

R E S O L U T I O N

WHEREAS, Avondale Overlook LP is the owner of a 10.32-acre parcel of land known as Lot 1, WWW 50@47, Tax Map 49, Grid D-1, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned R-10; and

WHEREAS, on April 15, 2004, Avondale Overlook LP 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 4-04071 for Avondale Overlook at Queens Chapel Road 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 September 23, 2004, 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 September 23, 2004, 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/61/03), and further APPROVED Preliminary Plan of Subdivision 4-04071, Avondale Overlook at Queens Chapel Road for Lots 2 and 3 including a variation from Section 24-121(a)(3) with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to provide a note that mandatory dedication of parkland is being fulfilled through private on-site recreational facilities.
2. A Type II tree conservation plan shall be approved with the detailed site plan.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, #22712-2003-00, and any subsequent revisions and approvals.
4. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for approval prior to the submission of final plats, for construction of recreational facilities to serve the residents of the site (Lots 2 and 3). Upon approval by DRD, the RFA shall be recorded among the county land records.
5. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of

credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities to serve the residents of the site (Lots 2 and 3).

6. At the time of review of the DSP, the applicant shall submit a certification, by a professional engineer with competency in acoustical analysis, that new residential development building shells within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.
7. At the time of review of the detailed site plan, architectural elevations shall be provided that indicate the proposed building materials, fenestration, doorway, and porch or stoop details to ensure that the proposed development is compatible with and reinforces the character of the established residential neighborhood. This is particularly important since the abutting residential neighborhood consists of single-family residences exhibiting a variety of architectural details and styles. Appropriate screening from the abutting single-family residential neighborhood shall also be reviewed at the time of detailed site plan to ensure compatibility and privacy.
8. At the time of final plat approval, the applicant shall dedicate a right-of-way along MD 500 of 95.6 feet from the opposite right-of-way line, as shown on the submitted plan, or as further determined through the detailed site plan (DSP) process.
9. Total development within the subject property shall be limited to the existing 247-unit high-rise apartment structure, plus 244 proposed apartment/condominium residences within a high-rise structure, or other uses that generate no more than 73 AM and 98 PM peak-hour vehicle trips. Any development other than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities

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 north side of Queens Chapel Road, approximately 100 feet east of Russell Avenue.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-10	R-10

Use(s)	Multifamily	Multifamily
	247	244 (491 total)
Acreage	10.32	10.32
Lots	1	2

4. **Environmental**—The Environmental Planning Section has reviewed the above referenced Preliminary Plan of Subdivision, 4-04071 and TCPI/61/03, stamped as received by the Environmental Planning Section on June 15, 2004. The plans as submitted have been found to address the environmental constraints for the subject property.

The Environmental Planning Section previously reviewed the subject property in 1984 as a Special Exception (SE-1353), under the name of Beech Tree Apartments, and subsequently in 2003 as Preliminary Plan of Subdivision 4-03089 that was later withdrawn. This preliminary plan proposes the subdivision of a 10.32-acre parcel in the R-10 zone into two lots.

The site is characterized by terrain sloping toward the north and draining into unnamed tributaries of the Northeast Branch watershed in the Anacostia River basin. A review of the available information indicates that there are areas of severe slopes and steep slopes on erodible soils associated with the site. There are no streams, Waters of the US, wetlands, 100-year floodplain, highly erodible soils or Marlboro clays found to occur on the site. However, the subject property is adjacent to areas of severe slopes, 100-year floodplain, wetlands and a stream that impact the northern portion of the site due to associated expanded stream buffer. The plan proposes no impacts to these areas.

The soils found to occur on the site, according to the Prince George's County Soil Survey, are Sassafrass and Sunnyside Urban Complex. These soil series generally exhibit slight to moderate limitations to development due to steep slopes. 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. There are no designated scenic and historic roads adjacent to this property.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. Type I Tree The Conservation Plan, (TCPI/61/03), has been reviewed and was found to conform to the requirements of the Woodland Conservation Ordinance.

The minimum woodland conservation requirement for the site is 2.07 acres of the net tract. An additional 1.11 acres are required due to the removal of woodlands, for a total woodland conservation requirement of 3.18 acres. The plan shows the requirement being met with 2.0 acres of on-site preservation, 0.23 acre of on-site reforestation, and 0.95 acre off-site mitigation, for a total of 3.18 acres of woodland conservation provided.

Queens Chapel Road is an arterial highway regulated for noise. Based on projected traffic (average daily traffic or ADT projected 10 years) data supplied by the State of Maryland, the Environmental Planning Section noise model has projected that the 65dBA (Ldn) noise contour is located 168 feet from the centerline of the roadway. A Phase I noise study has been submitted with the preliminary plan of subdivision that shows the 65 dBA (Ldn) noise contour to be located 160 feet from the centerline of Queens Chapel Road. The noise study is considered adequate and consistent with the Environmental Planning Section noise model projection. The 65dBA (Ldn) noise contour has been shown on the plans. No additional information is required with regard to noise impacts at this time. However, all new buildings shall be required to ensure that interior noise levels do not exceed 45 dBA (Ldn).

