

PGCPB No. 06-144(A)

File No. 4-05150

A M E N D E D   R E S O L U T I O N

WHEREAS, Quincy Joint Venture is the owner of a 5.21-acre parcel of land known as Parcel 175, Tax Map 50 in Grid E-4, said property being in the 2nd Election District of Prince George's County, Maryland, and being zoned R-18; and

WHEREAS, on February 8, 2006, Ingerman Group filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for disapproval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-05150 for Newton Green Square 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 June 15, 2006, 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 DISAPPROVAL of the application with conditions; and

WHEREAS, on June 15, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

\*WHEREAS, on June 15, 2006, the Planning Board disapproved Preliminary Plan of Subdivision 4-05150; and

\*WHEREAS, on September 7, 2006, the Planning Board approved a request to reconsider the action of denial for Preliminary Plan of Subdivision 4-05150 based on the furtherance of substantial public interest; and

\*WHEREAS, on October 26, 2006, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with all new findings and conditions.

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 \*[DIS]APPROVED Preliminary Plan of Subdivision 4-05150, Newton Square Green for Lot 1 \*and APPROVED a variation request to 24-130 and APPROVED TCPI/09/06, [due to inadequate fire and rescue staffing levels pursuant to Section 24-122.01(e) of the subdivision regulations.] with the following conditions:

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\*1.     Development of this subdivision shall be in compliance with the Type I Tree Conservation Plan (TCPI/09/06) approved as part of this application.

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“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/09/06), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005.”

- \*2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
- \*3. All afforestation notes and details shall be provided on the TCPII. All plants proposed shall be native plant species. The outermost edge of the planting area shall contain trees 1 inch in caliper minimum. Clear notes regarding responsibility for maintenance of this area during establishment and in perpetuity shall be provided.
- \*4. At time of final plat, a conservation easement shall, be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and the afforestation area except for the specific areas of impacts approved, 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 trees, limbs, branches, or trunks is allowed."
- \*5. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
- \*6. Prior to the signature approval of the preliminary plan, a copy of the stormwater concept approval letter with associated plan shall be submitted to show compliance with the TCPI.
- \*7. The applicant or the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of "Share the Road with a Bike" signage along Quincy Road. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.

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- \*8. The applicant or the applicant's heirs, successors, and/or assignees shall provide a standard sidewalk along the subject site's entire road frontage of Quincy Road, unless modified by DPW&T.

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- \*9.     The applicant or the applicant's heirs, successors, and/or assignees shall provide a standard sidewalk along the subject site's entire road frontage of Newton Street, unless modified by DPW&T.
- \*10.     Total development within the subject property shall be limited to 78 senior attached housing units, or equivalent development that generates no more 8 AM and 12 PM peak hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- \*11.     In accordance with Subtitle 24-104, Section 24-121 (18), and 24-135.01, the subject property shall be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and graves, as well as archeological evidence of the presence of Native American peoples. Potential archeological sites must be considered in the review of development applications, and potential means for preservation of these resources should be considered. The Phase I archaeological methodology shall also include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.
- \*12.     In accordance with the approved Planning Board *Guidelines for Archeological Review* (May 2005), a qualified archeologist must conduct all investigations and follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation shall follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.
- \*13.     Upon receipt of the report by the Planning Department, if it is determined that potentially significant archaeological resources exist in the project area, prior to Planning Board approval of the final plat of subdivision, the applicant shall provide a plan for:

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Evaluating the resource at the Phase II level, or

Avoiding and preserving the resource in place.

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- \*14. The applicant, his successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, subject to the following:
- a. Submission of three original, executed Recreational Facilities Agreements (RFA) to DRD for their approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
  - b. Submission to DRD of a performance bond, letter of credit, other suitable financial guarantee, or other guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.
- \*15. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
- \*16. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting in compliance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, prior to approval of the detailed site plan.

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, [does not] does meet the legal requirements of Subtitles 24 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- \*2. The subject site is an irregular shaped parcel (P175) consisting of two rectangular sections that have frontage along Newton Street, 55<sup>th</sup> Avenue, and Quincy Street. It is 5.21 acres, and located on Tax Map 50, Grid E-4 zoned R-18. The subject property is located on the northwest corner of Newton Street and 55<sup>th</sup> Avenue, approximately 1,000 feet south of Landover Road.

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- \*[2.] **[Public Notice-**Section 2(b) of the Administrative Practices requires all preliminary plans of subdivision to be posted a minimum of 30 days prior to the public hearing. The applicant signed and received a copy of a document clearly spelling out this requirement at the February 24, 2006, Subdivision Review Committee meeting. The applicant did post the site for the original Planning

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Board Hearing date of April 20, 2006, when a request for a continuance was granted for a non-specific planning board date. The applicant did not re-post the site for the June 15, 2006, Planning Board hearing. Therefore, there has not been sufficient public notice. ]

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-18	R-18
Use(s)	Open Space	Multifamily Residential
Acreage	5.21	5.21
Lots	1	1
Outlots	0	0
Parcels	0	0
Dwelling Units:	0	78 units (New)
Public Safety Mitigation Fee		No

- \*4. **Urban Design**—It should be noted that while the applicant is providing private on-site indoor recreational facilities, there are no outdoor amenities being provided. This is an issue that should be further explored as part of the detailed site plan.

- \*[4.] **[Fire and Rescue]**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. The subject application was accepted on February 8, 2006.]

[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 Bladensburg, Company 9, using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire Department.]

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[The Fire Chief report for adequate equipment is contained in a memorandum dated March 28, 2006. That memorandum states that the "...Department has adequate equipment and has developed an equipment replacement program to meet all the service delivery needs for all areas of the County."]

[The Fire Chief report for current staffing for the Fire Department is contained in a memorandum dated March 28, 2006. That memorandum states that the number of "net operational employees"

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is 672, which equates to 96.97 percent of the authorized strength of 692 fire and rescue personnel.]

[As previously noted, the subject application was accepted on February 8, 2006. Section 24-122.01(e)(2) of the Subdivision Regulations states: "If any of the required statements in this Subsection are not provided that meet the criteria specified in this Section on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports, then the Planning Board may not approve the preliminary pla[n] until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board."]

[One key element to the ordinance language cited above is the creation of a window for the application of the fire and rescue adequacy test that runs from "...the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports..." This means that an application is afforded the opportunity to pass the test in a time frame that spans approximately 90 days. With regard to data on fire and rescue staffing levels prior to the receipt of the March 28, 2006, letter from the Fire Chief, some clarity needs to be provided.]

[Since January 1, 2006 (the beginning of the time frame when the standard of 100 percent of the authorized strength of 692 fire and rescue personnel must be met), staff has received four memorandums from the Fire Chief (January 1, 2006, February 1, 2006, March 5, 2006 and March 28, 2006). The data presented in these four memorandums varies in the description of the personnel being counted as applicable to the percentage of the authorized strength standard. While the number of personnel presented varies only slightly (694, 694, 696 and 693, respectively), the description of the status of these personnel has changed or been clarified from memorandum to memorandum.]

[It seems clear to staff that since the beginning of 2006, each reporting of personnel has included certain numbers of trainees and/or recruits that were not intended to be considered applicable to the minimum percentage requirement. This becomes apparent when comparing the January 1 and February 1 memorandums. Both reflect a total authorized strength of 694 personnel, but the February 1 memorandum identifies 46 members of that complement in the training academy. The March 5 memorandum does not provide a breakdown of the 696 personnel total, but the March 28 memorandum identifies 21 recruits as part of the "Actual total strength" of 693.]

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[Given the totality of the information identified above, staff concludes that since the acceptance of the subject application, the minimum staffing level for fire and rescue personnel, as required by Section 24-122.01(e)(1)(B)(ii), has not been met. Therefore, pursuant to Section 24-122.01(e)(2), staff is compelled to recommend disapproval of the subject application at this point in time.]

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\*5. **Environmental**—The Environmental Planning Section has reviewed the above referenced Preliminary Plan of Subdivision, 4-05150 and TCPI/009/06 stamped as received on March 17, 2006. A variation request was also included in the review package, stamped as received on March 15, 2006. The plans as submitted have been found to address the environmental constraints for the subject property. The Environmental Planning Section recommends approval of the Preliminary Plan, 4-05150 and TCPI0/09/06 subject to the conditions at the end of the memorandum. This memorandum supersedes a previous memorandum from the Environmental Planning Section dated March 8, 2006.

### **Background**

The Environmental Planning Section has no records of previous applications for this property. The current preliminary plan proposes the development of senior apartment dwelling units.

### **Site Description**

The subject property is located on the northwest corner of Newton Street and 55<sup>th</sup> Avenue, approximately 1,000 feet south of Landover Road. The site is characterized with terrain sloping toward the center of the parcel identified as a stream, and drains into unnamed tributaries of the Lower Anacostia River. The site is currently undeveloped and fully wooded. A review of the available information indicates that 100-year floodplain, streams, nontidal wetlands, severe slopes, or areas of steep slopes with highly erodible soils occur on this property. There are no transportation-related noise impacts associated with the site. The soils found to occur according to the Prince George's County Soil Survey include Christiana and Iuka. These soil series generally exhibit moderate to severe limitation to development due to perched water table, impeded drainage, steep slopes and high erosion potential. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties, December 1997, rare, threatened, or endangered species are not found to occur in the vicinity of this property. No designated scenic or historic roads are located along the frontage of this property. This property is located in the Anacostia River watershed of the Anacostia River Basin and in the Developed Tier as reflected in the adopted General Plan.

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### **Environmental Review**

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The stream, 50-foot stream buffer, and severe slopes have been located on the plan. These site features and their associated buffers make up the



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regulated areas of the site. The Countywide Green Infrastructure Plan includes the subject property within the network, with both regulated areas and evaluation areas delineated. In the Bladensburg-New Carrollton and Vicinity Master Plan, the subject property is designated as open space; however, the site retains its R-18 zoning. Woodland conservation is desirable on the portions of the property that are adjacent to the stream and the 100-year floodplain.

A stream system called "Quincy Manor Run" flows along the northern portion of the property. It was recently stabilized by the Department of Environmental Resources. As with any urban stream, the system is carrying a substantial water volume during certain periods of time.

The preliminary plan application has a signed Natural Resources Inventory (NRI/102/05-01), dated December 7, 2005, that was included with the application package. The preliminary plan and TCPI show all the required information. The stream, 50-foot stream buffer, and severe slopes have been correctly located on the plan and verified to be correct as reflected in the NRI. No additional information is required with respect to the NRI.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation Plan submitted as part of this application was reviewed and was found to satisfy the requirements of the Woodland Conservation Ordinance.

The Woodland Conservation Threshold (WCT) for this 5.16-acre property is 20 percent or 0.78 acres and a replacement requirement of 0.60 acres for a total requirement of 1.38 acres. This requirement is been satisfied by 1.19 acres of on-site preservation, 0.15 acres of on-site afforestation and 0.04 acres for fee-in-lieu. The afforestation should be placed in a conservation easement as noted in the condition recommended below. No further information is required at this time with regard to the Type I Tree Conservation Plan. Development of this subdivision should be in compliance with the Type I Tree Conservation Plan (TCPI/09/06) approved as part of this application.

A note should be placed on the final plat of subdivision detailing the restrictions as associated with the Type I Tree Conservation Plan (TCPI/09/06) or as modified by the Type II Tree Conservation Plan and associated Woodland Conservation/Tree Conservation Policy.

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All afforestation notes and details shall be provided on the TCPII. All plants proposed shall be native plant species. The outermost edge of the planting area shall contain trees 1 inch in caliper minimum. Clear notes regarding responsibility for maintenance of this area during establishment and in perpetuity shall be provided.



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The subdivision ordinance requires the preservation of streams and wetlands and their associated buffers in their entirety, unless the Planning Board approves a variation and can make the required findings of Section 24-113.

The plan as submitted had proposed encroachments into regulated areas. The regulated areas are required to be preserved unless the Planning Board approves a variation request. A variation request for proposed impacts was submitted with the review package and shows impacts exclusively for storm drain outfalls with marginal encroachments for grading and parking construction.

Variation requests are generally supported for impacts that are essential to developments, such as road crossings to isolated portions of a parcel or impacts for the construction and installation of necessary public utilities, if the impacts are minimized. In this case, the impacts are necessitated by the proposed construction.

#### **Review of the Variation Request submitted**

##### **Impact Areas 1, 2 and 3, Storm Drain Outfalls**

The three areas of impacts for proposed storm drain outfalls are located north of the proposed development within the expanded buffer areas. The proposed buffer impacts are the results of proposed storm drain outfall areas (# 1: 1,816 sq ft., # 2: 2,021 sq. ft., and # 2: 1,401 sq. ft.) totaling 0.12 acres of permanent impacts.

##### **Impact Area: # 4 for Parking**

This request proposes the disturbance of 2,138 square feet (0.05 acres) of the expanded stream buffer, for grading associated with a parking area and retaining walls.

##### **Impact Area # 5 for Grading and Stormwater Management**

This request proposes impacts to the expanded buffer for grading resulting in 4,240 square feet (0.10 acres) of permanent impact.

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Staff supports these impacts because the site could not be developed without associated with stormwater management facilities and retaining walls.

The following is an analysis of the required findings of Section 24-113 with regard to the variation:

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**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 the 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;**

The variations are required to address the regulations associated with the building construction, parking and storm drain outfalls that will not be detrimental to the public safety, health, or injurious to other property.

- (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;**

The conditions of the property are unique with respect to the placement of the associated expanded buffer and the required placement of the turn around area and storm drain outfalls.

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

No other variances, departures, or waivers are required with regard to the treatment of stormwater. All appropriate local, federal and state permits must be obtained before the construction can proceed.

- (4) 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 the strict letter of these regulations is carried out;**

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Due to the configuration of this site and the location of the expanded buffer, the extent of the proposed impacts are appropriate to allow for the development of the property under its existing zoning.

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Staff recommends that the Planning Board approve the areas of impacts as requested. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffer and the afforestation area except for the specific areas of impacts approved, and should be reviewed by the Environmental Planning Section prior to approval of the final plat. A note should be placed on the final plat describing the conservation easements.

The proposed activities may require the permission of the appropriate state and/or federal agencies. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

A Stormwater Management Concept Approval Letter was not submitted with the preliminary plan submittal package. A Conceptual Stormwater Management Plan was submitted with the review package and shows areas of potential water treatment (Bioretention Infiltration Trench or Hydrodynamic) pending approval from DER. Requirements for stormwater management will be met through subsequent reviews by the Department of the Environmental resources. A copy of the plan and a copy of the approval letter are needed with this application to ensure that the adequate limits of disturbance are shown on the TCPI. Prior to the signature approval of the preliminary plan, a copy of the Stormwater Concept Approval Letter with associated plan should be submitted to show compliance with the TCPI.

### **Water and Sewer Categories**

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designated this property in Water and Sewer Category 3. Water and sewer lines abut the property. The Washington Suburban Sanitary Commission (WSSC) may require an on-site process.

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- \*6. **Community Planning** - The site is located 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 site is identified in a Conditional Reserve Area, which has moderate development constraints. Development is permissible, but careful and innovative site planning is required to protect environmental assets and to meet environmental needs. This application conforms to the land use recommendations of the 1994 *Approved Master Plan and*

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Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69).

This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

- \*7. **Parks and Recreation**—In accordance with Section 24-135(b) of the Subdivision Regulations, the Park Planning and Development Division of the Department of Parks and Recreation recommends to the Planning Board that private recreational facilities are provided in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines via appropriate and developable areas for the private recreational facilities on Home Owners Association (HOA) open space land. The private recreational facilities should be reviewed by the Urban Design Review Section of DRD for adequacy and property siting. At the time of detailed site plan, the land to be conveyed to a Homeowner's Association shall be subject to the applicable conditions in attached Exhibit "A" of the conditions.

- The applicant should submit a site plan to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the Parks and Recreation Facilities Guidelines. Three weeks prior to a submission of a final plat, the applicant should submit original, executed Recreational Facilities Agreements (RFA) to the DRD for their approval. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

- The applicant should submit to the DRD a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits. The developer, his successor and/or assigns should satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.

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\*8. **Trails**—The approved Bladensburg-New Carrollton and vicinity master plan designates Quincy Road as a master plan trail/bike corridor. The preliminary Bladensburg Town Center sector plan identified Quincy Road as a suitable alternative route for pedestrians and cyclists to the heavily traveled MD 450/202 corridor, which is one block north of the subject site. East-west connectivity for pedestrians and bicyclists is important for the Town Center area, with Bladensburg Waterfront Park being an important destination to the west, and several commercial shopping centers and school facilities along or near the road. However, due to traffic volume and speed, MD 450/202 is uninviting to some as a pedestrian and bicycle route. Quincy Road can serve as an alternative for those traveling in the town center who want to avoid the heavy traffic and high speeds of the bigger roads. Staff recommends the provision of standard sidewalks along the subject site's frontages of both Quincy Road and Newton Street. Staff also recommends the provision of one "Share the Road with a Bike" sign along Quincy Road to designate the bicycle route. Striping for bicycle lanes or wide curb lanes can be explored at the time of road resurfacing. The Preliminary Bladensburg Town Center Sector Plan also identified Quincy Run as a suitable park-trail corridor. During the 2006 planning charrette for the town center, staff, the community and the consultant identified Quincy Run as a possible trail/greenway corridor linking the town center with Bladensburg Waterfront Park. Staff and the applicant explored the feasibility of extending this greenway trail to the subject application. However, due to steep and severe slopes, large areas of environmentally regulated areas on the site, and existing development adjacent to Quincy Run between the subject site and Bladensburg South Neighborhood Park, it appears that it will not be possible to extend this proposed trail along Quincy Run to the subject site. Staff recommends the provision of standard sidewalks along the subject site's frontages of both Quincy Road and Newton Street. Staff also recommends the provision of one "Share the Road with a Bike" sign along Quincy Road to designate the bicycle route. Striping for bicycle lanes or wide curb lanes can be explored at the time of road resurfacing.

\*9. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 5.21 acres of land in the R-18 zone. The property is located in the northwest corner of the intersection of Newton Street and 55<sup>th</sup> Avenue. The applicant proposes a senior housing complex of 78 units.

Transportation staff requested that the applicant provide a traffic count at the intersection of MD 202 (Landover Road) and 55<sup>th</sup> Avenue for the purpose of making adequacy findings. A traffic count taken on March 8, 2006 was provided to staff. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

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### **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 at signalized intersections 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.

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

The transportation staff is basing its findings on the traffic impacts at one critical intersection, which is unsignalized. The traffic generated by the proposed preliminary plan would impact the intersection of MD 202 and 55<sup>th</sup> Avenue. 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.

The site would generate 8 AM (4 in, 4 out) and 12 PM (6 in, 6 out) peak hour trips; this impact is not sufficient to require a full traffic study, but an adequacy finding must be made, and for that reason the traffic count was requested. These trip rates are based on the *Institute of Transportation Engineers Trip Generation Manual, 7<sup>th</sup> Edition.*

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.

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The table below shows that vehicle delay is not in excess of 50.0 seconds; therefore a traffic

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signal warrant study is not required at this intersection.

<u>MD 202/55<sup>th</sup> Avenue</u>	<u>Existing</u>	<u>Background</u>	<u>Total</u>
<u>AM Peak Hour</u>	<u>32.2*</u>	<u>33.2*</u>	<u>40.7*</u>
<u>PM Peak Hour</u>	<u>26.0*</u>	<u>26.9*</u>	<u>28.0*</u>

\*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, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

### **Site Plan Comments**

One site access point is proposed along Newton Street. The proposed site is partially bordered by Quincy Street to the north, 55<sup>th</sup> Avenue to the east and Newton Street to the south. The applicant would be responsible for any frontage improvements along Newton Street that are required by the Prince George’s County Department of Public Works and Transportation (DPW&T). All three roadways appear to have 60 feet of right of way. Dedication of 30 feet from the centerline of Quincy Street will be required. This is shown correctly on the subdivision plan.

TPS staff would prefer that the proposed commercial entrance along Newton Street line up with 54<sup>th</sup> Avenue to form a four-way intersection. The proposed entrance is located approximately 120 feet to the west of 54<sup>th</sup> Avenue. DPW&T will have to approve this proposed entrance since it creates an offset intersection. This location is due in part to the building location, parking spaces, and on-site circulation.

### **Master Plan Comments**

- There are no master plan roadways in the immediate vicinity of the proposed site.

\*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

### **Transportation Staff Conclusions**



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Based on the preceding findings, 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 with conditions.

\*10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary 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 above subdivision is exempt for schools because it is senior housing.

\*11. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision 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 Bladensburg, Company 9, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

\*12. **Police Facilities**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01 of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that the preliminary plan is located in Police District I.

The standard response time for emergency calls is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on February 8, 2006.

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<u>Reporting Cycle</u>	<u>Date</u>	<u>Emergency Calls</u>	<u>Nonemergency</u>
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<u>Acceptance Date</u>	<u>01/05/05-01/05/06</u>	<u>10.00</u>	<u>18.00</u>
<u>Cycle 1</u>			
<u>Cycle 2</u>			
<u>Cycle 3</u>			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on January 5, 2006.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Therefore, staff recommends approval of the preliminary plan of subdivision

\*13. **Stormwater Management**—Stormwater Management Concept Plan 2707-2006-01, has been approved with conditions. Development must be in accordance with this approved plan.

\*14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Newton Green Square and has no comments to offer.

\*15. **Archeology**—This preliminary plan application includes 5.21± acres located between Newton Street and Quincy Street, west of 55<sup>th</sup> Avenue (Tax Map 050, E-4).

### **Findings**

A feeder stream of the Anacostia River flows west through the center of the subject property. Prehistoric sites have been located in similar settings. One historic archeological site, 18PR96, is located within one mile of the subject property, to the west of the property.

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### **Conclusions**

In accordance with Subtitle 24-104, Section 24-121 (18), and 24-135.01, the subject property shall be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and graves, as well as archeological evidence of the presence of Native American peoples. Potential archeological sites must be considered in the review of development applications, and potential means for preservation of these resources should be considered.

In accordance with the approved Planning Board *Guidelines for Archeological Review* (May 2005), a qualified archeologist must conduct all investigations and follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation shall follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

The Phase I archaeological methodology should also include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.

Upon receipt of the report by the Planning Department, if it is determined that potentially significant archaeological resources exist in the project area, prior to signature approval of the preliminary plan of subdivision, the applicant shall provide a plan for evaluating the resource at the Phase II level, or avoiding and preserving the resource in place.

\*16. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.

\*17. **Town of Cheverly**—The Town of Cheverly has reviewed the plans and has no comments.

\*Denotes Amendment

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[Brackets] indicate deleted language

\*18. **Town of Bladensburg**—The Town of Bladensburg has reviewed the plans and has no comments.

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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 Eley, with Commissioners Squire, Eley, Vaughns, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, October 26, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30<sup>th</sup> day of November 2006.

Trudye Morgan Johnson  
Executive Director

Aspose.Pdf

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:IT:bjs

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