

R E S O L U T I O N

WHEREAS, Naginbhai and Indumati N. Patel are the owners of a 1.29-acre parcel of land known as Parcels 32 and 33, Tax Map 25, Grid E-2, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned C-S-C and M-U-I; and

WHEREAS, on April 1, 2005, Baywood Hotels filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05012 for Townplace Suites by Marriot 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 8, 2005, 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 8, 2005, 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/65/04), and further APPROVED Preliminary Plan of Subdivision 4-05012, Townplace Suites by Marriot for Lot 1, including a Variation from Section 24-130 for the sewer line connection with the following conditions:

1. Prior to signature approval of the preliminary plan, a copy of the revised stormwater management concept approval letter with associated plans must be submitted to the Environmental Planning Section.
2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/65/04). 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/65/04), 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.

3. At time of final plat, a conservation easement shall be described by bearings and distances. The

conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. 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 are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.

4. Prior to the issuance of any permits which impact jurisdictional wetland, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with.
5. The applicant and the applicant's heirs, successors, and/or assignees shall provide a five-foot-wide sidewalk, separated from the curb by a landscaped strip, along the site's frontage of US 1, unless modified by SHA.
6. A Type II tree conservation plan shall be approved in conjunction with the required detailed site plan.
7. Development shall be in accordance with the approved Stormwater Management Concept Plan (31315-2002-00), or any approved revisions thereto.
8. The total development within the subject property shall be limited to construction of a 75-room business hotel, or different uses generating no more than 44 AM and 47 PM peak-hour trips, respectively.
9. The applicant shall demonstrate dedication of at least 55 feet from the existing centerline along US 1 and 30 feet from existing centerline along Autoville Drive.
10. The applicant shall meet reforestation requirements within the City of College Park at locations designated by the City and approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC).
11. The applicant shall be required to meet the quality and quantity standards for stormwater management through low impact development techniques and/or make a payment to be determined by the Prince George's County Department of Environmental Resources, to be used specifically for the restoration of the Paint Branch.
12. The applicant shall submit a revised traffic impact study at the time of detailed site plan or provide the city with a letter from M-NCPPC indicating the signalized intersections to be included in the traffic impact study based on segmentation of the corridor, in accordance with the US 1 Corridor Sector Plan.
13. The applicant shall address the following at the time of detailed site plan:

- a. Design the Baltimore Avenue driveway as a “porkchop” configuration that precludes left turns out of the site, unless a median has been constructed on Route 1 in front of the site entrance.
- b. The hotel façade on Baltimore Avenue shall occupy a minimum of 50 percent of the street frontage in accordance with the Route 1 Sector Plan Development District Standards.
- c. Include a pedestrian entrance to the hotel from Baltimore Avenue.
- d. The hotel design shall be of high quality and constructed with a minimum of 75 percent brick on the exterior.
- e. The site plan shall provide for access to a proposed future Hollywood Road, via a proposed future easement through the property at 9604 Baltimore Avenue.

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 a combination of two parcels between US 1 (to the east) and Autoville Drive (to the west).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-S-C & M-U-I	C-S-C & M-U-I
Uses	Abandoned Building	Hotel
Acreage	C-S-C 0.9 ac. M-U-I 0.39 ac. Total 1.29 ac.	C-S-C 0.9 ac. M-U-I 0.39 ac. Total 1.29 ac.
Lots	0	1
Parcels	2	0
Square Footage/GFA	1,204	43,725

4. **Environmental**—The site is characterized by terrain sloping gradually toward the northwestern half of the site and drains into unnamed tributaries of the Paint Branch watershed in the Anacostia River basin. A review of the available information indicates that there are streams, highly erodible soils, and wetlands associated with the site. There are no Marlboro clays found to occur on the site. Baltimore Avenue is currently a collector roadway not generally regulated for noise. The primary soil types found to occur on the subject property according to the Prince George's County Soils Survey are Matapeake, Sassafras and Woodstown. These soil series generally

exhibit slight to moderate limitations to development when associated with steep slopes, a seasonally high water table, and impeded drainage. Based on the information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled, "Ecologically Significant Areas in Anne Arundel and Prince George's Counties" December 1997, there are no rare, threatened or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property. This property is located in the Developed Tier as delineated on the adopted General Plan.

Environmental Issues Addressed in the College Park US 1 Corridor Sector Plan

Specific sector plan recommendations related to the environmental elements that apply to this application include stormwater management, stream restoration, wetlands, and woodland conservation.

There are three environmentally related Development District Standards and related Design Standards that apply to the subject property. The applicable sections are addressed below. Text in bold represents quotes from the sector plan.

S6. Trees, Planting and Open Space

- B. The planting of trees on sites proposed for new development and/or redevelopment shall be counted toward meeting the Woodland Conservation Ordinance requirements. Street trees planted on abutting road rights-of-ways may also be counted toward meeting the requirement.**

Comment: A forest stand delineation and Type I tree conservation plan were submitted with the subject application as required. Additional comments will be provided on them later in this report.

- C. Afforestation shall be accomplished through the provision of shade and ornamental trees. Tree cover shall be provided for a minimum of 10 percent of the gross site area and shall be measured by the amount of cover provided by a tree species in 10 years. Street trees planted along abutting right-of-way may be counted toward meeting this standard. Exceptions to this standard shall be granted on redevelopment sites where provision of 10 percent tree cover is not feasible due to existing buildings and site features.**

Comment: The gross tract area of the Preliminary Plan is 1.29 acres and the site is substantially wooded. The site contains a stream and associated wetlands. This requirement will be met through the preservation of the woodlands in these areas.

S7. Stormwater Management

- A. Low impact development techniques, as contained in the current version of the design manual “Low Impact Development Design Strategies An Integrated Design Approach,” as published by the Department of Environmental Resources, shall be used on all sites as either the primary or secondary method of collecting and/or treating stormwater.**
- C. If the construction of stormwater management facilities results in the removal of trees or existing woodland, the area should be replaced within the same site. Wherever possible, bioengineering techniques should be used to reestablish the woodland lost.**
- D. The use of underground retention facilities shall be considered through the development district, especially in the main street (3a and 3b) and town center (1a, 1b, 1c, 1d and 1e) subareas.**
- E. Stormwater management facilities should be designed as visual amenities that are visible from a building or a street, rather than located in isolated areas. Openings in any screening treatments shall be provided to facilitate observation of the area.**

Comment: The revised plan has eliminated the stormwater management pond and now shows the use of roof drain filters and other devices. This concept will have to be approved by the Department of Environmental Resources prior to signature approval of the preliminary plan. (Note that paragraph B of the standards is not listed and does not apply because it refers to existing facilities.) DER should consider in its approval

participation by the property owner in a pro-rata share of the restoration costs of the Paint Branch watershed.

The following plan recommendations relate to specific elements that comprise the environmental framework, as it relates to stormwater management, stream restoration and wetlands in particular.

- 1. Low impact stormwater management methods should be used on new development or redevelopment projects.**
- 3. Preserve and reestablish woodland when constructing stormwater management ponds.**
- 4. Restore physically degraded streams through the implementation of bioengineering techniques.**

Comment: The review package as submitted contains evidence that a site visit was conducted as required. Results from the site visit indicate that the stream is in good condition considering the amount of impervious surface runoff flowing through this site. Furthermore, this segment of the stream is part of larger study area currently under

review consideration. Paint Branch and its tributaries have changed considerably in the last two years.

6. New development should avoid impacting wetlands.

Comment: Impacts to stream buffer areas including wetlands are marginal and exclusively for sewer connection.

Woodland Conservation

The revised forest stand delineation (FSD) was reviewed and was found to meet the requirements of the Woodland Conservation Ordinance. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size, and it contains more than 10,000 square feet of existing woodland. The Type I Tree The Conservation Plan (TCPI/65/04) was reviewed and was found to conform with the requirements of the Woodland Conservation Ordinance.

The minimum woodland conservation requirement for the site is 0.19 acre of the net tract. An additional 0.10 acre is required due to the removal of woodlands on-site, for a total woodland conservation requirement of 0.29 acre. The plan shows the requirement being met with 0.19 acre of on-site preservation, 0.03 acre of reforestation and 0.07 acre of mitigation provided using fee-in-lieu. This is an appropriate use of fee-in-lieu because the amount of off-site mitigation is less than one acre total.

Streams, Wetlands and Floodplains

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. For the purposes of this review, these areas include all of the expanded stream buffer and any isolated sensitive environmental features. The expanded stream buffer is correctly shown on the Preliminary Plan and the Type I TCP.

The plan proposes impacts to an expanded stream buffer. Impacts to expanded stream buffers are prohibited by Section 24-130(b)(6) and (7) of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Staff notes that the expanded stream buffer bisects the property. A variation request, dated July 26, 2005, in conformance with Section 24-113 of the Subdivision Regulations, has been submitted.

The proposed impact is for the construction of a sewer line connection to serve the proposed building. This will disturb a total of approximately 300 square feet of the expanded stream buffer. No federal or state wetland permits will be required for the proposed impact.

Variation Analysis

The following is an analysis of the required findings of Section 24-113 with regard to the

variation:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The variation requested for impacts to the expanded stream buffer is appropriate and considered necessary to meet other sections of the County Code. The approval of this impact will not create conditions detrimental to the public safety, health or welfare, or injurious to other property; and will provide the necessary utilities and structures to protect public safety, health and welfare. The design has been revised to reduce the overall impacts.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The conditions of the property are unique with respect to the placement of the existing stream and the expanded buffer and the required placement of the sewer line connection to serve the proposed building. The stream buffer provides the closest opportunity for the connection and access required.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

No other variances, departures or waivers are required with respect to stormwater discharge. All appropriate federal and state permits must be obtained before the construction can proceed. Because there are state permitting processes to review the proposed impacts to nontidal wetlands, wetland buffers and Waters of the U.S., the construction proposed does not constitute a violation.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

Due to the configuration of this site, the location of the stream and the wetlands, and the fact that no other reasonable options are possible which would further reduce or eliminate

the extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variation request.

Water and Sewer Categories

The property is in water category W-3 and sewer category S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. This development will utilize these public facilities.

5. **Community Planning**—The property is in Planning Area 66/Subareas 5b (Autoville Drive Mixed-Use Area) and 6a (North Gateway Mixed Commercial Area). The 2002 General Plan places the property in the Developed Tier, in a designated corridor (Baltimore Avenue—US 1). The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* shows the site to be located in both Subareas 5b (the western portion adjoining Autoville Drive) and 6a (the balance of the site). Subarea 5b is recommended for a mix of uses in the form of single-family attached and multifamily residential development.

Subarea 6a is recommended for mixed-use development, consisting of a mix of retail/commercial and office uses. This application does not impair the master plan recommendation.

Planning Issues

The site is located in both Subareas 6a and 5b. The sector plan recommends compact infill development with a mix of commercial uses in Subarea 6a. The proposed use as a motel conforms to this recommendation. The portion of the site located in Subarea 6a is recommended for compact development. The sector plan defines compact development as “buildings located close to the street frontage and close to each other. Parking is available on the street or is located to the rear of buildings...the overall impression created for the passing pedestrian, bicyclist or motorist is immediate and interesting, and encourages individuals to enter buildings from the street” (pg. 28). The proposed use as a motel poses design challenges to this recommendation that should be addressed at the time of detailed site plan. The applicant should be encouraged to explore creative design solutions to achieve the desired vision for the US 1 Corridor and to mitigate the potential impact of a typically auto-oriented use.

Subarea 5b is recommended for comprehensively planned redevelopment with a mix of residential housing types. Although the proposed use does not conform to this recommended land use, a motel use is not incompatible with residential development if care is taken to mitigate its impacts during design and development.

Development District Standards

Because this site is within the DDOZ, development will have to be in accordance with an approved detailed site plan. Development quality along the US 1 Corridor is of utmost importance to achieve the envisioned character and meet the goals of the College Park/US 1 sector plan. The applicant is encouraged to meet with the community planner for the College Park planning area and with Development Review staff to work through these issues, gain an understanding of the recommendations of the College Park/US 1 sector plan, and to develop plans that comply with the Development District Standards and meet the goals of the sector plan.

