

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

WHEREAS, Shashikant T. & Tarulata S. Patel are the owners of a 1.74-acre parcel of land known as (Parcel E, REP 167@5, being located on Taxm Map 97 and Grid F-1, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned C-O; and

WHEREAS, on March 18, 2004, Shashikant T. & Tarulata S. Patel filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04049 for 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 May 20, 2004, 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 May 20, 2004, 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/12/99-01), and further APPROVED Preliminary Plan of Subdivision 4-04049, for Parcel G with the following conditions:

1. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.
2. 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 and be reviewed by the Environmental Planning Section prior to certificate approval. The following note shall be placed on the final 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.”

3. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/12/99-01). 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 (TCPI/12/99-01), 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 either in conjunction with the Detailed Site Plan, or prior to the issuance of permits, whichever comes first.

5. The following note shall be placed on the final plat:

"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, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate."

6. Development shall be in conformance with the approved stormwater management Concept Plan, #8329127-2000-00, or any approved revisions thereto.

7. Prior to approval of the final plat, the approved stormwater management concept plan shall be renewed and/or revised.

8. Prior to the issuance of permits, the applicant, his heirs, successors and/or assignees shall have the scrap tires hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt shall be turned in to the Health Department.

9. Total development of Parcel G, as shown on the preliminary plan, shall be limited to permitted uses which generate no more than 62 AM and 76 PM peak-hour vehicle trips. Any development that generates more trips than those identified herein 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 property is located on the east side of Mercedes Boulevard, south of Auth Road and approximately 1,200 feet east of MD 5.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	C-O	C-O
Use	Vacant	Hotel
Acreage	1.74	1.74
Parcels	1	1
Hotel Rooms	0	95

4. **Environmental**—There is a stream and floodplain on the property associated with Henson Creek in the Potomac River Watershed. There are no wetlands on the property. Current air photos indicate that 60 percent of the site is wooded. No historic or scenic roads are affected by this proposal. The Capital Beltway (I-95) is a noise source. The proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened, or endangered are known to occur in the general region. The “Prince George’s County Soils Survey” indicates that the principal soils on the site are in the Croom, Bibb, and Chillum soils series. According to available information, Marlboro clay does not occur on this property. There are no designated scenic and historic roads in the vicinity of this application.

#### **Woodland Conservation**

A Forest Stand Delineation (FSD) was previously reviewed and was found to meet the minimum requirements for acceptance. No further information or action is required at this time with regard to the FSD.

This site is subject to the provisions of the Woodland Conservation Ordinance. A Type I Tree Conservation Plan, TCPI/12/99, was approved by Prince George’s County Planning Board Resolution No. 00-158. The current plan does not propose any changes to the previously approved TCPI. No action is required with regard to the Type I Tree Conservation Plan. Development will need to be in conformance with the approved Tree Conservation Plan.

#### **Streams, Wetlands and Buffers**

The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. Previous subdivision applications have addressed the proposed impacts. Permits have been obtained for the work as shown on the TCPI. No new information is required with regard to requirements of Section 24-130. The subject property was recorded on November 12, 2002, as plat #195@29 with the appropriate easements shown. These easements must be carried forward on the new plat.

#### **Soils**

The “Prince George’s County Soils Survey” indicates that the principal soils on the site are in the Croom, Bibb, and Chillum soils series. Bibb soils are associated with floodplain. Croom and

Chillum soils present no special problems for development unless they are associated with steep slopes. No further action is needed with regard to soils.

### **Noise**

Noise impacts have been identified on this site, which should be addressed if a residential use on the subject property is proposed. The Capital Beltway is a major noise source and is located within close proximity to the subject property. This property is zoned C-O not generally regulated for noise; however, if residential-type uses are proposed, the state noise standards must be met for building interiors.

Because hotels are residential in nature, prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis should be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.

### **Water and Sewer Categories**

The water and sewer categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

5. **Community Planning**—This property is located in the Developed Tier as defined by the 2002 General Plan. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The proposal is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The Approved Heights and Vicinity Master Plan (2000) recommends office use for the property. The natural features map shows a portion of the property as a natural reserve area. A natural reserve area has physical features that exhibit severe constraints to development or which are important to sensitive ecological systems. The subject property was rezoned from the C-M Zone to the C-O Zone through the Heights SMA in 2000. This application is in conformance with the land use recommendations of the master plan. Hotels are permitted uses in the C-O Zone; a detailed site plan will be required because the property abuts residentially zoned land [Section 27-461(b) of the Zoning Ordinance].

6. **Parks and Recreation**—The proposal is exempt from the requirements of Section 24-134 of the Subdivision Regulations for mandatory dedication of parkland because it is a commercial use in a commercial zone.
7. **Trails**—There are no master plan trails issues associated with this proposed subdivision.
8. **Transportation**—This application involves a parcel that was originally legally subdivided under Preliminary Plan of Subdivision 4-77207. (The property has been resubdivided several times

since, the most recent occurring in 2002 in Preliminary Plan 4-02036.) 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. Furthermore, recent counts have been provided by the applicant to address current concerns. 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*.

### **Growth Policy - Service Level Standards**

The subject property is located within the Developed Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

### **Summary of Traffic Impacts**

The application is a proposal to resubdivide existing Parcel E of Ballowe Property, which is zoned C-M, and create a new parcel on top of the original. The existing parcel is recorded and unimproved, but has a trip cap that restricts development to the equivalent number of trips generated by a 79-room hotel. This is the equivalent of 51 AM and 63 PM peak-hour vehicle trips.

The applicant has submitted a site plan indicating the intent to develop a 95-room hotel, and for that reason the trip cap must be re-examined. The hotel proposal would generate 62 AM and 76 peak-hour vehicle trips. There would be a net of 11 AM and 13 PM additional trips.

The intersection of Auth Road and I-95 Southbound Off-Ramp/Auth Place is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve virtually all of the site-generated traffic. The transportation staff has available counts taken by a traffic consultant in 2003. These counts indicate that the critical intersection operates at Level-of-Service (LOS) A, with a critical lane volume (CLV) of 930, during the AM peak hour. During the PM peak hour, the intersection

operates at LOS B with a CLV of 1,016.

There are no funded capital projects at this intersection in either the county Capital Improvement Program or the state Consolidated Transportation Program that would affect the critical intersection. There are three approved but unbuilt developments that would affect the intersection, but those three are large developments. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,247; PM peak hour—LOS C, with a CLV of 1,257.

With the development of a 95-room hotel, the site would generate 62 AM (28 in and 34 out) and 76 PM (41 in and 35 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 15 percent—south along MD 5, 15 percent—north along MD 5, 35 percent—east along Beltway, and 35 percent—west along Beltway. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,277; PM peak hour—LOS C with a CLV of 1,296.

Therefore, the critical intersection would operate acceptably in both peak hours. However, the transportation staff would propose limiting development on proposed Parcel G to permitted uses which would generate no more than the number of peak hour trips stated above.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposed subdivision is exempt from the adequacy test for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation 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 Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road, has a service travel time of 4.02 minutes, which is beyond the 3.25-minute travel time guideline.
  - b. The existing ambulance service at Silver Hill Fire Station, Company 29, has a service travel time of 4.02 minutes, which is within the 4.25-minute travel time guideline.
  - c. The existing paramedic service at Silver Hill Fire Station, Company 29, has a service travel time of 4.02 minutes, which is within the 7.25-minute travel time guideline.
  - d. The existing ladder truck service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 7.21 minutes, which is beyond the 4.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in 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, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

11. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department noted the presence of domestic trash and scrap tires on the property. The trash and debris must be disposed of properly. The tires must be hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be turned in to the Health Department. The Health Department reminds the applicant that raze permits are required prior to demolition of any structure on the site.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #8329127-2000-00, 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 June 30, 2004. An extension and/or revision will likely be required. Development must be in accordance with this approved plan or any revisions thereto.
14. **Cemeteries**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
15. **Public Utility Easement**—The plan includes the required ten-foot-wide public utility easement. This easement will be recorded 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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, Harley and Hewlett voting in favor of the motion, and with Commissioner Squire absent, at its regular meeting held on Thursday, May 20, 2004, in Upper Marlboro, Maryland.

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Adopted by the Prince George's County Planning Board this 10th day of June 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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