

R E S O L U T I O N

WHEREAS, Almas Temple Club, Inc. is the owner of a 24.02-acre parcel of land known as Tax Map 5 in Grid B-2, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned E-I-A; and

WHEREAS, on November 23, 2005, Almas Temple Club, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots and 1 outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05045 for Almas Shriner's Center, Inc. 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 20, 2006, 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 20, 2006, 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/45/05), and further APPROVED Preliminary Plan of Subdivision 4-05045, Almas Shriner's Temple for Lots 1 & 2 and Outlot A with the following conditions:

1. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
2. 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/46/05), 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 Ordinance.”

3. Subject to approved Stormwater Management Concept Approval # 27550-2005-00 and any revisions.
4. Prior to signature approval of the preliminary plan, a revised TCPI shall be submitted that shows the preservation of the wetland buffer in its entirety.

5. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River primary management area and shall be reviewed by the Environmental Planning Section prior to certificate approval. The following note shall be placed on the plat:

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

6. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
- a. Relabel the legend to simply read “Legend.”
 - b. Provide a statement below the specimen tree table as to how these trees were located, either field or survey located and add a symbol to the plan to denote which trees are to be saved or removed.
 - c. Remove one of the PMA symbols in the legend and make this symbol more distinguishable on the plan.
 - d. Remove the proposed tree line symbol from the legend and the plan and show only the limits of disturbance.
 - e. Adjust the limits of disturbance, so it is along the outer edge of the area to be disturbed for the development shown. Clarify areas proposed as being counted as cleared and show the proposed development of all areas outside the future Bauer Lane right-of-way, or eliminate these areas from being counted as cleared.
 - f. Remove reference to “general” tree conservation plan notes and insert reference to “standard Type I” in place of it.
 - g. Provide standard TCPI notes 1-6 and include the applicable preliminary plan and DER concept plan case numbers (in notes 1 and 6, respectively).
 - h. Provide the proposed woodland treatment area labels for all such areas that need clarification and show the correct label for each intended treatment to the closest 1/100th of an acre.
 - i. Provide a corresponding symbol in the legend for the heavy dark line shown along the proposed tree line or remove it from the plan.
 - j. Remove the tree protection device and forest conservation sign details.

- k. Remove the woodland conservation note above the standard TCPI signature approval block.
 - l. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it.
7. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/47/05). 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/47/05), 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.”
8. Prior to signature approval of the preliminary plan, a copy of the approved stormwater management concept plan shall be submitted for review in relation to the TCPI.
9. The following note shall be placed on the final plat of subdivision:
- “Further, I grant to the Potomac Electric Power Company, Verizon Maryland Inc., and the Washington Gas Light Company, and to each of them, and their respective successors and assigns, forever, an easement in, on, and over a ten (10) foot wide strip of land, said strip being parallel, adjacent and contiguous to all Public Right of Way’s shown hereon, and any other strip of land designated as a “Public Utility Easement” hereon, with terms and provisions of said grant being those set forth in that certain document entitled “Declarations of Terms and Provisions of Public Utility Easements” recorded among the Land records of Prince George’s County, Maryland, In Liber 3703 at Folio 748, which said terms and provisions are incorporated hereon by this reference.”
10. Provide a standard sidewalk along the subject site’s frontage of MD 198, unless modified by SHA.
11. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 198 of 75 feet from centerline as shown on the submitted plan.
12. **MD 198 at Bauer Lane/site access:** Prior to the approval for the specific design plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to SHA for signalization at the intersection of MD 198 and Bauer Lane/site access. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any

building permits within the subject property, and install it at a time when directed by that agency. Regardless of signal warrants, physical improvements at this location shall include the construction of the provision of left-turn and right-turn lanes along MD 198 to serve the site access, and other improvements as required by SHA for site access.

13. **MD 198 between Old Gunpowder Road and Sweitzer Lane:** Prior to the issuance of any building permits within the subject property, widening of the above portion of MD 198 shall be funded in the State Consolidated Transportation Program a minimum of 75 percent for construction, or shall be bonded for completion by the applicant, his successors and/or assigns, and/or other private parties.
14. At the time of specific design plan, the Transportation Planning Section shall review the construction status of the Intercounty Connector as a means of ensuring substantial compliance with Condition 1 of CDP-8811.
15. At the time of specific design plan, the Transportation Planning Section shall review the proposed uses for the subject property as a means of determining the appropriateness and effectiveness of transportation systems management strategies. This is to be done as a means of ensuring substantial compliance with Condition 2 of CDP-8811.
16. Total development within the subject property for Lots 1 and 2 shall be limited to a fraternal lodge facility totaling 72,000 square feet, or uses which generate no more than 10 AM and 30 PM peak hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
17. The abandoned shallow well located adjacent to the house at 5805 Sandy Spring Road (proposed Lot 1) must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit.
18. The abandoned septic system serving the existing house at 5805 Sandy Spring Road (proposed Lot 1) must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the preliminary plan, prior to signature approval.
19. All abandoned vehicles (one horse trailer and two trucks) found on proposed Lot 2 must be removed and properly disposed.
20. Prior to final plat, the applicant shall submit evidence from the Health Department that the unlabeled drums (approximately four) found on proposed Lot 2 have been evaluated and disposed of in an appropriate manner by a licensed hazardous waste company.
21. A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits.

Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well and septic systems properly abandoned before the release of the grading permit.

22. 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.

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. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone	EXISTING E-I-A	PROPOSED E-I-A
Use(s)	Residential (to be razed)	Commercial
Acreage	24.02	24.02
Lots	4	2
Outlot	0	1
Structures	2	2
Mitigation Fee		No

3. **Subdivision**—The subject property is zoned E-I-A. Although the subject application is not proposing any residential development, if legislation would permit such a land use, a new preliminary plan should be approved. Because there exist different adequate public facility tests, and there are considerations for recreational components for residential subdivision, a new preliminary plan should be required if residential development is to be considered.
4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision 4-05045 stamped as received on January 6, 2006, and the revised Type I Tree Conservation Plan, TCPI/47/05, stamped as received on January 31, 2006.

Background

The Environmental Planning Section previously reviewed the site for a Zoning Map Amendment (ZMA) that was approved in 1977. A Comprehensive Design Plan (CDP-8811) was approved in 1989. The Planning Board's conditions of approval are found in Resolution No. 89-460.

The proposal is for the creation of Lots 1 and 2 and Outlot "A." All of the proposed development for two buildings and integrated parking is shown on proposed Lot 1.

Site Description

This 24.02-acre site is zoned E-I-A and is located on the south side of MD 198, approximately 400 feet east of Old Gunpowder Road. Based on a review of Year 2000 aerial photos, the site is 84 percent wooded. According to available information, regulated features including a stream, a pond identified as Waters of the U.S., and wetlands are associated with the site. Three soils series are found on the property and these include: Galestown (two types in this series), Hyde Silt Loam and Sandy Land. The Hyde Silt Loam soils have a K-factor at 0.37. There are development constraints associated with the Hyde Silt Loam and Sandy Land soils. The Hyde Silt Loam soils are prone to ponding, high water table and poor drainage in relation to most land uses and the Sandy Land soils have slope constraints associated with development. Based on available information, Marlboro clays are not found to occur at this location. According to the approved Countywide Green Infrastructure Plan, regulated areas, evaluation areas and a network gap are located on the site. MD 198 is a source of traffic noise because it is classified as an arterial road; however, noise impacts are not anticipated because the proposed use is not residential. The eastern portion of the site contains a 70-foot right-of-way labeled "Future Bauer Lane." This right-of-way transverses the entire site from east to west and separates proposed Lots 1 and 2. There are no designated scenic or historic roads in the vicinity of the site. According to the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas of Anne Arundel and Prince George's Counties," December 1997, rare, threatened and endangered species are not found in the vicinity of this site. The property drains to two watersheds (the Bear and Walker Branches) of the Patuxent River basin, with most of the site in the former watershed that does not drain to the Rocky Gorge Reservoir. The site is also in the Developing Tier of the approved General Plan.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet should be used to describe what revisions were made, when and by whom.

A signed natural resources inventory (NRI) NRI/125/05 was submitted with the application. A review of the preliminary plan and TCPI in relation to the NRI has been conducted. The two plans as submitted correctly show the features on the staff-signed NRI.

A detailed forest stand delineation (FSD) was prepared as part of the NRI review. One forest stand was identified at the site that totals 20.34 acres (Stand A). The dominant tree species is chestnut oak, which makes up approximately 37 percent of the species mixture in the stand. The

average diameter of trees was determined to be 16 inches. A total of 13 specimen trees are located at the site, only three of which are located outside of Stand A in the open area. The stand has a “priority” retention rating based on the overall structure and significant environmental features located within it.

Approximately half of the site is within an evaluation area of the Green Infrastructure Plan. The current TCPI shows the site’s woodland conservation requirement to be met entirely with on-site preservation, which is in conformance with the Green Infrastructure Plan.

The site contains two significant environmental features including the Bear Branch stream and an area of associated wetlands. The site is within the Patuxent River basin. The stream on this property is the headwaters of the Bear Branch. Section 24-130(b)(5) of the Subdivision Ordinance requires the Patuxent River primary management area (PMA) to be preserved to the fullest extent possible. All disturbance not essential to the development of the site as a whole is prohibited within the PMA. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), and road crossings, etc., which are mandated for public health and safety. Nonessential activities are those, such as grading for lots, stormwater management ponds and parking areas, which do not relate directly to public health, safety and welfare.

Based on the location of the proposed tree line, two impacts to the PMA are shown on the TCPI. It appears, however, that both impacts can be avoided by adjusting the limits of disturbance. Because the PMA must be preserved to the fullest extent possible, the limits of disturbance should be revised to show the complete preservation of the wetland buffer.

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 reviewed. In order for the TCPI to meet the requirements of the Woodland Conservation Ordinance, revisions are necessary.

The 24.02-acre site in the E-I-A Zone has a Woodland Conservation Threshold (WCT) of 15 percent. The site has 20.34 acres of existing woodland and no areas of 100-year floodplain. As currently designed, the site has a woodland conservation requirement of 6.95 acres. This applicant is proposing to meet this requirement with 6.96 acres of on-site woodland preservation.

There is a legend on the plan that is labeled Forest Conservation Legend and it should be referred to as the “Legend.” Below the specimen tree table a statement should be provided as to how these trees were located, either field or survey located. The legend has two different symbols for the PMA and only one is required. The PMA symbol on the plan should be more distinguishable, perhaps through the addition of the initial PMA along it. The legend and the plan both have a proposed tree line symbol. This symbol should be removed from the legend and plan so only the limits of disturbance symbol remains (some areas are not wooded). In proposed Outlot ‘A’ and the 5.42- acre woodland conservation treatment, the proposed limits of disturbance at the northern edge are behind a portion of tree preservation. The limits of disturbance should be adjusted so

that this symbol is not inside the woodland conservation area, but rather along the outer edge. The reference to “general” tree conservation plan notes should be removed and replaced with a reference to “standard Type I” notes. The plan does not have the standard TCPI notes 1-6. In standard notes 1 and 6, the applicable case number (in note 1 the preliminary plan number and in note 6 the DER Concept Plan number) should be provided. Not all of the proposed woodland treatment areas have been labeled or correctly identified for their intended use.

There is a note on the plan near the label for Outlot A that states, “5.05 acres calculated as cleared but not cleared.” While this is appropriate for the future Bauer Lane right-of-way, this is not an appropriate treatment for Outlot A or proposed Lot 2. If development is not proposed or shown on Outlot A or Lot 2, it is not appropriate to show these areas as counted as cleared or to show them as cleared (Lot 2) at this time. Areas proposed as being counted should be clarified as cleared and the proposed development of all areas outside the future Bauer Lane right-of-way shown, or those areas should be eliminated from being counted as cleared.

The tree protection device and forest conservation sign details should be removed because these are not appropriate on the TCPI. The woodland conservation note above the standard TCPI signature approval block should be removed because language in this note is contained in the standard TCPI notes required on the plan. After all these revisions have been made, the qualified professional who prepared the plan should sign and date it.

A stormwater management concept approval letter has been submitted. The letter was issued on August 19, 2005. A bioretention area is proposed in the southwest portion of proposed Lot 1, along with an underground storage filter for water quality purposes. The storage filter is also on proposed Lot 1 under the eastern-most parking lot. The proposed bioretention area is in the vicinity of a proposed woodland preservation treatment. The TCPI shows a stormwater outfall for this facility in this general location. A copy of the approved stormwater management concept plan should be submitted prior to preliminary plan approval to ensure the concept plan does not contain conflicts with woodland preservation areas proposed on the TCPI. In the event there are conflicts on the concept plan in relation to proposed woodland treatment areas, the technical stormwater management plans should be revised to eliminate conflicts with woodland conservation areas on the TCPI.

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designated this property in Water and Sewer Category 4. Water and Sewer Category 3 are required to serve the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before approval of a final plat. A water line abuts the property and a sewer line is in close proximity to the property. Water and sewer line extensions to serve the property must be approved by the Washington Suburban Sanitary Commission (WSSC) before approval of a final plat.

5. **Community Planning**—This application is located in the Developing Tier. One vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit

serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The application conforms to the land use recommendations for this site as noted in the 1990 Master Plan for Subregion I.

6. **Urban Design**—The Urban Design Section has reviewed the Preliminary Plan for 4-05045 Almas Shriner’s Center and has determined that prior to final plat, a specific design plan is required for the subject property because it is in the E-I-A Zone.
7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the subdivision is exempt from mandatory dedication of parkland requirements because the proposed use is not residential.
8. **Trails**—There are no master plan trails issues identified for this property in the Adopted and Approved Subregion I Master Plan. However, a planning workshop on trail and park facilities for the update to the master plan identified MD 198 as an important corridor for bicyclists and pedestrians due to its proximity to the City of Laurel and area park facilities. Ultimately, pedestrian and bicycle access along MD 198 will have to be addressed by SHA through a road improvement project. Continuous sidewalks and on-road bicycle facilities such as designated bike lanes may be incorporated into future improvements. It should also be noted that future improvements to Gunpowder Road will include trail construction along the west side which will provide pedestrian and bicycle access to Fairland Regional Park. The site’s current road frontage does not include a sidewalk. Sidewalks are absent from most stretches of MD 198, although in a few areas where frontage improvements have been made, sidewalks have been constructed.
9. **Transportation**—The Transportation Planning Section reviewed the subdivision application referenced above. The subject property consists of approximately 24.02 acres of land in the E-I-A Zone. The property is located on the south side of MD 198 (Sandy Spring Road) and approximately 400 feet east of Old Gunpowder Road. The applicant proposes two buildings, one of 60,000 square feet for meeting rooms, office, and ballroom space, and another of 12,000 square feet for storage.

The subject property is not large enough to warrant a traffic study. Nonetheless, a traffic study was prepared and reviewed in a memorandum dated March 29, 2006. In that memorandum, a recommendation of disapproval was made. The recommendation was based solely upon consistency issues with prior plans, and not as a result of traffic issues based upon information contained in the traffic study. Subsequent to the April 6, 2006, Planning Board continuance, the applicant provided clarification that resulted in a revised staff recommendation of approval.

Conformance to Previous Plans

There is an approved comprehensive design plan (CDP) and basic plan for the site. There are several transportation-related conditions on the underlying CDP, and the status of these conditions is summarized below (there were no additional transportation-related conditions on the basic plan):

CDP-8811:

Condition 1: Requires that the Intercounty Connector with an interchange at Old Gunpowder Road shall have construction funding prior to preliminary plan approval. Since the approval of the Subregion I master plan in 1990, an interchange between the Intercounty Connector and Old Gunpowder Road has not been part of the planning for the Intercounty Connector. Furthermore, SHA has assembled a financing plan for the Intercounty Connector that would utilize Maryland Transportation Authority revenue bonds, Grant Anticipation Revenue Vehicle (GARVEE) bonds, and earmarked federal funding. While the final environmental impact statement (EIS) is still under review, if review is completed and the needed approvals are obtained, construction of the ICC can begin immediately without the usual appropriation process that is used to fund most roadways through the Consolidated Transportation Program. While the condition is not met at this time, it was rendered obsolete by adoption of a master plan and by the ICC final EIS that did not include an interchange at the Intercounty Connector and Old Gunpowder Road. Furthermore, with a funding plan for the Intercounty Connector in place, the overall intent of the condition is met. However, the status of the Intercounty Connector must be confirmed at the time of specific design plan.

Condition 2: Requires participation in a transportation systems management association, with details to be determined at the time of subdivision. The timing of this condition is peculiar, because within the subdivision process in the E-I-A Zone lot lines are created but uses are not determined, and uses are critical in determining the appropriateness and effectiveness of transportation systems management strategies. Given the purpose of the subdivision process, it is appropriate to review this condition at the time of specific design plan.

Condition 3: Requires that several intersections and links meet adequacy prior to preliminary plan approval. Three intersections and four links are identified in the condition. All three intersections were included in the submitted traffic study, but the four links were not specifically analyzed in the study. Furthermore, the traffic study does not include sufficient data to analyze three of the links required. Nonetheless, due to the relative impact of this proposal vis-à-vis the CDP proposal, the transportation staff believes that substantial conformance to this condition can be shown:

- a. The original proposal for the CDP generated 446 AM and 416 PM peak-hour trips. The current proposal would generate 10 AM and 30 PM peak-hour trips. Therefore, the missing links would generally not be considered critical if the site was considered independent of the previous applications, and the impact on some of these links would be de minimus in consideration of the definition of that term in the guidelines.

- b. The EB MD 198 link between the site entrance and Sweitzer Lane, under total traffic, would operate at LOS E in the AM peak hour and LOS D in the PM peak hour. The peak hour impact of the site on this link is 2 AM trips and 10 PM trips. Although the link operates below the level-of-service standard in the AM peak hour, the impact of this site is de minimus during that period, and it is recommended that the Planning Board find that 2 AM peak hour trips would have a de minimus impact on the eastbound link of MD 198 between the site entrance and Sweitzer Lane.
- c. The transportation staff has no data to evaluate the weave on EB MD 198 between Sweitzer Lane and the SB I-95 on-ramp. Nonetheless, the section carries 2 AM and 10 PM peak-hour trips, and 1 AM and 5 PM trips would be involved in this weave. Although there is no data to assess this weave, the impact of this site on the weave is de minimus during both peak hours, and it is recommended that the Planning Board find that 1 AM and 5 PM peak-hour trips would have a de minimus impact on the weave along eastbound MD 198 between Sweitzer Lane and the southbound I-95 on-ramp.
- d. The transportation staff has no data to evaluate the weave on WB MD 198 between the SB I-95 off-ramp and Sweitzer Lane. Nonetheless, the section carries 5 AM and 10 PM peak-hour trips, and none of these trips would be involved in this weave. Although there is no data to assess this weave, the impact of this site on the weave is nil during both peak hours, and it is recommended that the Planning Board find that this nil impact would have a de minimus impact on the weave along westbound MD 198 between the southbound I-95 off-ramp and Sweitzer Lane.
- e. The transportation staff has no data to evaluate the weave on EB MD 198 between the two I-95 loop ramps. Nonetheless, the section carries 1 AM and 5 PM peak-hour trips, with all trips involved in this weave. Although there is no data to assess this weave, the impact of this site on the weave is de minimus during both peak hours, and it is recommended that the Planning Board find that 1 AM and 5 PM peak-hour trips would have a de minimus impact on the weave along eastbound MD 198 between the two I-95 loop ramps.

In summary, the impact of the site on the three weaves identified is de minimus during both peak hours in accordance with the guidelines. Regarding the remaining link, it operates acceptably during the one peak hour for which the impact is significant.

Condition 4: Requires that the widening of MD 198 to six lanes be funded for construction

prior to subdivision approval, or otherwise privately bonded for construction by the applicant prior to final plat approval. The widening of MD 198 to six lanes is not currently funded for construction in the MPOT CTP, and private bonding for construction has not been provided by the applicant. It is noted as a means of creating a written record that this requirement is not needed in response to an inadequacy shown in the current traffic study. No such condition would have been imposed unless otherwise required by the CDP. Nonetheless, a condition will be written to achieve this action.

Condition 5: Sets a trip cap for the overall site. While the uses currently proposed would have trip generation that is well within the AM and PM peak-hour caps, this condition must be confirmed at the time of specific design plan as directed by the CDP condition.

Condition 6: Requires that a traffic study done in accordance with the April 1989 guidelines be submitted for review prior to subdivision approval. A traffic study has been done; however, that study follows the September 2002 guidelines. The newer guidelines reflect current county and Planning Board policies and are more appropriate for current use than older guidelines. Staff believes that the intent of the condition is met by using the most up-to-date guidelines and procedures for preparing the traffic study.

In consideration of the above discussion of the transportation-related conditions in CDP-8811, transportation staff would find conformance to the requirements of that prior approval at this time.

Approval to variation request 24-113 for the reasons stated below:

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

The requested right-in/right-out entrance is located approximately 570 feet west of the proposed dedication and extension of Bauer Lane. The entrance would only serve traffic traveling eastbound on MD 198 and those vehicles exiting the property headed to the east. The location has been designed to provide access to the main building as well as the smaller warehouse/meeting building located in the northwest corner of the property. Due to the nature of the proposed development there will be a very low number of vehicles utilizing either entrance on a daily basis and the majority of those trips will be off peak. Rather than posing a health or safety issue the second entrance would improve emergency vehicle access and site circulation.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The subject property has nearly 1,200 linear feet of road frontage along MD 198. The properties along the north side of 198 opposite the property range from 600 feet of frontage down to only 60 feet of frontage. There is also an existing driveway which served a single family residence located in approximately the same area as the proposed right in-right-out. The subject site has been zoned E-I-A since November 15, 1977 and has been the subject of an approved CDP since 1990. The approved CDP illustrates two points of ingress-egress to the site.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The requested variance to provide a second point of ingress-egress does not violate any applicable law, ordinance or regulation. Furthermore, while State Highway Administration has commented that “(a) “Denial of Access” needs to be placed along the property fronting along eastbound MD 198,”the referral also states that, “(a) Traffic Impact Study or traffic data may be necessary to support a justification for ingress/egress.” The Applicant has submitted copies of a Traffic Impact Study prepared by Wells and Associates, LLC. The study shows that the a.m. and p.m. peak hour trips are well below the trip cap imposed by the CDP.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

Lot 1 as proposed is triangular in shape and generally falls in elevation from a highpoint along MD 198 to the existing farm pond in the south/central area of the site. Due to the location of the existing sewer service the multi-purpose building and the garage/meeting facility need to be located as high and as close to MD 198 as possible. The garage/ meeting building located in the northwest corner of the site will be the facility which receives greater use than the larger multi-purpose building. Storage of parade floats and other materials are housed in this building and would benefit from a more direct means of ingress-egress than Bauer Lane extended.

Transportation Staff Conclusions

Based on the preceding findings and the findings contained in the March 29, 2006 memorandum from the Transportation Planning Section, staff would conclude 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.

10. **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 that Almas Shriner’s Center subdivision is exempt from review for schools because it is a commercial use.

11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

The existing fire engine service at Laurel Fire Station, Company 10 located at 7411 Cherry Lane has a service travel time of 4.08 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Laurel Rescue Squad, Company 49 located at 14910 Bowie Road has a service travel time of 5.54 minutes, which is beyond the 4.25-minute travel time guideline.

The existing paramedic service at Laurel Rescue Squad, Company 49 located at 14910 Bowie Road has a service travel time of 5.54 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Beltsville Fire Station, Company 31 located at 4911 Prince George's Avenue has a service travel time of 8.98 minutes, which is beyond the 4.25-minute travel time guideline.

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

In order 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.

The existing ambulance service located at Laurel Rescue Squad, Company 49 is beyond the recommended travel time guideline. The nearest fire station Laurel, Company 10 is located at 7411 Cherry Lane, which is 4.08 minutes from the development. This facility would be within the recommended travel time for ambulance service if an operational decision to locate this service at that facility is made by the county.

12. **Police Facilities**—The proposed development is within the service area for Police District VI-Beltsville. The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers.
13. **Stormwater Management**—A Stormwater Management Concept Plan, # 29764-2005-00, has been approved with conditions. A hydrodynamic water quality separator for pretreatment with an underground pipe storage system is required to contain the water quality and channel protection volume. Development must be in accordance with this approved plan.
14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Almas Shriner's Center and has the following comments to offer:

The abandoned shallow well located adjacent to the house at 5805 Sandy Spring Road (proposed Lot 1) must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit.

The abandoned septic system serving the existing house at 5805 Sandy Spring Road (proposed Lot 1) must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system should be located on the preliminary plan.

All abandoned vehicles (one horse trailer and two trucks) found on proposed Lot 2 must be removed and properly disposed.

Several unlabeled drums (approximately four) were found on proposed Lot 2. A portion of the drums contained some kind of liquid; the liquid must be evaluated and disposed of in an appropriate manner by a licensed hazardous waste company. A copy of the manifest must be submitted to this office prior to preliminary plan approval. If the drums are not removed as part of preliminary plan approval this office will contact the Hazardous Materials Section of the Prince George's County Fire /EMS Department for proper disposal.

A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed.

15. **Archeology**—Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property.

Section 106-review may require archeological survey for state or federal agencies, however. 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 federal monies, federal properties, or federal permits are required for a project.

16. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is 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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark temporarily absent at its regular meeting held on Thursday, April 20, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of May 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:IT:bjs