

R E S O L U T I O N

WHEREAS, Nathaniel and Margaret Swenton are the owners of a .54-acre parcel of land known as Parcel 240, Tax Map 81 B-2, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned C-S-C and R-55; and

WHEREAS, on May 6, 2003, Nathaniel Swenton filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03040 for Birch Estates 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 July 3, 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 July 3, 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 Preliminary Plan of Subdivision 4-03040, Birch Estates for Lot 1 and Parcel D with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To demonstrate the dedication of 40 feet from the right-of-way baseline along Marlboro Pike.
 - b. To provide a note that the lot width at the front building line is measured at an angle parallel to the street line on Lot 1.
 - c. To dimension and label the lot width at the front building line.
2. At the time of final plat approval, the applicant shall dedicate a right-of-way along Marlboro Pike of 40 feet from the right-of-way baseline.
3. Development of this property shall be in conformance with the approved Stormwater Management

Concept Plan #9286-2003-00.

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 west side of Scott Key Drive, east of its intersection with District Heights Parkway.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	CSC/R-55	CSC/R-55
Use(s)	Commercial/Vacant	Commercial/Vacant
Acreage	.54	.54
Lots	0	1
Parcels	1	1
Dwelling Units:		
Detached	0	1
Commercial	1,238± sq.ft.	To remain

4. **Environmental**— This property is exempt from the provisions of the Prince George's County Woodland Conservation Ordinance because it is less than 40,000 square feet and does not have a previously approved Tree Conservation Plan. A Tree Conservation Plan will not be required. The Environmental Planning Section has issued a Letter of Exemption from the Woodland Conservation Ordinance (S-059-03). The plans submitted have been found to address all environmental issues.

A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils do not occur on the property. There are no significant transportation-related noise impacts associated with Marlboro Pike. The soils found to occur according to the Prince George's County Soil Survey are in the Beltsville and Matapeake series that generally have no significant limitations for development. According to available information, Marlboro clay is not found to occur on this property.

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. There are no designated scenic and historic roads in the

vicinity of this property. The subject property is relatively flat, partially developed and is characterized with terrain sloping toward the north which drains to an unnamed tributary of the Southwest Branch watershed in the Patuxent River Basin. The site is in the Developed Tier as reflected in the adopted General Plan.

5. **Community Planning**—The subject property is located within the limits of the 1985 approved Suitland-District Heights master plan in Planning Area 72 in the District Heights community. The recommended land use is for Medium Residential. The 2002 General Plan located this property in the Developed Tier. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan. There are no other master plan issues associated with this application.
6. **Parks and Recreation**— In accordance with Section 24-134(a) of the Subdivision Regulations, Parcel D is exempt from the requirement of the mandatory dedication of parkland because the parcel is nonresidentially zoned. However, Lot 1 is not exempted and the Department of Parks and Recreation recommends the payment of a fee-in-lieu of parkland dedication because the land available is unsuitable due to its size and location.
7. **Trails**—No master plan trails issues are identified in the adopted and approved Suitland-District Heights and Vicinity master plan. Due to the small distance of road frontage and the lack of nearby connecting sidewalks, no sidewalk construction is recommended along Scott Key Drive. However, those improvements will be determined by the Department of Public Works and Transportation (DPW&T).
8. **Transportation**—The application is a preliminary plan of subdivision consisting of an existing frame commercial building on a proposed parcel and a proposed single-family residence on a single lot. The proposed net development would generate 1 AM and 1 PM peak hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The site is within the Developed 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 1,600 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 458 and Marlboro Pike.

Staff has no recent counts at the critical intersection of MD 458 and Marlboro Pike. Due to the limited size and 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. There are no significant transportation issues known to staff in the vicinity. Staff would, therefore, recommend that the Planning Board find that 1 AM and 1 PM peak-hour trip will have a de minimus impact upon delay in the critical movements at the MD 458/Marlboro Pike intersection.

Marlboro Pike is a master plan collector facility. The plan should be revised to demonstrate the dedication of 40 feet from the centerline of the roadway from the 54 feet shown.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

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 that the subdivision is exempt from the APF test for schools because it is a commercial use for Parcel D and is located in the Developed Tier, which exempts residential development on Lot 1.
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:

Parcel D

- a. The existing fire engine service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 0.38 minutes, which is **within** the 3.25-minute travel time guideline.
- b. The existing ambulance service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 0.38 minutes, which is **within** the 4.25-minute travel time guideline.
- c. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 3.91 minutes, which is **within** the 7.25-minutes travel time guideline.
- d. The existing ladder truck service at Hillside Fire Station, Company 6, located at 1234 Larchmont Avenue has a service travel time of 3.22 minutes, which is **within** the 4.25-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, ladder truck and paramedic service.

Lot 1

- a. The existing fire engine service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 0.38 minutes, which is **within** the 5.25-minute travel time guideline.
- b. The existing ambulance service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 0.38 minutes, which is **within** the 6.25-minute travel time guideline.
- c. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 3.50 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 service.

11. **Police Facilities**—The proposed development is within the service area for Police District III-Landover. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Birch Estates development. This police facility will adequately serve the population generated by the proposed subdivision. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of 6/30/2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel.
12. **Health Department**—The Health Department has evaluated the proposed preliminary plan and has no comment.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 9286-2003-00, 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.

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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 Scott, with Commissioners Lowe, Scott, Eley and Vaughns voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, July 3, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of July 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk