

## R E S O L U T I O N

WHEREAS, Glen H. Ballowe, et al., is the owner of a 5.52-acre parcel of land known as Ballowe Property Subdivision, Parcel D, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned C-M; and

WHEREAS, on June 6, 2000, J.W. Jones and Tarulata S. Patel filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for two parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00031, Ballowe Property, 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 September 7, 2000, 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 September 7, 2000, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/12/99), and APPROVED Preliminary Plat of Subdivision 4-00031 for Parcels E and F with the following conditions:

1. At time of final plat, a Conservation Easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain and stream buffers, except for approved variation requests, and be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the plat:

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

2. A note shall be placed on the final plat prohibiting direct access to Henderson Way.
3. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/12/99). 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 (TCP I/12/99), 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."

4. A Type II Tree Conservation Plan shall be approved prior to the issuance of permits.
5. Total development of Parcels AE@ and AF,@ as shown on the preliminary plat, shall be limited to permitted uses which generate no more than 225 AM and 282 PM peak hour vehicle trips. Any development other than that identified herein above shall require an additional Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.
6. The final plat shall include the 10-foot Public Utility Easement along Mercedes Boulevard and Henderson Way.
7. Development of this site shall be in accordance with the approved stormwater concept plan, Concept #998004030.
8. The following note shall be placed on the final plat:

AAAn automatic fire suppression system, in accordance with National Fire Protection Association Standard 13 and all applicable Prince George=s County Laws, shall be provided in all proposed buildings.@

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the east side of Mercedes Boulevard, south of Auth Road and approximately 1,200 feet east of MD 5.
3. This site is subject to the provisions of the Woodland Conservation Ordinance because the total site is more than 40,000 square feet and contains more than 10,000 square feet of woodland. A Tree Conservation Plan, TCPI/12/99, has been submitted for review.

TCPI/12/99 proposes on-site preservation of 1.04 acres of woodland to meet the minimum requirements of the Woodland Conservation Ordinance. The proposal includes retention of 2.04 acres of additional woodland. Should additional woodland be cleared,

more woodland will need to be preserved. Staff recommends approval of TCPI/12/99.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. When the property was last reviewed (under a previously withdrawn Preliminary Plat 4-99016) the extent of Waters of the U.S. were not known. The applicant has obtained a Jurisdictional Determination from the U.S. Army Corps of Engineers that indicates the full extent of the stream. As a matter of policy, all Waters of the U.S. are regarded as Astreams@ with regard to interpretation of County Code. A minimum 50-foot stream buffer is required.

Staff have the same concern raised during the review of 4-99016. Parcel AF@ will be bisected by a stream. Development of the eastern portion will at the very least need a variation request to allow an internal road crossing (access to Henderson Way is prohibited).

At time of final plat, a Conservation Easement should be described by bearings and distances. The conservation easement should contain all 100-year floodplain and stream buffers, except for approved variation requests, and be reviewed by the Environmental Planning Section prior to certificate approval. The following note should be placed on the plat:

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

The soils pose no special problems for development. There are no noise impacts associated with this proposal. No historic or scenic roads are impacted by this proposal.

The property is in Water and Sewer Category 3 and will be served by public systems.

4. The *Adopted and Approved Master Plan for Subregion VII* (1981) recommends the property for Service-Commercial land use. The property was rezoned from the C-G Zone to the C-M Zone through the District Council adoption of the 1984 *Subregion VII Sectional Map Amendment*.

There are no master plan issues with this subdivision. For informational purposes, the status of the ongoing master plan process is provided. The property is located within the area subject to the *Adopted Master Plan and Endorsed Sectional Map Amendment for the Heights and Vicinity* (January 2000). The property is proposed to be rezoned to the C-O Zone in the Endorsed Sectional Map Amendment for the Heights. (The C-O Zone requires site plan review for a motel.) The District Council is anticipated to approve the plan and sectional map amendment in the fall of 2000. If the property is rezoned to the C-O Zone prior to the issuance of building permits, the applicant should be aware of the detailed site plan requirement.

5. The property is exempt from the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication because it is in a nonresidential zone and no dwellings are proposed.
6. There are no master plan trail issues associated with this application.
7. This application presents an unusual case as it initially appeared that this is the resubdivision of a legal parcel. In its review of a prior application, the transportation staff initially determined that existing Parcel AD, @ which this plan proposes to split into two parcels, might never have been the subject of a preliminary plat of subdivision and therefore was never subjected to a review of adequate transportation facilities. Preliminary Plat of Subdivision 4-85199, on which the Final Plat was based, only created Parcel AC. @ Further research indicated that this site was legally subdivided under Preliminary Plat of Subdivision 4-77207. That subdivision created two large parcels and set the right-of-way for Mercedes Boulevard, and presumably the question of adequate transportation facilities was appropriately resolved at that time. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*.

The application is a proposal to resubdivide existing Parcel D of Ballowe Property, which is zoned C-M, by creating two new parcels. The existing parcel is recorded and is unimproved. Proposed Parcel AE, @ with a total area of 1.76 acres, is proposed for development as a 79-room hotel/motel. Proposed Parcel AF, @ with a total area of 3.76 acres, has no proposal at this time. The transportation staff assumes that Parcel @ F @ would contain up to 49,150 square feet of permitted C-M uses.

Because the existing parcel has been previously subdivided, the proposed subdivision would generate no net trips as a result of the resubdivision. There would be no resulting impact on traffic operations at the Auth Road/Mercedes Boulevard intersection, which is the development's critical intersection, as a result of the resubdivision.

Proposed Parcel AE, @ if developed with a 79-room hotel/motel, would generate 51 AM and 63 PM peak hour vehicle trips. Proposed Parcel AF, @ if developed under a floor-to-area ratio (FAR) of 0.3, could contain up to 65,500 square feet of commercial or office space. This quantity of development could generate as many as 174 AM and 219 PM peak hour vehicle trips. Staff recommends limiting development on proposed Parcels AE @ and AF @ to permitted uses which would generate no more than the number of peak hour trips which are stated above.

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 a condition limiting trip generation to 225 AM and 282 PM peak hour

trips.

8. The proposal is exempt from the requirements of Section 24-122.02 of the Subdivision Regulations for adequacy of public schools because it is in a nonresidential zone and no dwelling units are proposed.
9. The Growth Policy and Public Facilities Planning Section has reviewed the proposed preliminary plat for adequacy of public facilities and concluded the following.
  - a. The existing fire engine service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road, has a service response time of 4.02 minutes, which is beyond the 3.25-minute response time guideline.
  - b. The existing ambulance service at Silver Hill Fire Station has a service response time of 4.02 minutes, which is within the 4.25-minute response time guideline.
  - c. The existing paramedic service at Silver Hill Fire Station has a service response time of 4.02 minutes, which is within the 7.25-minute response time guideline.
  - d. The existing ladder truck service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service response time of 7.21 minutes, which is beyond the 4.25-minute response time guideline.

These 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*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all commercial structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George=s County Laws.

10. The proposed development is within the service area of the District IV-Oxon Hill. In accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County police facilities will be adequate to serve the proposed Ballowe Property development. This police facility will adequately serve the proposed subdivision.
11. The Health Department reviewed this application and offered no comments.
12. The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #998004030, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through March 2, 2002. Development must be in accordance with this approved plan.

13. The preliminary plat includes the required 10-foot-wide public utility easement along Mercedes Boulevard and Henderson Way. These easements will be reflected on the final plat.

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

\* \* \* \* \*

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 Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 7, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of September 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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