



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 11-06

File No. 4-10015

R E S O L U T I O N

WHEREAS, Metro Landover Developers, LLC is the owner of a 23.57-acre parcel of land known as Tax Map 59 in Grid D-1 and also known as Parcel O-10 and Outlot A, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned Multifamily Medium Density Residential (R-18); and

WHEREAS, on November 10, 2010, Metro Landover Developers, LLC filed an application for approval of a Preliminary Plan of Subdivision for 284 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-10015 for Hunter's Ridge 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 January 27, 2011, 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 January 27, 2011, 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 4-10015, Hunter's Ridge for 284 lots and 3 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Show the boundary of Parcel B (Outlot A) in the same line type as Parcel A and Parcel 1.
 - b. Correct the miss numbering for Lots 54 and 55 in Block A.
 - c. Correct Notes 4 and 5 to reflect the total acreage to be 23.57 acres.
 - d. Remove the townhouse condo footprint from Parcel 1.
 - e. Revise General Note 25 to accurately reflect the density proposed.
 - f. Revise General Note 13 to reflect on-site recreational facilities only.
 - g. Label the centerline of Landover Road (MD 202) and 75th Avenue.
 - h. Locate the 65 dBA Ldn noise contour along Landover Road (MD 202).
 - i. Label the internal street on the site as "private street."

2. Prior to final plat approval, a revision to Detailed Site Plan-04010-02 shall be approved to reflect the proposed parcel and lot lines, correct the acreage of the site, and demonstrate conformance with all applicable requirements of the Zoning Ordinance.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 16527-2004-01 and any subsequent revisions.
4. At the time of detailed site plan, the DSP and landscape plan shall demonstrate how the tree canopy coverage requirement will be met.
5. Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells within the 65 dBA Ldn noise corridor of Landover Road (MD 202) will attenuate noise to interior noise levels of 45 dBA Ldn or less.
6. Prior to approval of the detailed site plan, the DSP shall be revised as necessary to relocate proposed Station 5 outside of the 65 dBA Ldn noise contour, or provide mitigation that reduces the traffic related noise impacts to 65 dBA Ldn or less.
7. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Class III bikeway signage along 75th Avenue. Because 75th Avenue is a county right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
 - b. A standard sidewalk along both sides of Winterhazel Drive, unless modified by DPW&T.
 - c. Marked crosswalks across Carolina Rose Drive at the Winterhazel Drive intersection, unless modified by DPW&T.
 - d. A standard sidewalk along the north side of Carolina Rose Drive, unless modified by DPW&T.
8. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement (PUE) along the public and private rights-of-way as delineated on the approved preliminary plan of subdivision. The PUE along the private rights-of-way may be

modified as agreed upon by all the applicable utility companies prior to final plat of subdivision.

9. Prior to approval of the detailed site plan, the DSP shall re-evaluate the turnaround capability of Cutleaf Lane, Scotch Rose Drive, Wintercreeper Drive, Riverbank Lane, Prairie Rose Drive, and Carolina Rose Drive, and the layout will be adjusted as determined appropriate and no loss of lots will be required.
10. Total development of the overall site shall be limited to uses that would generate no more than 226 AM and 258 PM peak-hour vehicle 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. Prior to approval of the detailed site plan, the private on-site recreational facilities shall be reviewed by the Urban Design Section (M-NCPPC) for adequacy and proper siting.
12. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (DRD) for construction of recreational facilities on-site for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
13. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities, prior to the issuance of building permits.
14. Prior to the approval of building permits the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established and that the common areas have been conveyed to the HOA.
15. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) 10.33 acres (Parcels A and B). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD) along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.

- d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
16. The existing ingress/egress easement, Liber 3031 at Folio 598 shall be reflected on the final plat of subdivision unless the easement has been abandoned, extinguished or rendered invalid by operation of the court ruling.

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

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

	EXISTING	APPROVED
Zone	R-18 Residential Revitalization	R-18 Residential Revitalization
Use(s)	Residential Vacant	Residential Town houses
Acreage	24.53	24.53
Lots	0	284
Outlots	1	0
Parcels	1	3
Dwelling Units:		
Attached-single family	0	284
Multifamily	0	39
Public Safety Mitigation Fee	No	No
Variation	No	No
Variance	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on November 29, 2010.

3. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject 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 preliminary plan is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier by providing a pattern of medium- to high-density housing, as detailed in Finding No. 2 above. This approval does not violate the General Plan growth goals for the year 2025.

The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (SMA) retained the R-18 zoning for the subject property. The master plan includes a “concept regulating plan” for the subject property that supports a compact and walkable street grid surrounding a common civic space or community green. The master plan also recommends street and pedestrian connectivity between the subject property and adjoining future development. This preliminary plan conforms to the recommendations of the 2010 Approved Subregion 4 Master Plan by providing medium- to high-density residential with a walkable street grid.

4. **Urban Design**—The subject Preliminary Plan of Subdivision, 4-10015, seeks to subdivide the property known as Hunter's Ridge residential revitalization project, as approved in DSP-04010 and two subsequent revisions, into 284 fee-simple lots and three parcels.

Conformance with Detailed Site Plan DSP-04010

The subject site was first approved on February 24, 2005 pursuant to DSP-04010 (PGCPB Resolution No. 05-58), with six conditions, for a residential revitalization project of 308 residential condominium units. A subsequent revision, DSP-04010/01, for 323 townhouse units was approved by the Planning Board and affirmed by the District Council on October 27, 2008 with three conditions. A second revision, DSP-04010-02, to add two townhouse models to the previously approved architectural types for 323 townhouse units was approved by the Planning Board and affirmed by the District Council on September 27, 2010 with four conditions. The conditions from previous approvals that are applicable to the review of this preliminary plan of subdivision are as follows:

Detailed Site Plan DSP-04010 (PGCPB Resolution No. 05-58):

4. **Prior to issuance of the 250th building permit, the applicant shall provide \$500,000 toward the construction of recreation facilities in the surrounding community to an appropriate public agency or community organization.**

Detailed Site Plan DSP-04010/01 (PGCPB Resolution No. 08-91):

2. **Prior to issuance of the 250th building permit, all on-site private recreational facilities shall be completed and be available to the residents for use.**

The subject preliminary plan of subdivision proposes 284 fee-simple lots and two parcels for 39 condominium units, which is consistent with the layout of the previous DSP approval. The applicant should obtain a revision to the detailed site plan to reflect the new lotting pattern and parcels prior to final plat.

The approved detailed site plan includes both an on-site recreational facilities package and an off-site contribution. The applicant committed to contributing \$500,000 in additional funds to two community centers in close proximity of this project, per Condition 4 of DSP-04010/01 (PGCPB Resolution No. 05-58). The number of proposed dwelling units and the general costs associated with providing recreational facilities has changed since the initial approval in 2005. At the time of detailed site plan review, prior to final plat, staff will fully evaluate the adequacy and quality of the private on-site recreational facilities and contributions associated with the previous DSP conditions.

Conformance with the Prince George's County Landscape Manual

The proposed development was approved in accordance with Section 27-455.10,

Residential Revitalization, of the Zoning Ordinance. Section 27-445.10(b)(6) specifically prescribes how the development under the residential revitalization clauses complies with the requirements of the Prince George's County Landscape Manual as follows:

(b) Requirements.

- (6) The project shall comply with the requirements of the Landscape Manual to the extent that is practical.**

The Landscape Manual was recently updated and has been in effect since December 13, 2010. The new manual includes new landscape schedules and additional standards such as Section 4.9, Sustainable Landscaping requirements and Section 4.10, Street Trees along Private Streets, that the subject site can meet without altering site layout and creating any extreme difficulties. Since there are no grandfathering clauses in the new manual, this development should show conformance with the aforementioned landscape manual requirements at the time of detailed site plan review to the extent possible.

