

R E S O L U T I O N

WHEREAS, Belle Haven MCU Limited Partnership is the owner of a 18.28-acre parcel of land known as Kline's Addn to Palmer Park (Parcel A), WWW 57, Book 75, located on Tax Map 59 and Grid E-3, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned R-18, C-A; and

WHEREAS, on February 11, 2004, Belle Haven MCU Limited Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for two lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04002 for Belle Haven Apartments 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 June 17, 2004, 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 June 17, 2004, 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 4-04002, for Lots 1 and 2 with the following conditions:

1. The applicant shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of two "Share the Road" signs. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
2. 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.
3. Development of the property shall be in conformance with the approved stormwater management concept plan #2702-2004-00 or any approved revisions thereto.
4. Prior to final plat all trash must be removed and properly discarded.
5. Prior to issuance of building permits for Proposed Lot 2, the applicant shall re-certify the nonconforming use to reflect the reduction in land area for the apartment complex.

6. The applicant shall submit a detailed site plan for the proposed commercial development on Lot 2. The DSP shall be approved by the Planning Board prior to issuance of building permits for Lot 2.

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 at the northeast quadrant of Sheriff Road and Belle Haven Drive.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone	EXISTING	PROPOSED
	R-18, C-A	R-18, C-A
Uses	Apartment Complex	Apartment Complex, Commercial Center
Acreage	18.28	18.28
Parcels	1	0
Lots	0	2
Multifamily Units	276	276
Square Footage: Retail	0	25,000

4. **Environmental**—A review of the available information indicates that streams, 100-year floodplain, nontidal wetlands, severe slopes and areas of steep slopes with highly erodible soil do not occur on the property. The soils found to occur, according to the Prince George's County Soil Survey, are in the silty and clayey land series and sandy and clayey land series, which generally have marginal limitations for development. According to available information, Marlboro clay is not found to occur on this property. 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, indicates there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no scenic or historic roads in the vicinity of the site. This subject property is relatively flat, predominantly developed, and is characterized with terrain sloping toward the southeast which drains to an unnamed tributary of the Beaverdam Creek watershed in the Anacostia River Basin. This site is in the Developed Tier as reflected in the 2002 adopted General Plan.

**Environmental Review**

This property is exempt from the provisions of the Prince George's County Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and does not have a previously approved tree conservation plan. A tree conservation plan will not be required. A letter of exemption from the Woodland Conservation Ordinance (S-317-03) was issued by the Environmental

Planning Section, Countywide Planning Division on December 12, 2003.

### **Water and Sewer Categories**

The property is in water category W-3 and sewer category S-3, according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The property is in Planning Area 72/Kent Community. The 2002 General Plan places the subject property in a corridor in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to-high-density neighborhoods. This application is not inconsistent with the 2002 General Plan Development Pattern policies for corridors in the Developed Tier. The site is subject to the recommendation of the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)*, which calls for urban-residential density for Lot 1 and commercial uses for Lot 2. This application conforms to the master plan recommendation for urban-residential and retail-commercial uses.
6. **Parks and Recreation**—The site is exempt from mandatory dedication because the new development is commercial and the residential portion has existing dwelling units.
7. **Trails**—The Landover and vicinity master plan recommends two master plan trails/bikeways that impact the subject site. The master plan designates Sheriff Road as a major sidewalk corridor. Through the DPW&T road improvement project, existing sidewalks have already been constructed along this section of roadway, including the road frontage of the subject application. No additional recommendations are made regarding this facility.

The master plan also designates Belle Haven Drive as a master plan bikeway. Staff recommends the provision of two “Share the Road” signs in conformance with county standards. Standard sidewalks currently exist on the subject site’s frontage to accommodate pedestrians.

MD 704 is also designated as a master plan trail corridor. However, Prince George’s County owns the land immediately fronting on MD 704, and this trail does not impact the subject application.

8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan of subdivision for the above-referenced property. The application represents a proposal to develop 25,000 square feet of retail space. The C-A-zoned property is located in the northeast quadrant of the Belle Haven Drive/Sheriff Road intersection. In support of the application, the applicant presented to staff a traffic study, which evaluated the transportation impact on the surrounding transportation network.

**Traffic Study Analyses:**

The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 704/Sheriff Road	E/1457	C/1187
MD 704/Columbia Park Road	B/1029	B/1024
Sheriff Road/Belle Haven Drive	A/723	A/915
Sheriff Road/Village Green Drive	A/722	B/1062

The study cited eight approved background developments, which collectively, will impact the above intersections during the morning and evening peak hours. The study also applied annual growth rates of two percent and one percent for through traffic along MD 704 and Sheriff Road respectively. The analysis of background traffic yielded the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 704/Sheriff Road	E/1494	C/1249
MD 704/Columbia Park Road	B/1064	B/1060
Sheriff Road/ Belle Haven Drive	A/735	A/970
Sheriff Road/Village Green Drive	A/735	B/1086

The traffic study, citing trip generation rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual 6<sup>th</sup> Edition*, indicated that the proposed development would generate 26 AM peak-hour trips and 300 PM peak-hour trips. However, with the application of the pass-by trip reduction factor, the actual number of new trips that the site is projected to generate are 8 AM trips and 96 PM trips. Applying those new trips along with existing and background traffic results in the following:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 704/Sheriff Road	E/1496	C/1265
MD 704/Sheriff Road <i>with CTP improvements</i>	C/1217	C/1265
MD 704/Columbia Park Road	B/1064	B/1064
Sheriff Road/ Belle Haven Drive	A/738	A/998
Sheriff Road/Village Green Drive	A/736	B/1093
Belle Haven Drive/Site Entrance **	B/11.7 seconds	C/18.3 seconds
** Unsignalized intersections are analyzed using highway capacity software. The results show the LOS and the intersection delay measured in seconds/vehicle. An LOS “E” which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.		

The traffic study cited planned intersection improvements for the MD 704/Sheriff Road intersection. The current MDOT Consolidated Transportation Program (CTP) shows funding for the widening of the southbound approach for this intersection, which would provide an exclusive right-turn lane as well as signal modification. With the inclusion of those planned improvements, the intersection will operate with a LOS/CLV of C/1217 and C/1265 during the AM and PM peak hours, respectively.

In its conclusion, the traffic study stated that the study area road network currently operates acceptably and will continue to do so upon build-out of the proposed development.

Upon review of the applicant’s traffic study, staff concurs with its findings and conclusion. In addition to the planning staff, the study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public and Transportation (DPW&T). Both agencies concurred with the study findings

**TRANSPORTATION STAFF FINDINGS**

The application is a preliminary plan of subdivision for a commercial development consisting of 25,000 square feet of retail space. The proposed development would generate 8 AM and 96 PM peak-hour vehicle trips as determined using the Institute of Transportation Engineers (ITE) *Trip Generation Manual 6<sup>th</sup> Edition*.

The traffic generated by the proposed preliminary plan would impact the following intersections:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 704/Sheriff Road	E/1457	C/1187
MD 704/Columbia Park Road	B/1029	B/1024
Sheriff Road/ Belle Haven Drive	A/723	A/915
Sheriff Road/Village Green Drive	A/722	B/1062

The MD 704/Sheriff Road intersection is 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 subject property is located within the Developed Tier as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better

**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.

As indicated in the traffic study, all of the intersections within the study area will operate adequately, based on the policy LOS threshold.

**TRANSPORTATION STAFF CONCLUSIONS**

The Transportation and Public Facilities Planning Division 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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the
10. Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposed subdivision is exempt

from the adequacy test for schools because it is a commercial use.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
  - a. The existing fire engine service at Kentland Fire Station, Company 33, located at 7701 Landover Road has a service travel time of 1.91 minutes, which is within the 3.25-minute travel time guideline.
  - b. The existing ambulance service at Chapel Oaks Fire Station, Company 38, located at 5544 Sheriff Road has a service travel time of 3.71 minutes, which is within the 4.25-minute travel time guideline.
  - c. The existing paramedic service at Landover Hills Fire Station, Company 30, located at 68<sup>th</sup> Street and Annapolis Road has a service travel time of 5.89 minutes, which is within the 7.25-minute travel time guideline.
  - d. The existing ladder truck service at Tuxedo/Cheverly Fire Station, Company 22, located at 5711 Tuxedo Road has a service travel time of 5.42 minutes, which is beyond the 4.25-minute travel time guideline.

To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should 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.

These findings are in conformance with the standards and guidelines contained in the 1990 *Approved Public Safety Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

11. **Police Facilities**—The proposed development is within the service area for Police District III-Landover. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reviewed the application and offered the following comments:

“A significant amount of domestic trash and other debris was found on the property along the entire eastern property line of proposed Lots 1 and 2 and should be removed and

properly stored or discarded.”

13. **Stormwater Management**—The applicant has received stormwater concept approval from the Prince George’s County Department Of Environmental Resources. A copy of the concept approval letter (#2702-2004-00) dated February 9, 2004, is included in the case file.
14. **Cemeteries**—There are no known cemeteries on the subject property.
15. **Public Utility Easement**—The plan shows a ten-foot-wide public utility easement adjacent to both street frontages. It is accurately reflected on the proposed preliminary plan and will be included on the final plat.
16. **Design Issues**—Due to this site’s prominent location and potential impacts on adjacent properties, approval of a detailed site plan should be required prior to issuance of a building permit for Lot 2.

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.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Eley, with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 8, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of July 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator