

R E S O L U T I O N

WHEREAS, Wendell Hawkins is the owners of a 6.21-acre parcel of land known as Parcel 187, Tax Map 73, Grid A-3, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on July 28, 2005, Kydan Development Corporation filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 27 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05053 for Brooke Summit Subdivision 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 December 1, 2005, 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 December 1, 2005, 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/9/05), and further APPROVED Preliminary Plan of Subdivision 4-05053, Brooke Summit Subdivision for Lots 1-27 and Parcel A with the following conditions:

1. Prior to 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.
2. 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 on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
3. 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 on homeowners land.
4. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) open space land for private recreation facilities as delineated on the preliminary plan of subdivision. 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 the 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.
5. The applicant shall provide standard sidewalks along both sides of all internal roads, as reflected on the preliminary plan, unless modified by DPW&T at the time of street construction permits.
 6. The applicant shall provide a standard sidewalk along the subject property's entire frontage of Brooke Road and Oakford Road, unless modified by DPW&T at the time of street construction permits.
 7. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD as a limited detailed site plan for adequacy and property siting prior to grading permit.
 8. Development of the site shall be in accordance with the approved stormwater management concept plan (35248-2004-00) or any approved revision thereto.

9. Prior to approval of the final plat, the applicant shall submit a Phase IA archeological investigation and a Phase IB, Phase II and Phase III investigation, as determined appropriate by DRD staff. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the MHT guidelines and the *American Antiquity* or *Society of Historical Archeology* style guide.
10. 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.
11. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/9/05). The following note 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/9/05), 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 at the northeast quadrant of the intersection of Brooke Road and Oakford Road. The site is predominantly wooded and is developed with a single-family residence and detached shed/garage, which are proposed for demolition. The site is bounded by single-family residences and undeveloped land in the R-55 Zone
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

| | EXISTING | PROPOSED |
|---------|-------------------------|--------------------------|
| Zone | R-55 | R-55 |
| Use(s) | Single-family residence | Single-family residences |
| Acreage | 6.21 | 6.21 |
| Lots | 0 | 27 |

| | | |
|----------------|-------------------|----|
| Parcels | 1 | 1 |
| Dwelling Units | 1 (to be removed) | 27 |

4. **Environmental**—A review of the available information indicates that the site is wooded and is characterized with terrain sloping north toward undeveloped parcels that drain into unnamed tributaries of the Lower Anacostia River watershed in the Anacostia River basin. There are no streams, nontidal wetlands, or 100-year floodplain on the subject property. There are some areas of highly erodible soils. Roadway-related noise is not associated with Brooke and Oxford Roads, which are both collectors and generally not regulated for noise. The soils found to occur on the site, according to the Prince George’s County Soil Survey, are Sassafras and Sandy Land. These soil series generally exhibit moderate to severe limitations to development due to poor stability, steep slopes, and high erosion potential. According to available information, Marlboro clay does not occur on this property. 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, rare, threatened, or endangered species are not found to occur in the vicinity of this property. No designated scenic or historic roads are located in the vicinity of this property. This subject property is located in the Developed Tier as reflected in the adopted General Plan.

Woodland Conservation

The information submitted was found to address the requirements for a detailed forest stand delineation and in compliance with the Woodland Conservation Ordinance. 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/9/05 as submitted, was reviewed and was found to conform to the requirements of the Woodland Conservation Ordinance.

The minimum woodland conservation requirement for the site is 1.24 acres of the net tract. An additional 2.28 acres are required due to the removal of woodlands, for a total woodland conservation requirement of 3.52 acres. The plan proposes meeting the requirements with 0.12 acres of on-site preservation with the remainder at an off-site location to be identified later. An additional 0.23 acres of tree-save are identified, but not counted towards the preservation requirement. The use of off-site mitigation is appropriate on this site due to the small lot size in this zone and the low quality of the woodlands present on-site. There are no priority woodlands on-site (priority woodlands are those associated with regulated environmental features such as streams and wetlands) and the vegetation present is not desirable for preservation because it contains silver maples and tulip poplars, both known for their lack of tolerance to disturbance caused by construction. The understory vegetation consists of several invasive plant species such as Japanese honeysuckle, English ivy, and multiflora rose. Invasive species on the site make up 32 percent of the herbaceous layer. The small lot size makes the preservation of even desirable vegetation difficult because of the need to grade the site to ensure proper drainage.

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 these public systems.

5. **Community Planning**—The subject property is located in Planning Area 75A/Capitol Heights. The 2002 General Plan places this 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. The property is subject to the recommendations of the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*, which recommends a medium-suburban residential density of up to 5.8 dwellings per acre. The proposed preliminary plan is consistent with the recommendations of these two plans.
6. **Parks and Recreation**—The proposed subdivision is subject to the mandatory dedication requirements of Section 24-134 of the Subdivision Regulations. The Department of Parks and Recreation recommends that the applicant provide on-site private recreational facilities in lieu of dedication of parkland. The preliminary plan shows a walking path and tot lot located on the 11,456-square-foot Parcel A. This parcel will be subject to limited detailed site plan approval in accordance with Section 27-445.
7. **Trails**—There are no master plan trail issues identified in the 1986 Suitland-District Heights and Vicinity master plan.

Sidewalk Connectivity

A variety of road cross sections are present in the vicinity of the subject site. Both open and closed road sections are present and sidewalks are fragmented. The site's frontage on Brooke Road does not include a sidewalk. However, a sidewalk exists on the adjacent property to the south. Most of the newer subdivisions include sidewalks along both sides of internal roads, while many of the older communities lack sidewalks in many areas. Staff recommends the provision of standard sidewalks along the entire frontage of Brooke Road and Oakford Road and along both sides of all internal roads.

8. **Transportation**— In accordance with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count from the applicant, and the needed count at the intersection of Rollins Avenue/Walker Mill Road was provided. The count was taken in September 2004 and was used to determine adequacy. Therefore, the findings and recommendations outlined below are based upon a review of relevant 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 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) 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 transportation staff based its findings on the traffic impacts at one critical intersection, which is signalized. The traffic generated by the proposed preliminary plan would impact the intersection of Rollins Avenue/Walker Mill Road. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

| Existing Conditions | | | | |
|---------------------------------|--|-----|------------------------------------|---|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
| Rollins Avenue/Walker Mill Road | 505 | 593 | A | A |

The guidelines identify signalized intersections operating at LOS E with a critical lane volume of 1,600 or better during both peak hours as acceptable. Both the AM and PM peak hour levels of service are acceptable under existing conditions.

The transportation staff has reviewed approved development and assumed a five percent annual growth rate for through traffic along Rollins Avenue and Walker Mill Road. Background conditions are summarized below:

| Background Conditions | | | | |
|---------------------------------|--|-----|------------------------------------|---|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
| Rollins Avenue/Walker Mill Road | 513 | 603 | A | A |

Under background conditions both the AM and PM peak hour levels of service are operating at acceptable standards for the Developed Tier as defined in the guidelines.

The site is proposed for development as a residential subdivision of 29 lots. The proposed development would generate 22 AM (4 in, 18 out) and 26 PM (17 in, 9 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Revised September 2002)*. Staff assumes these trips are distributed as follows:

- 20 percent - East along Walker Mill Road
- 20 percent - West along Walker Mill Road
- 40 percent - North along Brooke Road
- 20 percent - South along Rollins Avenue

Given these assumptions, we obtain the following results under total traffic:

| Total Conditions | | | | |
|---------------------------------|--|-----|------------------------------------|---|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
| Rollins Avenue/Walker Mill Road | 519 | 609 | A | A |

Based on the staff's review of transportation adequacy issues in the area, the intersection of Rollins Avenue/Walker Mill Road will operate acceptably during the AM and PM peak hours.

Citizen testimony during the October 28th Planning Board hearing suggested that the intersection of MD 332 (Central Avenue) and Suffolk Avenue should have been studied. Staff did request a traffic count of the applicant, and the needed count at the intersection of Rollins Avenue/Walker Mill Road was provided. The count was taken in September 2004 and was used to determine adequacy. Staff's original findings were based on the Rollins Avenue/Walker Mill Road intersection. The establishment of that intersection as the critical intersection was based on an assumption that 60 percent of site traffic would use that intersection, while the remaining 40 percent would be oriented to the north. The intersection of MD 332 (Central Avenue) and Suffolk Avenue is unsignalized and is located north of the proposed subdivision. Suffolk Avenue, in combination with Brooke Road provides a connection between MD 332 and Rollins Avenue to the south.

Staff used a 2004 traffic count from the State Highway Administration. Background traffic conditions and approved developments were taken from the traffic study on Addison Road South; a nearby development located along Rollins Road and Addison Road. A large amount of development has already been approved along these two corridors and in the vicinity of the

proposed subdivision.

Based on the traffic count from 2004, approved background development located along Rollins Avenue and Addison Road, and expected new trips from the proposed development the following conditions were determined:

| Vehicle Delay | AM Peak Hour | PM Peak Hour |
|----------------------|---------------------|---------------------|
| Existing | 18.3 Seconds | 25.6 Seconds |
| Background | 42.2 Seconds | 78.7 Seconds |
| Total | 45.3 Seconds | 90.3 Seconds |

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.

In addition, in those instances where vehicle delay exceeds 50.0 seconds, the Department of Public Works and Transportation now requests that applicants also consider physical improvements such as additional turn lanes, lengthening of turn lanes, or additional measures to reduce vehicular delay.

Given, however, that the majority of traffic from the site is assumed to leave the site and go south, it is believed that the Rollins Avenue/Walker Mill Road intersection should still be considered the critical intersection for this site. This intersection is 3,150 feet from the entrance to the site; the MD 332 and Suffolk Avenue intersection is 5,050 feet from the same point. Nonetheless, if the Planning Board were to find that the MD 332 and Suffolk Avenue intersection is critical, the transportation staff would recommend that conditions requiring the study of signal warrants and installation of the traffic signal, if warranted. This along with physical improvements would be made a part of the resolution for this application.

Site Plan Comments

Several meetings were held with DPW&T staff and the applicant to discuss access issues. Most of the discussion involved the properties to the north, which are zoned R-55, and providing a future connection to serve these properties through Brooke Summit.

Originally, this preliminary plan showed stub streets extending to the northern property line where they could provide future access to several large parcels currently served by a 20-foot-wide private driveway. These parcels to the north have twice been approved in a preliminary plan of subdivision (4-95039 and 4-02028) showing alternative access from a road connecting with Brooke Road from the west. Both of these plans expired prior to recordation. Staff understands that these properties will be submitted for a third time showing the same alternative access, making these stub streets no longer necessary. The applicant has amended the plan to show these roads as cul-de-sacs. DPW&T is not opposed to this new layout, provided this twice-approved

alternative access is provided (Letter, Carroll to Masog, October 27, 2005).

Findings and Recommendations

Based on the preceding findings, adequate transportation facilities exist to service 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 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:

Impact on Affected Public School Clusters

| Affected School Clusters # | Elementary School Cluster 7 | Middle School Cluster 4 | High School Cluster 4 |
|----------------------------|--------------------------------|----------------------------|--------------------------|
| Dwelling Units | 27 sfd | 27 sfd | 27 sfd |
| Pupil Yield Factor | 0.24 | 0.06 | 0.12 |
| Subdivision Enrollment | 6.48 | 1.62 | 3.24 |
| Actual Enrollment | 36283 | 10786 | 16960 |
| Completion Enrollment | 268.56 | 67.50 | 135.60 |
| Cumulative Enrollment | 61.20 | 15.30 | 30.60 |
| Total Enrollment | 36619.72 | 10870.54 | 17129.68 |
| State Rated Capacity | 39607 | 10375 | 14191 |
| Percent Capacity | 92.46 | 104.78 | 120.71 |

Source: Prince George's County Planning Department, M-NCPPC, December 2004

County Council bill CB-31-2003 establishes a school facilities surcharge (as adjusted by the percentage change in the Consumer Price Index for All Urban Consumers) in the amount of: \$7,161 per dwelling if a building is located between I-495 and the District of Columbia; \$7,161 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 \$12,276 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 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 for adequacy of fire and rescue services in accordance with Section 24-122.01(d)

and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Capitol Heights, Company 5, using the seven-minute travel times and fire station locations map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 98.99 percent, which is within the standards stated in CB-56-2005.

The Fire Chief has reported by letter, dated August 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in District III. The Prince George's County Police Department reports that the average yearly response times for that District are 19.67 minutes for nonemergency calls, which meets the standard of 25.00 minutes, and 8.51 minutes for emergency calls, which meets the standard of 10.00 minutes.

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers, or 105 percent.

12. **Health Department**—The Health Department reviewed the application and reminds the applicant that raze permits are required prior to demolition of any structure on the site and that any existing wells or septic must be abandoned in accordance with COMAR regulations.
13. **Stormwater Management**—A stormwater management concept plan (35248-2004-00) was approved on December 17, 2004. 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. **Historic Preservation**^{3/4} The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. This property is close to and may be a part of the land of Mrs. D. Berry, whose home was located just to the northeast of the property. The Berrys were large slaveholders and archeological remains of slave quarters or burials may be present on property.

Prior to approval of the final plat, the applicant should submit a Phase IA archeological investigation to DRD staff for review and concurrence and a Phase IB, Phase II and Phase III investigation, if determined appropriate. The final plat should, if necessary, provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any adverse effect upon these resources. All investigations must be

conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following MHT guidelines and the *American Antiquity* or *Society of Historical Archeology* style guidee

13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be recorded on the final plat.

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 Vaughns, with Commissioners Squire, Vaughns, and Eley voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, December 1, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of December 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk