

R E S O L U T I O N

WHEREAS, Jack Bannister is the owner of a 2.54-acre parcel of land known as Lots 9-12, Block P of the Bradbury subdivision, Tax Map 80 in Grid D-1, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on December 15, 2006, Brothers Construction filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 6 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06133 for Bradbury 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 April 19, 2007, 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 April 17, 2007, 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/002/07), and further APPROVED Preliminary Plan of Subdivision 4-06133, Bradbury, for Lots 25-30 with the following conditions:

1. Development shall be in conformance with the approved Stormwater Management Concept Plan 44976-2006-00 and any subsequent approved revisions thereto. Prior to signature approval of the preliminary plan, the concept plan approval date shall be noted on the plan.
2. The applicant shall provide a standard sidewalk along the subject site's entire frontage of Shadyside Avenue, unless modified by DPW&T.
3. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/002/07). The following notes shall be placed on the Final Plat of Subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/002/07), 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.” Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

4. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
5. 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 for Lots 25-30.

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 subject property is located at the east side of Shadyside Avenue, 850 feet north of its intersection with Brookfield Drive. The site is developed with a single-family residence (to be removed) and is predominantly wooded. Surrounding properties are developed with single-family residences on small lots 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	2.54	2.54
Lots	4	6
Outparcels	0	0
Parcels	0	0
Dwelling Units:	1 (to be removed)	6
Public Safety Mitigation Fee		No

4. **Environmental**— A review of the available information indicates that 100-year floodplain, streams and wetlands, are not found to occur on this property; however, severe slopes, and areas of steep slopes with highly erodible soils are associated with the site. Shadyside Avenue is an arterial roadway, which are generally regulated for noise impacts. The predominant soil types found to occur on this site according to the Prince George’s County Soil Survey are Aura , Sandy and Clayey. These soil series have limitations with respect to poor stability, high shrink-swell potential and steep slopes 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 Natural Heritage Program, 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 Oxon Run watershed of the Potomac River basin and in the Developed Tier as reflected in

the adopted 2002 General Plan. The site does not contain Regulated Areas, Evaluated Areas, or any Network Gaps identified in the Countywide Green Infrastructure Plan.

### **Environmental Issues Addressed in the Suitland District Heights and Vicinity**

There are no specific recommendations pertaining to the environmental elements of the Master Plan that relate to the subject property. The environmental protection of the site can be accomplished through the existing subdivision regulations.

### **Countywide Green Infrastructure Plan**

This site is not within the designated network of the Countywide Green Infrastructure Plan.

### **Natural Resources Inventory**

The preliminary plan application has a signed Natural Resources Inventory (NRI/105/06), dated September 15, 2006, which was included with the application package. The preliminary plan and TCPI show all the required information correctly.

### **Woodland Conservation**

This site is subject to the provisions of the Woodland Conservation Ordinance because the site is larger than 40,000 square feet in area, contains more than 10,000 square feet of woodland and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan, TCPI/61/06, submitted with the preliminary plan has been reviewed.

The woodland conservation threshold for the site is 0.51 acres based on a net tract area of 2.54 acres. An additional 0.38 acres of woodland conservation are required due to the removal of woodlands, for a total woodland conservation requirement of 0.83 acres. The plan shows the requirement being met with 0.99 acres of woodland preservation on-site, exceeding the requirement by 0.16 acres.

Proposed Lots 25-30 show woodland preserved and counted toward meeting the requirements of the Woodland Conservation Ordinance, not generally acceptable because the lots are less than 20,000 square feet in size. However, these lots are deep, narrow and provide a minimum of 85 feet of rear yard useable space. The preservation of woodlands on lots this small is appropriate and can be counted toward preservation because the site consists of quality mature stands that are contiguous and appropriately located.

### **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 property is within the limits of the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*, PA 75A/Suitland. The master plan recommended land use is for medium suburban residential. The 2002 General Plan places the site 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 proposed preliminary plan is consistent with the recommendations of the master plan and the 2002 General Plan.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Review Division recommends that the applicant pay a fee-in-lieu of mandatory park dedication because land available for dedication is unsuitable due to size and 77
7. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Suitland-District Heights and Vicinity Master Plan that impact the subject application. The majority of Shadyside Avenue is open section with no sidewalks for its entire length. However, there are sidewalks along a few segments where frontage improvements have been made. Edgar Allan Poe Elementary School is north of the subject site along Shadyside Avenue. The Bradbury Community Center is to the south along Whitehall Street. Staff recommends the provision of a standard sidewalk along the frontage of the subject site, unless modified by DPW&T.
8. **Transportation**—The application is a preliminary plan of subdivision for two additional residential lots (from four existing to six proposed). The two additional lots now not part of background would generate 2 AM and 2 PM new peak-hour vehicle trips as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The guidelines state that the Planning Board may find that the traffic impact of any development generating five or fewer peak-hour trips is a de minimus, or insignificant impact.

The subject property is located within the Developed Tier, as defined in the *Prince George’s County Approved General Plan*. As such, it is to be 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 lower.

**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 additional information, such as assessment of additional geometric improvement(s), or traffic signal warrant study, and demonstrate the required improvement(s) are fully funded for construction, if deemed warranted by the appropriate operating agency.

All lots will have direct access to Shadyside Avenue, a primary residential street with 60 feet of

total rights-of-way. The plan shows rights-of-way dedication of 40 feet from existing centerline for Shadyside Avenue, which is acceptable.

### Findings and Recommendations

Based on the fact that the subject application is considered to be de minimus, the Transportation Planning Section finds that adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this 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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	6du	6 du	6du
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.44	0.36	.72
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	114.24	540	58.68
Total Enrollment	35,721.68	12,045.36	17,043.4
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.15627	106.86	111.2929

Source: Prince George's County Planning Department, M-NCPPC, December, 006

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 I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. 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 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 and 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 Boulevard Heights, Company 17, 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 subject property is located in Police District III. 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 December 15, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	11/05/05 – 11/05/06	10.00	17.00
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 November 5, 2006.

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

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.

12. **Health Department**—The Health Department reviewed the application and has no comments.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 44976-2006-00 has been approved. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
14. **Historic Preservation**—A Phase I archeological survey is not recommended on the subject 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. A house was built on the property some time between 1938 and 1965, likely impacting that portion of the property. Most of the property also contains slopes over 15 percent. However, the applicant should be aware that there are two archeological sites, 18PR359, a Late Archaic to Early Woodland short-term resource procurement site, and 18PR385, a late nineteenth or early twentieth century house site, within a one-mile radius of the subject property.

Moreover, Section 106 review may require 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. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown 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 Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Eley temporarily absent at its regular meeting held on Thursday, April 19, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of May 2007.

R. Bruce Crawford

Executive Director

By Frances J. Guertin  
Planning Board Administrator

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