

R E S O L U T I O N

WHEREAS, State Employee Credit Union is the owner of a 2.06-acre parcel of land known as Berwyn Heights, Lot 25, Block 29, VJ191 @ 5 said property being in the 21st Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on October 11, 2001, State Employee Credit Union filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01082 for Berwyn Heights (State Employee Credit Union), Lots 26 and 27, Block 29 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 December 13, 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 December 13, 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 Plan of Subdivision 4-01082, Berwyn Heights, (State Employee Credit Union) for 2 Lots with the following conditions:

1. Development of this site shall be in conformance with the approved stormwater concept plan, Concept #008003580, or any revisions thereto.
2. Prior to signature approval, the preliminary plan shall be revised to graphically depict all the 10-foot public utility easement, including that along Cunningham Drive.
3. Prior to approval of the final plat, the applicant shall demonstrate, to the satisfaction of the Health Department, that the drum on proposed Lot 27 has been discarded in accordance with state and county requirements.

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 on the south side of Greenbelt Road, approximately 100

feet east of its intersection with 60th Avenue in the Town of Berwyn Heights.

3. Environmental Issues CThe site is relatively flat, sloping toward the south, and drains into unnamed tributaries of Indian Creek within the Anacostia River Watershed. There are no streams, wetlands or 100-year floodplains identified on the subject property. The predominant soil type on the site is Christiana. This soil series generally exhibits moderate limitations to development due to high shrink-swell potential. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. According to the Sewer Service and Water Service maps produced by DER, the property is in categories S-3 and W-3. There are no known rare, threatened, or endangered species in the general region listed by the State of Maryland. No noise concerns have been identified related to this site.

This site is not subject to the provisions of the Woodland Conservation Ordinance because the entire site contains less than 10,000 square feet of woodlands and does not have a previously approved Tree Conservation Plan. A Tree Conservation Plan will not be required. A Letter of Exemption has been issued and is in the file.

There are no apparent environmental impacts associated with this proposal.

4. Community Planning CThe 1989 *Approved Langley Park-College Park-Greenbelt Master Plan* recommends that the subject property be developed with retail and office uses. The property abuts the Charlton Heights/Berwyn Heights Historic Community (67-22). This community contains one National Register Site, seven historic sites and three Historic Resources. The 1990 *Adopted Langley Park-College Park-Greenbelt Sectional Map Amendment* (Planning Areas 65, 66 and 67) rezoned the subject property from C-1 and C-2 to C-S-C. There are no master plan issues raised by this application.
5. Parks and Recreation CThe proposal is exempt from the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication because the property is in a nonresidential zone and no additional dwelling units are proposed.
6. Trails CThere are no master plan trails issues associated with this application.
7. Transportation CThere is an existing residence on one proposed lot and an existing bank and related facilities on the second lot. No additional development is planned as a part of this application.

The table in Section 27-462, which defines setbacks for commercial zones, indicates that the standard right-of-way in front of a commercially zoned property is 70 feet, or 35 feet from center line. Neither 60th Avenue nor Cunningham Drive meets the commercial standard. This zoning regulation exists primarily for determining appropriate setbacks and is not necessarily intended to provide additional right-of-way, but staff can ask for additional right-of-way if deemed necessary by the operating agency. The application was referred to the Town of Berwyn Heights on October 25, 2001. The town operating

agency for these streets has not indicated a need for additional right-of-way; therefore, no further dedication along either street will be needed. Staff realizes that any expansion of these rights-of-way would affect existing structures; therefore, staff supports maintaining the existing rights-of-way.

The subdivision would generate no net trips as a result of the resubdivision. There would be no resulting impact on traffic operations at the MD 193/60th Avenue intersection, which is the development's critical intersection, as a result of the resubdivision.

Given these findings, adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

8. Schools CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public school 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). The proposed subdivision is exempt from the Adequate Public Facilities test for schools because it involves a commercial use and no additional dwelling units are proposed.
9. Fire and Rescue CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Branchville Road Fire Station, Company 11, located at 4905 Branchville Road, has a service response time of 1.23 minutes, which is within the 3.25-minute response time guideline.
 - b. The existing ambulance service at Berwyn Heights Fire Station, Company 14, located at 8811 60th Avenue, has a service response time of 0.33 minutes, which is within the 4.25-minute 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 2.65 minutes, which is within the 7.25-minute response time guideline.
 - d. The existing ladder truck service at Berwyn Heights Fire Station, Company 14, has a service response time of 0.33 minutes, which is within the 4.25-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*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck, and paramedic services.

10. Police Facilities CThe proposed development is within the service area for District

I-Hyattsville. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, existing county police facilities will be adequate to serve the proposed Berwyn Heights development.

11. Health DepartmentCThere is a drum on proposed Lot 27. At this time, the Health Department is unaware of the contents of the drum. The Health Department requires that the applicant dispose of the drum after a licensed hazardous waste company evaluates its contents. If it is deemed to be hazardous, a manifest indicating where the material is being discarded must be provided to the Health Department prior to approval of the final plat.
12. Stormwater Management CThe Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 008003580, 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.
13. Public Utility EasementCThe plan shows the required 10-foot-wide public utility easement along 60th Avenue and Greenbelt Road, but not along Cunningham Drive. Prior to signature approval, the preliminary plan will need to be revised to include this segment of the public utility easement. This easement will be shown on the final plat.
14. Town of Berwyn HeightsCThe application was referred to the Town of Berwyn Heights on October 25, 2001. As of this date, no referral response has been received.

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, Scott and Hewlett voting in favor of the motion, and with Commissioner Brown absent, at its regular meeting held on Thursday, December 13, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of January 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:wrc