

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on February 19, 2009, regarding Detailed Site Plan DSP-87048/43 for Six Flags America Attraction, Tony Hawk Half Pipe and Speed Slide, the Planning Board finds:

- 1. **Request:** This application proposes to construct two new rides within the existing water park.
- 2. **Development Data Summary:**

| | |
|---------|------------------------------------|
| Zone(s) | R-A and R-S |
| Use(s) | Commercial Recreational Attraction |
| Acreage | 265.62 |

The parking requirements for a commercial recreational attraction are set by the approved special exception and the associated concept plan. Special Exception applications SE-2635 and SE-3400 found that the parking which was approved at that time of application was sufficient for the needs of the park as it was then shown on the concept plan, although provision was made for additional parking to be provided if the parks operating experience showed it to be necessary. The new rides proposed by this DSP were part of the 1999 approved concept plan and therefore the parking shown on the concept plan was deemed to be adequate for the needs of the park including these rides. Furthermore, the applicant has stated that the existing parking on the site has proven to be ample for the needs of the park.

- 3. **Location:** The Six Flags America Amusement Park is located north of Central Avenue (MD 214), with the main entrance approximately one mile east of Church Road. The site is in Planning Area 74A, Council District 6, in the Developing Tier.
- 4. **Surroundings and Uses:** To the north, the park adjoins an existing residential neighborhood, Woodmore Meadows. To the west, the park adjoins Potomac Electric Power Company (PEPCO) transmission right-of-way (ROW) and the existing Kettering residential neighborhood. To the east, the park is adjacent to the Belt Woods, an area of historic and undisturbed old-growth forest.

A historic site, the Partnership site and cemetery, are located on the subject property, approximately 1,500 feet north of the proposed Tony Hawk Half Pipe ride.

- 5. **Previous Approvals:** The site is the subject of the approved special exception plans for the commercial recreational amenity use, SE-2635 and SE-3400. Special Exception SE-2635 was

first approved in 1972, while SE-3400 was first approved in 1983. As required by Section 27-342 of the Zoning Ordinance, a concept site plan was approved as part of SE-2635 and SE-3400 generally establishing the park layout. Smaller mobile rides and attractions may be constructed and distributed throughout the designated General Activity Area, while larger rides and attractions with foundations require detailed site plan approval and are limited to those approved on the concept site plan. Following approval of Special Exception applications SE-2635 and SE-3400, the applicant filed a Detailed Site Plan, DSP-87048 for the park, which has been revised numerous times in order to approve in detailed form the rides that were approved on the concept site plan, as well as to make adjustments to other aspects of the park over the course of its operations. In 1999, the attractions which had been approved on the concept site plan had all been constructed, and the applicant received approval for a revision to the concept site plan and to SE-2635 and SE-3400, approving seven additional rides. Revisions to Detailed Site Plan DSP-87048 have continued since that time. The most recent detailed site plan reviewed by the Planning Board was DSP-87048/01, a revision for the construction of two new waterslides, the Mammoth and the Tornado. The Planning Board approved this detailed site plan at its Planning Board hearing of June 23, 2005. The most recent revision to the Detailed Site Plan was DSP-87048/02, a revision to construct a human resources building that was approved by the Planning Director as designee of the Planning Board on January 17, 2008.

6. **Design Features:** The plan proposes two new rides within the Water Park, which will be known as the Tony Hawk Half Pipe and the Speed Slide. The rides will be located within the area of the existing water park, which is located in the southwestern area of the overall General Activities Area, northwest of the parking lot.

The Tony Hawk Half Pipe ride consists of a U-shaped fiberglass flume intended to simulate a skateboarding half-pipe. Riders climb a set of stairs to reach an access platform at one side of the ride, where they board inflated tubes and slide into the flume. After sliding down one side and up the other side of the flume, the rider will eventually be stopped by gravity in the trough of the flume and slide onto the discharge platform. It is located just east of the previously-approved Kiddie Pools in a location previously occupied by a small kiosk.

The Tony Hawk Half Pipe ride will constitute Attraction 23 approved on the special exception concept plan. Attraction 23 was described on that plan as an "Inner Tube or Flume Ride," approximately 120 feet long, 60 feet wide, and 20 feet tall. The proposed Tony Hawk Half Pipe is 89.5 feet long, 42 feet wide and 39.66 feet tall. Attraction 23 was shown on the concept plan located to the northwest of the proposed location of the Tony Hawk Half Pipe ride.

The dimensions and location of the Tony Hawk ride are somewhat different from those shown on the concept plan. The ride as proposed and constructed is taller than the attraction described on the concept plan, but has a smaller footprint. The additional height is not problematic as the ride is shorter than many other rides in the park, is not visible from adjoining properties, and is not out of scale with its immediate surroundings. The ride is proposed at a location approximately 350 feet southwest of that shown on the concept plan, however the proposed location is still within the water park area of the Six Flags America Park and is consistent with the general location of the

attraction within the overall site.

The Speed Slide ride consists of six straight parallel water slides that descend from two access platforms at different heights. The higher platform accesses two slides, while the lower platform accesses the other four slides. Riders will climb a set of stairs to reach one of the two access platforms, and sit on individual travel mats at the top of the slides before sliding down into a pool at the bottom of the slides. The Speed Slide has not been constructed and is proposed to be located on the west side of the existing Hurricane Bay Wave Pool.

The Speed Slide ride will constitute Attraction 28 approved on the special exception concept plan. Attraction 28 was described on that plan as a "Water Slide," approximately 395 feet long, 55 feet wide, and 60 feet tall. The concept plan showed Attraction 28 in the same location where the Speed Slide is proposed to be constructed, to the west of the wave pool.

The proposed Speed Slide ride is approximately 280 feet long, 70 feet wide, and 60 feet tall. These dimensions are somewhat different from those described on the concept plan, but are consistent with the magnitude of structure envisioned on that plan.

The two proposed rides are located within the already-developed portion of the water park, adjacent and among existing rides and attractions, so that the impact on adjoining properties would not be appreciably different from existing conditions. The nearest residential properties to the proposed rides are located on the opposite side of Central Avenue (MD 214), approximately 1,800 feet south of the proposed locations. The closest residential properties on the north side of Central Avenue are further away, approximately 3,300 feet to the west of the proposed ride locations.

It should be noted that the Tony Hawk ride has already been constructed and was opened during the park's 2008 season. In the past, other improvements to the Six Flags Park have also been constructed before later receiving detailed site plan approval. The Planning Board may require changes be made to the design if deemed necessary. The applicant has communicated their intention that all future improvements requiring site plan approval will complete the site plan process prior to construction.

7. **Zoning Ordinance:** The Six Flags America Amusement Park is a commercial recreational attraction as provided for in Section 27-342 of the Zoning Ordinance. The plan is in conformance with the appropriate requirements of the Zoning Ordinance.
8. **Prior Approvals:** The most recent revision of the special exception plans was approved in 1999 with 37 conditions of approval, most of which are related to the approval of detailed site plans. The following conditions of approval warrant discussion at this time:
 1. **No structure, including any observation tower, shall be constructed higher than 200 feet in height measured from grade.**

The Tony Hawk Half Pipe is approximately 40 feet tall and the Speed Slide is approximately 60 feet tall. The plan is in conformance with this requirement.

- 2. A noise study shall be submitted with the Detailed Site Plan for each new ride or activity that will demonstrate that noise levels from any sounds (including any crowd noise) will not exceed 55 dBA at all property lines, except as permitted in Condition 19 herein.**

The applicant has submitted a noise study prepared by Phoenix Noise and Vibration, LLC, demonstrating that the two new rides will not generate any noise exceeding 55 dBA at the property lines.

- 14. Each Detailed Site Plan shall provide information indicating the type of glare and light that can be expected to be generated by the proposed use(s), and that such lighting will have no adverse impact on adjoining properties.**

The applicant has affirmed that the lighting associated with these rides will be minimal and limited to downward-directed lights, which will only be needed during the period after sunset and just before the park closes for the night. As the proposed rides are located at a great distance from all adjoining properties, there will be no off-site adverse impact.

- 15. The facility, where feasible, shall incorporate barrier-free design to provide accessibility for handicapped patrons.**

Due to the nature of the proposed water rides, they would not be appropriate for use by mobility-restricted patrons and it would not be feasible to provide ramps for handicapped access to the boarding platforms of the rides. The ground level areas around the proposed rides will be flat and allow for handicapped accessibility around and under the rides.

The most recent Planning Board revision to the DSP, DSP-87048/41, was approved by the Planning Board on July 14, 2005 with two conditions of approval, one of which relates to the review of this plan:

- 2. Prior to future revisions of the subject detailed site plan, the applicant shall take measures to preserve the history of the property where Partnership sits in a manner satisfactory to the applicant and the historic preservation staff.**

PGCPB Resolution No. 05-149 for Detailed Site Plan DSP-87048/41 provides more detail of the measures that were envisioned at that time. These measures were initially proffered by the applicant as part of a Historic Area Work Permit for the demolition of the historic structure that was later withdrawn:

- “1) Six Flags America will submit, for permanent record, level two HABS documentation of Partnership to be completed by Kann and Associates.**

- “2) Six Flags America will locate and have reproduced the most recent HABS photos of the building.
- “3) Six Flags America will produce a photo exhibit complete with a brief history of Partnership. Six Flags America will seek the technical assistance of the Prince George’s Historic Preservation Commission in this endeavor. This photo exhibit will remain on display at either our Guest Relations Building or our administration building.
- “4) Six Flags America will donate (free of charge) to a qualified candidate portions of the Partnership interior to include the banister, remaining mantle pieces, and any brick of interest. A qualified candidate should be identified by the Prince George’s County Historic Preservation Commission. Any costs for this endeavor which are in excess of the normal cost of demolition will be the responsibility of the donee.”

In their review of Detailed Site Plan DSP-87048/41, the Historic Preservation Section had recommended that although the work permit was no longer being pursued, the applicant should undertake to fulfill these actions in order to document and commemorate the historic resource on the site. Condition 2 of the Planning Board’s approval was evidently intended to accomplish this goal.

The applicant has stated that they believe appropriate documentation and publication measures were completed in accordance with Condition 2 of Detailed Site Plan DSP-87048/41. They have stated that documentation of the historic site was prepared and displayed at the park’s Guest Relations building, and believe that other documentation or publicity may have been prepared. However, the records of the Historic Preservation Section regarding Partnership do not include any evidence that the condition was complied with. Such evidence would include documentation and photographs of the Partnership site, a copy of any literature or photographic exhibits prepared for display at the park, and indications of whether appropriate portions or artifacts from the site were donated.

The applicant should provide evidence of any past documentation, publication, or preservation efforts that were undertaken in accordance with Condition 2 of Detailed Site Plan DSP-87048/41. If any of the appropriate documentation or publication efforts cannot be demonstrated to have occurred, the applicant should complete those efforts prior to issuance of any building permits associated with this site plan.

9. **Landscaping:** The proposed rides do not generate any additional landscaping requirements under the *Prince George’s County Landscape Manual*. However, the Speed Slide ride is proposed to be located on the site of an existing line of evergreen trees, which would be removed in order to construct the Speed Slide. Although not a required landscaping feature under the Landscape Manual, the special exception or concept plan, this line of trees essentially forms an edge to the patrons’ area of the water park. The applicant should revise the plans to show a replacement screen of evergreen trees along the west side of the proposed Speed Slide.

10. **Environmental Planning Review:** There are no environmental issues with the plan, and the DSP is in conformance with previously-approved TCPII/045/98.
11. **Historic Preservation:** The area around the historic site was labeled on the site plan as “Historic Protective Area,” which should be corrected to “Environmental Setting.” The new park attractions will have no effect on the historic site or its environmental setting.
12. **Permit Review:** The previously approved block on the site plan needs to be updated to include the previous approvals of the site plan.
13. **State Highway Administration (SHA):** The State Highway Administration stated that they have no objection to the proposed DSP.
14. **Fire Department:** The application was sent to the Fire Department for their review but no referral response has been received.
15. As required by Section 27-285 (b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-87048/43, subject to the following conditions:

1. Prior to certification of Detailed Site Plan DSP-87048/43, the applicant shall revise the site plan as follows:
 - a. Label the area around the historic site as “Environmental Setting.”
 - b. Show the previous approvals of the DSP in the approvals block on the approvals sheet.
 - c. Show a replacement screen of evergreen trees along the west side of the proposed Speed Slide.
2. Prior to certification, the applicant shall provide evidence of any past documentation or publication efforts that were undertaken in accordance with Condition 2 of Detailed Site Plan DSP-87048/41. Such evidence would include documentation and photographs of the Partnership historic site, a copy of any photographic exhibit or literature outlining the history of Partnership displayed on the park’s website and at the park’s Guest Relations or Administration buildings, and indications of whether historic artifacts were donated to qualified candidates. If the applicant cannot demonstrate that the required documentation or publication efforts were completed, then

they shall be completed prior to issuance of building permits.

3. Prior to issuance of any permits for the Speed Slide, the applicant shall submit to the Historic Preservation Section the required photographic exhibit and literature to be displayed on the park's website and at the park's Guest Relations or Administration buildings.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, February 19, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of March 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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