \* \* \*

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:tpg

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 12/29/15

\*Denotes Correction

Underlining indicates new language

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