

Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

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## PRELIMINARY PLAN

**4-02036**

Application	General Data
Project Name:  BALLOWE PROPERTY	Date Accepted 05/01/02
	Planning Board Action Limit 07/09/02
Location:  East side of Mercedes Boulevard and south of the intersection with Auth Road.	Tax Map & Grid 097/F-01
	Plan Acreage 5.52
	Zone C-O
Applicant/Address:  Glen Ballowe 5627 Allentown Road, Suite #107 Suitland, MD 20746	Lots 0
	Parcels 2
	Planning Area 76A
	Council District 09
	Municipality N/A
	200-Scale Base Map 207 SE 05

Purpose of Application		Notice Dates	
COMMERCIAL SUBDIVISION		Adjoining Property Owners (CB-15-1998)	N/A
		Previous Parties of Record (CB-13-1994)	N/A
		Sign(s) Posted on Site	06/10/02
		Variance(s): Adjoining Property Owners	N/A
Staff Recommendation		Staff Reviewer: Del Balzo	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-02036  
Ballowe Property, Parcels ■E• and ■F•

OVERVIEW

The subject property consists of approximately 5.52 acres of land in the C-O Zone. The property is undeveloped and partially wooded. It was recorded in 1986 as Parcel ■D,• Ballowe Property, Plat Book NLP 126 @ 100. The applicant proposes to resubdivide Parcel D into two parcels for the development of 39,000 square feet of office space and a 79-room hotel on the site, which is a legal parcel.

The applicant received preliminary plan approval to resubdivide the property into two parcels in September 2000 (Preliminary Plan 4-00031). The Planning Board approved the creation of Parcels ■E• and ■F• at that time. A hotel was proposed on Parcel ■E•; however, no specific use was proposed on Parcel ■F•. Staff informed the applicant that a variation request would be likely required to develop proposed Parcel ■F•, but the applicant at that time informed staff that they believed Parcel ■F• could be developed without impact to the environment. A condition was imposed, placing a Conservation Easement on much of Parcel ■F•. In the ensuing months, the applicant has received a jurisdictional determination from the Army Corps of Engineers as to the extent of the streams. Staff concludes now that the development of Parcel ■F• can occur without impacts to this stream and the applicant is seeking approval to record the lot with a different conservation easement.

Access to the property will be from Mercedes Boulevard. The property also fronts Henderson Way, a primary residential street. Tree Conservation is proposed along the property's Henderson Way frontage, preventing access to the property from the residential neighborhood. To further ensure that no commercial vehicles have direct access to Henderson Way, staff recommends a note be placed on the final plat denying access to Henderson Way.

SETTING

The property is located on the east side of Mercedes Boulevard, south of Auth Road and approximately 1,200 feet east of MD 5. To the north and west are commercial uses in the C-M Zone. A church abuts the property to the east in the R-80 Zone, and a single-family home abuts the northeast corner of the property.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental Issues• There is a stream and floodplain on the property associated with Henson Creek of the Potomac River Watershed. There are no wetlands on the property. Current air photos indicate that 60 percent of the site is wooded. No historic or scenic roads are affected by this proposal. The Capital Beltway is a noise source. The proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened, or endangered are known to occur in the in the general region. According to the

Sewer Service and Water Service maps produced by DER, the property is in categories W-3 and S-3.

This site is subject to the provisions of the Woodland Conservation Ordinance because a Type I Tree Conservation Plan, TCPI/12/99, was approved by Prince George's County Planning Board Resolution No. 00-158. The plan proposed clearing 0.84 acre of the existing 3.90 acres of woodland. No clearing was proposed within the 50-foot-wide stream buffer. It should be noted that once approved by the Planning Board, a Type I Tree Conservation Plan remains in full force and effect, regardless of the status of the associated case.

A revised Type I Tree Conservation Plan, TCPI/12/99-01, was accepted for processing on June 12, 2002. The revised plan proposes clearing of 2.08 acres of the existing 3.90 acres of woodland. Almost all priority woodlands on the site are proposed to be preserved. The plan shows clearing of a portion of the 50-foot stream buffer, which would require a variation. Staff recommends approval of TCPI/12/99-01 with revisions noted in the Recommendation section of this report.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The applicant has obtained a Jurisdictional Determination from the U.S. Army Corps of Engineers, dated June 24, 1999, which indicates the full extent of the regulated Waters of the United States. As a matter of policy, all intermittent and perennial Waters of the United States are regarded as "streams" with regard to interpretation of County Code. A minimum 50-foot-wide stream buffer is required. The applicant has obtained a wetlands permit pursuant to SD-8329127-2000-00 to enclose a portion of ephemeral Waters of the United States. The portion altered under this permit does not require a 50-foot stream buffer.

The plan shows clearing of a portion of the 50-foot stream buffer, which would require a variation; however, no variation requests were submitted. A condition should be added requiring a revision to the limits of disturbance to preserve the 50-foot stream buffer to adequately address the requirements of Section 24-130. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement shall contain all 100-year floodplain and stream buffers and be reviewed by the Environmental Planning Section prior to certificate approval. An appropriate plat note should appear on the final plat.

The Prince George's County Soils Survey indicates that the principal soils on the site are in the Croom, Bibb, and Chillum soils series. Bibb soils are associated with floodplain. Croom and Chillum soils present no special problems for development unless they are associated with steep slopes.

2. Community Planning The 2000 *Interim General Plan* places this property in the Developed Tier. The *Approved Heights and Vicinity Master Plan (2000)* recommends Commercial-Office land use. The Natural Features map in the master plan shows that part of the property is designated a Natural Reserve Area and also that it contains a woodland area. The master plan defines a Natural Reserve Area as an area which has physical features that exhibit severe constraints to development or which are important to sensitive ecological

systems. Generally Natural Reserve Areas need to be preserved in their natural state. The Natural Reserve Area encompasses this stormwater management area. The southern portion of the site will be preserved through a woodland preservation area. The property was rezoned from the C-M Zone to the C-O Zone through the District Council approval of the *Heights Sectional Map Amendment* (see CR-68-2000). There are no master plan issues raised through the review of this application.

3. Parks and Recreation The proposal is exempt from the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication because it is in a nonresidential zone and no dwellings are proposed.
4. Trails There are no master plan trails issues associated with this application.
5. Transportation This application involves a parcel which was legally subdivided under Preliminary Plan of Subdivision 4-85199. That subdivision created two large parcels, one of which is the subject Parcel ■D, and set the right-of-way for Mercedes Boulevard. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The application is a proposal to resubdivide existing Parcel D of Ballowe Property into two new parcels. The existing parcel is recorded and unimproved. Proposed Parcel ■E is 1.76 acres and is proposed to contain a 79-room hotel. Proposed Parcel ■F, with a total area of 3.76 acres, is proposed to contain 39,000 square feet of office space. At a floor-to-area ratio of 0.3, the transportation staff would have assumed that Parcel ■E could contain up to 23,000 square feet of permitted C-M uses. Similarly, Parcel ■F could contain up to 49,150 square feet.

Because the existing parcel has been previously subdivided, the proposed subdivision would generate no net trips as a result of the resubdivision. There would be no resulting impact on traffic operations at the Auth Road/Mercedes Boulevard intersection, which is the development's critical intersection, as a result of the resubdivision. Furthermore, the proposed quantity of office space conforms to staff's previous estimates of the yield of this property. The site could have yielded up to 72,150 square feet of office space, which would have generated 149 AM and 156 PM peak hour vehicle trips. The transportation staff would propose limiting development on proposed Parcel ■F to either the proposal or to permitted uses which would generate no more than the number of peak hour trips which are stated above.

In addition, the property fronts on Henderson Way, a primary residential street. While the tree conservation plan precludes access to this street, it is important that commercial access not be allowed to this residential street even if the TCP is revised. Therefore, a note should be added to the final plat that access to Henderson Way is denied.

Given these findings, staff concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with a trip cap condition and a denial of access to Henderson Way.

6. Schools●The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001). The proposed subdivision is exempt from adequacy of public facilities test for schools because it is a commercial use
7. Fire and Rescue●The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
  - a. The existing fire engine service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road, has a service response time of 4.02 minutes, which is beyond the 3.25-minute response time guideline.
  - b. The existing ambulance service at Silver Hill Fire Station, Company 29, has a service response time of 4.02 minutes, which is within the 4.25-minute response time guideline.
  - c. The existing paramedic service at Silver Hill Fire Station, Company 29, has a service response time of 4.02 minutes, which is within the 7.25-minute response time guideline.
  - d. The existing ladder truck service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service response time of 7.21 minutes, which is beyond the 4.25-minute response time guideline.

These 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 due to the inadequate service discussed, the Fire Department recommends that a fire suppression system be installed in all commercial structures in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

8. Police Facilities●The proposed development is within the service area for District IV-Oxon Hill. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Ballowe Property development.
9. Health Department●The Health Department has reviewed this application and offered no comments.
10. Stormwater Management●The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #8329127-2000-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
11. Public Utility Easement●The preliminary plan depicts the required 10-foot-wide public utility easement along the public street. This easement will be included on the final plat.

12. Previous Preliminary Plan Preliminary Plan 4-00031 was approved by the Planning Board in September 2000; it is valid through September 28, 2002. The current application contains all of the land included in 4-00031. Therefore, the approval of this new Preliminary Plan, 4-02036, will render the previously approved preliminary plan, 4-00031, null and void.

#### RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Total development of Parcel ■E, as shown on the preliminary plan, shall be limited to permitted uses which generate no more than 51 AM and 63 PM peak hour vehicle trips. Total development of Parcel ■F, as shown on the preliminary plan, shall be limited to permitted uses which generate no more than 98 AM and 93 PM peak hour vehicle trips. Any development which generates more trips than those identified herein shall require approval of a new Preliminary Plan of Subdivision with a new determination of the adequacy of transportation facilities.
2. A note shall be placed on the final plat that access to Henderson Way is denied.
3. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/12/99-01). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/12/99-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."
4. A Type II Tree Conservation Plan shall be approved prior to the issuance of building permits.
5. Development of this site shall be in accordance with the approved stormwater concept plan, Concept #8329127-2000-00.
6. The following note shall be placed on the final plat:

■An automatic fire suppression system, in accordance with National Fire Protection Association Standard 13 and all applicable Prince Georges County laws, shall be provided in all proposed buildings.●
7. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain and stream buffers and be reviewed by the Environmental Planning Section prior to certificate approval. The following note shall be placed on the final plat:

■ Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.●

8. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan, TCPI/12/99-01, shall be revised to:
  - a. Preserve all woodland within the 50-foot stream buffer.
  - b. Revise the worksheet to include the additional woodland conservation.
  - c. Clearly indicate the area of additional woodland preserved but not part of any requirements, if any.
  - d. Be signed and dated by a qualified professional.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/12/99-01 WITH CONDITIONS