

R E S O L U T I O N

WHEREAS, Recreation Wildlife Park Association is the owner of a 118-acre parcel of land known as parcel 31 said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-S; and

WHEREAS, on November 17, 1999, Tierco Maryland, Inc. filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 3 parcels, known as Six Flags America (Parcels C, D and E); and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-99062, 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 April 6, 2000, 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 April 6, 2000, 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/2/00), APPROVED the Variation Request to Section 24-130 and further APPROVED Preliminary Plat of Subdivision 4-99062 with the following conditions:

1. Prior to signature approval, the preliminary plat shall be revised:
  - a. To show all existing well and septic systems.
  - b. To show the use and disposition of all existing structures.
  - c. To show the PMA line.
2. A conservation easement containing all the 100-year floodplain and stream buffers, except for areas with approved variation requests, shall be described by bearings and distances, reviewed for approval by the Environmental Planning Section and reflected on the final plat. The following note shall be placed on the final plat:

A 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. The following notes shall be placed on the final plat:
  - a. AThe conceptual alignment of water and sewer lines with appropriate easements shall be established and shown on the special exception conceptual site plan required for further development of this site. @
  - b. APrior to the issuance of any permits which impact the PMA on this property the applicant shall provide the Environmental Planning Section with a copy of the appropriate State and/or Federal permits allowing said disturbances to occur or provide a Jurisdictional Determination which clearly indicates that the State and/or Federal agencies will not be talking jurisdiction over the area in question. @
4. Development within the subject property shall be limited to uses permitted under Special Exceptions SE-3400 or SE-2635 or any subsequent Special Exception applications for a commercial recreational attraction, or development proposed consistent with the requirements of the existing R-S Zone. The applicant must demonstrate, at the time of a revision to the Conceptual Site Plan for the Special Exception for the addition of any new activities or construction on the subject site (the area covered by this preliminary plat), that adequate transportation facilities will be provided as established by Section 27-342(a)(8) of the Zoning Ordinance. Adequacy of transportation facilities shall be defined by the standards set forth in Section 24-124 of the Subdivision Regulation. In the context of a Special Exception revision, if it is determined by the District Council or the Zoning Hearing Examiner that transportation facilities will be adequate based on the standards set forth in Section 24-124, then a new preliminary plat for adequacy considerations will not be required. If no such finding of adequacy is made during the review of the Special Exception, the applicant shall file a new preliminary plat for a determination of adequate public facilities.
5. Development pursuant to a Special Exception for a use other than the commercial recreational attraction or a rezoning for a use other than the commercial recreational attraction shall require a new preliminary plat of subdivision with a new determination of adequacy of transportation facilities unless the impact of such new development is equal to or below any previous adequacy finding that may have been made subsequent to the subject application.
6. Prior to the approval of any subsequent detailed site plans pursuant to the commercial recreational attraction operating under SE-3400/2635 (or any succeeding Special Exceptions for a commercial recreational attraction), modifications to the westernmost site entrance at MD 214, as recommended in the SHA memorandum dated December 14, 1999, shall be implemented or otherwise bonded with the SHA and scheduled for completion. Any changes to the December 14, 1999, recommendations must have the

written concurrence of M-NCPPC Transportation Planning staff as well as the SHA Engineering Access Permits Division.

7. Development of this property shall be in conformance with the approved Stormwater Concept Plan, Concept #998006090.

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 Central Avenue (MD 214), approximately 3,000 feet west of its intersection with Church Road.
3. Variation Request - The applicant has requested a variation to Section 24-130(b) of the Subdivision Ordinance to allow for disturbances to a Primary Management Area (PMA). The specific disturbance requested is the grading of 1.61 acres of the PMA in the central portion of Parcel AC.@ This area proposed for disturbance runs in an easterly direction for approximately 200 feet from the common property line with proposed Parcel AE@ and then turns and runs in a southerly direction for another 600 feet for a total linear length of 800 feet, this includes the 50-foot stream buffer. It appears that the area of the PMA, the stream and its buffer, may have been a man made drainage ditch used for agricultural purposes. It appears that it has not been maintained and had therefore reverted into a naturalized condition. The stream does not appear to originate as a seep or other permanent source of water but there are periods of sufficient flow to classify this area as a stream and thus the PMA designation.

The disturbance of this PMA area will not significantly impact wildlife habitat on the Six Flags property or adversely affect other environmental features. Staff has reviewed the variation request as revised on March 22, 2000, and is in general agreement with the applicant's comments addressing the required findings necessary for the granting of a variation. Staff supports the request to allow the disturbance of the PMA in the central part of proposed Parcel AC@ based on additional findings as follows:

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** The granting of this variation will result in the removal of an existing drainage area in the interior of proposed Parcel AC.@ It is located more than 1,000 feet from Central Avenue (MD 214) and over 2,000 feet from any adjoining property. This drainage area appears to be a manmade feature created to drain a relatively flat agricultural field which served only the subject property. Because of the location and size of this feature it does not benefit or adversely impact adjoining properties. A conceptual stormwater management plan has been approved for this site

to ensure that no on-site or down stream flooding will occur. Further, the removal of this feature would promote the safety of the property by removing a potential hazard for pedestrians crossing the subject site.

- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** Based on expert and independent information, this environmental feature is man made and is generally unique from other properties in that Primary Management Areas are generally naturally occurring environmental features.
  - C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Approval of this variation request will not result in a violation of other applicable laws, ordinances or regulations.
  - D. **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 large, relatively flat topography of proposed Parcel AC@ and its location in relation to the developed portion of the existing A park@ makes it integral to the large land development pattern necessary for this major theme park. The drainage area is located in the middle of Parcel AC.@ To deny this variation may result in a particular hardship to the applicant in the efforts to develop Parcel AC@ for future park expansion.
4. Environmental - This site is subject to the requirements of the Woodland Conservation Ordinance since the total area of woodland on the property is greater than 10,000 square feet and the existing parcel is greater than 40,000 square feet. A Forest Stand Delineation (FSD) which included the subject property was prepared for the previous preliminary plan of subdivision for the abutting Parcel AB@ and found to be acceptable with respect to the extent and composition of woodlands at that time.

A Type I Tree Conservation Plan (TCPI/49/91) was previously approved in conjunction with Preliminary Plan of Subdivision 4-91060 for a portion of Parcel AB@ to the east. In addition a Type II Tree Conservation Plan (TCPII/45/98) was approved in conjunction with an application for a grading permit for other parts of the Six Flags development. Other portions of the property have not yet addressed the requirements of the Prince George=s County Woodland Conservation Ordinance. To ensure that the Six Flags development is in compliance with the Woodland Conservation Ordinance the applicant has submitted an overall Type I Tree Conservation Plan (TCPI/8/00) for the entire Six Flags theme park. Included are additional abutting areas that are not the subject of SE-2635 or SE-3400 but are under the same ownership and being used to fulfill the

requirements of the Woodland Conservation Ordinance.

This 514.68-acre property, which is zoned R-A and R-S, has a net tract area of 458.35 acres. The Woodland Conservation Threshold (WCT) was calculated separately for each zone based on the area of existing woodland in that zone. The overall WCT for this property is 104.27 acres or 22.7 percent of the net tract area. The woodland replacement requirement for clearing woodlands on the R-S portion of the property is 4.30 acres and there is no replacement requirement for clearing woodlands on the R-A portion of the property. The total requirement for this property is 108.57 acres or 23.7 percent of the net tract area. This requirement is being satisfied by the on-site preservation of 108.57 acres of existing woodlands. TCPI/8/00 is recommended for approval in conjunction with Preliminary Plan of Subdivision 4-99062.

Streams, wetlands and 100-year floodplain have been identified on this property. Staff has reviewed additional information provided by the applicant and concurs with the limits of the PMA as reflected on a draft plan provided on March 20, 2000. The applicant is preparing a revised plan with the corrected PMA line for submittal. The revised PMA line includes the 100-year floodplain, adjacent severe slopes, adjacent steep slopes with soils having a K-factor of 0.35 or greater, the streams, the 50-foot stream buffer, the wetlands, the 25-foot wetland buffer and the 100-foot buffer for the wetlands identified as wetlands of Special State Concern.

The 100-foot buffer for the wetlands of Special State Concern should be reflected on the preliminary plat since this is governed by the State of Maryland Nontidal Wetland Act and as such will be highly regulated as evidenced by the recent negotiations associated with a proposed ride at Six Flags America. This expanded buffer is permitted by Section 24-130(b)(6) of the Subdivision Ordinance which states, Aand additional area deemed necessary to protect the stream or one hundred (100) year floodplain.@

This property is located along the north side of MD 214 which is a noise generator. Since the proposed use of this property is not for residential use, there are no noise impacts to this site. However, there is an indication that these parcels will be used for the expansion of the amusement park which is a noise generator that could adversely impact adjacent residential neighborhoods. Since the exact type and extent of future development is unknown at this time it is not practical to request a noise study at this time. Moreover, Conditions 2 and 19 of Zoning Ordinance 11-1999, SE-2635/3400 require noise studies be submitted with each detailed site plan application for improvement. The entirety of this application is subject to the conditions of SE-2635/3400.

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

5. Community Planning - The Urban Design Section has reviewed the application and has no issues with the proposed preliminary plat.
6. Parks and Recreation - In accordance with Section 24-134(a) of the Subdivision

Regulations, this subdivision is exempt from Mandatory Dedication requirements because the proposed parcels are greater than one acre in size.

7. Trails - The preliminary plat was reviewed for conformance with the Countywide Trails Plan and there are no trails issues associated with this application.
8. Transportation - The subject property consists of approximately 118 acres of land in the R-S Zone. A traffic study was originally requested of the applicant but was waived upon further staff review. The findings and recommendations outlined below are based upon a review of relevant materials and analyses, given the unique nature of the use.

The application is a preliminary plat of subdivision for three parcels. This property is proposed to be part of the commercial recreational attraction of Six Flags. The subject property is fully contained within SE-3400 and SE-2635.

Development under the special exception is guided by the conceptual site plan, which is approved by the District Council and shows general locations, sizes and heights of all buildings and structures. The current Conceptual Site Plan for SE-3400/2635 shows no development within the subject property except for a sizable parking area which serves attractions on adjacent parcels covered by the same special exceptions. Therefore, no development is currently proposed for the subject property that would require subdivision approval or a transportation adequacy finding.

Any expansion of the activity area onto the limits of this preliminary plat would be subject to a revision of the Special Exception, and may impact the adequacy of transportation facilities in the area. The applicant should be required to demonstrate, at the time of a revision to the Special Exception for the addition of any new activities or construction within the area covered by 4-99062, that adequate public facilities will be provided as established by Section 27-342(a)(8) of the Zoning Ordinance. Adequacy of public facilities should be defined by the standards set forth in Section 24-124 of the Subdivision Regulation. In the context of a Special Exception revision, if it is determined by the District Council or the Zoning Hearing Examiner that transportation facilities will be adequate based on the standards set forth in Section 24-124, then the Planning Board finds that a new review of the Preliminary Plat for adequacy considerations would be redundant, and would not be required. If no such finding is made during the review of the Special Exception (either SE-3400/2635 or any succeeding application), the applicant shall file a new preliminary plat for a determination of adequate public facilities.

In consideration that the preliminary plat proposes no new development beyond that previously approved by SE-3400/2635 and based on the preceding findings, that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code for this application.

Due to the fact that a preliminary plat is not required at this time and the applicant is proposing no expansion of the commercial recreational attraction, adequate transportation

facilities, in accordance with the Subdivision Regulations, will exist. Moreover, the opportunity for future determinations of adequate transportation facilities for other uses not identified here within may be limited and should be considered. Staff has identified several scenarios where other uses may forego a new determination of adequacy of transportation facilities due to the processing of this plat of subdivision. Staff is recommending additional conditions that would require a new determination of adequacy in the event of a change of use or a re-zoning on this site not anticipated by the applicant at this time.

In addition, the transportation staff is concerned about access to and from the subject property. Comments from the State Highway Administration (SHA) indicate that there remain unresolved issues concerning the configuration of the access to the subject property, which does exist and is serving the large existing parking lot. In SHA's memo, dated December 14, 1999, modifications to the existing entrance were recommended. The transportation staff would recommend that the entrance modifications identified by the SHA be implemented prior to the approval of any subsequent detailed site plans for the commercial recreational attraction operating under SE-3400/2635.

9. Schools - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised August 1999) (CR-4-1998) and concluded that this application is exempt from the APF test for schools because it is a commercial use.
10. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01 of the Subdivision Regulations, and concludes the following:
  - a. The existing fire engine service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service response time of 4.69 minutes, which is beyond the 3.25-minute response time guideline.
  - b. The existing ambulance service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service response time of 4.69 minutes, which is beyond the 4.25-minute response time guideline.
  - c. The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service response time of 4.69 minutes, which is within the 7.25-minute response time guideline.
  - d. The existing ladder truck service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service response time of 9.23 minutes, which is beyond the 4.25-minute response time guideline.

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*. To alleviate the negative impact on fire and rescue services, the Fire Department recommends that all commercial structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County Laws.

11. Police Facilities - The proposed development is within the service area of the District II-Bowie police station. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations, the existing County police facilities will be adequate to serve the proposed development.
12. Health Department - The Health Department has reviewed the proposed subdivision and is requesting that the preliminary plat be revised to locate the well and/or septic systems that may be located on the property.
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, # 998006090, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development should be in accordance with this approved plan.
14. State Highway Administration - The State Highway Administration (SHA) has noted several inconsistencies with their standards regarding improvements within the state right-of-way for access to this site. The deceleration lane pavement width approaching the existing east entrance is incorrectly shown and the west entrance must be shown as a typical directional right-in/right-out for the subject site.

The SHA will require a permit prior to any future development on site to ensure conformance to SHA requirements.

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 McNeill, seconded by Commissioner Boone, with Commissioners McNeill, Boone, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 6, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of April 2000.

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