

R E S O L U T I O N

WHEREAS, Kentlands Volunteer Fire Department is the owner of a 2.05-acre parcel of land known as Largo Town Center Parcel 2 (Block E, Parcel 2), said property being in the 13th Election District of Prince George's County, Maryland, and being zoned M-A-C; and

WHEREAS, on January 19, 2000, Summit Properties filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00004, 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 March 16, 2000, 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 March 13, 2000, 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/2/00), and APPROVED Preliminary Plat of Subdivision 4-00004 with the following conditions:

1. The applicant, his heirs, successors and/or assigns (termed Parcel H on Preliminary Plat of Subdivision 4-88195) shall contribute \$20,183 toward the improvement of MD 202 between MD 214 and I-95. This contribution shall be made to the Prince George's County Department of Public Works and Transportation at the time of Final Plat.
1. The final plat shall include the following notes:
  - a. All proposed structures shall be equipped with an automatic fire suppression system.
  - b. Vehicular access to the property was approved pursuant to Section 24-128(a)(9) of the Subdivision Regulations.
2. Prior to the issuance of any building permits, the

applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee for the affected elementary school of \$660.00 per dwelling unit. This fee shall be placed in an account to relieve overcrowding at Kingsford Elementary School.

3. Prior to the issuance of any building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee for the affected middle school of \$191.00 per dwelling unit. This fee shall be placed in an account to relieve overcrowding at Kettering Middle School.
4. Prior to the issuance of any building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee for the affected high school of \$319.00 per dwelling unit. This fee shall be placed in an account to relieve overcrowding at Largo High School.
5. No building permits shall be issued for this subdivision until the projected percentage of capacities at all the affected schools are less than or equal to 130% or four years have elapsed since date of the adoption of the resolution for approval of this preliminary plat of subdivision.
6. Prior to signature approval, the preliminary plat shall be revised to include the number and approval date of the stormwater concept plan. Development of the property shall be in conformance with the approved stormwater concept plan.
7. Prior to the issuance of any grading permits which impact the stream, wetland or the associated buffer the applicant, his heirs, successors and/or assigns shall submit to the Environmental Planning Section copies of any required Federal and State permits for the stream and wetland disturbances.
8. Prior to signature approval of the Type I TCP or the

preliminary plat, the Type I TCP shall be revised as follows:

- a. The worksheet shall be revised to reflect the correct requirements for the property.
  - b. The natural regeneration area shall be changed to an afforestation area.
1. Prior to approval of the Specific Design Plan, the applicant, his heirs, successors and/or assigns shall submit to the Environmental Planning Section, for approval by the Planning Board, a Noise Study addressing the location of the 65 dBA noise contours and proposed mitigation measures, if necessary.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located at the southeast corner of Arena Drive and Lottsford Road.
1. Environmental Issues and Variation Request - The proposed preliminary plat includes disturbance to a stream, stream buffer and the associated wetlands and wetland buffer. This disturbance is necessary to allow appropriate access to the site. The site fronts two arterial streets, Arena Drive and Lottsford Road. Access to these streets is not allowed by the Subdivision Regulations. Therefore, the only access point is from the adjacent parcel on the opposite side of the stream. The applicant submitted a variation request with the submittal of the preliminary plat application.

On February 23, 2000 staff went to the site to evaluate the proposed crossing site since it appeared to be the least desirable location for the stream and wetland impacts. However, the proposed crossing location is the most degraded portion of the stream and the wetlands had been previously disturbed by the placement of large rip-rap to control scouring that might occur from heavy water flow near the existing headwall. Therefore, staff supports the variation to allow disturbances to the stream, stream buffer, wetlands and wetland buffers at the proposed stream crossing with a condition that the applicant provide copies of any required Federal and State permits to the Environmental Planning Section prior to issuance of any grading permits.

Section 24-113 of the Subdivision Regulations sets forth the required findings for

approval of variation requests. Staff supports the proposed impact in that it is deemed to be necessary and finds:

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** The activities proposed will not result in adverse impacts to other properties or individuals since the disturbances are associated with the most degraded portion of the stream and with wetlands already disturbed. Approval of this variation enhances public safety by allowing access alternative to Lottsford Road and Arena Drive, two arterial roadways.
- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** These impacts are unique since the wetlands and stream are located along one of the triangle-shaped property boundaries and two arterial roads make up the other two boundaries. In this case, without variation approval, the Subdivision Regulations prevent all access to the property.
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** This will not result in a violation of other applicable laws, ordinances or regulations subject to the applicant receiving authorization for the disturbances from the Corps of Engineers and/or Maryland Department of Environment prior to the issuance of any grading permits impacting these areas.
- D. **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.** The applicant would suffer a hardship if the strict letter of the regulations is followed because under the strict letter of the regulations all potential access is denied. Access is denied to the arterial roadways for safety reasons and the only possible access is across the stream and wetlands.

The FSD has been reviewed in conjunction with the site visit and found to be acceptable. The Type I Tree Conservation Plan requires a minor revision which may be done prior to signature approval. This 2.05 acre property, which is zoned M-A-C, has a Woodland Conservation Threshold of 15% or 0.30 acres. Since 0.37 acres of woodland will be cleared there will be a replacement require of 0.14 acres for a total requirement of 0.44 acres. This requirement is being satisfied by 0.26 acres of on-site preservation in priority retention areas and 0.20 acres of on-site reforestation and afforestation in priority areas adjacent to the stream. TCPI/2/00 is recommended for approval in conjunction with Preliminary Plat of Subdivision 4-00004. The worksheet must be revised to reflect the

correct requirements and the natural regeneration area must be changed to an afforestation area.

Because the property abuts two arterial roadways, noise may impact the property. The applicant was requested to provide a noise analysis indicating the 65 dBA noise contour on the property. Because these are residential structures, the applicant must provide the Environmental Planning Section with a Noise Study addressing the location of the 65 dBA noise contours and proposed mitigation measures at the Specific Design Plan stage.

The property is in Water and Sewer Category 3 and will be served by public systems. There are no other significant environmental issues at this time.

2. Community Planning - The Approved 1990 Largo-Lottsford Master Plan recommends this property for Commercial Office use. The 1990 Sectional Map Amendment retained the property in the M-A-C Zone. Since the Basic Plan (A-9280/9281) was revised in 1998 to allow multi-family residential uses on Block AE, @ the proposed development raises no Master Plan concerns.
3. Parks and Recreation - Parcel G-3, shown on Preliminary Plat 4-88195, was required to be dedicated to the M-NCPPC for the development of Largo Town Center. This parcel was ultimately deeded to the Commission. Therefore, mandatory park dedication has been satisfied and no further dedication is required.
4. Trails - The Approved 1990 Largo Lottsford Master Plan designates a Class II Bikeway along Arena Drive. Class II Bikeways are located within public rights-of-way, either as a bike lane adjacent to the driving lanes or as a separate, six-foot wide sidewalk. While staff typically recommends requiring the applicant to construct these trails, the applicant, in developing the remainder of the site previously, has already fully constructed Arena Drive with sidewalks that end at the beginning of this property. Therefore, while staff does not recommend the construction of a Class II trail, as it would be out of place with the existing improvements, the applicant will be required to construct a sidewalk along the property=s frontage to connect to the existing sidewalk on Arena Drive.
5. Transportation - The applicant has not prepared a traffic impact study nor was one requested by the transportation staff. The findings and recommendations outlined below are based upon a review of 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 (Guidelines)*, and in consideration of findings made regarding CDP-9002 and Preliminary Plat of Subdivision 4-88195.

The proposed subdivision involves a site which has been identified previously as Parcel H of Largo Town Center. The intent of the subject application is, in part, to record the property and to integrate it with a multi-family residential complex on adjacent Parcel 1 (previously identified under 4-88195 as Parcel E). The site is not proposed to have direct access to a public street, but is proposed to gain access via adjacent Parcel 1. We note

that the subject parcel has frontage on a public street. The applicant proposes access to the subject parcel through Parcel 1 in accordance with Section 24-128(b)(9). The transportation staff agrees with the applicant's contention that providing direct access to the subject property via Lottsford Road would pose a safety concern. Moreover, the applicant is denied access onto Arena Drive. Therefore, the transportation staff concurs with the justification to have access via an easement across Parcel 1, so long as the subject property has a multi-family residential land use. The final plat must include a note that access is granted pursuant to Section 24-128(b)(9) of the Subdivision Regulations. Such a note already appears on the preliminary plat.

The subject property is part of the Largo Town Center Basic Plan (A-9280/9281) and CDP (CDP-9002). The subject property was also a part of Preliminary Plat of Subdivision 4-88195, but was never recorded. Inasmuch as all traffic studies conducted in the area have treated the subject property as an element of background development, the transportation staff makes findings accordingly without a traffic study or new data. The findings are consistent with the conditions of approval for 4-88195.

The most important item that remains unresolved with regard to the prior preliminary plat concerns Condition 15 of PGCPB No. 88-558. That condition prescribes a proposed pro-rata share of \$149,689 for combined Parcels H and I (as identified on 4-88195), and the amount should be allocated fairly between the two parcels. This dollar amount was to be applied toward the improvement of MD 202 between MD 214 and I-95.

Parcel I of the Largo Town Center has CDP approval for up to 160,000 square feet of office space. The subject parcel (which has previously been referenced as Parcel H) has CDP approval (via CDP-9002/06) for up to 42 apartment units. However, the transportation staff notes the following:

- a. Parcel I of the Largo Town Center is currently in reservation for the planned Blue Line Extension of Metrorail to the Largo Town Center. Based on the Recommended Alignment for Adoption (on which the current funding proposal for the Metrorail Blue Line Extension is based), much if not all of Parcel I would be publicly acquired. This suggests that Parcel H should be responsible for most if not all of the \$149,689 payment, since there is a possibility that Parcel I may not be developed at all.
- b. If the payment were to be based on current CDP-approved levels of development, the following would be obtained:

| Parcel | Trip Generation<br>Table |    | MD 202<br>Oriented Trips |    |
|--------|--------------------------|----|--------------------------|----|
|        | AM                       | PM | AM                       | PM |

|          |     |     |     |     |
|----------|-----|-----|-----|-----|
| Parcel H | 22  | 25  | 11  | 13  |
| Parcel I | 320 | 296 | 160 | 148 |

The result would suggest that Parcel H would pay approximately 7.23 percent of the \$149,689 payment, or \$10,821.

- a. If the payment were to be based on the CDP-approved levels of development that existed *at the time that the condition was originally imposed by the Planning Board*, Parcel H would have been assumed to contain 35,640 square feet of office space (based on 170,000 square feet on Parcels E/H combined and their respective acreages). Therefore, the following would be obtained:

| Parcel   | Trip Generation Table |     | MD 202 Oriented Trips |     |
|----------|-----------------------|-----|-----------------------|-----|
|          | AM                    | PM  | AM                    | PM  |
| Parcel H | 71                    | 66  | 36                    | 33  |
| Parcel I | 320                   | 296 | 160                   | 148 |

The result would suggest that Parcel H would pay approximately 18.30 percent of the \$149,689 payment, or \$27,397.

There is a need to strike a position of fairness regarding the amount to be paid by the subject property while recognizing that there was an intent that public agencies be reimbursed \$149,689 for constructed roadway improvements. The intent of the original condition establishing the \$149,689 payment was that the two parcels should share the payment, which clearly establishes that the Parcel H payment is to be less than \$149,689. While the applicant might like to argue that nothing is certain except that Parcel I has approval for up to 160,000 square feet of office space, the staff suggests that the funding for the Blue Line Extension of Metrorail is such that negotiations on the purchase of Parcel I, in part or as a whole, will likely begin soon. That would mean that the development potential of Parcel I would be severely cut, at least by 50 percent, if it is not lost completely. Were the assumption to be made that only 50 percent of the proposed development on Parcel I could be realized, the following results would be obtained:

|  | Trip Generation Table |    | MD 202 Oriented Trips |    |
|--|-----------------------|----|-----------------------|----|
|  | AM                    | PM | AM                    | PM |

| Parcel   | AM  | PM  | AM | PM |
|----------|-----|-----|----|----|
| Parcel H | 22  | 25  | 11 | 13 |
| Parcel I | 160 | 148 | 80 | 74 |

The result would suggest that Parcel H would pay approximately 13.48 percent of the \$149,689 payment, or \$20,183.

The above payment of \$20,183 would represent a significant decrease from the amount that could have applied at the time that the original condition was written, and that is appropriate since the use being planned currently would generate fewer trips than the office use that was previously considered. At the same time, it recognizes the potential of that Parcel I will be developed at a lesser quantity than previously considered. Finally, the payment would be \$776 per apartment unit, based on the applicant's current proposal. While this is much more per dwelling unit than was paid for other residential parcels in the Largo Town Center, it is very comparable to other pro-rata assessments that have been approved in other circumstances. This would leave \$129,506 to be paid by Parcel I at the time of Final Plat.

In developing conditions of approval for the subject property, there is a point that requires consideration at this time. The County Council, by letter to the Planning Board dated May 21, 1991, has requested that all cost estimates and future pro-rata payments include an inflation factor. This change in policy was made in order to ensure that adequate funding is available in the future to construct the facilities needed to provide adequacy. The staff's original recommendations for Preliminary Plat of Subdivision 4-88195 were developed prior to the policy change. Although the staff has universally imposed an inflation factor, the subject application is unique as it involves reimbursement for improvements built rather than a payment toward future construction. As such, any resulting condition should not include an inflation factor.

Both Arena Drive and Lottsford Road are Master Plan arterial facilities within recommended rights-of-way of 120 feet. Appropriate rights-of-way have been previously dedicated, so no further dedication is required by this plan.

Although previous alternates for the Blue Line Extension of Metrorail could have had a minor impact on the subject property, the Recommended Alternate for Adoption does not affect the subject property.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with a condition requiring the provision of \$20,183 pro-rate share toward the improvement of MD 202 between MD 214 and I-95.

6. Schools - Growth Policy and Public Facilities Planning has reviewed the subdivision



plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* ( revised January 2000) (CR-4-1998) concluded the following:

| Affected School Name        | D.U. by Type | Pupil Yield Factor | Development Pupil Yield | 5-Year Projection | Adjusted Enrollment | Total Projected Enrollment | State Rated Capacity | Projected% Capacity |
|-----------------------------|--------------|--------------------|-------------------------|-------------------|---------------------|----------------------------|----------------------|---------------------|
| Kingsford Elementary School | 26 MFD       | 0.23               | 5.98                    | 1049              | 0                   | 1054.98                    | 764                  | 138.09%             |
| Kettering Middle School     | 26 MFD       | 0.06               | 1.56                    | 1531              | 0                   | 1532.56                    | 977                  | 156.86%             |
| Largo High School           | 26 MFD       | 0.10               | 2.60                    | 2062              | 0                   | 2064.60                    | 1958                 | 105.44%             |

Source: Prince George's County Planning Department, M-NCPPC, January 2000

Since the affected **Kingsford Elementary, Kettering Middle and Largo High Schools** projected percentage of capacities are greater than 105%, the Adequate Public Facilities fee is **\$3,670.00** per dwelling unit.

The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge fee of **\$2,500.00** per dwelling unit. Therefore, an Adequate Public Facilities fee, appropriately divided among all three schools, is required in the amount of **\$1,170.00** per dwelling unit.

Section 24-122.02 (a) (4) states that if any affected school=s projected percentage of capacity exceeds 130% no permits may be issued until (a) capacity exists below 130% in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision.

7. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the proposed subdivision plans for adequacy of public facilities and concluded the following:
  - a. The existing fire engine service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service response time of 2.32 minutes, which is within the 3.25 minutes response time guideline.
  - b. The existing ambulance service at Kentland Fire Station, Company 46, has a service response time of 2.32 minutes, which is within the 4.25 minutes response time guideline.
  - c. The existing paramedic service at Kentland Fire Station, Company 46, has a service response time of 2.32 minutes, which is within the 7.25 minutes response time guideline.

- d. The existing ladder truck service at Kentland Fire Station, Company 33 located at 7701 Landover Road has a service response time of 4.87 minutes, which is beyond the 4.25 minutes response time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all residential structures be fully sprinkled in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County Laws.

8. Police Facilities - The proposed development is within the service area of the District II-Bowie station. In accordance with Section 24-122.1 (c) (1) (A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County's police facilities will be adequate to serve the proposed Largo Town Center development. This police facility will adequately serve the population generated by the proposed subdivision.
9. Health Department - The Health Department reviewed the application and offered no comments.
10. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 008003150, has been approved to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
1. Public Utility Easement - The preliminary plat includes the 10-foot wide public utility easement along Lottsford Road and Arena Drive. This easement will be reflected on the final plat.

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 McNeill, seconded by Commissioner Brown, with Commissioners McNeill, Brown, Boone and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 23, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of April 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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