6. **Parks and Recreation**—The proposed subdivision is exempt from the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations because no dwelling units are proposed.
7. **Trails**—The adopted and approved College Park US 1 Corridor sector plan recommends continuous sidewalks or wide sidewalks plus on-road bicycle facilities along the entire length of US 1. The preferred cross section is shown in Figure 3 on page 59 of the plan. This cross section reflects five-foot-wide sidewalks along both sides of the road, plus 16-foot-wide outside curb lanes. Eleven feet will be used for motor vehicles as the travel lane, and the outside five feet will be for bicycle use, either as a wide curb lane or a striped bike lane. These improvements have been implemented by the IKEA development just north of the Beltway. Staff recommends that these same improvements be incorporated into the road frontage improvements of the subject site, per the concurrence of SHA.

SIDEWALK CONNECTIVITY:

Sidewalks along US 1 are currently fragmented and missing in many areas, including the frontage of the subject site. Autoville Drive is an open section with no sidewalks. .

8. **Transportation**—The proposed application is for the construction of a 75-room business hotel. Using the recommended trip generation rates for the proposed use in the most recent edition of the Institute of Transportation Engineers' *Trip Generation Manual*, the proposed development would generate 44 AM (26 in, 18 out) and 47 PM (28 in, 19 out) peak-hour vehicle trips.

The traffic impact study submitted in support of the proposed application was found to be acceptable. Staff forwarded the submitted traffic impact study to appropriate county and state agencies for their review and comments. This traffic study was prepared in accordance with the recommended procedures outlined in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* and the sector plan's recommended adequacy standard for transportation facilities. The sector plan recommends Level-of-Service E as an adequacy standard for any proposed development within the sector plan boundary. This standard is also based on the average peak period levels of service for all signalized intersections along a certain segment of US 1, in this case, the segment between the Capital Beltway and University Boulevard (MD 193).

Based on the analysis conducted for the subject site and reported in the submitted traffic study, all signalized intersections along this segment of US 1 would operate at acceptable levels of service under existing, background, and total traffic, which includes the traffic generated by the proposed development. It is important to note again that this finding is in accordance with the adequacy requirements (average peak period LOS E for all signalized intersections along the corridor), as specified in the approved and adopted US 1 sector plan.

The review of the plan itself has revealed no significant problems. While it would have been ideal to limit the subject property access to only right-in/right out, the proposed left-turn from northbound US 1 can be accommodated from the existing two-way left turn lane on US 1 and has been found to be acceptable by the State Highway Administration. The SHA's approved plan for US 1 recommends reconstruction of US 1 as a divided highway facility. When this is done, the proposed left-turn from US 1 northbound might be eliminated. Finally, US 1 is proposed as major collector with 90-110 feet of rights-of ways in the US 1 sector plan. Review of the preliminary plans prepared by SHA demonstrate the need for at least 55 feet of right-of-way from existing centerline along US 1 in the proximity of the subject site, as shown in the revised preliminary plan.

Conclusions and Recommendations

Based on the preceding findings, adequate roads will exist as required by section 24-124 of the Prince George's County Code, if the proposed preliminary plan of subdivision is approved with conditions limiting the total development of the site to levels shown in the traffic study and requiring the necessary roadway dedication.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for review 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 review for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this commercial subdivision (thus not subject to CB-56-2005) for adequacy of fire and rescue facilities. The existing fire engine service at Branchville Fire Station, Company 11, located at 4905 Branchville Road, has a service travel time of 1.66 minutes, which is within the 3.25-minute travel time guideline.

The existing ambulance service at Branchville Fire Station, Company 11, located at 4905 Branchville Road, has a service travel time of 1.66 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 2.41 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 2.41 minutes, which is within the 4.25-minute travel time guideline

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck, and paramedic services.

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*

11. **Police Facilities**—The proposed development is within the service area for Police District I-Hyattsville. The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reviewed the application and reminds the applicant that a raze permit is required prior to the demolition of the existing building.
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, 31315-2002-00, has been approved. Development must be in accordance with this approved plan or any revisions thereto.
14. **Historic/Cemeteries**—There are no known cemeteries on the subject property. A Phase I archeological survey was not recommended for this site.
15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to all public rights-of-way. It is accurately reflected on the proposed preliminary plan and will be included 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.

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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 Vaughns, seconded by Commissioner Eley, with Commissioners Vaughns, Eley, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, _____
September 8, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of October 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk