

R E S O L U T I O N

WHEREAS, Word of God Baptist Church is the owner of a 2.26-acre parcel of land known as Lot 20, Plat 2 @40 Palmers Subdivision, Tax Map 73, Grid B-1 said property being in the 18th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on July 9, 2004, Lina Talab filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 6 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04122 for Ventura 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 October 21, 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 October 21, 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/64/04), and further APPROVED Preliminary Plan of Subdivision 4-04122, Ventura Woods for Lots 1-6 with the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI and FSD shall be revised as necessary to state the correct amount of existing woodlands
2. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/64/04). 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/64/04), 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.”

3. A conservation easement shall be described by bearings and distances at time of final plat. The conservation easement shall contain the delineated expanded stream buffer and shall be reviewed

by the Environmental Planning Section prior to approval of the final plat. The following note

shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous tree, limbs, branches, or trunks is allowed.”

4. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC Planning Department.
5. At time of final plat, the applicant shall show the required 25-foot building restriction line from the 100-year floodplain.
6. Prior to signature approval of the preliminary plan, a copy of a stormwater management concept approval letter shall be submitted.
7. A Type II Tree Conservation Plan shall be approved prior to the issuance of permits for the site.
8. The applicant shall provide standard sidewalks along the site frontages of Elm Street and Ventura Avenue, unless modified by DPW & T.
9. Prior to final plat approval, the applicant, his heirs, successors and/or assignees shall have the trash and debris removed from the site and the tires removed by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.
10. Development shall be in conformance with the approved stormwater concept plan, Concept #19942-2004-00.
11. Prior to signature approval, the plan shall be revised to clearly show the floodplain to the rear of the site as part of Lot 6.

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 on the west side of Ventura Avenue, 600 ± feet south of its intersection with Old Central Avenue.
3. **Development Data Summary**—The following information relates to the subject preliminary

plan application and the proposed development.

Zone Uses	EXISTING R-55, R-T	PROPOSED R-55, R-T
	Undeveloped	Single-Family Residences Single-Family Semidetached
Acreage	2.26 total 1.23 R-55 1.03 R-T	2.26 total 1.23 R-55 1.03 R-T
Lots	1	6
Parcels	0	0
Dwelling Units	0	6

4. **Environmental**—A review of the available information indicates that there are streams, 100-year floodplain, highly erodible soils, wetlands, and areas of steep slopes associated with the site. There are no Marlboro clays found to occur on the site. Ventura Avenue is a collector roadway and not generally regulated for noise. The primary soil types found to occur on the subject property according to the Prince George’s County Soils Survey are sandy and clayey land and Elkton. These soil series generally exhibit slight to moderate limitations to development due to steep slopes, high water table, and poor drainage. Based on the 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 located in the Developed Tier as delineated on the adopted General Plan.

Woodland Conservation

The forest stand delineation (FSD) has been submitted for this proposal and was generally found to address the requirements for detailed FSD in compliance with the Woodland Conservation Ordinance, with the exception of the calculation of the amount of existing woodland on-site. The FSD text states there are 2.26 acres of woodland; the TCPI states there are 2.15 acres. This discrepancy must be corrected.

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 in size and it contains more than 10,000 square feet of existing woodland. The Type I Tree the conservation plan (TCPI/64/04) as submitted has been reviewed. The minimum woodland conservation requirement based on 2.15 acres of existing woodland is 0.22 acre of the net tract. An additional 0.15 acre is required due to the removal of woodlands, for a total woodland conservation requirement of 0.37 acre as currently designed. The plan shows the requirement being met with 0.38 acre of woodland preservation on-site.

The site plan also contains sensitive environmental features that are required to be preserved. The

TCPI does show the banks of the stream and the 50-foot buffer from each bank, the 25-foot BRL for floodplain, and wetlands with associated buffers.

Streams, Floodplains and Wetlands

The Subdivision Ordinance requires the preservation of the expanded stream buffer in a natural state (Section 24-130(b)(6) and (7)) unless the Planning Board approves a variation request. The preliminary plan as submitted proposes no impacts to the stream, wetland or their associated stream buffers. A 100-year floodplain and wetland study has been submitted to verify the delineations as shown.

Water and Sewer Categories

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

5. **Community Planning**—The property is in Planning Area 75B/Capitol Heights. 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 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* recommends Medium Suburban Residential/Low Urban 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 2002 General Plan.
7. **Trails**—There are no master plan trail issues identified in the 1986 master plan. Sidewalks are fragmented in the vicinity of the subject site. No sidewalks currently exist along Ventura Avenue, and most of Elm Street has not yet been constructed. Due to the site's close proximity to the Addison Road Metro Station (approximately one-half mile), walking is a viable mode for some Metro riders. Standard sidewalks are recommended along the site frontages of Elm Street and Ventura Avenue, unless modified by DPW&T.
8. **Transportation**—The applicant proposes a residential subdivision consisting of two

single-family detached residences and four single-family semidetached residences. Based on the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, a six-lot, single-family development will generate 4 AM peak-hour trips and 5 PM peak-hour trips. 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.

Pursuant to provisions in the guidelines, the Planning Board may find that the traffic impact of small developments is *de minimus*. A *de minimus* development is defined as one that generates five trips or fewer in any peak period. Regarding on-site circulation of traffic, staff has no issues.

Transportation Staff Conclusions

Based on the fact that the subject application is considered to be *de minimus*, 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 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	6 sfd	6 sfd	6 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.44	0.36	0.72
Actual Enrollment	36236	11113	16710
Completion Enrollment	209.04	52.26	95.81
Cumulative Enrollment	549.12	137.28	274.56
Total Enrollment	36995.60	11302.90	17081.09
State Rated Capacity	38817	10375	14191
Percent Capacity	95.31%	108.94%	120.37%

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. 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 will be the ones that apply to this project.

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 school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.

- a. The existing fire engine service at Capitol Heights Fire Station, Company 5, located at 6061 Central Avenue, has a service travel time of 0.76 minute, which is within the

5.25-minute travel time guideline.

- b. The existing ambulance service at Capitol Heights Fire Station, Company 5, located at 6061 Central Avenue, has a service travel time of 0.76 minute, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 7.48 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ambulance service at Kentland Fire Station, Company 46, is beyond the recommended travel time guideline. The nearest fire station, Capitol Heights Fire Station, Company 5, is 0.76 minute from the development. This facility would be within the recommended travel time for ambulance service, if the operational decision were made to shift to this station.

These findings are in conformance with the standards and guidelines contained in the 1990 *Approved Public Safety Master Plan* 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 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 capacity for an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
- 12. **Health Department**—The Health Department reviewed the application and noted a significant amount of trash and other debris has been illegally dumped on the property, including domestic trash and tires. This must be removed prior to final plat approval. The tires must be removed by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.
- 13. **Stormwater Management**—The proposed development has an approved Stormwater Management Concept Plan #19942-2004, dated July 22, 2004.
- 14. **Cemeteries**—There are no known cemeteries on the subject property.
- 15. **Public Utility Easement**—The preliminary plan shows a 10-foot-wide public utility easement adjacent to Ventura Avenue.
- 16. **Prior Approvals**—The subject property has no prior approvals.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, October 21, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of November 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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