

R E S O L U T I O N

WHEREAS, John E. and Mary L. Erdmann are the owners of a 2.95-acre parcel of land known as Parcel 2, Tax Map 19, Grid A-2, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on September 11, 2003, John Erdmann filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 5 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02078 for Capital Christian 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 January 30, 2002, 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 January 30, 2003, 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/45/02, and further APPROVED Preliminary Plan of Subdivision 4-02078, Erdmann's Addition to Beltsville for Lots 1-5 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to label that direct vehicular access to Rhode Island Avenue is not permitted from Lots 1 and 5
2. Prior to the issuance of permits a Type II tree conservation plan shall be approved.
3. The final plat shall indicate that direct vehicular access to Rhode Island Avenue is denied from Lots 1 and 5.
4. A standard sidewalk is required along one side of Highland Court unless modified by the Department of Public Works and Transportation (DPW&T).
5. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to DPW&T for the placement of a bikeway sign(s) along Rhode Island Avenue (ROAD), the designated Trolley Trail. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.

6. Development of this property shall conform to Stormwater Management Concept Plan # 37969-2002-00 and any subsequent revisions.
7. No building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters are less than or equal to 105 percent or six years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.
8. At the time of final plat, the applicant shall dedicate right-of-way along Rhode Island Avenue 40 feet from the centerline of the existing pavement.
9. Prior to signature approval of TCPI/45/02, the applicant shall make the following revisions:
  - a. Remove the 0.45 acres of previously dedicated land from the woodland conservation worksheet and revise the remaining sections of the worksheet to reflect the change in previously dedicated land.
  - b. Complete all information in the Type I TCP notes.
  - c. Use hatch markings to show the woodland conservation area.
  - d. Have the revised TCPI signed and dated by a qualified professional.
10. Development of this property shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/45/02). 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 (TCPI/45/02), 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.

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 northwest side of Rhode Island Avenue, approximately 500 feet south of its intersection with Powder Mill Road.
3. **Development Data Summary**—The following information relates to the subject preliminary

plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Use(s)	Residential	Residential
Acreage	2.95	2.95
Lots	0	5
Parcels	1	0
Dwelling Units:		
Detached	1	4 New

4. **Environmental**—This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on site. Type I Tree Conservation Plan TCPI/45/02 has a woodland conservation requirement of 0.83 acres, which is proposed to be satisfied with 0.88 of on-site woodland preservation. The Forest Stand Delineation (FSD) submitted with this application was reviewed and found to meet the requirements for a simplified forest stand delineation in accordance with the *Prince George’s County Woodland Conservation and Tree Preservation Technical Manual*. The Environmental Planning Section has reviewed the above referenced revised tree conservation plan and recommends approval of TCPI/45/02 subject to conditions.

TCPI/45/02 as submitted with this application has been found to require some minor revisions that may be completed prior to signature approval of the Type I TCP. The TCPI contains acreage for previously dedicated land that cannot be deducted from the gross tract. Previously dedicated land can only be deducted if it was dedicated prior to the current application. The TCPI and the woodland conservation worksheet must be revised to remove the 0.45 acres of previously dedicated land. The area designated as woodland preservation should be more clearly defined with hatched markings. In addition, the TCPI notes are incomplete and must be completed.

A review of the available information indicates that 100-year floodplain, wetlands, streams and steep or severe slopes are not found to occur on the property. The predominant soils found to occur according to the Prince George’s County Soil Survey include the Keyport and Sunnyside series. The Keyport soils are considered highly erodible and have a K factor of 0.43. The Sunnyside soils pose few difficulties for development. According to available information, Marlboro clay is not found to occur on this property.

The sewer and water service categories are S-3 and W-3, according to information obtained from the Department of Environmental Resources dated November 1, 2001. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. No transportation-related noise has been found to impact this property. There are no Scenic or Historic Roads in the vicinity of this property. This property is located in the Indian Creek watershed of the Anacostia River basin and is in the Developing Tier

as reflected in the adopted General Plan.

5. **Community Planning**—The property is located within the 1990 *Master Plan for Subregion I*, in Planning Area A61 in the Beltsville Community. The 2002 *General Plan* locates this property in the Developing Tier. The master plan land use recommendation for this property is for suburban density residential development. The property fronts on Rhode Island Avenue, which is classified as a collector (C-113) in the master plan with an 80-foot right-of-way. The proposed subdivision is consistent with the master plan and *General Plan*.
6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Department of Parks and Recreation recommends the payment of a fee-in-lieu from the requirements of the mandatory dedication of parkland for Lots 1, 2, 3 and 5. Lot 4 is exempt from the requirements because it will contain the legally existing dwelling unit.
7. **Trails**—The *Adopted and Approved Subregion I Master Plan* recommends a trail/bike facility along Rhode Island Avenue. This will be the Rhode Island Avenue Trolley Trail, portions of which have been constructed within the City of College Park. This trail/bikeway is planned to run from Riverdale Park to South Laurel. Ultimately, the Trolley Trail will combine segments of paved, off-road trails (where feasible) with on-road bikeways (shoulders or striped bike lanes) with appropriate signage. This segment of roadway will most likely be implemented as an on-road bikeway.

In conformance with the *Adopted and Approved Subregion I Master Plan*, the applicant should provide a financial contribution to the Department of Public Works and Transportation for the placement of Share the Road signage designating Rhode Island Avenue as a bikeway. If road frontage improvements are required by DPW&T along Rhode Island Avenue, wide, asphalt shoulders are recommended. A standard sidewalk is recommended along at least one side of Highland Court.

8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of four single-family dwelling units (a total of five lots are proposed; one existing residence will remain). The proposed development would generate 3 AM and 4 PM peak hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (April 1989).

The site is within the Developing Tier, as defined in the *General Plan for Prince George's County*. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding,

the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 212 and Rhode Island Avenue. This intersection is not programmed for improvement with 100 percent 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. However, MD 212 is being relocated onto a new alignment north of the existing MD 212, and the project to rebuild Ammendale Road to convert it to MD 212 is under construction at this time.

The staff has no recent counts at the critical intersection of MD 212 and Rhode Island Avenue. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. The improvements cited above will reduce traffic at the critical intersection, and there are otherwise no significant issues known to staff at that location. Given the transportation improvements in the area, staff would recommend that the Planning Board find that 3 AM and 4 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the MD 212/Rhode Island Avenue intersection.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded the following.

### Finding

Impact on Affected Public School Clusters			
Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	4 sfd	4 sfd	4 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.96	0.24	0.48
Actual Enrollment	5680	1740	4224
Completion Enrollment	102	26	53
Wait Enrollment	1	0	1
Cumulative Enrollment	0	0	0
Total Enrollment	5783.96	1776.24	4278.48
State Rated Capacity	5279	1759	4123
Percent Capacity	109.57%	100.41%	103.77%
Funded School	N/a	N/a	N/a

Source: Prince George's County Planning Department, M-NCPPC, January 2003

The affected elementary school cluster capacity is greater than 105 percent. There is no funded school in the affected elementary school cluster. Therefore, this subdivision can be approved with a six-year waiting period.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
  - a. The existing fire engine service at Beltsville Fire Station, Company 31, located at 4911 Prince George's Avenue, has a service travel time of 0.65 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Beltsville Fire Station, Company 31, located at 4911 Prince George's Avenue, has a service travel time of 0.65 minutes, which is within the 6.25-minute travel time guideline.
  - c. The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 5.48 minutes, which is within the 7.25-minute travel 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 and paramedic services.

11. **Police Facilities**—The proposed development is within the service area for District VI-Beltsville police station. In accordance with Section 24-122.01(c) of the Subdivision Regulations the existing county police facilities will be adequate to serve the proposed Beltsville development.
12. **Health Department**—The Health Department has evaluated the proposed development and had no comment to offer.
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, # 37969-2002-00, 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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 30, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of February 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:rmk