

R E S O L U T I O N

WHEREAS, Manek, LLC is the owner of a 1.70-acre parcel of land known as Melwood Hotel, said property being in the 15<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on May 8, 2009, Manek, LLC filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09008 for Melwood Hotel was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 16, 2009, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on July 16, 2009, 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 4-09008, Melwood Hotel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Show cross-parking easements or other arrangements that provide adequate parking for each parcel.
  - b. Using lines, patterns, and symbols, better delineate the extent and borders of the ingress, egress, and utility easements at the driveway for Parcel C.
2. The following note shall be placed on the final plat:

“Prior to the issuance of any building permits for new construction, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and

construction of building shell within the noise corridor MD 4 and noise generated by aircraft from Andrews Air Force Base will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.”

3. Development of this site shall be in conformance with Stormwater Management Concept Plan 16728-2002-01 and any subsequent revisions.
4. Total development within Parcels B and C shall be limited to uses which generate no more than 93 AM and 127 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
5. The subject property shall not have direct access to MD 4. The record plat and any revisions to the DSP shall reflect the denial of access to MD 4.
6. 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.
7. Prior to final plat, a revision to Detailed Site Plan DSP-03078 shall be approved by staff to reflect the new parcel lines and demonstrate conformance with all applicable requirements of the Zoning Ordinance, Landscape Manual, and previous approvals.
8. Total residential development within Parcels B and C combined shall be limited to one residential apartment located above the commercial uses in Parcel B. Any residential development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of public 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 north side of Marlboro Pike, approximately 700 feet east of its intersection with Dower House Road.

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

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	C-S-C	C-S-C
Use(s)	Hotel, restaurant, and store	Hotel, restaurant, and store
Acreage	1.7	1.7
Parcels	1	2
Dwelling Units: within commercial buildings	1	1

4. **Environmental**—This property is located in the Patuxent River watershed. There are no streams, wetlands, or 100-year floodplain on the property. There is no woodland on-site. According to the *Prince George's County Soil Survey*, the principal soils are in the Adelphia and Westphalia series. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on the property or on adjacent properties. There are no designated scenic or historic roads in the vicinity of the property. Based on the most recent Air Installation Compatible Use Zone Study released to the public in 2007 by the Andrews Air Force Base, aircraft-generated noise is significant on a portion of the property.

The current master plan for this area is the *Approved Westphalia Sector Plan and Sectional Map Amendment (February 2007)*. In the approved 2007 master plan and sectional map amendment (SMA), the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on the plan conformance.

**Policy 1. Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.**

**Strategies**

- **Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

There are no woodlands or sensitive environmental features on the subject property.

- **Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.**

There is no PMA on the subject property.

- **Place preserved sensitive environmental features within the park and open space networks to the fullest extent possible.**

No park or open space areas are proposed for the subject site.

- **Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.**

There are no primary or secondary corridors on the subject property.

- **Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossings and utility installations.**

There is no PMA on the subject property.

- **Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.**

There are no primary or secondary corridors on the subject property. There is no PMA on the subject property.

- **Develop flexible design techniques to maximize preservation of environmentally-sensitive areas.**

There are no woodlands or sensitive environmental features on the subject property.

**Policy 2. Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.**

#### **Strategies**

- **Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**

The site does not currently contain agricultural uses.

- **Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**

The signed natural resource inventory (NRI) submitted with this application indicates that there are no streams on the subject property.

- **Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.**

No stream crossings are needed to develop the subject property.

- **Encourage shared public/private stormwater facilities as site amenities.**

The stormwater management pond is a private facility.

- **Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use of bioretention and underground facilities.**

The stormwater management technical plan provides for on-site 24-hour detention of the one-year storm and infiltration.

**Policy 3. Reduce overall energy consumption and implement more environmentally-sensitive building techniques.**

#### **Strategies**

- **Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
- **Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

This preliminary plan subdivides a property with existing structures and proposes no new development.

**Policy 4. Plan land uses appropriately to minimize the affect of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.**

**Strategies**

- **Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- **Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
- **Evaluate development proposals using Phase I noise studies and noise models.**
- **Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
- **Provide for the use of appropriate attenuation measures when noise issues are identified.**

Based on the most recent Air Installation Compatible Use Zone Study released to the public in 2007 by the Andrews Air Force Base, aircraft-generated noise is significant on a portion of the property. Record Plat REP 197 @ 44 contains the following note:

“Prior to the issuance of building permits for the hotel building, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shell within the noise corridor MD 4 and noise generated by aircraft from Andrews Air Force Base will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.”

This condition shall be placed on the final plat.

No designated network elements of the *Approved Countywide Green Infrastructure Plan* occur on the subject property.

An approved Natural Resources Inventory, NRI/003/09, was submitted with the application. There is no woodland on-site. There are no streams, wetlands, or floodplain on the property. No additional information with regard to sensitive environmental features is required for the review of this preliminary plan of subdivision.

The property is not subject to the requirements of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because it has less than 10,000 square feet

of woodland and no previously approved tree conservation plan. No further action regarding woodland conservation is required.

**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, and will therefore be served by public systems.

5. **Community Planning**—This application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier. One of the visions 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. The site conforms to this vision as a low-density suburban development within an area identified in the applicable master plan as the Melwood commercial center. That is, this application will not alter the existing low-density development as described in Paragraph No. 3, above, but will merely create a second parcel.

The property is located within the boundary of the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)*. This application conforms to the land use recommendations in the 1994 Melwood-Westphalia master plan as well as the 2009 Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment. The 1994 sectional map amendment for the master plan retained the existing C-S-C Zone which permits the hotel, restaurant, and variety store uses that are located on the site.

The property is in Planning Area 77/Melwood which has recently been studied as part of the update to the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* via the Adopted 2009 Subregion 6 Master Plan and Proposed Sectional Map Amendment. Although the 1994 Melwood-Westphalia master plan guides the findings in this referral, it is worth noting that this property is recommended to remain in the C-S-C Zone and the vision for the development of the area around the property has not changed since 1994. The proposed use fits in well with both the character envisioned by the existing and adopted master plans.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because it proposes no new residential uses.
7. **Trails**—There are no master plan trails issues identified in the Melwood-Westphalia master plan and sectional map amendment that directly affect the subject proposal.
8. **Transportation**—The application is a preliminary plan of subdivision for a commercial subdivision consisting of a two parcels which are both fully developed. The existing parcel

was created and recorded pursuant to Preliminary Plan 4-02041, and no further development is proposed to occur as a result of the subject subdivision. Therefore, it is determined that the proposed subdivision would generate no new weekday peak-hour vehicle trips.

The traffic generated by the proposed preliminary plan impacts the intersection of Dower House Road and Marlboro Pike. The applicant does not propose access to MD 4, which borders the property to the north. The final plat and any revisions to the DSP should reflect the denial of access to MD 4.

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

- a. Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.
- b. Unsignalized intersections: The *Highway Capacity Manual* (Transportation Research Board) 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.

The critical intersection of Dower House Road and Marlboro Pike is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The Commission has no recent turning movement counts at the critical intersection of Dower House Road and Marlboro Pike. The subdivision is intended to create two parcels from a single recorded parcel that is fully developed, and no additional development is proposed to occur as a result of the subdivision. Due to the limited trip generation of this site, the Planning Board finds that 0 AM and 0 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Dower House Road and Marlboro Pike intersection.

Notwithstanding the above finding, a trip cap consistent with the past and current adequacy findings shall regulate overall off-site transportation impact of this site. Past approvals allowed up to 120 hotel rooms and retention of 3,714 square feet of retail space; these uses would generate the following number of trips: hotel, 78 AM trips, 96 PM trips;



retail space, 15 AM trips, 31 PM trips (assuming 30 percent pass-by travel, with the lower pass-by assumed due to the presence of the restaurant).

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

9. **Schools**—There are no new residential dwelling units proposed in the development. There are no anticipated impacts on schools.
10. **Fire and Rescue**—This preliminary plan of subdivision has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

The existing engine service at Forestville Fire/EMS Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 2.6 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Marlboro Fire/EMS Station, Company 20, located at 14815 Pratt Street, has a service travel time of 7.20 minutes, which is within the 7.25-minute travel time guideline.

The existing ambulance service at Forestville Fire/EMS Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 2.6 minutes, which is within the 4.25-minute travel time guideline.

The existing ladder truck service at District Heights Fire/EMS Station, Company 26, located at 6208 Marlboro Pike, has a service travel time of 6.4 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 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

The Forestville Fire/EMS Station (Westphalia) will replace the existing station that was built in 1956 with a new, three apparatus bay fire/EMS station, which will house two engines, a water tanker, a brush unit, and an ambulance.

11. **Police Facilities**—The proposed development is within the service area for Police District 5, Clinton. The police facilities test is performed on a countywide basis for nonresidential development in accordance with the policies of the Planning Board. There is 267,660

square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate (July 1, 2008) is 820,852. Using the 141 square feet per 1,000 residents, it calculates to 115,740 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Melwood Hotel and has no comments to offer.
13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, CSD 16728-2002-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development shall be in accordance with this approved plan.
14. **Cemeteries**—No cemeteries exist on this site.
15. **Historic**—A Phase I archeological survey is not required on the above-referenced 1.70-acre property located at 9400 Marlboro Pike in Upper Marlboro, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property has already been developed. However, the applicant should be aware that there are 16 previously identified archeological sites, 15 late 19<sup>th</sup> to 20<sup>th</sup> century house sites and one multicomponent site, located within a one-mile radius of the subject property. In addition, there is one County historic site, Forest Grove M.E. Church and Cemetery (77-001), and one County historic resource, St. Luke's Church Site and Cemetery (77-012), located within a one-mile radius of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. 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 state or federal monies, or federal permits are required for a project.

16. **Urban Design**—The subject preliminary plan of subdivision proposes to subdivide a property of approximately 1.70 acres in the C-S-C Zone into two parcels. The entire 1.70-acre site is covered by a previously approved Detailed Site Plan (DSP-03078). The subject property is located on the north side of Marlboro Pike, approximately 700 feet east of its intersection with Dower House Road. The site is also within the Melwood commercial center as defined in the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)*. The site is bounded by Pennsylvania Avenue (MD 4) to the north, by Marlboro Pike to the south, and by the remainder of the Melwood commercial center to the east. The adjacent site to the west is wooded and vacant.

The subject application is a part of the Melwood commercial center as defined by the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia*. Specific design guideline number 3 of the master plan states: “The applicant should demonstrate that enough parking has been provided for each individual parcel at time of detailed site plan review.”

The subject property has a previously approved detailed site plan to allow the development of the uses as shown on the existing site. The approved detailed site plan has two revisions. Detailed Site Plan DSP-03078/01 was withdrawn. Detailed Site Plan DSP-03078/02 was approved by the Planning Board on February 5, 2009 with four conditions, but it has not been certified yet. By subdividing the site covered in a previously approved detailed site plan into two different fee-simple parcels, the applicant shall revise the approved plan to reflect the change as the result of this preliminary plan of subdivision prior to the final plat.

During the review of DSP-03078/02, the property was subject to the requirements of Section 4.2, Commercial and Industrial Landscaped Strip; Section 4.3a, Parking Lot Landscaped Strip; Section 4.3b, Parking Lot Perimeter Area; Section 4.3c, Parking Lot Interior Planting; and Section 4.4, Screening Requirements of the *Prince George’s County Landscape Manual*. As no physical changes are proposed from the Board’s approval of DSP-03078/02, revisions of the DSP shall be approved by staff.

17. **Residential Conversions**—The subject property is zoned C-S-C, which allows up to three residential apartments to be located above the ground floor in a commercial building. The subject application includes one such unit on proposed Parcel B and does not propose any increase in the number of units. An increase in the number of residential apartments or residential units of any kind shall require a new preliminary plan. If legislation would permit an increase above three units or permit residential uses within the hotel, a new preliminary plan should be approved. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivisions, a new preliminary plan shall be required if further residential development is 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 date of notice of 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 Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Cavitt, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, July 16, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10<sup>th</sup> day of September 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:RD:arj