

R E S O L U T I O N

WHEREAS, Amish, Inc. is the owner of a 5.52-acre parcel of land known as Lot 3, Tax Map 85 in Grid C-3, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-S; and

WHEREAS, on January 18, 2006, Landesign, Inc. 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 4-05136 for Forest Hills Motel 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 March 30, 2006, 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 March 30, 2006, 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/29/04), and further APPROVED Preliminary Plan of Subdivision 4-05136, Forest Hills Motel, including a Variation from Section 24-121(a)(3) for Forest Hills Motel with the following conditions:

1. Prior to signature approval of the Preliminary Plan, the TCPI shall be revised to add the following note:

“This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for TCPI/29/04, Forest Hills Motel. The TCPI will be modified by a Type II tree conservation plan in conjunction with the approval of a detailed site plan, a specific design plan, and/or a grading permit application.”

2. All afforestation and associated fencing shall be installed prior to the issuance of the building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
3. At time of final plat, a conservation easement shall be described by bearings and distances. The

conservation easement shall contain all afforestation areas 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 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. 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/29/04), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005.”

5. Prior to the signature approval of any 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 have been designed to reduce interior noise levels to 45 dBA or less.
6. Prior to signature approval of the preliminary plan, copies of the approved stormwater management concept plan and approval letter shall be submitted. The Type I tree conservation plan shall be revised to reference the approval number.
7. Subject to approved Stormwater Management Concept Approval # 22870-2003-00 and any revisions.
8. There are two sewage disposal systems (SDS) located on the site. The location of both the northern and the southern sewage disposal systems must be located on the preliminary plan prior to signature approval.
9. All development on-site shall be connected to WSSC's public sewage system at a time determined by the Health Department. Once this connection has been made, the abandoned septic tanks must be pumped out by a licensed scavenger and either removed or backfilled in place.
10. The two abandoned wells located within the confines of the property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department at a time determined by the Health Department.
11. Prior to issuance of any building permits, the applicant, his heirs, successors or assignees shall pay to Prince George's County the following contribution to be applied to improvements along US 301:

A fee calculated as \$451.65 per additional motel room X (the most recent FHWA

Highway Construction Cost Composite Index four-quarter average available at time of building permit application)/(the FHWA Annual Highway Construction Cost Composite Index for 2nd quarter, 1989. For the purpose of computation, it is noted that the above fee would not apply to the replacement of the 13 existing motel rooms.

12. At the time of final plat approval, the applicant shall dedicate a right-of-way along US 301 as shown on the US 301 access study prepared by the State Highway Administration, approximately 113 feet from the centerline of the southbound lane of US Route 301.
13. Any residential development of the subject property for at least two or more homes shall require the approval of a new preliminary plan of subdivision prior to the approval of a Specific Design Plan or any building permits, whichever may occur first.

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 an irregularly shaped parcel located on the west side of US 301, north of a weigh station and approximately 515 feet south of Swanson Road.
3. **Development Data Summary** - The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-S	R-S
Use(s)	Commercial	Commercial
Acreage	5.5	5.5
Lots	1	1
Parcels	0	0
Motel		
Number of rooms	13	61
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the Preliminary Plan of Subdivision, 4-05136 and the Type I Tree Conservation Plan, TCPI/29/04, stamped as received by the Environmental Planning Section on February 17, 2006. The Environmental Planning Section recommends approval of Preliminary Plan 4-05136 and the Type I Tree Conservation Plan, TCPI/29/04, subject to the conditions listed at the end of this memorandum.

Background

The Environmental Planning Section previously reviewed this site as part of the Type II Tree Conservation Plan application, TCPII/50/98, which was approved. Special Exception SE-4319,

which was remanded by the Zoning Hearing Examiner, was also reviewed with TCPI/29/04. The revised Special Exception Application, SE-4319 was approved on March 8, 2005, for the enlargement of a Certified Nonconforming Use (Motel); however, the TCPI has not yet been approved. This preliminary plan application proposes the expansion of an existing motel from 13 rooms to 61 rooms in the R-S Zone.

Site Description

The 5.53-acre lot is located on the west side of US 301 approximately 0.1 miles south of Swanson Road. A review of the available information indicates that streams, wetlands, 100-year floodplain, and the associated buffers are not present on this property. The property is located within the transportation-related noise impact zone associated with US 301. The soil series found to occur according to the Prince George's County Soil Survey is Westphalia fine sandy loam, which has no significant limitations with respect to the development proposed by this application. According to available information, Marlboro clays are not found to occur within the limits of this application but are found with 500 feet of this site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur on this property although there are some threatened species found on the adjacent Beech Tree subdivision. There are no designated scenic and historic roads adjacent to the property. This property is located in the Collington Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the approved General Plan.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe the changes, the date made, and by whom.

The preliminary plan application has a signed natural resources inventory (NRI/066/05) that was included with the application package. There are no streams, wetlands or 100-year floodplain on the property; however a stream is located off-site, adjacent to the south boundary of the subject site. The 50-foot stream buffer associated with this stream extends onto the subject property. The TCPI and the preliminary plan correctly reflect the required information shown on the NRI.

According to the Countywide Green Infrastructure Plan, there are no regulated areas, evaluation areas, or network gaps on this site. No further action is required regarding the natural resources inventory. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there is a previously approved Type II tree conservation plan for this site.

The approved Type II Tree Conservation Plan, TCPII/50/98, proposed the clearing of 0.24 acres of the 1.24 existing woodlands. The TCPII proposed to meet the requirement by providing 1.0 acre of woodland preservation with 0.24 acres of afforestation. It should be noted that the previously required afforestation area has not been installed to date.

The Type I Tree Conservation Plan, TCPI/29/04, proposes to clear 0.45 acres of the existing 1.25 acres of woodland. The woodland conservation threshold has been correctly calculated at 1.11 acres, or 20 percent of the net tract. The TCPI proposes to meet the requirement by providing 0.72 acres of on-site preservation, and 0.73 acres of on-site afforestation. The Environmental Planning Section recommends approval of the Type I Tree Conservation Plan, TCPI/29/04.

Extensive afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of the building permit; and all afforestation must be placed in conservation easements. The easement language for PMA protection will be modified to include the afforestation areas. Prior to signature approval of the preliminary plan, the TCPI shall be revised to add the following note:

“This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for TCPI/29/04, Forest Hills Motel. The TCPI will be modified by a Type II Tree Conservation Plan in conjunction with the approval of a detailed site plan, a specific design plan, and/or a grading permit application.”

All afforestation and associated fencing should be installed prior to the issuance of the building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken. At time of final plat, a note should be added to the final plat regarding the woodland conservation plan, and a conservation easement should be described by bearings and distances. The conservation easement should contain all afforestation areas and be reviewed by the Environmental Planning Section prior to approval of the plat.

This property is located within a transportation-related noise impact zone associated with US 301, Crain Highway. The 65 dBA Ldn noise contour is not shown on the plan. According to the Environmental Planning Section Noise Model the 65 dBA Ldn noise contour is located approximately 470 feet from the centerline of US 301. Because the existing and proposed structures will be located within the 65 dBA Ldn noise contour, there will be adverse transportation-related noise impacts associated with this application. The plan does not propose any outdoor activity areas along the US 301 side of the buildings so the exterior noise levels are not of particular concern. Proper construction materials must be used to ensure that the noise inside of the rooms does not exceed 45 dBA. Prior to the approval of any 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 have been designed to reduce interior noise levels to 45 dBA or less.

A stormwater management concept plan was included in the application package; however, it is not an approved plan. The plan as submitted shows a proposed sewer line and water line

connection to an existing water line and sewer line. Prior to approval of the preliminary plan, copies of the approved stormwater management concept plan and approval letter should be submitted. The Type I Tree Conservation Plan should be revised to reference the approval number.

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designated this property in Water and Sewer Category 3. Water and sewer are required to serve the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before approval of a final plat.

5. **Community Planning**— This application is located in the Developing Tier. The proposal is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.
6. **Parks and Recreation**—According to Section 24-134(a) of the Prince George's County Subdivision Regulations, the above referenced subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
7. **Trails**—There are no master plan trails issues in the Adopted and Approved Subregion VI Master Plan that impact the subject site.
8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 5.52 acres of land in the R-S Zone. The property is located on the west side of US 301 approximately 515 feet south of its intersection with Swanson Road. The property contains a 13-room motel, and the applicant proposes to expand the motel to 61 rooms under approved Special Exception SE-4319.

Due to the size of the subdivision, staff has not required that a traffic study be done. The staff had sufficient data in the area for the purpose of making an adequacy finding. Therefore, 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*.

Growth Policy—Service Level Standards

The subject property is in the Developing 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) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the Developing Tier.

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.

Staff Analysis of Traffic Impacts

The subject property currently contains an existing motel with 13 units. Rates provided in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* indicate that the subject property would generate a total of 8 AM (4 in, 4 out) and 10 PM (5 in, 3 out) peak-hour vehicle trips. The applicant proposes a 48-unit expansion of the motel use. Under the special exception (SE-4319), the site would generate an additional 31 AM (17 in, 14 out) and 39 PM (21 in, 18 out) peak-hour vehicle trips.

The intersections of US 301/Leeland Road and US 301/Village Drive are determined to be the critical intersections for the subject property. The intersections are the nearest major intersections to the site and would serve a majority of the site-generated traffic since there is no median break along US 301 that serves the site. Recent studies indicate that the critical intersections operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Leeland Road	1,198	1,268	C	C
US 301 and Village Drive	1,187	1,239	C	C

There is a funded capital project in the county Capital Improvement Program (CIP) to widen US 301 between MD 214 and MD 725. Additionally there are bonded improvements that will be constructed by Beech Tree. Fourteen approved and unbuilt (or partially built) developments were identified that could have a significant impact on the critical intersections. Growth of three percent per year in through traffic along US 301 was assumed. Under a background scenario, the critical intersections would operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Leeland Road	1,374	1,159	D	C

US 301 and Village Drive	1,350	1,359	C	C
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With the expansion of the motel, as noted above, the site would generate 31 AM and 39 PM peak-hour vehicle trips. The site was analyzed with the following trip distribution: 50 percent—north along US 301, and 50 percent—south along US 301. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersections would operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Leeland Road	1,391	1,170	D	C
US 301 and Village Drive	1,367	1,372	C	C

There is a project in the current county CIP to improve US 301 between MD 214 and MD 725. This project would involve adding an additional through lane northbound and southbound along US 301. It would also involve considerable improvements to the intersections along the highway. These improvements to US 301 are fully funded for construction in the current CIP. However, the CIP also notes that “Other” funding will come from developer contributions and the State of Maryland, and “Other” funding makes up 100 percent of construction costs. More precisely, the project description in the CIP states that state funding and developer contributions would be the source of funding. Of the entire cost of the project, the Department of Public Works and Transportation (DPW&T) estimates that developers will be required to provide \$2,500,000 toward the final cost, with the state to fund the remainder.

The developer contribution was estimated as a part of the special exception review in a manner consistent with past developments in the US 301 corridor. The per-room cost was stated as \$451.65 per additional hotel room. Since the cost estimate used for this project was based on second quarter 1989 data, the actual amount payable to Prince George’s County would be increased to account for the effects of inflation.

Plan Comments

The site is adjacent to the US 301 (F-10) and the A-61 facilities. The plan as submitted reflects adequate dedication consistent with the master plan recommendations along this combined facility right-of-way of 150 feet from the southbound roadway centerline.

Access to the proposed lot would be from US 301, which is currently a high-speed highway. In the context of the master plan, access would be via the A-61 facility. Given that the site requests driveway access from an arterial facility, any driveway access that is desired must be the subject

of a variation request from Section 24-121(a)(3). The applicant has provided a variation request; furthermore, clarifications were provided on March 20, 2006.

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

The entire property only has access onto US 301. While the subject property appears to be in a physically open area, the areas around the site are actually subdivided lots. The driveways already exist. There are no proposals to modify them with the expansion of the motel.

- (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 property is unique in that the use already exists, the driveways onto US 301 exists, the site does not have access to an internal roadway, and the site is surrounded by subdivided land.

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

The access to this site was reviewed extensively from the standpoint of health, safety and welfare during review of SE-4319. SHA reviewed the access and the US 301 right-of-way during that case and has concurred with the current plan conceptually on both matters.

- (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.**

The use of a public street to serve the single proposed lot appears to be impractical, as the minimum right-of-way of 50 feet would require a sizable swath of the property in order to serve it, and such a street would not function any differently than the existing driveways function. The use of a service roadway to serve the three lots is not practical as well. Given the amount of right-of-way needed for the future arterial and freeway facilities, development of a service road would likely require the demolition of a portion of the existing motel.

For these reasons, the Transportation Planning Section supports the variation from 24-121(a)(3) for the purpose of gaining access for the proposed lot onto an arterial roadway. The concept of the existing circular driveway is acceptable given that the concept was reviewed on the basis of health, safety and welfare during the review of SE-4319.

It must be noted that approval of such a variation by the Planning Board only constitutes

conceptual agreement that circumstances exist which necessitate direct access onto an arterial facility by a driveway. The responsible agency that owns and maintains the roadway—which is SHA in this case—must still review any driveway access point or any proposed modifications, and that agency has the right to impose conditions upon its construction or even deny it.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that 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. No transportation-related conditions are required at this time.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section reviewed this preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded that the Forest Hills Motel subdivision is exempt from review for the APF test for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 4.85 minutes, which is beyond the 3.25-minute travel time guideline.

The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 4.85 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service travel time of 5.55 minutes, which is beyond the 4.25-minute travel time guideline.

In order 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.

The above 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*.

11. **Police Facilities**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(c) and Section 24-122.01(e)(B)(E) of the Subdivision Ordinance. The proposed

development is within the service area for Police District II-Bowie. Police facility needs will be addressed at the time of building permit through any code requirements that may be applicable.

12. **Stormwater Management**—A Stormwater Management Concept Plan, # 27550-2005-00, has been approved with conditions to ensure that at the time of building permit, a geotechnical report is required with soil borings extended 6-inches below the slab of the structures to determine groundwater elevations. The existing A-10 inlet may need to be rebuilt. This determination will be made by the DPW&T during the permit process. Development must be in accordance with this approved plan.

13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Forest Hills Motel and has the following comments to offer:

There are two sewage disposal systems (SDS) located on the site. One is located north of the seven-room building and the other one is located south of the six-room building. This office does not have records of the northern system, but does have records of the southern system. The location of both sewage disposal systems must be located on the preliminary plan.

During the site investigation conducted February 2, 2006, the southern SDS was observed to be overflowing on the ground. Freestate Septic Services, Inc. was on site February 3, 2006, to assess the situation. They installed a device in the distribution box to adjust the flow of wastewater to all three-drain fields. Prior to this adjustment, one of the drain fields had been receiving more sewage effluent than the other two drain fields. This office will conduct follow-up inspections in the next few weeks to determine if Freestates' actions remedied the problem. The motel owner will be notified of any further action at that time.

Development on this site should connect to Washington Suburban Sanitary Commission's (WSSC) public sewage system as soon as possible. Once this connection has been made, the abandoned septic tanks must be pumped out by a licensed scavenger and either removed or backfilled in place.

Once the motel is connected to public water, the two abandoned wells found within the confines of the above-referenced property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.

14. **Archeology**—Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property.

Section 106-review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a

project.

15. **Subdivision** - While the subject application is not proposing any residential development, the R-S Zone does permit residential development and, should it be contemplated in the future, a new preliminary plan should be approved. Because there exist different adequate public facility tests, and there are considerations for recreational components for residential subdivision, a new preliminary plan should be required if residential development is to be considered.

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, March 30, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of April 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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