

R E S O L U T I O N

WHEREAS, a .90-acre parcel of land known as Outlot K, Tax Map 87 in Grid B-4, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-18C; and

WHEREAS, on August 15, 2006, Shelby Homes, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 7 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06062 for Gateview 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 November 9, 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 APPROVAL of the application with conditions; and

WHEREAS, on November 9, 2006, 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 Preliminary Plan of Subdivision 4-06062, Gateview for Lots 1-7 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Revise general note 21 to include the issuance date (June 5, 2006), and the expiration date (June 5, 2008), of the standard woodland conservation exemption letter that was issued for the property
  - b. Correct the spelling errors in general notes 6 and 7.
  - c. Revise general note 14 to clarify that the mandatory dedication of parkland will be provided by a fee-in-lieu
  - d. Revise site analysis note 7 to remove "lot coverage" and replace with "building coverage"
  - e. Delineate the limits of the 20-foot bufferyard, and 30-foot building setback required on Lot 7, adjacent to the multifamily apartments in accordance with Section 4.7 of the *Landscape Manual*.

2. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 27169-2006-00 and any subsequent revisions.
3. Prior to approval of the Final Plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
4. A Detailed Site Plan shall be approved by the Planning Board for Lots 1– 7 in accordance with Part 3, Division 9 of the Zoning Ordinance. The detailed site plan shall include, but not be limited to:
  - a. Landscaping, buffering, and screening between the proposed dwellings, and the adjacent multifamily apartments.
  - b. The need for Alternative Compliance approval on Lots 1 and 2, to provide the required “B” bufferyard in accordance with Section 4.7 of the *Landscape Manual*.
  - c. Should the applicant wish to avoid Alternative Compliance, or if Alternative Compliance is not supported at the time of detailed site plan, the applicant may have the ability to combine Lots 1 and 2, and delete the semi-detached dwellings proposed on these lots, to provide one building lot with one single-family detached dwelling that has adequate land area available to provide the landscape bufferyard and building setback required by the *Landscape Manual*.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the southeast side of the intersection of Iverson Street and Owens Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	R-18C Vacant	R-18C 6-Semidetached SFD 1-Detached SFD
Acreage	.90	.90
Lots	0	7
Outlots	1	0
Dwelling Units:		
Semidetached	0	6
Detached	0	1
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the above-referenced revised Preliminary Plan of Subdivision 4-06062, stamped as received by the Environmental Planning Section on September 22, 2006. The plans as submitted have been found to address the environmental constraints for the subject property. Because the site is less than 40,000 square feet in area, a standard letter of exemption was issued on June 5, 2006. The Environmental Planning Section recommends the approval of Preliminary Plan 4-06062 subject to no environmental conditions.

The Environmental Planning Section has no records of any previous applications for this property. The subject property is currently undeveloped and is less than 40,000 square feet in area.

A review of the available information indicates that streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. There is no 100-year floodplain that is associated with the site. Iverson Street and Owens Road are both collector roadways, and generally not regulated for noise impacts. The predominant soil types found to occur on this site according to the Prince George's County Soil Survey are Iuka and Aura. These soil series have limitations with respect to steep slopes, high shrink swell potential, impeded drainage, high water table, seasonally high water table and poor stability but will not affect the site layout. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Wildlife and Heritage Service, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. This property is located in the Lower Northwest Branch watershed of the Anacostia River basin and in the Developed Tier as reflected in the approved 2002 General Plan. The site is within a network gap as part of the Countywide Green Infrastructure Plan.

The preliminary plan application has a signed natural resources inventory (NRI/069/06), dated June 4, 2006, that was included with the application package. The preliminary plan shows all the required information correctly. No revisions are required for conformance to the NRI.

This site is within a network gap as part of the Countywide Green Infrastructure Plan. The site is located on the south side of Iverson Road, and on the east side of Owens Road. This portion of the network gap is also associated with an evaluation area also located on the east side of Owens Road. The associated regulated areas are located on the opposite side of both roads. Although it is the intent of the Green Infrastructure Plan to connect network gaps with the regulated areas and evaluation areas, the existing road will impede any possible connection to those areas.

This property is exempt from the provisions of the Prince George's County Woodland Conservation Ordinance because the site is less than 40,000 square feet in area, and it has no previous approved Tree Conservation Plan. A Type I Tree Conservation Plan was not submitted with the review package and is not required. A standard letter of exemption from the Woodland Conservation Ordinance was issued by the Environmental Planning Section, Countywide Planning Division on June 5, 2006. No further action is needed at this time as it relates to woodland requirements. The letter of exemption should accompany all future applications for plans and permits.

A Stormwater Management Concept Approval Letter (27169-2006-00) dated June 29, 2006, was submitted with the subject property. The concept approval cited no conditions of approval. Requirements for stormwater management will be met through subsequent reviews by the Department of Environmental Resources. No further action is required at this time with regards to stormwater management.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

5. **Community Planning**—The subject property is located in Planning Area 76A and within the Eastover/Forest Heights Community. The property is within the limits of the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity*. The master plan land use recommendation is for an urban residential land use at a density up to 16.9 dwelling units per acre. This application conforms to the master plan recommendation for residential land use but is not consistent with the recommended density for urban development (up to 16.9 dwelling units per acre).

The 2002 General Plan locates the property within 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 consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The 2000 Approved Sectional Map Amendment for the Heights and Vicinity classifies the property in the R-18C Zone.

6. **Parks and Recreation**—In accordance with Section 24-134(a) 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.
7. **Trails**—There are no master plan trail issues identified in the 2000 Approved Heights Master Plan that impact the subject property. There are existing sidewalks along the property's street frontage of Iverson Street and Owens Road.
8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan application for Gateview. The property is located at the intersection of Iverson Street and Owens Road. The applicant proposes six semi-detached (duplexes) and one single-family residential unit.

The Transportation Planning Section determined that a traffic study was not warranted by the size of the proposed development. The Transportation Planning Section did request that the applicant submit a traffic count, and the needed count for the critical intersection of Iverson Street and Owens Road was submitted. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

**Growth Policy—Service Level Standards**

The subject property is located within the Developed Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier 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 traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of Iverson Street and Owens Road, which is not signalized. The applicant's traffic consultant submitted a traffic count taken on September 27, 2006. The Transportation Planning Section has based its findings on the submitted traffic count.

The application is for six semi-detached and one detached single-family residential units. The proposed development would generate 4 AM (1 in, 3 out) and 5 PM (3 in, 2 out) peak-hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

The traffic generated by the proposed plan would primarily impact the unsignalized intersection of Iverson Street and Owens Road. The Prince George’s County Planning Board, in *The “Guidelines for the Analysis of the Traffic Impact of Development Proposals”* has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the transportation system. The following conditions exist at the critical intersection: AM peak hour, maximum delay of 41.7 seconds, 44.0 seconds, and 44.8 seconds under existing, background, and total traffic conditions. During the PM peak hour, a maximum delay of 28.7 seconds, 29.3 seconds, and 30.0 seconds under existing, background, and total traffic conditions. Therefore, the critical intersection operates acceptably with the addition of the proposed development, based on the Guidelines. Due to the limited trip generation of the site, the Prince George’s County Planning Board could deem the site’s impact at this location to be de minimus. Therefore, the Transportation Planning Section recommends that the Planning Board find that 4 AM and 5 PM net peak-hour trips will have a de minimus impact upon the critical movements at

Driveway access to the proposed lots will be directly from Owens Road (four lots/two driveways) and Iverson Street (three lots/two driveways). The Transportation Planning Section recommended that the applicant provide turnaround capability for all driveways. Revised plans have been submitted that demonstrate the turnaround capability for all of the proposed lots. Sight distance issues will be addressed by DPW&T prior to the issuance of building permits.

Owens Road and Iverson Street are both listed as collector roadways with 80 and 100 feet right-of-way widths within the 2000 Heights Approved Master Plan. The applicant will be required to dedicate 50 feet of right-of-way from the master plan centerline of Iverson Street, as delineated on the preliminary plan. Right-of-way dedication is also shown correctly on Owens Road (ultimate right-of-way of 80 feet).

### **Transportation Staff Conclusions and Recommendations**

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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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	7 sfd	7 sfd	7 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.68	0.42	0.84
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	102	25.50	51
Total Enrollment	35,709.68	11,530.92	17,035.84
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.13%	102.30%	111.24%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between interstate highway 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 on 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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be a paid at the time of issuance of each building permit.

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 finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for 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 7-minute response time for the first due fire station Oxon Hill, Company 42, 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.

11. **Police Facilities**—The property is located in Police District IV. The response standard is 10 minutes for emergency calls 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 August 15, 2006

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-07/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

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

Pursuant to CR-69-2006, The 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.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Gateview and has no comments to offer.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 27169-2006-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic**—A Phase I archeological survey is not recommended for the above-referenced



.90-acre property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Most of the property contains slopes over 10 percent and much development has occurred in the surrounding area. The applicant should be aware that there are two previously identified prehistoric archeological sites within a two-mile radius of the subject property. However, Section 106 review may require an archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

15. **At The Public Hearing** – At the public hearing for this case on November 9, 2006, the Planning Board had requested that Lot 7 also be included within the Detailed Site Plan review that is required for Lots 1 thru 6. A detached single-family dwelling is proposed on Lot 7, and although, there is no Detailed Site Plan requirement for this use within the R-18C Zone, the Planning Board had requested the landscaping and compatibility issues for the entire property, adjacent to the multi-family apartments be included within the Detailed Site Plan review. Therefore, condition number 4, that requires the Detailed Site Plan review, was revised to also include Lot 7.

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 Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, November 9, 2006, in Upper Marlboro, Maryland.

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

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator