

R E S O L U T I O N

WHEREAS, a 1.2-acre parcel of land known as Tax Map, 81 in Grid D-4, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on November 30, 2006, McDonald Corporation filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06104 for Wallington Estates 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 February 22, 2007, 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 February 22, 2007, 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 4-06104, Wallington Estates, for Parcel 4 and Parcel 5 with the following conditions:

1. Development shall be in conformance with the approved stormwater concept plan and any subsequent revisions.
2. The total development on both proposed parcels (Parcel 4 and 5) shall be limited to only the existing drive-through fast food restaurant. Provision of any additional development on these two proposed parcel shall be subject to the a new transportation adequacy finding as required under Section 24-124 of the Prince George's County Code pursuant to a new preliminary plan of subdivision.
3. The following note shall be placed on the preliminary plan and final plat: " Parcel 4 and Parcel 5 shall have no direct access to Pennsylvania Avenue (MD 4) or Walters Lane."

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 southeast corner of Walters Lane and Pennsylvania Avenue. To the north of the subject site is Pennsylvania Avenue.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

|                              | <b>EXISTING</b>            | <b>PROPOSED</b>            |
|------------------------------|----------------------------|----------------------------|
| Zone                         | C-S-C                      | C-S-C                      |
| Use(s)                       | Commercial<br>(Restaurant) | Commercial<br>(Restaurant) |
| Acreage                      | 1.20                       | 1.20                       |
| Lots                         | 0                          | 0                          |
| Outparcel                    | 0                          | 0                          |
| Parcels                      | 1                          | 2                          |
| Public Safety Mitigation Fee |                            | No                         |

4. **Environmental**—This 1.20-acre site is located on the southeast corner of Walters Lane and Pennsylvania Avenue. A review of the available information indicates that streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. The site is relatively flat and predominantly developed. There is no 100-year floodplain that is associated with the site. The predominant soil types found to occur on this site, according to the Prince George’s County Soil Survey, are Christiana and Beltsville. These soil types have moderate limitations with respect to steep slopes, impeded drainage, slow permeability, and perched water table but will not affect the site layout. According to available information, Marlboro clay does not occur on this property.

According to 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, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. The subject property is located on the south side of Pennsylvania Avenue (MD 4), an arterial and a noise generator, and is generally regulated for noise. However, noise is not a consideration in the review due to the C-S-C Zone.

This property is located in the Henson Creek watershed of the Anacostia River basin and in the Developed Tier as reflected in the 2002 General Plan. The approved *Countywide Green Infrastructure Plan* shows this site within a network gap as part of the designated network. The site does not contain regulated areas or evaluation areas within the green infrastructure network of the *Countywide Green infrastructure Plan*.

The preliminary plan application has a signed natural resources inventory (NRI/111/06) dated September 11, 2006, that was included with the application package. The preliminary plan shows all the required information correctly in conformance with the NRI.

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodlands and there is no previously approved tree conservation plan. A Type I tree conservation plan was not submitted with the review package and is not required. The Environmental Planning Section, Countywide Planning Division, issued a standard letter of exemption from the ordinance, on September 11, 2006. No further action is needed at this time as it relates to woodland requirements. The letter of exemption should accompany all future applications for plans and permits.

A stormwater management concept approval letter (45908-2006-00) dated November 12, 2006, and the associated plans were submitted with the review application. Requirements for stormwater management will be met through subsequent reviews by the Department of Public Works and Transportation. No further action is required at this time with regard to the stormwater management.

#### **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 December 2003.

5. **Community Planning**—The property is located 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. The subject property consists of 1.2 acres and is currently developed as a McDonald's fast-food restaurant. The applicant proposes to subdivide the existing lot into two lots. The 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* lists the land use as retail commercial. The 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* rezoned this property from the C-2 Zone to the C-S-C Zone. Chavez Lane is a residential street not classified by the master plan. This application is not inconsistent with the 2002 Approved General Plan Development Pattern policies for the Developed Tier. This application does conform to the land use recommendations of the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*.