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The subject property is located within the limits of the 1994 Approved Master Plan for Planning Area 68 in the Avondale Community. The land use recommendation for this property is multifamily. The 2002 General Plan locates this property in the Developed Tier. One vision for the Developed Tier is a network of sustainable, transit supporting, high-density neighborhoods. The proposed preliminary plan is consistent with the recommendation of the master plan and the General Plan.

The master plan states “infill residential development should continue to reinforce the established character of area neighborhoods” (in this case the Avondale neighborhood). The master plan further states, “It is important that new development, especially construction on large or highly visible parcels, be visually and functionally compatible with existing development. Design issues to consider include building setback, lot size, building materials and parking.” Staff would note that the access is located in the middle of the site and helps to protect the adjacent single-family residential development from noise and pollution associated with vehicles accessing the proposed multifamily development.

At the time of review of the detailed site plan, elevation sketches that show the building materials, fenestration, doorway and porch or stoop details need to be reviewed to better determine whether the proposed development is compatible with and reinforces the character of the established residential neighborhood. This is particularly important since the abutting residential neighborhood consists of all brick single-family residences exhibiting a variety of architectural details and styles. Appropriate screening from the abutting single-family residential neighborhood should also be reviewed at the time of detailed site plan to ensure compatibility and privacy.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Department of Parks and Recreation recommends that the applicant provide private on-site recreational facilities to serve the residence of the community, in accordance with the *Parks and Recreation Facilities Guidelines*. The amount and appropriate siting of recreational facilities

should be determined at the time of review of the DSP.

7. **Trails**—There are no master plan trails issues identified in the adopted and approved Planning Area 68 master plan that impact the subject site. The planned Prince George's Connector Trail is in the vicinity of the subject property with a segment of this planned trail running on the adjacent M-NCPPC property. The State Highway Administration is providing in-road bicycle facilities along Queens Chapel Road in this vicinity through the reduction of travel lanes and re-striping. A wide outside curb lane currently exists along the subject site's frontage.

A variety of road cross sections are present in the vicinity of the subject site. The majority of the roads have sidewalks on at least one side. Queens Chapel Road has an existing sidewalk along the north side of Queens Chapel Road, including the subject site's frontage. Any additional improvements for pedestrians, such as wider sidewalks and pedestrian safety measures, will have to be completed comprehensively for the corridor through a capital improvement project. There are no master plan trails issues for the subject site. The existing sidewalk along Queens Chapel Road will accommodate pedestrian movement.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 10.32 acres of land in the R-10 zone. The property is located on the north side of MD 500, opposite its intersections with 24<sup>th</sup> and 22<sup>th</sup> Avenues. The applicant proposes a residential subdivision with 244 new apartment and condominium residences within a single high-rise structure. The site currently contains an existing 247-unit high-rise apartment structure.

The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated May 2004 that was referred for comment. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The findings and recommendations in this memorandum completely supersede those in the July 6, 2004 memorandum.

#### **Growth Policy—Service Level Standards**

The subject property is located 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted subject to meeting the geographical criteria in the guidelines.

**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.

### Analysis of Traffic Impacts

The traffic study for this site examined the site impact at four intersections, and these are shown on the attached map:

MD 500/MD 501 (signalized)

MD 500/25<sup>th</sup> Avenue/east site access (unsignalized)

MD 500/24<sup>th</sup> Avenue/west site access (unsignalized)

MD 500/Russell Avenue (unsignalized)

The existing conditions at the study intersections are summarized below:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 500 and MD 501	1,021	1,298	B	D
MD 500 and 25 <sup>th</sup> Avenue/east site access	28.8*	24.3*	--	--
MD 500 and 24 <sup>th</sup> Avenue/west site access	future			
MD 500 and Russell Avenue	19.1*	24.6*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The area of background development includes one development in the vicinity of the subject property. There are no programmed improvements in the county's Capital Improvement Program (CIP) or the state's Consolidation Transportation Program (CTP) that would provide significant changes to highway capacity. Background conditions are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 500 and MD 501	1,048	1,323	B	D
MD 500 and 25 <sup>th</sup> Avenue/east site access	32.1*	25.7*	--	--

MD 500 and 24 <sup>th</sup> Avenue/west site access	future			
MD 500 and Russell Avenue	19.6*	25.5*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The site is proposed for development as a residential subdivision. The site would propose 244 new high-rise multifamily residences. The site would generate 73 (15 in, 58 out) AM peak-hour vehicle trips and 98 (64 in, 34 out) PM peak-hour vehicle trips. With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 500 and MD 501	1,081	1,349	B	D
MD 500 and 25 <sup>th</sup> Avenue/east site access	45.2*	33.6*	--	--
MD 500 and 24 <sup>th</sup> Avenue/west site access	25.0*	28.5*	--	--
MD 500 and Russell Avenue	22.3*	29.7*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The traffic analysis identifies no inadequacies in the vicinity of the site in accordance with the Planning Board’s Guidelines. Neither SHA nor DPW&T raised objection to the findings within the traffic study; these agencies’ comments on the study are attached.

Nonetheless, the staff’s recommendation will include a trip cap that relates to the uses proposed by the applicant at this time.  
Plan Comments

The current plan indicates correct dedication along existing MD 500, which is a master plan arterial, of 95.6 feet from the opposing right-of-way line.

The applicant has filed a variation request regarding Section 24-121(a)(3), as discussed further in Finding 12 of this report, which limits individual lot access onto arterial facilities. In reviewing the subdivision plan as well as the justification, the following additional determinations are made:

1. The entire property only has access onto MD 500. There are no other apparent locations

for the subject property to obtain access.

2. The use of a public street to serve the two lots appears to be impractical, as the construction of a street would appear to necessitate dedication of a large portion of proposed Lot 2 for access.
3. The current apartment building on proposed Lot 3 has two points of driveway access onto MD 500. The proposals would relocate one of the access points to a location opposite existing 24<sup>th</sup> Avenue. Therefore, the situation being approved by way of the variation request, from a transportation standpoint, is no worse than the situation that exists. Placing the driveway opposite an existing street at a median break would improve safety over the current situation.
4. The State Highway Administration (SHA) must approve any modifications to access points along MD 500, which is a state facility. In their referral, SHA supported access at the locations shown, with the scope of improvements needed at each location to be determined at the time of access approval by SHA.

For these reasons, the Transportation Planning Section supports the variation from 24-121(a)(3). It must be noted that approval of such a variation by the Planning Board only constitutes conceptual agreement that circumstances exist that necessitate direct access onto an arterial facility by a driveway. The responsible agency that maintains the roadway—which is SHA in this case—must still review any driveway access point, and that agency has the right to impose conditions upon its construction or even deny it.

Based on the preceding findings, the 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 this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

#### **Finding**

##### **Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	247 sfd	247 sfd	247 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	59.28	14.82	29.64
Actual Enrollment	36236	11113	16710

Completion Enrollment	209.04	52.26	95.81
Cumulative Enrollment	484.32	121.08	242.16
Total Enrollment	36988.64	11301.16	17077.61
State Rated Capacity	38817	10375	14191
Percent Capacity	95.29%	108.93%	120.34%

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

- a. The existing fire engine service at Mount Rainier Fire Station, Company 3, located at 4051 34<sup>th</sup> Street has a service travel time of 2.75 minutes, which is within the 3.25-minute travel time guideline.
- b. The existing ambulance service at Mount Rainier Fire Station, Company 3, located at 4051 34<sup>th</sup> Street has a service travel time of 2.75 minutes, which is within the 4.25-minute travel time guideline.
- c. The existing paramedic service at Brentwood Fire Station, Company 4, located at 13712 Utah Avenue has a service travel time of 3.70 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at Hyattsville Fire Station, Company 1, located at 6200 Belcrest Road has a service travel time of 2.55 minutes, which is within the 4.25-minute travel time guideline.

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. The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire*

*and Rescue Facilities.*

11. **Police Facilities**—The proposed development is within the service area for Police District I-Hyattsville. 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is the capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department 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, #22712-2003-00, 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.
14. **Variation to Section 24-121**- Section 24-121(a)(3) of the Subdivision Regulations establishes that proposed lots fronting on a roadway of an arterial classification or higher should be designed to front on either an interior street or service road. The subject property has sole frontage on and proposes direct vehicular access onto Queens Chapel Road, an arterial roadway.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

Comment: Any entrances along Queens Chapel Road will require approval from the Maryland State Highway Administration, which may require frontage improvements and additional pavement and signage. Review and approval of access permits by SHA will ensure that the proposed entrances will not be detrimental to the public safety, health, or injurious to other properties.

- (2) **The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

Comment: The properties to the west are developed with single-family dwelling units (zoned R-55) and generally do not front on Queens Chapel Road. The property to the east (zoned R-18) is developed with a shopping center and the property to the north (zoned R-55) is severely restricted by environmental constraints. The subject property is unique to the surrounding properties in the type of proposed development and the zoning.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

Comment: Review and approval of access permits by SHA and DPW&T will ensure that the proposed entrances will not constitute a violation of any other applicable law, ordinance, or regulation.

- (3) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

The only street frontage for this property is Queens Chapel Road. If access were denied to Queens Chapel Road, the site could not be developed. Because of the size and extensive environmental restriction on the northern portion of the site, requiring a dedicated public street internal to the property would significantly reduce the buildable area and could result in a particular hardship to the owner.

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Squire, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 23, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of October 2004.

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Trudye Morgan Johnson

Executive Director

By Frances J. Guertin  
Planning Board Administrator

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