

R E S O L U T I O N

WHEREAS, Rosse Investments is the owner of a 1.01-acre parcel of land known as Parcel 70, Tax Map 107, Grid C-3, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on March 21, 2000, Curtis Litten filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00014, 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 May 25, 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 May 25, 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 Preliminary Plat of Subdivision 4-00014 with the following conditions:

1. Prior to signature approval, the preliminary plat shall be revised:
 - a. To show the conceptual alignment of water and sewer locations with house connections.
 - b. To identify which trees are to remain.
2. At the time of building permit the applicant shall work with the Environmental Planning Section to locate improvements on site to minimize impact and tree removal on Lot 2.
3. At the time of Final Plat, the applicant, his heirs, successors and/or assigns shall dedicate 40 feet from the center line of Kirby Road and 30 feet from the center line of Arbutus Lane as shown on the preliminary plat and provide any necessary improvements in accordance with the Department of Public Works and Transportation.
4. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #998006240.

5. A fee-in-lieu of park dedication shall be paid at the time of final plat for Lot 2.
6. The Adequate Public Facilities fee to relieve overcrowding at James Ryder Randall Elementary School is \$813.00 per dwelling unit. This fee is due prior to issuance of building permits and shall be placed in an account to relieve overcrowding.
7. The Adequate Public Facilities fee to relieve overcrowding at Stephen Decatur Middle School is \$393.00 per dwelling unit. This fee is due prior to issuance of building permits and shall be placed in an account to relieve overcrowding.
8. The Adequate Public Facilities fee to relieve overcrowding at Surrattsville High School is \$534.00 per dwelling unit. This fee is due prior to issuance of building permits and shall be placed in an account to relieve overcrowding.

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 a Athrough@ lot, located on the south side of Kirby Road and the north side of Arbutus Lane, fronting on both streets, approximately 120 feet west of Branch Avenue and west of Andrews Air Force Base.
3. The site is not subject to the Prince George=s County Woodland Conservation Ordinance, since it contains less than 10,000 square feet of woodland. There are, however, several large healthy trees on the property that should be preserved. They are providing air and water quality benefits, and will reduce heating and cooling costs for the new home if incorporated into the site design. In particular, the driveway entrance on Lot 2 should be as close as possible to the southeast corner of the lot. If this is possible, only one unhealthy tree would have to be removed to build the driveway and house. The trees to remain on the subdivision should be noted on the site plan.

Tree protective fencing should be installed during construction at the dripline of the trees to be saved to discourage compaction of the roots under the existing canopy. Piling construction materials or running equipment in this area could kill the trees. These trees currently serve as a large canopy over the center of the existing Parcel 70, and the adjoining properties= back yards.

The site is within the Tinker=s Creek watershed, which is a tributary of Piscataway Creek. There are no streams, floodplain, nor wetland on site. The soils on the site are from the Beltsville soil series. Although the Beltsville soil is highly erodible, there are no steep slopes on site. Although Beltsville soils are not hydric in nature, they may contain hydric inclusions, which could be addressed during construction. There are no issues

with Marlboro Clay, Scenic/Historic Roads, wildlife or noise.

The property is in Water and Sewer Category 3 and will be served by the public system.

No other significant environmental impacts have been identified for this property.

4. The application is a preliminary plat of subdivision for a residential development of two lots. There is an existing residence which would remain, so the development is effectively one net lot. The proposed additional development would generate 1 AM and 1 PM peak hour vehicle trip(s) as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed preliminary plan would impact the intersection of Kirby Road and Old Branch Avenue. There are no improvements which are programmed with 100% construction funding within the next six years in the current Maryland Department of Transportation *Consolidated Transportation Program* or the Prince George's County *Capital Improvement Program* in the immediate area.

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system. The staff has no recent counts at hand, but using older counts which have been factored upward, the intersection of Kirby Road and Old Branch Avenue operates at a critical lane volume (CLV) of 867 and Level-of-Service (LOS) A in the AM peak hour, and a CLV of 896 and LOS A in the PM peak hour.

The transportation staff located several nearby approved developments directly affecting the critical intersection. The transportation staff assumed that traffic from the site would be distributed 30 percent westbound along Kirby Road, 50 percent southbound along Old Branch Avenue and 20 percent northbound along Old Branch Avenue. Based on these assumptions, total traffic was found to be operating at LOS B, with a CLV of 1047, during the AM peak hour, and at LOS B, with a CLV of 1092, during the PM peak hour.

Kirby Road is a Master Plan collector, and the submitted plan reflects adequate right-of-way along Kirby Road. Also, the plan reflects sufficient right-of-way along Arbutus Lane.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

5. In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the Department of Parks and Recreation has determined that a fee-in-lieu for park dedication is required because the land available for dedication is unsuitable due to size. Lot 1 is exempt from the payment of the required fee-in-lieu because it is improved

with an existing dwelling unit.

6. 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:

Projected Impact on Affected Public Schools

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
James Ryder Randall Elementary School	1 SFD	0.22	0.22	687	0	687.22	584	117.67%
Stephen Decatur Middle School	1 SFD	0.08	0.08	978	0	978.08	828	118.13%
Surrattsville High School	1 SFD	0.13	0.13	1341	0	1341.13	1265	106.02%

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

Since the affected James Ryder Randall Elementary, Stephen Decatur Middle and Surrattsville High Schools projected percentage of capacities are greater than 105%, an Adequate Public Facilities fee of \$4,240.00 per dwelling unit is required.

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 is required in the amount of \$1,740.00 per dwelling unit prior to building permits.

7. The Countywide Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following:
- a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service response time of 3.60 minutes, which is within the 5.25-minute response time guideline.
 - b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service response time of 3.60 minutes, which is within the 6.25-minute response time guideline.
 - c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service response time of 3.60 minutes, which is

within the 7.25-minute response time guideline.

The above 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*. Therefore, the proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for engine, ambulance and medic service.

8. The proposed development is within the service area of the District V-Clinton Police Station. In accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County police facilities will be adequate to serve the proposed development. This police facility will adequately serve the population generated by the proposed subdivision.
9. A Stormwater Management Concept Plan #998006240, has been approved by the Department of Environmental Resources (DER), Development Services Division, 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.
10. There are no master plan trail issues associated with this application.

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 Boone, with Commissioners McNeill, Boone and Hewlett voting in favor of the motion, and with Commissioner Brown absent, at its regular meeting held on Thursday, May 25, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of June 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:aj