

R E S O L U T I O N

WHEREAS, Pumpkin Hill Properties Limited Partnership is the owner of a 3.307-acre parcel of land known as Parcel G, p/o Parcel C, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned C-O; and

WHEREAS, on July 26, 2001, Mason Dixon Funding filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01060 for Apple Hill Walk 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 November 1, 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 November 1, 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 Preliminary Plan of Subdivision 4-01060, Apple Hill Walk for Lots 1-3 with the following conditions:

1. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, Concept #8320102-2000, or any revisions thereto.
2. The following notes should be placed on the final plat:
 - a. Access to Lot 2 is provided pursuant to the provisions of Section 24-128(b)(9) of the Subdivision Regulations.
 - b. Direct vehicular access to Laurel-Bowie Road (MD 197) is denied from all lots.
 - d. 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.
3. Prior to signature approval, the preliminary plan shall be revised to:
 - a. Graphically depict the 10-foot public utility easement.

- b. Change South Laurel Road to South Laurel Drive.
 - c. Remove reference to the City of Laurel Police Station in the Vicinity Map and replace it with the distance to the county=s District VI station in Beltsville.
4. Total development of this site shall be limited to permitted uses which generate no more than 210 AM and 173 PM peak-hour vehicle trips. Any development which generates more trips than that identified herein above shall require an additional Preliminary Plan of Subdivision with a new determination of the adequacy of transportation facilities.

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 in the northwest quadrant of the MD 197/South Laurel Drive intersection, southeast of the MD 197/Baltimore-Washington Parkway interchange.
3. Environmental IssuesCThis site is relatively flat, sloping towards the southeast. There are no steep and/or severe slopes associated with the site. The site for the most part is located in the Beaverdam Creek watershed, which is a tributary of the Anacostia River. A small portion in the northeast corner of the parcel is located in the Patuxent River watershed. The predominant soil type on the site is Keyport. This soil series exhibits moderate to severe limitations to development due to impeded drainage, seasonally high water table, poor stability, and slow permeability. There are no perennial streams, floodplains, Waters of the US, or nontidal wetlands associated with the site. Noise is not a consideration for the subject property. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property.

This property is not subject to the provisions of the Woodland Conservation Ordinance. While it is more than 40,000 square feet in size, it contains less than 10,000 feet of woodland and does not have a previously approved Tree Conservation Plan. A Standard Letter of Exemption from the Ordinance was issued by the Environmental Planning Section, Countywide Planning Division, dated January 26, 2001. A Tree Conservation Plan will not be required. The Letter of Exemption from the Ordinance should accompany all future applications for plans and permits.

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

4. Community PlanningCThe 1990 *Master Plan for Subregion I* recommends retail commercial development of this property. The 1990 *Sectional Map Amendment for Subregion I* rezoned this property from C-C to C-O. Th property is currently the subject of a rezoning application (A-9946) which seeks to rezone the property to C-S-C. The

property is also the subject of a special exception application (SE-4397). Two corrections need to be made to the preliminary plan. The plan incorrectly identifies South Laurel Drive as South Laurel Twist. The Vicinity Map references the City of Laurel police station. Laurel police are not responsible for this property. The closest relevant police station is the county's District VI station in Beltsville.

5. Parks and Recreation 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.
6. Trails There are no master plan trail issues associated with this application.
7. Transportation The applicant submitted a traffic study dated July 2000 in support of SE-4397, and staff is utilizing the same study in its review of this application. The findings and recommendations outlined below are based upon a review of these materials and analysis conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The Transportation Planning Section has reviewed the submitted traffic study. It should be noted that the study is dated July 2000, while the current subdivision application was filed in July 2001. Although staff may have had reason to request a revised study, this was not done for two reasons: (1) it was desirable not to have a second set of numbers in use, given that traffic had already been reviewed for the special exception; and (2) a major rerouting of traffic associated with the reconstruction of the Baltimore-Washington Parkway/MD 197 interchange has occurred during the summer, making new counts unrepresentative.

The traffic study is based upon the following uses:

- A service station with convenience store having 12 fueling positions
- Either 20,000 square feet of retail space, or two 2,500-square-foot fast food restaurants.

The traffic study examined the site impact at three intersections which are critical to traffic accessing the subject property (all three are controlled by traffic signals):

MD 197/South Laurel Drive
MD 197/Snowden Road/B-W Parkway NB off-ramp
MD 197/B-W Parkway SB off-ramp

The transportation staff has fully reviewed the traffic study as submitted by the applicant. The existing conditions (prior to November 1, 2000) at the following intersections are summarized below:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 197/South Laurel Drive	1,149	1,274	B	C
MD 197/Snowden Road/B-W Parkway NB off-ramp	1,094	1,407	B	D
MD 197/B-W Parkway SB off-ramp	1,012	1,069	B	B

Under existing traffic, all three intersections under study operate acceptably during both peak hours. The *Guidelines* identify signalized intersections operating at LOS D or better during both peak hours as acceptable. The traffic study shows approved development in the area and assumed a three percent annual growth rate for through traffic in the area.

The MD 197/Baltimore-Washington Parkway interchange is being reconstructed. Although a schedule released in 1997 indicated that the project would be in the sixth of six phases at this time, work has not yet progressed beyond the third phase, but is continuing. Upon completion of the interchange (which is fully funded for construction) the movement from northbound Parkway to northbound MD 197 will be on a flyover, which will greatly improve traffic operations at the MD 197/Snowden Road intersection. Also, the four-lane section along MD 197 will be extended through the South Laurel Drive intersection. Background conditions are summarized below:

BACKGROUND CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 197/South Laurel Drive	754	675	A	A
MD 197/Snowden Road/B-W Parkway NB off-ramp	714	734	A	A
MD 197/B-W Parkway SB off-ramp	1,127	1,211	B	C

With the significant improvements that are under construction in the area, all existing study area intersections would operate acceptably under background traffic.

The site is proposed for development with a service station/convenience store and a retail/commercial development. Although the transportation staff has some concerns about the site trip generation shown in the traffic study, none of these concerns are significant enough to change the results of the traffic study (see transportation memorandum section).

The transportation staff agrees fully with the methodology used in the traffic study to assign the new and pass-by trips which would be generated by the development. The site would generate the following peak-hour trip quantities (after subtracting the effect of pass-by trips):

Gas Station	AM: 24 in, 24 out, 48 total PM: 32 in, 32 out, 64 total
Fast Food Restaurants	AM: 83 in, 79 out, 162 total PM: 57 in, 52 out, 109 total
TOTAL	AM: 107 in, 103 out, 210 total PM: 89 in, 84 out, 173 total

Once again, these uses represent the highest impact generators of uses suggested by the applicant. The property will be capped at this quantity of peak-hour trip generation, but the final use of the property may be different as long as it does not have a greater peak-hour trip impact. Given the information provided, staff obtains the following results under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 197/South Laurel Drive	889	821	A	A
MD 197/Snowden Road/B-W Parkway NB off-ramp	777	759	A	A
MD 197/B-W Parkway SB off-ramp	1,186	1,262	C	C

Agency comments were provided at the time that the special exception was reviewed. The State Highway Administration (SHA) had initially given particular concern to impacts at the MD 197/South Laurel Drive intersection. However, the SHA agreed with the findings of the traffic study, which indicates acceptable service levels within the study area and no need for additional improvements to be funded by the applicant.

No dedication is required by this plan along MD 197 in connection with master plan requirements. The transportation staff recommends that the site not have direct driveway access onto MD 197. It would follow that Lots 2 and 3 would have a combined access because only one of these lots has access onto South Laurel Drive.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the transportation-related conditions included in this report.

8. Schools CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998). The proposed subdivision is exempt from the adequacy of public facilities test for schools because it is a commercial use and no residential uses are proposed.
9. Fire and Rescue CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service response time of 6.77 minutes, which is beyond the 3.25-minute response time guideline.
 - b. The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road has a service response time of 4.74 minutes, which is beyond the 4.25-minute response time guideline.
 - c. The existing paramedic service at Laurel Rescue Squad, Company 49, has a service response time of 4.74 minutes, which is within the 7.25-minute response time guideline.
 - d. The existing ladder truck service at Beltsville Fire Station, Company 31, located at 4911 Prince George=s Avenue has a service response time of 9.44 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, 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. Police Facilities CThe proposed development is within the service area for District VI-Beltsville. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, existing county police facilities will be adequate to serve the proposed Apple Hill Walk development.
11. Health Department CThe Health Department reviewed the application and offered no comment.

12. Stormwater Management CThe Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8320102-2000, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
13. Public Utility Easement CThe preliminary plan does not include the required 10-foot-wide public utility easement. This easement must be included on the preliminary plan along all public rights-of-way prior to signature approval.
14. Denied Access CAs noted in the Transportation Finding, access to MD 197 should be denied for safety reasons. Access to proposed Lot 2 is provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations, as a private easement, from South Laurel Drive. A note to that effect should appear on the final plat.
15. Effect of Rezoning CThe current rezoning application is pending and no final decision has been made. A denial of the rezoning application will not affect the lotting pattern presented by this subdivision. Development could proceed with other permitted uses in the C-O Zone, under the caps established by the approval of this preliminary plan. Conversely, if the rezoning and special exception applications are approved, they may include conditions relating to development of this site. Development of this site will be required to be in conformance with the conditions of all approvals (preliminary plan, special exception, rezoning, and any required detailed site plan). If a detailed site plan is required by approval of a rezoning application for any or all of the property, staff believes that requirement should not be subject to the orders of approval because it should not affect the lotting pattern. Therefore, final plats may be approved prior to the approval of any detailed site plans required.

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Brown, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 1, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of November 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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