

R E S O L U T I O N

WHEREAS, Community Management Co. is the owner of a 3.74-acre parcel of land known as Jaeger Property, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned R-30; and

WHEREAS, on July 7, 2000, A D & C Management Company filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat No. 4-00036, 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 September 21, 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 September 21, 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/25/00), and further APPROVED Preliminary Plat of Subdivision 4-00036 with the following conditions:

1. A Phase II Noise Study shall be submitted for this site, prior to Detailed Site Plan, for the proposed residential structures. The Noise Study shall address appropriate mitigation measures to achieve acceptable interior and exterior noise levels on this site, based on the Phase I study prepared by Staiano Engineering, Inc. for Westchester Park dated August 10, 2000.
2. Prior to building permits, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section prior to building permits, indicating that the design and construction of building shells will attenuate noise to interior noise level of 45 dBA (Ldn) or less; and exterior active yard areas will have a noise level of 65 dBA (Ldn) or less.
3. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCP I/25/00). 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 (TCP I/25/00), 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."

4. A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan.
5. Prior to the issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assigns shall provide the installation of one "Share the Road with a Bike" sign in accordance with State requirements, and upon State approval, along Kenilworth Avenue. If the State declines the sign, this condition shall be void.
6. The applicant, his heirs, successors and/or assigns shall provide adequate, private recreational facilities on the property in accordance with the *Parks and Recreation Facilities Guidelines*, subject to the following:
  - a. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - b. The land to be used for on-site private recreational facilities shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - c. Storm drain outfalls shall be designed to avoid adverse impacts on land to be used for recreational facilities. The location and design of drainage outfalls that adequate impact property to be used for recreational facilities, shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - d. Temporary or permanent use of land to be used for recreational facilities or stormwater management shall be approved by DRD.
  - e. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the recreational facilities.

- f. Any disturbance to the land to be used for recreational facilities shall be in accordance with an approved Detailed Site Plan or shall require the written consent of the DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - g. Submission of three original, executed Recreational Facilities Agreements (RFA) to the DRD for approval, three weeks prior to the submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the Land Records of Prince George's County.
  - h. The private recreational facilities shall be reviewed for proper siting at the time of Detailed Site Plan Review.
  - i. The applicant, his heirs, successors and/or assigns shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to issuance of building permits, for the construction of adequate on-site recreational facilities.
7. A note shall be placed on the final plat stating that direct access to Kenilworth Avenue is denied and that access is gained by an easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
8. Prior to the issuance of a building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$2,070.00 per dwelling unit for the elementary school, unless fully offset by a school facility surcharge payment. Any amount not offset shall be placed in an account to relieve overcrowding at Oakcrest Elementary School.

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 subject property is located within the Westchester Park Condominium Community on the east side of Kenilworth Avenue, approximately 1,300 feet south of its intersection with Greenbelt Road.

3. The Environmental Planning Section has reviewed additional information, and revised plans submitted for the above project, and offers the following comments:

Staff requested the applicant to prepare a Phase I Noise Study to analyze noise impacts from Kenilworth Avenue. A noise study prepared by Staiano Engineering Inc., dated August 10, 2000, was submitted which evaluated these noise impacts. The study indicates that noise mitigation will be necessary to reach acceptable noise levels.

The applicant submitted a Type I Tree Conservation Plan that was deemed by staff to be deficient. Staff requested a revised Tree Conservation Plan that met minimum requirements. A revised Tree Conservation Plan, TCP I/25/00, has been submitted and reviewed. The TCP now clearly shows which areas are set aside for woodland conservation, and indicates their acreage. The TCP I indicates the location of the single specimen tree identified on-site, and provides a table indicating its species, size, condition, and proposed disposition. The minimum requirement for this site is 0.75 acres (20 % of the Net Tract); an additional 0.07 acres is required to replace woodland cleared; for a total requirement of .82 acres. The applicant has proposed to meet this requirement with 0.79 acres of on-site preservation and 0.03 acres of on-site reforestation/afforestation.

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.

