PGCPB No. 01-167 File No. 4-01046

R E S O L U T I O N

WHEREAS, Diana Brown is the owner of a 2.23-acre parcel of land known as Part of Lot 3, plat book BDS1@ 100, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on May 23, 2001, Diana Brown filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01046 for A.O. Dillie Farm 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 July 26, 2001, 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 July 26, 2001, 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/17/01), and further APPROVED Preliminary Plat of Subdivision 4-01046, A.O.Dillie Farm for Parcel A with the following conditions:

1. The applicant, heirs, successors and or assigns shall dedicate 40 feet from the center line of the right-of-way of Brown Station Road at the time of approval of the final plat of subdivision as shown on the submitted preliminary plan.

2. The applicant, heirs, successors and or assigns shall make improvements within the dedicated right-of-way of Brown Station Road. Those improvements shall be determined by DPW&T and will include acceleration and deceleration lanes at the site entrance.

3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #8329131-2000-00.

4. Prior to signature approval the preliminary plan shall be revised to locate the septic field which served the existing residence.

5. Prior to the approval of the final plat of subdivision, a licenced scavenger shall scavenge and backfill the septic tank on site which served the existing dwelling.

6. The existing shallow well shall be sealed in accordance with the Code of Maryland Regulations 26.04.04 by a licenced well driller or witnessed by a representative from the Environmental Engineering Program of the Health Department. If the applicant proposes construction of the building or parking over the existing well site, sealing the well will not be required.

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

8. Prior to signature approval of the TCPI, the plan shall be labeled as a Type I.

9. Prior to the approval of building permits the applicant, his assessors and or assigns shall provide certification from a professional engineer with competency in acoustical analysis that building shells, within 239 feet of the centerline of Brown Station Road, will attenuate interior noise levels not to exceed 45 dBA (Ldn).

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 west side of Brown Station Road, approximately 165 feet north of Dill Drive.

3. Environmental - This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. Current aerial photos indicate that about one-fourth of the site is wooded. A Forest Stand Delineation and Type I Tree Conservation Plan were submitted for review. Although the plan was incorrectly labeled as a Type II TCP, the plan is being processed as a Type I TCP. The Tree Conservation Plan, TCP I/17/01, proposes to meet the required 0.44 acres of woodland conservation by providing 0.57 acres of on-site preservation. The Environmental Planning Section is recommending approval of TCP I/17/01.

   The Environmental Planning Section previously approved a Woodland Conservation Exemption for this property numbered E/51/00. That exemption letter was issued based on the proposal that the applicant would not be removing any woodland. That exemption is not valid for this application because the applicant is proposing the removal of woodland.

No historic or scenic roads are affected by this proposal. No rare/threatened/endangered species are known to occur in the project vicinity. According to Sewer Service and Water Service maps, the property is in water and sewer categories W-3 and S-3. The soils information included in the review package indicate that no problematic soils occur in the proposed development area.

Brown Station Road is identified in the Subregion VI Master Plan as a significant noise source. The vehicular noise would impact residential development within 239 feet of the centerline of Brown Station Road. However, the applicant is proposing a commercial use of the property. If residential development is proposed for this site in the future, the location of dwellings should be carefully sited as to not encroach within 239 feet of the centerline of Brown Station Road. However, if future dwellings are located within this set back, achitectural certification should be provided to ensure that interior noise levels do not exceed 45 dBA (Ldn).

4. Community Planning - The subject property is located within *The 1993 Subregion VI Master Plan*, in Planning Area 79. The master plan land use recommendation for this area is for low suburban residential density. The proposed subdivision conforms with the Subregion VI Master Plan. There are no master plan issues associated with this application.

5. Parks and Recreation - In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed preliminary plan is exempt from the mandatory parkland dedication because the lot proposed is greater than one acre is size.

6. Trails - There are no master plan trail issues associated with this plan.

7. Transportation - The subject property consists of approximately 2.23 acres of land in the R-R Zone. The property is located on the west side of Brown Station Road about 200 feet north of Dille Drive. The applicant proposes a single parcel for a 200-student day care center.

The applicant submitted a traffic study in support of the application dated June 2001. The findings and recommendations outlined below are based upon a review of these 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.* The study was referred to both the County Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). DPW&T comments were received, however; no comments have been received to date from SHA.

The traffic generated by the proposed preliminary plan would impact the intersections of Brown Station Road/site entrance and Brown Station Road/Dille Drive/John Rogers Boulevard, both of which are unsignalized. The existing conditions exist at the critical intersections:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Brown Station Road/site entrance	planned			
Brown Station Road/Dille Drive/John Rogers Blvd.	27.1*	22.8*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movment within the intersection. According to the *Guidelines*, an average delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

Five nearby developments were included in background traffic. A 2.0 percent through-traffic growth was assumed along Brown Station Road. The following background traffic conditions were determined:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Brown Station Road/site entrance	planned			
Brown Station Road/Dille Drive/John Rogers Blvd.	36.6*	30.2*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, an average delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

The application is a preliminary plan of subdivision for a parcel which is proposed to contain a 200-student day care center. The proposed day care center would generate 154 AM (82 in, 72 out) and 153 PM (72 in, 81 out) peak hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals* and data in the Institute of Transportation Engineerr= *Trip Generation Manual* (sixth edition). The applicant determined that 30 percent of site-generated traffic would likely be pass-by, but did not take that factor into account in order to be conservative. Staff disagrees with this approach and has instead utilized the factor, with 60 percent of pass-bys from northbound traffic and 40 percent of pass-bys from southbound traffic. The site was analyzed using the following trip distribution:

John Rogers Blvd. from the east: 30%
MD 725 from the east: 30%
MD 725 from the west: 15%

Brown Station Road from the north: 25%

With site traffic, the following operating conditions were determined: