

R E S O L U T I O N

WHEREAS, a 1.26-acre parcel of land known as Parcel 155, Tax Map 6 in Grid D-4, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on January 25, 2007, Kiddies Kollege filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06076 for Kiddies Kollege 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 January 25, 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 January 25, 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 4-06076, Kiddies Kollege, including a Variation from Section 24-121 for Lot 1 with the following conditions:

1. Prior to signature approval of the preliminary plan, the plan shall be revised as follows:
 - a. Label the 'unmitigated' 65-dBA Ldn noise contour.
 - b. Replace the board-on-board fence along the north edge of the outdoor playground with the six-foot high solid wood fence.
2. An automatic fire suppression system shall be provided in all proposed buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
3. Any residential development of the subject property, other than the existing one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.

4. Development must be in accordance with the approved Stormwater Management Concept Plan 8005550-1997-00 and any subsequent revisions.
5. Total development within the subject property shall be limited to the existing residence plus a 200-student day care facility, or equivalent development, which generates no more than 65 AM peak hour and 67 PM peak hour vehicle trips. Any development generating a traffic 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.
6. At the time of final plat approval, the applicant shall dedicate the fillet at the intersection of MD 197 and Cherry Lane, as shown on the submitted plan.
7. The final plat shall note that access to MD 197 is denied.

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 northwest corner of the intersection of Laurel-Bowie Road and Cherry Lane.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Institutional/(Day care facility) 6,105 s.f.	Institutional/(Day care facility) 14,005 s.f. total
Acreage	1.26	1.26
Lots	1	1
Parcels	0	0
Public Safety Mitigation Fee		No

4. **Subdivision**—The subject property is zoned R-R. Although the subject application is not proposing any residential development, it is possible that it may be considered in the future. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivision, any future consideration for residential development beyond one single-family dwelling should require the approval of a new preliminary plan of subdivision

5. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-06076, for the Kiddies Kollege site. There are no regulated environmental features associated with the site and it is exempt from the Woodland Conservation Ordinance because there are no existing woodlands on-site. A standard letter of exemption from the ordinance was issued in June 2006.

Background/Site Description

The Environmental Planning Section has previously reviewed application material for this site in SE-4263 and Preliminary Plan 4-96115. SE-4263 was approved on October 12, 1997 for a 14,005 square foot day care center with a 7,637 square foot outdoor playground. There is an existing one-story structure for a day care facility that was reviewed in SE-4263 and the site has been developed for this use.

In May 2004, a revision to the SE was reviewed for an addition to the north section of the existing facility and an expansion of the existing outdoor play area. The building addition was proposed for the operation of a private school use for children from grades K-4th grade. These proposed improvements in the 2004 revision were approved but not made. In January 2005, an -01 revision to the SE was reviewed for a larger expansion of the play ground area than was proposed in 2004 and a building addition of 7,900 square feet. The existing outdoor play area (7,637 square feet) and the proposed expansion area (2,540 square feet) are located in the northeast portion of the site adjacent to MD 197. The proposed building addition is located in the northwest portion of the site.

The site contains 1.26 acres and is located on the west side of MD 197 and the north side of Cherry Lane. The property is zoned R-R. Based on available information, there are no significant environmental features associated with the site such as a stream, wetlands, 100-year floodplain and steep or severe slopes. A review of year 2000 air photos indicates no woodlands are found at this site. According to the Prince George's County Soil Survey, one soil series is associated with the site: Beltsville Silt Loam. This soil type has a K-factor of 0.43 and has development constraints associated with it in relation to athletic fields prone to slow permeability. There are no scenic or historic roads in vicinity of the site. MD 197 is a traffic-noise generator and noise impacts are anticipated. The property is in the Crow Branch watershed of the Patuxent River basin, and the Developing Tier of the adopted General Plan.

Environmental Review

A staff signed Natural Resources Inventory (NRI/085/06) was included in the preliminary plan submittal. Information in the NRI indicates there are no woodlands on the site. A note on the NRI states a site visit was conducted in June 2006 to determine whether wetlands are associated with the site. No wetlands or wetland buffers were found within the limits of this property or within 25 feet of the property boundary. The preliminary plan has been reviewed in relation to the signed NRI and the former plan is consistent with the NRI.

The site is exempt from the Prince George's County Woodland Conservation Ordinance because there is less than 10,000 square feet of existing woodlands on-site. On June 30, 2006, the Environmental Planning Section issued a standard letter of exemption from the ordinance. This letter is valid through June 30, 2008 and should be submitted with all permit applications.

A copy of the stormwater management concept plan approval letter was submitted. The letter was issued by DER on August 20, 2006, and this letter is valid for three years from the date of issuance. The plan has case number 8005550-1997-00 associated with it.

Maryland 197 is an existing arterial road. Based on this road classification noise impacts are anticipated because noise levels will exceed state standards. The revised preliminary plan shows the 65-dBA (Ldn) noise contour in relation to the existing centerline of MD 197; however, it is not labeled on the plan as the unmitigated noise contour. The plan should be revised to label the unmitigated 65-dBA Ldn noise contour.

The site has an existing six-foot high board-on-board fence along the north and east edges of the existing outdoor playground. The revised plan shows the existing board-on-board fence along the north edge of the playground to remain and only the segment of it along the east edge as a solid wood fence. The solid wood fence should be located along both the north and east edges of the playground to mitigate the noise. Prior to signature approval of the preliminary plan, the plan should be revised.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

6. **Community Planning**—The subject property is located at northwest corner of Laurel-Bowie Road (MD 197) and Cherry Lane. It is 1.26 acres in size. There is an existing daycare facility operating on the site. The applicant proposes to construct a 7,900-square-foot addition to the existing daycare facility. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The application conforms to the land use recommendations for this site in the 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I, Planning Areas 60, 61, and 62*.

This application is located in the Developing Tier. The 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. The 1990 sectional map amendment for Subregion I retained the R-R Zone for the subject property.

7. **Parks**—In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed subdivision is exempt from mandatory dedication because the use is non-residential.

8. **Trails**—There are no master plan trails issues identified in the *Approved Master Plan and Sectional Map Amendment for Subregion I, Planning Areas 60, 61, and 62* that impact the subject application. There is an existing sidewalk along the subject site’s frontage of Cherry Lane. The majority of MD 197 is open section with no sidewalks. This includes the frontage of the subject site. The State Highway Administration has not recommended any road frontage improvements for the subject application.
9. **Transportation**— Due to the uses proposed, staff deemed that a traffic study should be done. The resulting study has been referred to the county Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA). Therefore, the findings and recommendations outlined below are based upon a review of these 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.”

There has been some confusion about the need for a traffic study for this application. The applicant has suggested that the expansion is only for 40 students. This day care facility has been operating for several years under Special Exception SE-4263, which allowed 160 students. That enrollment was never realized, however, and the existing 4,990 square foot building (plus a pre-existing 1,115 square foot residence) serves 92 students at its capacity. Creation of the parcel to allow a major addition to the day care center which could have served the full enrollment of 160 students was reviewed by staff and approved by the Planning Board as preliminary plan 4-96115, but that plan was never recorded, and the 1996 subdivision has now expired. Recently, Special Exception SE-4536 was approved to allow an additional 40 students. Nonetheless, no expansion of the day care—either to the 160-student level allowed by SE-4263 or the new 200-student level, can occur until the building facilities are expanded, and the creation of a plat is needed prior to the expansion occurring. This is the reason for the subdivision application, and the reason that it is based upon an expansion of 108 students. Due to the trip generation resulting from an expansion of that size, a traffic study was deemed necessary.

Growth Policy - Service Level Standards

The subject property is in 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 is required in the developing tier.

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 intersections of MD 197 and Cherry Lane, along with the site access point along Cherry Lane, are determined to be the critical intersections for the subject property. The second intersection is right-in, right-out (no median break) and the first one is signal controlled.

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
MD 197 and Cherry Lane	927	1,024	A B
Cherry Lane and site entrance	12.1*	11.9*	-- --
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.			

In the existing analysis shown in the traffic study, two items need to be clarified:

1. The traffic study analyzes northbound MD 197 with three through lanes through the Cherry Lane intersection. A field survey clearly shows that two through lanes are operational.
2. The traffic study and a field survey clearly indicate that northbound MD 197 at the Cherry Lane intersection has two left-turn lanes. The traffic study computations use the single-lane lane use factor instead of the factor for two lanes.

The first item generally does not affect the computations because the northbound MD 197 movement is non-critical. The second item significantly improves the computations.

There are no funded capital projects within the study area in the either county Capital Improvement Program or the state Consolidated Transportation Program that would affect the critical intersections. One approved but unbuilt development that would directly affect the critical intersections was identified. Annual through traffic growth of 2.2 percent per year was added to account for development and traffic growth along MD 197. With background growth added, the following results are obtained:

BACKGROUND TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
MD 197 and Cherry Lane	981	1,086	A B
Cherry Lane and site entrance	12.3*	12.1*	-- --
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.			

An expansion of the existing 92-student day care is proposed, for a total of 200 students. The following are noted:

- Using rates shown in the Institute of Transportation Engineers’ *Trip Generation Manual*, the day care addition would generate 86 AM (45 in and 41 out) and 89 PM (42 in and 47 out) weekday peak hour vehicle trips.
- The traffic study assumes that 60 percent of trips using the day care facility would be pass-by trips, i.e., the trips would already be on the local roadways – in this case, MD 197 and Cherry Lane. This assumption is acceptable and was provided by staff. However, the traffic study indicates that the site trip assignment does not make any adjustment for pass-by or diverted trips as a means of being conservative. This statement poses three issues:
 1. The trips generated by the site do not equal the trips shown on the site trip assignment.
 2. All trips assigned to the site do not manifest themselves at the critical intersection.
 3. Pass-by and diverted trips need to be assigned separately because the impact of these types of trips is not always favorable vis-à-vis a new trip. This is particularly true at this site given the presence of the median along Cherry Lane.

The application has been re-analyzed with full consideration of pass-by and diverted trips.

- The traffic study assumes unbalanced trip distributions along MD 197 north and along Cherry Lane. This is not reasonable. At scoping, the traffic consultant stated that the trip distribution in the study would be based on observations in the field, even though staff

had suggested a trip distribution that was previously accepted by the Planning Board. The application has been re-analyzed with balanced trip distributions along northbound MD 197 and Cherry Lane (35 percent on each).

With the site added to the local roadway network, the following results are obtained:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 197 and Cherry Lane	1,006	1,114	B	B
Cherry Lane and site entrance	13.4*	13.2*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is noted that this analysis is limited to day care facilities. The existing day care plus the planned addition would total 200 students. This development, accounting for pass-by and diverted trips plus the existing residence, would generate 65 AM and 67 PM new trips. The applicant has indicated that there are no plans to construct or operate other types of uses that may be more trip-intensive. Although adequacy has been determined, the plan should be approved with a trip cap consistent with the development quantity that has been assumed and listed above.

SHA and DPW&T both reviewed the traffic study. DPW&T had no comments on the study. SHA comments had not been received at the time of preparation of this memorandum, and they will be forwarded under separate cover once they become available.

The day care expansion would be served by a driveway onto Cherry Lane, which is a master plan arterial facility. The applicant has filed a variation request regarding Section 24-121(a)(3), which limits individual lot access onto arterial facilities. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific

case that:

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

Granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other properties—the entrance has been in existence for many years. The existing driveway has been built to the standards of the Prince George’s County Department of Public Works and Transportation for a commercial driveway entrance.

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

This variation request is for a driveway that exists and currently functions to provide access. The entrance is the only access to the facility. This existing driveway has appeared on previous approved special exception plans. Access to the facility cannot be relocated through the adjacent townhouse property. The subject property has frontage on another roadway (MD 197), but it is also classified as an arterial. This situation is not generally applicable to other properties.

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

The continued use of the existing driveway as proposed will not violate any applicable law, ordinance or regulation.

- (4) **Because of the peculiar 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 regulation is carried out.**

Future and existing development on this property cannot proceed or be maintained without the approval, because access to the property would be eliminated and therefore would be rendered unusable. Due to the particular physical surroundings, location of the existing driveway and other improvements, shape and topographical conditions of this property, a particular hardship to the landowner would result.

It is proposed that this site utilize the existing single driveway for access onto Cherry Lane. It is noted that Cherry Lane has a median; the existing driveway to the site is right-in, right-out, and

would remain that way. In reviewing the subdivision plan as well as the justification, the following determinations are made in pursuant to the requirements of Section 24-113 of the Subdivision Regulations:

- a. The platting of a public street would have a significant impact on the ultimate development of the subject property, and such a street would serve only the subject property.
- b. The current driveway exists. It is built to DPW&T commercial driveway standards. The applicant has no plans to modify the driveway.
- c. This site has no other public street frontage on lesser classification streets. The property does have frontage on MD 197, but that roadway also carries the arterial classification, but carries higher traffic volumes at faster speeds. On the remaining two sides, the property is adjacent to a developed townhouse development, and access to the subject property cannot feasibly be relocated through that property.

For these reasons, the transportation staff recommends approval of the requested variation from 24-121(a)(3) for the site.

MD 197 and Cherry Lane are both arterial facilities with minimum right-of-way of 120 feet. Sufficient right-of-way exists along both roadways; therefore, no additional dedication (beyond the dedication of the fillet at the southeast corner of the property, as shown on the plan) is required of this plan. The final plat should note a denial of access to MD 197.

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.

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 the subdivision is exempt from the review for schools because it is an institutional use.
11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section have reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Sherry Lane, has a service travel time of 3.12 minutes, which is within the 3.25-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 .95 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 8.47 minutes, which is beyond the 4.25-minute travel time guideline.

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.

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

12. **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 1000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

13. **Health Department**—The Health Department reviewed the application and has no comments to offer.
14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 8005550-1997-00 was approved August 20, 2006. Development must be in accordance with this approved plan.
15. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.
16. **Archeology**—A Phase I archeological survey is not recommended by staff. However, the applicant should be aware that Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties including archeological sites. This review is required when federal monies, federal properties or federal permits are required for a project. Section 106 review may require further archeological study.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, January 25, 2007, in Upper Marlboro, Maryland.

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

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:IT:bjs