4. The 1989 *Approved Langley Park-College Park-Greenbelt Master Plan* recommends that the subject property for development with multifamily residential uses at ■Urban■ density with a maximum of 12.0 dwelling units per acre. The 1990 *Adopted Langley Park-College Park-Greenbelt Sectional Map Amendment* (Planning Areas 65, 66 and 67) retained the existing R-30 Zone for the subject property. The proposed subdivision of the site for the development of multifamily dwellings will not impede the goals, concepts and guidelines of the Master Plan.
5. The property is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. In accordance with the Regulations, the applicant proposes to provide on-site recreation facilities in lieu of dedication. These on-site facilities will be determined at the Detailed Site Plan stage.
6. The *Approved Langley Park-College Park-Greenbelt and Vicinity Master Plan* designates Kenilworth Avenue (MD 201) as a Class III bikeway with appropriate signage. Because Kenilworth Avenue is a State right-of-way, the applicant, and the applicant may be required to provide for the installation of one "Share the Road with a Bike" sign in accordance with State requirements. However, prior to installation of the sign, the State Highway Administration (SHA) will review the proposed location to ensure that it is acceptable, and may decline to use the property's frontage for placement of a sign. In this event, no sign will be required. Should a sign be required, the applicant would purchase

the sign from the State and install it in accordance with the State's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities.

7. The proposed development of 37 multifamily dwelling units would generate 19 (4 in; 15 out) AM and 22 (14 in; 8 out) PM peak hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*. The traffic generated by the proposed preliminary plan would impact the intersection of MD 201 at Pontiac Street and Westchester Park Drive. This intersection is not programmed for improvement 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*.

The Prince George's County Planning Board, in the *Guidelines*, has defined level of service **D** (LOS D) as the lowest acceptable operating condition on the transportation system. The MD 201/Westchester Park Drive intersection, when analyzed with existing traffic operates at level-of-service **A** during the AM peak hour and level-of-service **C** during the PM peak hour. When the proposed site-generated trips are added to the existing traffic volumes, the intersection level-of-service remained at level-of-service **A** during the AM peak and level-of-service **C** during the PM peak hour as developed using the *Guidelines*.

The Westchester Park housing complex is located at the end of Westchester Park Drive, a County-maintained two-lane divided road. Based on data within our Planning Department, the housing complex consists of approximately 606 high rise apartments, 196 garden apartments and 30 town homes. Citing trip rates from the *Guidelines*, the existing facility generates approximately 304 ( 60 in; 244 out) AM peak hour trips and 384 (250 in; 134 out) PM peak hour trips. As mentioned in staff's previous memorandum, the subject application, if approved, could generate as many as nineteen (4 in; 15 out) AM trips, and twenty two( 14 in; 8 out) PM peak hour trips.

Information on the subject preliminary plan indicates that the property is located between Kenilworth Avenue (MD 201), a partially controlled access expressway to the west, and the Westchester Park housing complex to the east. Because MD 201 is classified as an expressway with partial access controls, the State Highway Administration (SHA) has denied access from the proposed site onto MD 201. Consequently, the subject property can only be accessed via the existing drive aisles within the adjacent Westchester Park housing complex.

At the Planning Board hearing on September 21, 2000, concerns were raised by citizens and the Planning Board regarding traffic circulation within the existing Westchester Park housing complex, and the potential impact of additional trips attributable to the proposed application. In an effort to evaluate these concerns, staff visited the Westchester Park complex subsequent to the Planning Board hearing, during both peak periods to observe traffic operations.

The site visit revealed that all of the housing units within the Westchester Park complex are accessible by car through a series of 22 foot drive aisles, some of which are one-directional. Because of the one-way orientation of many of the drive aisles, all of the traffic from the proposed development would egress the site via the one-way drive aisle (AISLE ■A●) that connects with Westchester Park Drive and is closest and parallel to Kenilworth Avenue. Similarly, ingressing the existing complex and the proposed site would be achieved by way of a one-way drive aisle (AISLE ■B●) along the southern and eastern periphery of the complex. In an effort to maintain low operating speeds within the housing complex, many of the drive aisles (including ■A● and ■B●) are equipped with speed bumps. Aisle ■A● has a posted speed limit of 15 MPH.