The applicant states that the subdivision will not result in new construction, however, concerns must be considered regarding the possibility that development could take place in the future and the impact on McDonald's and the surrounding neighborhood. Questions raised for the McDonald's site are: parking requirements per zoning and the recorded special exception and relocation of an enclosed storage area for trash. Please note that at the end of Chavez Lane the street terminates into a cul-de-sac, which is the access to a development of townhouses adjacent to the McDonald's and future redevelopment of this site could impact ingress and egress to this development.

6. **Parks and Recreation**—The proposal is exempt from the parkland mandatory dedication requirements because it is a commercial use.
7. **Trails**—There are no master plan trails issues identified in the adopted and approved Suitland-District Heights and Vicinity Master Plan. The majority of the roads in the vicinity of the subject site have sidewalks. An existing sidewalk along Chavez Dive is reflected on the preliminary plan. There are no master plan trails recommendations.
8. **Transportation**—The purpose of the subject is to create two lots but proposes no additional development on either. A drive-through fast food restaurant currently exists on the site, which the entire building will be located on the proposed Parcel 5. Because the applicant proposes no additional development, this subdivision plan would have no impact on adjacent roadways and no additional new AM and PM peak-hour vehicle trips would be generated. The plan shows no additional access. The existing accesses are along Chavez Lane, a two-lane roadway. Although the plan shows no access to MD 4, an arterial facility, a note on the plan indicating “no direct access to MD 4 or Walters Lane “ is recommended.

The site has frontage along Pennsylvania Avenue (MD 4), an arterial facility with 200 feet of total rights-of-way, Walters Lane, a collector roadway with 80 feet of total right-of-way, and Chavez Lane, a two-lane commercial/residential roadway with 70 feet of total right-of-way. The plan shows adequate rights-of-way for all these roadways either to be dedicated or have already been dedicated. The guidelines state that the Planning Board may find that the traffic impact of a very small development, defined as any development that generates five or fewer peak hour trips, is de minimus.

#### **TRANSPORTATION STAFF CONCLUSIONS**

Based on the preceding findings, the Transportation Planning Section 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 if the application is approved with conditions.

9. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan 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 Ordinance.

The existing fire engine service at Forestville Fire Station, Company 23 located at 8321 Marlboro Pike has a service travel time of 2.37 minutes, which is within the 3.25-minutes travel time guideline.

The existing ambulance service at Forestville Fire Station, Company 23 located at 8321 Marlboro Pike has a service travel time of 2.37 minutes, which is within the 4.25-minutes travel time guideline.

The existing paramedic service at Silver Hill Fire Station, Company 29 located at 3900 Old Silver

Hill Road has a service travel time of 7.00 minutes, which is within the 7.25-minutes travel time guideline.

The existing Ladder truck Service located at District Heights Fire Station, Company 26, is beyond the recommended travel time guideline. The nearest fire station Forestville, Company 23 is located at 6208 Marlboro Pike, which is 2.37 minutes from the development. This facility would be within the recommended travel time for ladder truck service.

10. **Police Facilities**—The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future developments. The plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 county residents.

The police facilities test is performed on a countywide basis 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 and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents formula, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

11. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the subdivision is exempt from schools review because it is a commercial use.
12. **Health Department**—The Health Department reviewed the application and had no comments to offer.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that this project involves the subdivision of a developed site. Stormwater requirements for this site include water quality for all new proposed impervious areas and 20 percent of existing impervious area. Hydrodynamic structures and bio-retention ponds are required for water quality. Stormwater Management Concept Plan 45908-2006-00 has been approved with conditions. Development of the site must be in accordance with this approved plan.
14. **Archeology** - Phase I archeological survey is not recommended on the above-referenced 1.20-acre property at 6704 Chavez Lane, at the southeast corner of Walters Lane and Pennsylvania Avenue in District Heights, 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. A McDonald's restaurant is located on the property and the remainder is covered with a parking lot. No new development is proposed in this application.

However, 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.

15. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.

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 Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Squire, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, February 22, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of March 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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