

R E S O L U T I O N

WHEREAS, Benjamin and Thelma Chase is the owner of a 2.73-acre parcel of land known as Parcel 89, Tax Map 43, Grid D-1 said property being in the 20th Election District of Prince George's County, Maryland, and being zoned R-8; and

WHEREAS, on June 23, 2004, Danner Development filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 8 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04084 for Chase Property 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 30, 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 September 30, 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/61/04), and further APPROVED Preliminary Plan of Subdivision 4-04084, Chase Property for Lots 1-8 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan, the FSD and associated plans shall be revised to correctly reflect slopes 15-25 percent in grade.
2. Prior to issuance of any permits for the subject property, the off-site mitigation location, in conformance with the Woodland Conservation Ordinance, shall be secured and the site location noted on the TCPII for the subject property.
3. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/61/04). The following notes shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/61/04), 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.”

4. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.

5. The abandoned septic tank found within the confines of the property shall be pumped out by a licensed scavenger and either removed prior to grading or backfilled in place as part of the grading permit.
6. A raze permit shall be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed
7. A stormwater management concept plan shall be approved and the approval number and date shall be added to the preliminary plan prior to signature approval.
8. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along the frontage of Sunset Terrace and along both sides of Gairlock Place (extended), unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
9. Prior to the issuance of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
10. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 0.41± acre of land (Parcel A). Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to

a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- 11. Prior to the issuance of permits, a limited detailed site plan shall be approved by the Planning Board or its designee for Parcel A to ensure pleasing views of the stormwater management facility from adjoining lots and the street.
  - 12. Conditions 9, 10 and 11 shall not apply unless on-site storm water management is required by the Department of Environmental Resources. In the event a pond is not required, the 0.41± acres shown as “Parcel A” shall be incorporated into one or more of the finished lots.

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 site is located at the western terminus of Gairlock Place, 300 feet west of its intersection with Harland Street, extending north to Sunset Terrace. The northern half of the site is developed with an abandoned single-family residence and several small outbuildings, while the southern half is wooded. All of the existing buildings are to be removed. The surrounding properties are zoned R-55 and are developed with single-family residences, with the exception of the property to the north, which is developed with a swim club.
- 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
Uses	Single-Family Residence	Single-Family Residences
Acreage	2.73	2.73
Lots	0	8
Parcels	1	1
Single-Family Residences	1 (to be razed)	8

- 4. **Environmental**— The site is characterized by terrain sloping toward the south and draining into unnamed tributaries of the Brier Ditch Creek watershed in the Anacostia River basin. A review of the available information indicates that there are areas of severe slopes and steep slopes associated with the site. There are no streams, Waters of the US, wetlands, 100-year floodplain,

highly erodible soils or Marlboro clays on the site. There are no noise issues associated with the current proposal. The soils found to occur on the site, according to the *Prince George=s County Soil Survey*, is Sunnyside. This soil series generally exhibits 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 *AEcologically 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 located in the Developed Tier as delineated on the adopted General Plan.

### **Forest Stand Delineation**

A forest stand delineation (FSD) has been submitted for this proposal and was generally found to address the requirements for detailed forest stand delineation with the following exception. There are no soil types on the site that are classified hydric by the United States Department of Agriculture, Soils Conservation Service as rightly indicated in the study; however, the FSD plan shows erodible soils in the legend and on the plan. The applicant should remove from the legend symbol and text regarding erodible soils and revise the plan accordingly.

### **Woodland Conservation**

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. The Type I Tree Conservation Plan, TCPI/61/04, has been reviewed and was found to require minor revisions to conform to the requirements of the Woodland Conservation Ordinance. The minimum woodland conservation requirement for the site is 0.55 acre of the net tract. An additional 0.95 acre is required due to the removal of woodlands, for a total woodland conservation requirement of 1.50 acres. The plan shows the requirement being met with 1.50 acres of off-site mitigation, at a location to be determined later.

### **Water and Sewer Categories:**

The property is in water category W-3 and sewer category S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The property is in Planning Area 69/Wildercroft. The 2002 General Plan places the property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The 1994 Master Plan for Bladensburg, New Carrollton and Vicinity recommends suburban residential densities for single-family residences. This application conforms to the master plan recommendation.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location. The proposed preliminary plan is consistent with the land use recommendations of the

master plan and the General Plan.

7. **Trails**—There are no master plan trails issues identified in the 1994 Master Plan for Bladensburg, New Carrollton and Vicinity or the countywide trails plan. A standard sidewalk exists along previously improved portions of Sunset Terrace. Similarly, sidewalks exist along both sides of Gairlock Place. Staff recommends that this subdivision provide standard sidewalks along its frontage of Sunset Terrace and along its portion of both sides of Gairlock Place, per the concurrence of Department of Public Works & Transportation.
8. **Transportation**—The applicant has not prepared a traffic impact study nor was one required by the transportation staff given the limited amount of development being requested. 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*.

#### **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.

**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.

#### **Staff Analysis of Traffic Impacts**

The application is a subdivision plan to allow for construction of eight single-family residential units. The proposed development of eight residential units would generate 7 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 plan would primarily impact the unsignalized intersection of Good Luck Road and Harland Street. This proposed development would have no significant impact to the existing or projected traffic operation at this intersection.

Staff is not recommending any changes to the proposed site access and circulation. The site is not within or adjacent to any master plan transportation facilities.

#### **Transportation Finding**

Based on the preceding findings, adequate transportation facilities would exist to serve the

proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

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	8 sfd	8 sfd	8 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.92	0.48	0.96
Actual Enrollment	36236	11113	16710
Completion Enrollment	209.04	52.26	95.81
Cumulative Enrollment	545.76	136.44	272.88
Total Enrollment	36992.72	11302.18	17079.65
State Rated Capacity	38817	10375	14191
Percent Capacity	95.30%	108.94%	120.36%

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.

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.

The existing fire engine service at West Lanham Hills Fire Station, Company 48, located at 8501 Good Luck Road has a service travel time of 3.78 minutes, which is within the 5.25-minute travel time guideline.

The existing ambulance service at West Lanham Hills Fire Station, Company 48, located at 8501 Good Luck Road has a service travel time of 3.78 minutes, which is within the 6.25-minute travel time guideline.

The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue has a service travel time of 6.57 minutes, which is within the 7.25-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 and paramedic service.

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 III-Landover. 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 1/2/04, 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 reviewed the application and had the following comment to offer:
  - “1. The abandoned septic tank found within the confines of the property must be pumped it out by a licensed scavenger and either removed prior to grading or backfilled in place as part of the grading permit.
  - “2. A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.”
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. The applicant is showing a 0.41-acre parcel for such purposes to be conveyed to a homeowners association. The applicant has not yet received stormwater concept approval from the Department of Environmental Resources. A copy of the concept approval letter is necessary prior to signature approval of the preliminary plan. Because of the highly visible location of the stormwater management facilities, staff recommends that the Planning Board or its designee approve a limited detailed site plan prior to the issuance of building permits.

14. **Cemeteries**—There are no known cemeteries on the subject property.
15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to both Gairlock Place (extended) and Sunset Terrace.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 30, 2004, in Upper Marlboro, Maryland.

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

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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