During the morning peak period, when approximately 80% of residential traffic egresses the site, staff observed the traffic flow at the intersection of Aisle ■A● and Westchester Park Drive and found no evidence of congestion. Trip generation rates indicate that during the evening period, 65% of site generated trips are oriented toward the site. Again, staff's observation revealed no discernable traffic congestion along Aisle ■B●. If the proposed preliminary plan is approved, it would increase the traffic volumes along the existing drive aisles by approximately 6%. Given the relative ease with which the observed traffic was flowing, staff concludes that the 19 additional AM trips and the 22 additional PM trips would not have a significant impact on the existing transportation infrastructure.

Based on the foregoing discussion, the Countywide Planning Division 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.

8. The Growth Policy and Public Facilities Planning Section 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 July 2000) (CR-4-1998) and concluded the following:

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Develop-ment Pupil Yield	5- Year Enroll-ment	Adjusted Enroll-ment	Total Pro-jected Enrollment	State Rated Capacity	Percentage of Capacity

Oakcrest Elementary School	37 MFD	0.23	8.51	591	0	599.51	494	121.36%
Greenbelt Middle school	37 MFD	0.05	1.85	747	0	748.85	802	93.37%
Parkdale High School	37 MFD	0.10	3.70	1896	0	1899.70	2007	94.65%

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

Since the affected **Oakcrest Elementary School** projected percentage of capacities is greater than 105%, the Adequate Public Facilities fee is **\$2070.00** per dwelling unit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

9. The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following.
  - a. The existing fire engine service at Branchville Fire Station, Company 11 located at 4905 Branchville Road, has a service response time of 4.45 minutes, which is beyond the 3.25 minutes response time guideline.
  - b. The existing ambulance service at Berwyn Heights Fire Station, Company 14 located at 8811 60<sup>th</sup> Avenue, has a service response time of 1.90 minutes, which is within the 4.25 minutes response time guideline.
  - c. The existing paramedic service at College Park Fire Station, Company 12 located at 8115 Baltimore Avenue, has a service response time of 6.62 minutes, which is within the 7.25 minutes response time guideline.
  - d. The existing ladder truck service at Berwyn Heights Fire Station, Company 14, has a service response time of 1.90 minutes, which is within the 4.25 minutes 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*. 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. An automatic fire suppression system is required in all multifamily structures; therefore, no condition is necessary.

10. The proposed development is within the service area for Police District II- Hyattsville. 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 Jaeger Property development. This police facility will adequately serve the population generated by the proposed subdivision.
11. The Health Department reviewed the application and offered several comments. There is a well, a pump pit, and in all likelihood an abandoned septic system on the property. These need to be backfilled, pumped and sealed prior to final plat approval. There is also a rubble pile on the property which must be removed prior approval of the final plat. The applicant should also be aware that a raze permit will be required prior to demolition of the existing structure on the property and any hazardous materials will need to be identified and disposed of properly. The applicant will need to contact PEPCO prior to removal or any work near the existing transformer on site.
12. The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8318689-2000, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through August 3, 2003. Development must be in accordance with this approved plan.
13. The required 10-foot Public Utility Easement is shown on the preliminary plat. This easement will be included on the final plat.
14. The property has frontage on Kenilworth Avenue. However, this street is an arterial roadway and there should be no direct access to it to minimize potential traffic safety problems. The property is included in an easement agreement which allows development on Parcels ■A, ■B, ■C, and ■D of the Jaeger Property subdivision, recorded in record plat WWW 56 @ 68, to use an internal access easement. The easement is recorded in the Land Records, Liber 4414, Folio 937. This easement connects the subject property to Westchester Park Drive. A note should be placed on the final plat that direct access to Kenilworth Avenue is denied and that access is gained by an easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations.

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley and Hewlett voting in favor of the motion and with Commissioner Brown absent, at its regular meeting held on Thursday, October 5, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2<sup>nd</sup> day of November 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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