

R E S O L U T I O N

WHEREAS, Samuel S. Bevard is the owner of a 4.0-acre parcel of land known as Tax Map 106, Grid F-3, Outlot A, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on December 30, 2002, Marrick Properties filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 7 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02118 for Kirby Woods 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 13, 2003, 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 13, 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/138/90-01), and further APPROVED Preliminary Plan of Subdivision 4-02118, for Kirby Woods, with the following conditions:

1. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.
2. In accordance with Section 24-134 and 24-135 of the Subdivision Regulations, the applicant, his heirs, successors and or assignees shall dedicate to The Maryland-National Capitol Park and Planning Commission Parcel B (.6 acre). Lands to be dedicated shall be subject to the following:
 - a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior to and subsequent to Final Plat.

- c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior, written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to the issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance prior to final plat approval.
 - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
 - h. The applicant, his heirs, successors and/or assignees shall submit a letter to the Subdivision Section, Development Review Division, prior to final plat indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.
3. 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 is 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.
4. Development of this site must be in accordance with approved Stormwater Management Concept Plan #8005210-1990-00.
5. Prior to the issuance of grading permits the applicant shall submit evidence from the Health Department that the tires and domestic trash found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.

6. The applicant shall provide standard sidewalks along the property's entire street frontage unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
7. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/138/90-01). 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/138/90-01), 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 property is located on the south side of Buchanan Road approximately 250 feet east from its intersection with Temple Hills Road.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

| | EXISTING | PROPOSED |
|-----------------|----------|-------------|
| Zone | R-80 | R-80 |
| Use(s) | Vacant | Residential |
| Acreage | 3.99 | 3.99 |
| Lots | 0 | 7 |
| Outlots | 1 | 0 |
| Parcel | 0 | 1 |
| Dwelling Units: | | |
| Detached | 0 | 7 |

4. **Environmental**— This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A Type I Tree Conservation Plan (TCPI/138/90) was approved by the planning Board in conjunction with preliminary plan 4-90119, PGCPB Resolution No. 90-471. The application includes more land than was in 4-90119 and this constitutes a major revision to the previously approved TCP. The revised Type I Tree Conservation Plan, TCPI/138/90-01, has been reviewed and the Environmental Planning Section recommends approval.

The plan proposes clearing 2.65 acres of the existing 3.99 acres of woodland on site. The woodland conservation required for this proposal has been correctly calculated as 1.46 acres. The plan proposes to meet the requirements by providing 1.46 acres of off-site woodland conservation. There are no priority woodlands on the site. Woodlands preserved on the 0.55 acre proposed for dedication to the Department of Parks and Recreation are not being used to meet any of the required woodland conservation. The woodland shown as preserved on the lots is not being counted toward meeting the requirements and is calculated as cleared because of the smaller nature of the lots and the possibility of tree removal by perspective property owners to provide for usable yard areas.

There are no streams or wetlands on the property. The property eventually drains into Tinkers Creek in the Potomac River watershed. Current air photos indicate that the entire site is forested. The *Subregion VII Master Plan* indicates that there could be a small area of 100-year floodplain on the site. No designated scenic or historic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator.

According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled "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. According to the Sewer Service and Water Service maps produced by the Department of Environmental Resources, the property is in categories S-3 and W-3.

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Sassafras soils series. Marlboro clay does not occur in this area. This information is provided for the applicant's benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. However, the Prince George's County Department of Environmental Resources may require a soils report during the permit process review.

5. **Community Planning**—The subject property is located within the limits of the 1981 Master Plan for Subregion VII, in Planning Area 76B in the Camp Springs Community. The 2002 *General Plan* locates this property in the Developing Tier. The master plan land use recommendation is for Suburban Residential.

Sidewalks should be provided along the street frontage within the public right-of-way to provide connections with the public transit system and bus stops, as well as all elements of the transportation systems. The proposed subdivision is consistent with the recommendation of 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 dedication of .6 acre of land along the south property line for the fulfillment of the requirement of the mandatory dedication of parkland. Lands to be conveyed are subject to the terms of conveyance established by the Department of Parks and Recreation.
7. **Trails**— The 1985 Equestrian Addendum to the *Adopted and Approved Countywide Trails Plan* recommends a master plan trail along Tinkers Creek to the south. The FY 2003–2008 Capital Improvement Program includes money in the M-NCPPC budget for acquisition along this corridor; however, no money has been allocated for construction of the trail. No segments of this trail have been built to date.
8. **Transportation**— The application is a preliminary plat of subdivision for seven residential lots. The proposed development would generate 6 AM and 7 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 preliminary plan would impact Waldran Avenue and Taft Road. Passing this intersection, the generated traffic would be distributed to several residential roadways to gain access to Allentown Road. This intersection is not programmed for any

additional improvement within the next six years in the current Prince George's County Capital

Improvement Program.

The subject property is located 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 intersection of Waldran Avenue and Taft Road, when analyzed with total future traffic as developed using the *Guidelines*, was found to be operating with an average vehicle delay of less than 50 seconds during both AM and PM peak hours.

Therefore, the Transportation and Public Facilities Planning Division concludes that adequate access roads will exist as required by 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 6 | Middle School Cluster 3 | High School Cluster 3 |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units | 7 sfd | 7 sfd | 7 sfd |
| Pupil Yield Factor | 0.24 | 0.06 | 0.12 |
| Subdivision Enrollment | 1.68 | 0.42 | 0.84 |
| Actual Enrollment | 4651 | 4598 | 8393 |
| Completion Enrollment | 82 | 66 | 132 |
| Wait Enrollment | 39 | 15 | 29 |
| Cumulative Enrollment | 28.80 | 13.02 | 26.04 |
| Total Enrollment | 4802.48 | 4692.44 | 8580.88 |
| State Rated Capacity | 4492 | 5114 | 7752 |
| Percent Capacity | 106.91% | 91.76% | 110.69% |
| Funded School | N/a | N/a | Surrattsville Addn. |

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

These figures are correct on the day this memo was written. They are subject to change under the provisions of CB-40 and CR-23. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval are the ones that apply to this project.

The affected elementary, and high school cluster percent capacities are greater than 105 percent. There is no Funded School in the affected elementary cluster. The Surrattsville addition is the Funded School in the affected high school cluster. Therefore, this subdivision can be approved with a six-year waiting period.

Based on this information, staff finds that the subdivision may be approved subject to conditions, in accordance with Section 24-122.02.

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 Allentown Road Fire Station, Company 32, located at 8709 Allentown Road, has a service travel time of 6.07 minutes, which is beyond the 5.25-minute travel time guideline.

- b. The existing ambulance service at Allentown Road Fire Station, Company 32, located at 8709 Allentown Road, has a service travel time of 6.07 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 6.61 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*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that a fire suppression system be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Since this is a matter of existing law, no condition is necessary.

- 11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. In accordance with Section 24-122.1(c) of the Subdivision Regulations the existing county police facilities will be adequate to serve the proposed Kirby Woods development. This police facility will adequately serve the population generated by the proposed subdivision.
- 12. **Health Department**—A significant amount of domestic trash and other debris including tires have been illegally dumped on the property and should be removed and properly stored or discarded. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt submitted to the Health Department.
- 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, #8005210-1990-00, 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, March 13, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of April 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk