

R E S O L U T I O N

WHEREAS, Shafiq R. Umar is the owner of a 2.03-acre parcel of land known as Lot 1 WWW 54@13 and Lot 4 VS 157@69, located on Tax Map 44 and Grid C-3, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on February 26, 2004, Shafiq R. Umar filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04012 for Westgate Convenience 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 29, 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 April 29, 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 the Type I Tree Conservation Plan (TCPI/11/04), and further APPROVED Preliminary Plan of Subdivision 4-04012, for Parcel C with the following conditions:

1. To alleviate the negative impact on fire and rescue services due to inadequate service, 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.
2. If the ultimate use of the property is one permitted by right rather than the special exception uses contemplated, a limited detailed site plan shall be required to address access issues and the possibility of combining or eliminating superfluous access points along MD 450.
3. Total development of the subject property shall be limited to uses which would generate no more than 57 AM and 71 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
4. Prior to signature approval of the preliminary plan, revise the FSD map as follows:

- a. Identify the total woodland on the site to the nearest 100th of an acre.
  - b. Locate the boundary of the one forest stand and use a separate symbol for the boundary in the legend.
  - c. After all the revisions have been made to the map, have the qualified professional who prepared the map sign and date it.
5. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
- a. Replace the first ratio reference in stand TCPI note #4 to read: “ $\frac{1}{4} : 1$ ” and not “ $\frac{1}{2} : 1$ .”
  - b. After all the revisions have been made to the TCPI, have the qualified professional who prepared the plan sign and date it.
6. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/11/04). 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/11/04), 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 Preservation Policy.”
7. The Type II Tree Conservation Plan shall show all proposed grading and shall provide the top and bottom elevations for any proposed retaining walls.
8. Prior to signature approval of the preliminary plan, a copy of the stormwater management concept approval letter shall be submitted to the file and the approval number and date shall be noted on the preliminary plan.

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 southeast quadrant of Whitfield Chapel Road and Annapolis Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

**EXISTING**

**PROPOSED**

Zone	C-S-C	C-S-C
Uses	Gas Station, Convenience Store	Gas Station, Convenience Store, Car Wash
Acreage	2.03	2.03
Parcels	1	0
Lots	1	1
Square Footage	1,980	5,224

4. **Environmental**—A review of the available information indicates that the southeast portion of the site (the vacant parcel) is wooded and steep or severe slopes are present on the site. Streams, 100-year floodplain, and wetlands are not present. The soils found to occur, according to the Prince George’s County Soil Survey, include the Sassafra (ShC2) and Sunnyside (StC2 and SvD3) series. 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. The site is along an existing major arterial road that is regulated for noise for residential uses. However, based on the existing and proposed commercial uses, potential noise impacts are not regulated. The property is located in the Bald Hill watershed of the Patuxent River basin and the Developing Tier of the 2002 adopted General Plan.

**Environmental Review**

- A. A revised simplified forest stand delineation (FSD) has been submitted. A review of the revised plan finds two minor revisions are necessary in order to comply with the Woodland Conservation Ordinance.

Revise the FSD map to identify the total woodland on the site to the nearest 100th of an acre. Also, locate the boundary of the one forest stand and use a separate symbol for the boundary in the legend. After all the revisions have been made to the map, have the qualified professional who prepared the map sign and date it.

- B. The site is subject to the provisions of the Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of woodlands on site. A revised Type I Tree Conservation Plan (TCPI) has been submitted and was reviewed. The site contains 2.03 gross acres, with no areas of 100-year floodplain. The existing woodland on the site totals 0.76 acre. The current TCPI shows the amount of woodland cleared to be 0.00 acre. The amount of woodland conservation required is 0.30 acre; the amount of woodland conservation provided totals 0.74 acre and is provided in the form of on-site preservation. Additional woodland retained at the site, but not part of any requirements totals 0.02 acre.

Two minor revisions are necessary to meet the requirements of the Woodland Conservation Ordinance. Two retaining walls are proposed on the developed portion of the site and are shown on the TCPI; however, there are no top-of-wall and bottom-of-wall elevations provided. This information will be required to be provided on the TCPII so that a final determination regarding the grading proposed can be made. One of the standard TCPI notes has an incorrect reference to the woodland replacement requirement ratio (see note #4). The first ratio in parentheses should read “¼ : 1” and not “½ : 1.” After all the revisions have been made to the TCPI, have the qualified professional who prepared the plan sign and date it.

- C. A stormwater management concept plan has not been submitted. However, the revised TCPI refers to the conceptual stormwater management plan with reference number submitted to the Prince George’s County Department of Environmental Resources (DER). A copy of the concept approval letter from the DER is required prior to final approval of the preliminary plan.

### **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. It is served by public systems.

- 5. **Community Planning**—The property is in Planning Area 70/Annapolis Road Community. The 2002 General Plan places the subject property in a corridor in the Developing Tier. The vision for corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. This application is not inconsistent with the 2002 General Plan Development Pattern policies for corridors in the Developing Tier. The site is subject to the recommendation of the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale–Seabrook–Lanham and Vicinity (Planning Area 70)*, which calls for a retail-commercial use. This site is identified as part of a commercial activity center (convenience center). The master plan states that access to freestanding businesses in this activity center fronting on MD 450 and Whitfield Chapel Road needs to be integrated. The master plan also cites a lack of landscaping and a general need for building upgrades to enhance the appearance of the existing commercial buildings in the center. This application conforms to the master plan recommendation for retail-commercial use.

### **Planning Issues**

The master plan recommends integrated access to the activity center in which the subject site is located. Proposed access points are not clear through the subdivision application. The access issue should be reviewed through either a special exception or a detailed site plan (if developed with a permitted use) to ensure that new access points on the abutting roads (MD 450 and

Whitfield Chapel Road) are not allowed if existing access points to the activity center can be shared. Further, because the property backs to a single-family detached neighborhood (to the east), there is a concern about the siting of any future development and its visual impact on the adjoining residential lots. A master plan guideline states (page 71) that commercial uses shall be buffered from surrounding uses by means of landscaping, berms, fencing and the siting of structures. Either the required special exception review (if developed as a gas station and car wash) or detailed site plan review (if developed with a permitted use) can address this concern.

6. **Parks and Recreation**—The site is exempt from mandatory dedication because it is a commercial development.
7. **Trails**—The Glenn Dale-Seabrook-Lanham and vicinity master plan recommends two master plan trails in the vicinity of the subject site. A master plan trail is recommended along MD 450. Extensive segments of this trail have been completed or are under design by SHA as part of road improvement projects to the east of the subject site. The trail has been located on the north side of MD 450 for its entire length and does not impact the subject application, which is on the south side of MD 450.

Whitfield Chapel Road is designated as a Class III master plan bikeway with appropriate signage. The placement of one “Share the Road with a Bike” sign is recommended. Standard sidewalks currently exist on the subject site’s frontage of both MD 450 and Whitfield Chapel Road. No additional improvements are recommended.

8. **Transportation**—The applicant has not prepared a traffic impact study nor was one requested by the transportation staff. The findings and recommendations outlined below are based upon a review of all 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,” and in consideration of findings made in connection with past applications.

#### **Growth Policy—Service Level Standards**

The subject property is located within 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.

**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 application involves two recorded lots. One recorded lot resulted from Preliminary Plan 4-88230, which includes a condition restricting uses to 16,000 square feet of mixed commercial space. A closer reading of transportation staff determinations made during that case suggests that a cap of 24 peak-hour trips is applicable to the site. This lot was recorded as Lot 4 of Westgate Woods but was never developed. The second lot is an old plat that has long been developed with the existing service station. Based upon the implied trip cap for existing Lot 4 and the existing development on existing Lot 1, the presumption is that the development of the proposed parcel would be restricted to uses generating no more trips than the existing service station plus 24 additional trips.

Based upon rates provided in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, the existing service station would generate 85 AM and 107 PM peak-hour vehicle trips. Because a number of trips to this use can be assumed to be already on the adjacent roadway, the net off-site impact of this use would be 33 AM and 47 PM trips. Adding the 24 additional trips for Lot 4, the trip cap for the site would be 57 AM and 71 PM peak-hour vehicle trips.

The current proposal includes a gasoline station with 12 fueling positions, convenience store, and car wash. Again, based upon rates provided in the ITE *Trip Generation Manual*, the proposed use would generate 128 AM and 160 PM peak-hour vehicle trips. Because a number of trips to this use can be assumed to be already on the adjacent roadway, the net off-site impact of this use would be 50 AM and 70 PM trips. This level of trip generation is within the trip cap that exists for the two existing lots; therefore, there is evidence that the Planning Board can find that the proposed resubdivision would generate no net trips as a result. There would be no resulting impact on traffic operations at the MD 450/Whitfield Chapel Road intersection as a result of the resubdivision. Because the applicant, through the subdivision process, has been provided the opportunity to provide additional traffic-related information to support a higher level of development for this site and has not, the transportation staff will recommend a trip cap condition consistent with the assumed cap.

There are no outstanding issues regarding this plan. Any modifications to access to MD 450 must be approved by the State Highway Administration. MD 450 is a master plan arterial facility, and Whitfield Chapel Road is a master plan collector facility. Sufficient right-of-way consistent with master plan recommendations has been previously dedicated, and no further dedication of right-of-way is required of this plan.

### **Transportation Staff Conclusions**

Based on the preceding findings, 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 with a condition that limits peak-hour trips.

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 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 West Lanham Hills Fire Station, Company 28, located at 7609 Annapolis Road has a service travel time of 2.84 minutes, which is within the 3.25-minute travel time guideline.
  - b. The existing ambulance service at Landover Fire Station, Company 30, located at 68<sup>th</sup> Street and Annapolis Road has a service travel time of 4.41 minutes, which is beyond the 4.25-minute travel time guideline.
  - c. The existing paramedic service at Landover Fire Station, Company 30, has a service travel time of 4.41 minutes, which is within the 7.25-minute travel time guideline.
  - d. The existing ladder truck service at Glenn Dale Fire Station, Company 30, located at 11900 Glenn Dale Boulevard has a service travel time of 7.24 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 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 existing ambulance service located at Bowie Fire Station, Company 43, is beyond the recommended travel time guideline. The nearest fire station, West Lanham Hills Fire Station, Company 28, is 2.84 minutes from the development. This facility would be within the recommended travel time for ambulance service.

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 II-Bowie. 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 wood line and should be removed and properly stored or discarded.”
13. **Stormwater Management**—The applicant has not yet received stormwater concept approval from the Prince George’s County Department Of Environmental Resources. Because of the type of use being proposed (a gas station with a car wash), a more detailed review is undertaken. A copy of the concept approval letter from DER is necessary prior to signature approval of the preliminary plan.
14. **Cemeteries**—There are no known cemeteries on the subject property.
15. **Public Utility Easement**—The plan shows a 10-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. **Prior Approvals**—Lot 4 of the Westgate Woods subdivision, which is included in this application, had a trip cap placed on it at the time of its approval in 1990. This cap has been carried forward as explained in the transportation section of this report.

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 Harley, with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of May 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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