

R E S O L U T I O N

WHEREAS, Samuel E. Akins is the owner of a 6.32-acre parcel of land known as Wildercroft, Lot 8, Block L (Resubdivision of Outlot A), said property being in the 19th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on May 7, 2008, Samuel E. Adkins filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08023 for Adkins Estates 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 July 10, 2008, 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 July 10, 2008, 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/017/08), and further APPROVED Preliminary Plan of Subdivision 4-08023, Adkins Estates, including a Variation from Section 24-130 for Lots 1-4 with the following conditions:

1. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated expanded buffer and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

2. Prior to signature approval of the preliminary plan, the TCPI shall be revised to eliminate the woodland preservation areas on proposed Lots 1, 2 and 4, and show all woodland on these lots as counted as cleared, or the TCPII shall show a permanent two-rail split rail fence for those preservation areas. The fencing must be installed prior to the issuance of the building permit for each lot.

3. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. Show the original tree line per the approved TCPII and add a note to the plan referencing the previous approval.
  - b. Label the woodland between the LOD and the preservation area as counted as cleared and adjust the worksheet accordingly, for Lots 1 and 2.
  - c. Correct the TCPI so that all labels on the plan are readable.
  - d. Correct the worksheet as necessary to account for previous clearing and proposed clearing.
  - e. Remove the sewer house connection as shown on Lot 4 extending west through the expanded buffer.
  - f. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
4. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/017/08). 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/017/08), 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.”
5. Prior to signature approval of the preliminary plan, revise the TCPI to identify the location of the required drywell in accordance with the stormwater management concept approval letter.
6. Prior to approval of the final plat of subdivision, the applicant, the applicant’s heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication for Lots 1, 2 and 4.
7. The applicant and the applicant’s heirs, successors and/or assignees shall provide a standard sidewalk across the subject site’s entire frontage of First Street, unless modified by DPW&T.
8. Development of this site shall be in conformance with Stormwater Management Concept Plan

No. 13099-2008-00 (approved June 5, 2008) and any subsequent revisions.

9. Prior to signature approval of the preliminary plan, revise the plan to show the following:
  - a. Remove all proposed dwellings from the preliminary plan.
  - b. Remove the 20' BRL on Lot 3.
  - c. Provide the net and gross square footage for Lot 3.
  - d. Provide a North arrow on the preliminary plan.
  - e. Label existing versus proposed sewer lines and storm drains.
  - f. Label the 60' wide right-of-way and centerline.
  - g. Clearly label the 100-year floodplain.
  - h. Label the right-of-way dedications.
10. Relocate the proposed sewer house connection extending west from proposed Lot 4 into the expanded buffer as shown on the preliminary plan and the tree conservation plan so that there is no impact to the expanded buffer.

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 proposed subdivision is located on First Street 960 feet northwest of the intersection of First Street and Auburn Avenue.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

|                              | EXISTING                  | PROPOSED                    |
|------------------------------|---------------------------|-----------------------------|
| Zone                         | R-80                      | R-80                        |
| Use(s)                       | Single-Family Residential | Single-Family Residential   |
| Acreage                      | 6.32                      | 6.32                        |
| Lots                         | 1                         | 4                           |
|                              |                           | (1 existing and 3 proposed) |
| Public Safety Mitigation Fee |                           | No                          |

4. **Community Planning**—The site is located in the Developed Tier. This application is not inconsistent with the 2002 General Plan Development Pattern policies for 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 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* retained the R-80 Zone for the site. This application conforms to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* for residential uses, which recommends low suburban-density residential development. This proposal is to develop four lots for one-family detached residential development in accordance with the R-80 Zone.
5. **Environmental**—The site is 95 percent wooded. There is a channelized stream, wetlands, and 100-year floodplain on the property. According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Bibb, Johnstown, and Sunnyside series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened, or endangered species do not occur on this property or on adjacent properties. No designated scenic or historic roads will be affected by the proposed development. There are no nearby traffic related noise sources. The Environmental Planning Section previously approved a Type II Tree Conservation Plan, TCPII/177/05, for the construction of a single-family residential structure on this property. A Natural Resources Inventory, NRI/008/08, was reviewed as a submission requirement for the subject application.

#### **Environmental Issues Addressed in the Bladensburg-New Carrollton Master Plan**

The master plan does not indicate any environmental issues associated with this property. The environmental requirements for woodland preservation, stormwater management and noise are addressed in the Environmental Review Section below.

#### **Countywide Green Infrastructure Plan Conformance**

The majority of the site is within a Regulated Area of the Countywide Green Infrastructure Plan. The site also contains a Gap Area. The Regulated Area is associated with the on-site 100-year floodplain and wetland. The TCPI proposes to preserve the entire area of the 100-year floodplain, which includes the wetland. The TCPI is in conformance with the *Approved Countywide Green Infrastructure Plan*.

#### **Environmental Review**

An approved Natural Resources Inventory, NRI/092/07-01, was submitted with the application. The NRI notes that there are streams, wetlands and 100-year floodplain on the subject property. The forest stand delineation (FSD) indicates two forest stands totaling 5.05 acres and one specimen tree. Much of the existing property is within the 100-year floodplain. The TCPI and the preliminary plan are in conformance with the NRI. At time of final plat, a conservation easement

shall be described by bearings and distances. The conservation easement shall contain the delineated expanded buffer and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. A note should be placed on the plat describing the conservation easements.

The property is subject to the provisions of the Prince George's County *Woodland Conservation and Tree Preservation Ordinance* because it has an approved Type II Tree Conservation Plan (TCPII/177/05). The TCPII was approved for a single-family home which currently exists on the site. A Type I Tree Conservation Plan (TCPI/017/08) was submitted with the review package. The woodland conservation threshold (WCT) for this 6.32-acre property is 20 percent of the net tract area or 0.36 acre. The total woodland conservation requirement based on the amount of clearing proposed is 0.58 acre. This requirement is proposed to be satisfied by 0.58 acre of on-site preservation.

The TCPI does not reflect the original tree line per the approved TCPII. The original tree line should be shown per the approved TCPII, and add a note to the plan referencing the previous approval. The plan shows woodland to remain, but not counted as preservation, on the rear of Lots 1 and 2 between the limits of disturbance and the proposed preservation area. The TCPI needs to be revised to show this area as cleared so that each of the very small lots will have a useable rear yard area. This will allow the future homeowners to clear the woodland closest to the house if they so choose to create a useable backyard, without being responsible for replacing the woodland.

The plan shows woodland preservation on proposed Lots 1, 2, and 4, which are less than 20,000 square feet. Woodland conservation should not be placed on lots of this size because it limits the usage of the outdoor areas on the lot. If the woodland is to remain as preservation, a permanent fence should be constructed to ensure that the future property owners are aware of the limited use of their backyards and so that the woodlands will remain protected and not become subject to future clearing.

Several of the labels on the plan overlap each other and are unreadable. The TCPI should be revised so that all the labels on the plan are readable. Prior to signature approval of the preliminary plan, the TCPI should be revised to eliminate the woodland preservation areas on proposed Lots 1, 2, and 4 and show all woodland on these lots as counted as cleared, or the TCPII should show a permanent split two-rail fence for those preservation areas. The fencing should be installed prior to the issuance of the building permit for each lot. Development of this subdivision should be in compliance with an approved Type I Tree Conservation Plan (TCPI/017/08). A note should be placed on the final plat of subdivision detailing the restrictions of the approved Type I Tree Conservation Plan (TCPI/017/08), or as modified by the Type II tree conservation plan.

A Stormwater Management Concept Plan and Approval Letter (13099-2008-00) were submitted with the subject application. According to the approval, stormwater must be provided through the use of sheet flow and a drywell on each lot; however, the location of the drywell is not identified on the plan. The TCPI should be revised to identify the location of the required drywell in

accordance with the stormwater management concept approval letter. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Bibb, Johnstown, and Sunnyside series. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the building permit process review.

### **Water and Sewer**

The property is located within water and sewer Category 3, and will therefore be served by public systems. Water and sewer lines in First Street abut the property. Water and sewer mainlines are available to serve the proposed subdivision. An eight-inch sewer extension may be required for proposed Lot 4.

6. **Parks**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the Department of Parks and Recreation, Park Planning and Development Division, recommends that prior to approval of the final plat of subdivision, the applicant should pay a fee-in-lieu of parkland dedication for Lots 1, 2 and 4. in accordance with Section 24-134(a). Lot 3 is exempt from mandatory dedication of parkland requirements because it is over an acre in size.
7. **Trails**—The Adopted and Approved Bladensburg-New Carrollton and Vicinity Master Plan designated Briar Ditch as a master plan trail corridor. However, this stream valley is not proposed as a park trail corridor and the stream runs across existing developed residential lots. Because of the lack of an appropriate homeowners association or park agency to implement and maintain the trail, as well as the potential conflicts of having a trail on private, suburban density residential lots, staff does not recommend trail construction for this master plan trail. It is the opinion of staff that the trail is not desirable or feasible in this location for these reasons. Existing First Street is open section with no sidewalks along its entire length. Auburn Avenue, which First Street connects to, has sidewalk along both sides. Staff recommends the provision of a standard sidewalk across the site's entire frontage of First Street, unless modified by DPW&T.
8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of four single-family lots, one of which is developed, for a net of three lots. The proposed development of three additional residences would generate 2 AM and 3 PM peak hour vehicle trips as determined using "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

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.

The traffic generated by the proposed preliminary plan would impact the intersection of Riverdale Road and Auburn Avenue. This intersection is signalized. There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program.

There are no available turning movement counts at the critical intersection of Riverdale Road and Auburn Avenue. Nonetheless, 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. Staff would therefore recommend that the Planning Board find that 2 AM and 3 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the Riverdale Road and Auburn Avenue intersection. The site is not within or adjacent to any master plan transportation facilities. The preliminary plan correctly shows the sixty feet of right-of-way.

#### TRANSPORTATION STAFF CONCLUSIONS

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. No transportation-related conditions are recommended at this time.

9. **School**—The Special Projects 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<br># | Elementary School<br>Cluster 7 | Middle School<br>Cluster 4 | High School<br>Cluster 4 |
|-------------------------------|--------------------------------|----------------------------|--------------------------|
| Dwelling Units                | 3 DU                           | 3 DU                       | 3 DU                     |
| Pupil Yield Factor            | .24                            | .06                        | .12                      |
| Subdivision Enrollment        | .72                            | .18                        | .36                      |
| Actual Enrollment             | 40,283                         | 13,185                     | 17,855                   |
| Completion Enrollment         | 100.08                         | 52                         | 104                      |
| Cumulative Enrollment         | 0.00                           | 9.54                       | 19.08                    |
| Total Enrollment              | 40,383./80                     | 13,246.72                  | 17,978.44                |
| State Rated Capacity          | 39,187                         | 11,256                     | 16,332                   |
| Percent Capacity              | 103.05%                        | 117.68%                    | 110.08%                  |

Source: Prince George's County Planning Department, M-NCPPC, January 2007

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 \$7,870 and \$13,493 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 Special Projects Section has reviewed this preliminary plan of subdivision 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 Regulations. Public Facilities staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Riverdale Heights No. 13, 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, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn 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**—The subject property is located in Police District I Hyattsville. The standard for priority calls response is ten minutes and the standard is 25 minutes for non-priority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on May 7, 2008.

| Reporting Cycle                | Previous 12 Month Cycle | Priority Calls | Non-priority Calls |
|--------------------------------|-------------------------|----------------|--------------------|
| Acceptance Date<br>May 7, 2008 | 3/07 - 3/08             | 9 minutes      | 12 minutes         |
| Cycle 1                        |                         |                |                    |
| Cycle 2                        |                         |                |                    |

The response time standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met May 8, 2008. 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) and (B) regarding sworn police personnel staffing levels.

12. **Stormwater Management**—A Stormwater Management Concept Plan, No. 13099-2008-00, was



approved by the Department of Public Works and Transportation on June 5, 2008, and expires on June 5, 2011. Copies of the approval letter and plan were submitted with this application. The plan requires the use of drywells and sheet flow for each residential structure. Development of the site must be in accordance with this approved plan and any revisions.

13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Adkins Estates Subdivision and has no comments to offer.
14. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 6.32-acre property located at 6825 First Street in Riverdale. 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. The site has previously been impacted by the channelization of Briar Ditch on the south end of the property and the recent construction of a house on the northern part of the property. A majority of the property, 4.51 acres, lies within a floodplain and there are wetlands on the west side of the property.  
  
However, the applicant should be aware that there are four previously identified archeological sites, 18PR171, 18PR256, 18PR381 and 18PR911, within a one-mile radius of the subject property. Two of the sites, 18PR381 and 18PR911, are late 19<sup>th</sup> to early 20<sup>th</sup> Century cemeteries. Site 18PR256 is a 19<sup>th</sup> Century grist mill and 18PR171 is a prehistoric-lithic scatter. In addition, there are two County Historic Sties, PG:69-012 (Riverdale Baptist Church) and PG:69-026 (the Baltimore-Washington Parkway), are located within a one-mile radius of the subject property.
15. **Historic Preservation**—There is no effect on historic resources for this proposed subdivision.
16. **Subdivision**—Both the preliminary plan and the Tree Conservation plan show the limit of disturbance incorrectly and due not include the proposed sewer house connection extending west from proposed Lot 4 into the expanded buffer. Any impact to the expanded buffer will require a variation to Section 24-130 of the Subdivision Regulations. A variation request was not submitted for consideration; therefore, staff can not recommend approval of any impacts to the expanded buffer. Subdivision and Environmental staff met with the applicant to explain the analysis and the implications. At the close of the meeting the applicant and staff both agreed to a condition citing the relocation of the sewer house connection to eliminate the need for a variation request and any environmental impacts. The applicant does not want to request a variation, even though staff believes that this would be the most appropriate action to ensure adequate connections to public sewer.

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 date of notice of 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, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, July 10, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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