

R E S O L U T I O N

WHEREAS, Robert J. and Barbara Lenkey, are the owners of a 1.10-acre parcel of land known as Parcel 118, Tax Map 44, Grid B-2, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on January 3, 2001, Robert J. and Barbara Lenkey filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01001, Princess Garden=s, Lenkey=s Addition 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 8, 2001, 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 8, 2001, 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 4-01001, Princess Garden=s, Lenkey=s Addition for Lots 1-4 with the following conditions:

1. Prior to the issuance of a building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$2,160.00 per dwelling unit for the schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Gaywood Elementary School.
2. No 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 percent or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plat of subdivision.
3. Prior to the issuance of the first building permit the applicant, and the applicant=s heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of public Works and Transportation for the placement of one "Share the Road with a Bike" sign along Princess Garden Parkway.

4. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #1184-2001.
5. Prior to approval the preliminary plat of subdivision the plan shall be revised to accurately reflect a total site area of 48,040 in General Note 3.
6. Prior to approval of the final plat of subdivision the applicant, his successors and/or assigns shall demonstrate on which lot the original dwelling was constructed and shall pay a fee-in-lieu of park dedication for three lots. If the applicant is able to demonstrate that the dwellings on Lots 1 and 3 existed prior to April 1928, a fee-in-lieu for Lots 2 and 4, only shall be required.
7. The building permits for the construction of dwellings on Lots 2, 3 and 4 shall demonstrate driveways with turn around capabilities.
8. Prior to the issuance of building permits for the construction of dwelling units on Lots 2, 3, and 4, a limited detailed site plan shall be approved by the Planning Board or his designee. The detailed site plan shall ensure:
  - a. A planting island is provided, straddling the lot line of Lots 2 and 3. The planting island shall be a minimum of 15 feet wide and extend a minimum of 90 feet from a location west of the right-of-way of Princess Garden Parkway to the main lot area of Lots 2 and 3. A component of the landscape island shall be the installation of major shade trees to provide an effective canopy over the drive ways of Lots 2 and 3.
  - b. Appropriate house siting of the proposed dwellings to mitigate adverse impacts to and from existing development.
  - c. Appropriate landscaping and buffering between existing and proposed development.

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 on the east side of Princess Garden Parkway, approximately 435 feet north of its intersection with Naval Avenue, east of the Capital Beltway in Seabrook
3. Detailed Site Plan - The applicant has proposed to stack one set of lots behind the other. Lot 2 and 3, which are stacked behind Lots 1 and 4 are similar to flag lots in there configuration and relationship to Lots 1 and 4. The applicant has widened the Astem@ portion of Lot 2 and 3 to provide a minimum 15-foot wide planting island. This plantinn

island should extend from Princess Garden Parkway to the main portion of Lots 2 and 3, approximately 90 feet. The planting island will straddling the lot line between Lots 2 and 3 and should be planted with major shade trees.

Review of a limited detailed site plan is recommended to evaluate the following:

- a. To ensure the appropriate plant material and siting of plant units within the landscape island straddling Lots 2 and 3.
- b. To evaluate siting of the proposed dwellings to mitigate adverse impacts to and from existing development.
- c. To evaluate proper landscaping and buffering between existing and proposed development.

Flag lots are not permitted in the R-55 Zone. Due to the aprons at the street of Lots 2 and 3 they do not meet the definition of flag lots as defined by the Zoning Ordinance. However, the character of Lots 2 and 3 and the relationship of the lotting pattern to Lots 1 and 4 is that of flag lots.

Requiring a detailed site plan review for Lots 2, 3 and 4 is consistent with the existing development in the immediate neighborhood. Moreover, previous action by the Planning Board has established a trend for development and evaluation of this lotting pattern in this block of Princess Garden Parkway. Staff believes that review of a detailed site plan is essential for consistent application of the standards developed for this type of lotting pattern.

4. Environmental - This property is exempt from the Prince George=s County Woodland Conservation Ordinance since there is less than 10,000 square feet of existing woodland on the subject property. This determination was made based on an evaluation of the M-NCPPC 1998 aerial photography. Prior to the issuance of any grading permits the applicant shall apply to the Environmental Planning Section for a Letter of Exemption to be submitted with all grading permit applications.

The Environmental Planning Section has reviewed the above referenced Preliminary Plan of Subdivision as accepted by Subdivision Section on January 3, 2001, and has found that the application addresses the environmental requirements as specified in the Prince George=s County Subdivision Ordinance.

This 1.10 acre property is located on the east side of Princess Garden Parkway just north of Naval Avenue. A review of the information available indicates that no streams, wetlands, 100-year floodplains, severe slopes, or steep slopes with highly erodible soils are found to occur on this property. The soils found to occur on this property according to the Prince George=s County Soil Survey include Christiana clay which can have significant limitations with respect to the construction of foundations.

The soils found to occur on this property according to the Prince George=s County Soil Survey include Christiana clay. These soils are considered to be unstable and have a high shrink-swell potential that is problematic with respect to the construction of a house foundation. The Department of Environmental Resources as a policy requires that a Soils Report be submitted with any building permit where Marlboro clay or Christiana clay is found to occur at a construction location. The applicant is advised that a soils report will be required during the Department of Environmental Resources (DER) review of the building permit.

There are no rare, threatened or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources - Natural Heritage Program. There are no scenic or historic roads adjacent to this property. In addition, no adverse noise impacts have been identified which would limit the development of this property.

The water and sewer service categories for this site are 3 and 3 respectively, and the site will be served by public systems.

5. Community Planning - The *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity*, 1993 land use recommendation for the subject property is Medium Suburban Residential. The proposed subdivision is in conformance with that land use recommendation.

There are no master plan issues associated with this application.

6. Parks and Recreation - In accordance with Section 24-134(a)(3)(C) of the Subdivision Regulations, it appears that only one lot in the above referenced subdivision is exempt from mandatory dedication of parkland. Section 24-134 exempts existing dwellings legally existing at the time of subdivision. Two dwellings currently are located on Parcel 118.

The Prince George=s County Zoning Ordinance does not allow two dwellings on one lot unless the existing situation predates zoning. Parcel 118 is located in Seabrook and was annexed into the Washington Regional District in 1928. The applicant would need to demonstrate that the second dwelling was constructed prior to April 1928 to be deemed nonconforming, or a fee-in-lieu of park dedication would be required for three of the four lots proposed.

At this time adequate information has not been provided to determine when the dwellings were constructed on Parcel 118. Prior to submittal of the final plat, the applicant should review tax assessment worksheets to determine when the dwellings on proposed Lots 1 and 3 were constructed and provide this information at the time of final plat submittal.

7. Trails - The *Approved Master Plan and Sectional Map Amendment for Glenn*

*Dale-Seabrook-Lanham and Vicinity*, 1993 recommends that Princess Garden Parkway be designated as a Class III bikeway with appropriate signage. Because Princess Garden Parkway is a County right-of-way, the applicant should provide a financial contribution of \$210 to the Department of public Works and Transportation for the placement of this signage. A note should be placed on the final record plat for payment to be received prior to the issuance of the first building permit.

8. Transportation - All four lots would receive access via Princess Garden Parkway, which is a Master Plan collector roadway. While driveway access is permissible, a collector serves more traffic and higher-speed traffic than a normal residential street. Therefore, each lot should have a driveway that will allow a turn-around capability, or in some way would allow persons entering each lot to leave without having to back onto the roadway..

The application is a preliminary plat of subdivision for a residential development consisting of 4 single family detached residences. Two dwellings currently exist on the property. The proposed additional development would generate 2 AM and 2 PM peak hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed subdivision would impact the signalized intersection of MD 450 and Princess Garden Parkway. The traffic operations at the critical intersection were reviewed on the basis of a pre-existing traffic counts at the critical intersection which were factored upward to approximate existing conditions. The staff's analysis indicates that the intersection, under total future traffic as developed using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, operates at Level of Service (LOS) D, with a critical lane volume (CLV) of 1,403, during the AM peak hour, and at LOS D with a CLV of 1,387 during the PM peak hour.

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 for signalized intersections on the transportation system. The intersection of MD 450 and Princess Garden Parkway, when analyzed with total future traffic for the subject subdivision as developed using the *Guidelines*, was found to be operating at LOS D or better during both peak hours.

The plan accurately reflects the dedication of 40 feet from the existing center line of the Princess Garden Parkway. The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County.

9. 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 2001) (CR-4-1998) concluded the following:

## **Finding**

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
Gaywood Elementary School	3 sfd	0.24	0.72	565	0	565.72	389	145.43%
Robert Goddard Middle School	3 sfd	0.06	0.18	491	0	491.18	1049	46.82%
Duval High School	3 sfd	0.12	0.36	1400	0	1400.36	1751	79.97%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Since the affected Gaywood Elementary School projected percentage of capacity is greater than 105%, an Adequate Public Facilities fee of \$2,160.00 per dwelling unit will be required at the time of building permit. 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.

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.

10. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01 of the Subdivision Regulations and concluded the following:
  - a. The existing fire engine service at West Lanham Hills Fire Station, Company 48 located at 8501 Good Luck Road has a service response time of 2.65 minutes, which is within the 5.25 minutes response time guideline.
  - b. The existing ambulance service at West Lanham Hills Fire Station, Company 48 located at 8501 Good Luck Road has a service response time of 2.65 minutes, which is within the 6.25 minutes response time guideline.
  - c. The existing paramedic service at Landover Hills Fire Station, Company 30 located at 68th Street & Annapolis Road has a service response time of 5.36 minutes, which is within the 7.25 minutes response time guideline.
  - d. 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*.

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

11. Police Facilities - The proposed development is within the service area for Police District II, Bowie. In accordance with Section 24-122.1(c)(1) of the Subdivision Regulations, the existing County's police facilities will be adequate to serve the proposed Princess Gardens, Lenkey=s Addition development. This police facility will adequately serve the population generated by the proposed subdivision.
12. Health Department - The Health Department has reviewed the proposed subdivision and has no comment.
13. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #1184-2001, has been approved with conditions 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.

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 Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 8, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of March 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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