5. **Zoning**—Section 27-445.10, Residential Revitalization, of the Zoning Ordinance sets forth regulations and design guidelines for residential revitalization projects. The purpose of the Residential Revitalization section is to provide a consolidated process employing detailed site plan review for a redevelopment project that may not comply with the conventional regulations of the Zoning Ordinance, such as number of parking spaces, lot coverage, setbacks, and lot size. Compared with traditional zoning requirements, the Residential Revitalization section provides more flexibility in the design review and development standards.

The subject preliminary plan has been reviewed for compliance with the requirements in Section 27-445.10 (CB-58-2001) of the Zoning Ordinance. The proposed application to covert the residential condominium units that were approved by the DSP into townhouse fee-simple lots and townhouse condominium units has no effect on previous findings of conformance with the residential revitalization requirements in the previously approved DSP. Pursuant to Section 27-445.10(c) establishes the following findings for Planning Board approval of a residential revitalization development:

(c) In approving a Residential Revitalization project, the Planning Board shall find that the project:

- (1) Improves a deteriorated or obsolete multifamily or attached one-family dwelling unit development by replacing or rehabilitating dwellings, improving structures, or renovating and improving other facilities;**

The proposed preliminary plan will have no effect on the previous findings of the approved DSP. The obsolete 594-unit multifamily apartment complex on-site has been razed and will be improved with the proposed development of 284 townhouse and 39 condominium units.

- (2) Maintains or improves the architectural character of the buildings so that they are compatible with surrounding properties;**

The proposed preliminary plan will have no effect on the previous findings of the approved DSP. The architectural character of the buildings has been evaluated with the previously approved detailed site plan and its subsequent revisions.

- (3) Serves a need for housing in the neighborhood or community;**

At the time of DSP-04010 approval in 2005, the Prince George's County Department of Housing and Community Development provided comments indicating that the subject application is in conformance with the County's Housing and Community Development Consolidated Plan. The quality of this project will be beneficial to the neighborhood and will serve the housing needs of the community.

- (4) Benefits project residents and property owners in the neighborhood;**

The previously existing apartments were vacant and had been found to be a nuisance for the neighborhood at the time of DSP review. The revitalization will introduce high-quality housing. The proposed project will greatly benefit property owners in the neighborhood and provide new housing opportunities to residents in the county.

- (5) Conforms with the housing goals and priorities as described in the current "Housing and Community Development Consolidated Plan," for Prince George's County; and**

At the time of DSP-04010 approval, the Planning Board found that the proposed revitalization project conforms to the housing goals and priorities of the current Housing and Community Development Consolidated Plan, according to a memorandum from the Department of Housing and Community Development. The revitalization project will be a special housing reinvestment in an Inner-Beltway community. It will build and restore a vibrant community by creating safe neighborhoods where people want to live, and improve the quality of life for all residents by reducing the concentration of inferior, low-value housing units in the community.

- (6) **Conforms to either specific land use recommendations or principles and guidelines for residential development within the applicable Master Plan.**

This preliminary plan is consistent with the General Plan Development Pattern policies for the Developed Tier and conforms to the land use recommendations of the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment (SMA)* as stated in the Community Planning Section in this report.

Section 27-445.10(b)(4) sets the development regulations for the residential revitalization project as follows:

Regulations concerning the height of structures, lot size and coverage, frontage, setbacks, density, bedroom percentages and other requirements of the specific zone do not apply to uses and structures in a Residential Revitalization project. The dimensions and percentages shown on the approved Detailed Site Plan shall constitute the development regulations.

The general layout of the subject application is consistent with those of previously approved DSP-04010 and its subsequent revisions. The only exception is that one lot in Block B has been removed and a new lot in Block C has been added. This modification has no effect on the total number of dwelling units for the site. The preliminary plan proposes 323 dwelling units (284 townhouse fee-simple lots and 39 condominium units) which is consistent with the number of units and density of the previously approved detailed site plans.

The most recently approved revision to the site plan, DSP-04010-02, included 323 townhouse condominium units, of which 143 are 20-foot models, and 180 are 16-foot models. The lot widths required to accommodate these townhomes range from 16 feet to 26 feet. The proposed lot widths fall into the range. The proposed lot sizes range from 1,068 square feet to 2,146 square feet.

6. **Environmental**—The signed Natural Resources Inventory, NRI/007/10, for the subject property has been received and reviewed. A Type 1 tree conservation plan was not submitted with the review package and is not required.

The subject property is located west of the intersection of Landover Road (MD 202) and 75th Avenue. The site is relatively flat and contains no woodland. The site drains into unnamed tributaries of Beaverdam Creek watershed in the Anacostia River Basin. The predominant soil types on the site are in the Sunnyside, Woodstown, Elkton, and Christiana. These soil types generally exhibit slight to moderate limitations due to steep slopes, high water table, and impeded drainage. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare,

threatened, or endangered species found to occur in the vicinity of this site. There are no floodplains, streams, Waters of the U.S., or wetlands associated with the site. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. The site is located in close proximity to a major noise generator. Landover Road (MD 202) is a state-owned and maintained arterial highway generally regulated for noise impacts. This property is in the Developed Tier as delineated on the approved General Plan.

Master Plan Conformance

The site is within Planning Area 72 of the Subregion 4 Master Plan and Sectional Map Amendment. There are no specific environmental recommendations or design standards that require review for conformance for this site.

Countywide Green Infrastructure Plan Conformance

The site contains an evaluation area within the designated network of the *Approved Countywide Green Infrastructure Plan*. The evaluation area is located along the southwestern perimeter of the site and is contiguous with other green infrastructure elements. There are no sensitive environmental features or sensitive habitat areas in this location. Based on the existing conditions of the site and the presence of MD 202 in this location, it would not be possible to implement the green infrastructure plan without relocating the existing road.

Environmental Review

The site has a signed natural resources inventory (NRI) that was submitted with the application. The site does not contain any woodland nor regulated environmental features. The elements of the signed NRI are correctly reflected on the preliminary plan of subdivision.

According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Sunnyside, Woodstown, Elkton, and Christiana. These soil types generally exhibit slight to moderate limitations due to steep slopes, high water table, and impeded drainage. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report in conformance with County Council Bill CB-94-2004 may be required during the permit review process by the Department of Environmental Resources (DER).

This property is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because, although the gross tract area of the subject property is greater than 40,000 square feet, there are less than 10,000 square feet of existing woodland. A letter of exemption was issued for the site on July 7, 2010.

Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on properties that require a tree conservation

plan or letter of exemption. Properties zoned R-18 are required to provide a minimum of 15 percent of the gross tract area in tree canopy. The gross tract area is 23.57 acres resulting in a requirement for TCC of 3.68 acres. At the time of detailed site plan, the plans will be required to address how the tree canopy coverage will be addressed.

Landover Road (MD 202) is an arterial roadway and a noise generator generally regulated for noise. The preliminary does not show the location of the 65 dBA Ldn noise contour. Based on the Environmental Planning Section noise model, the 65 dBA noise contour is located approximately 429 feet from the centerline of MD 202. The 65 dBA Ldn noise contour generated by the noise model must be shown on the preliminary plan. The proposed lots are intended to be designed with rear loaded garages. Noise impacts to rear outdoor activity areas are not expected to be an issue, but will be further analyzed at the time of DSP. The state noise standards for interior noise levels, 45 dBA Ldn or less, can be met through the use of specialized building materials where structures are proposed within the noise contour. The proposed structures will be subjected to noise levels that will require mitigation beyond the use of standard building materials.

The plan proposes the placement of outdoor activity areas on the site. These areas include several exercise stations. Station 5 appears to be the only community outdoor activity area within the noise impact area. This area should be relocated outside of the 65dBA Ldn noise contour, or mitigation should be provided to reduce noise levels to below the state standard at the time of DSP.

7. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 16527-2004-01, was approved on March 21, 2008 and is valid until March 21, 2011. The approved concept plan has conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval letter states that stormwater will be addressed through infiltration. Development must be in accordance with this approved plan.
8. **Department of Parks and Recreation (DPR)**—Preliminary Plan 4-10015 has been reviewed by the Department of Parks and Recreation (DPR) for conformance with the requirements of the approved master plan for Planning Area 72, the Land Preservation and Recreation Program for Prince George's County, zoning and subdivision regulations, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation.

The subject property is located in close proximity to the undeveloped, 27-acre Dodge Park Community Park, Palmer Park Community Center, and Kentland Community Center Park.

The applicant's proposal indicates that 323 residential dwelling units will be provided as part of this subdivision, including single-family attached dwellings and townhome

condominium units. Using current occupancy statistics for single-family attached dwellings and townhome condominium units, leads staff to conclude that the proposed development would result in an additional 941 new residents in the Landover area community. The existing community needs additional public parkland and public outdoor and indoor recreational facilities.

The *Prince George's County Approved General Plan* establishes objectives related to the provision of public parkland. It indicates that a minimum of 15 acres of Maryland-National Capital Park and Planning Commission (M-NCPPC) local parkland should be provided per 1,000 population and 20 acres of regional, countywide, and special M-NCPPC parkland per 1,000 residents. By applying the General Plan standards for the projected population in the new community (941), 14 acres of local and 19 acres of regional public parkland suitable for active recreation will be needed to serve new residents of the proposed development. Section 24-134 of the Subdivision Regulations requires the mandatory dedication of 3.7 acres of parkland suitable for active and passive recreation to serve the proposed development. However, due to the size and location, dedication of land is not appropriate for this site.

Detailed Site Plan DSP-04010 and its revisions (DSP-04010/01 and DSP-04010-02) have been approved for the subject property which includes the following conditions related to parks and recreation:

Condition 4 of approved Detailed Site Plan DSP-04010 (PGCPB Resolution No. 05-58) states:

4. **Prior to issuance of the 250th building permit, the applicant shall provide \$500,000 toward the construction of the recreational facilities in the surrounding community to an appropriate public agency or community organization.**

This site has never been the subject of a preliminary plan of subdivision; therefore, the site has never been through an adequacy test pursuant to Section 24-134 of the Subdivision Regulations for mandatory park dedication. Condition 4 of approved DSP-04010 was the result of the Planning Board and the Prince George's County District Council evaluation and review of the DSP.

Condition 2 of approved Detailed Site Plan DSP-04010/01 states:

2. **Prior to issuance of the 250th building permit, all on-site private recreational facilities shall be completed and available for use by residents.**

DPR evaluated the proposed on-site recreational facilities and found that the applicant proposes two tot-lots and eight exercise stations in the HOA open space, which was

previously approved. DPR believes that the proposed package of on-site recreational facilities is inadequate to serve 941 new residents as reflected on the DSP.

In summary, in order to address Section 24-135 of the Subdivision Regulations, the applicant should provide adequate on-site private recreational facilities. However, if at the time of detailed site plan review, adequate area does not exist on-site on the homeowners association open space land, a loss of lots could occur for proper placement of the recreational facilities, or facilities provided off-site on public parkland.

9. **Trails**—The proposed preliminary plan was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is located along the north side of Landover Road (MD 202), west of 75th Avenue. The site is within the area covered by the 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment*. The site is also subject to MPOT. The preliminary plan proposes the redevelopment of a currently vacant site along MD 202. This property is surrounded by multifamily residential, commercial, and some office development and is less than one-half mile from the Landover Metro station. Sidewalks exist along many of the surrounding roads, but often they are narrow and immediately behind the curb without a buffer or planting strip separating the pedestrians from motor vehicle traffic.

Master Plan Compliance and Prior Approvals

The MPOT emphasized the need to provide accommodations for all modes of transportation along area roadways. Within the Developed and Developing Tiers, policies require the provision of sidewalks along both sides of new road construction. The Complete Streets Section of the MPOT includes the following policies regarding sidewalk construction:

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The internal sidewalk network that is proposed is comprehensive and links to all portions of the subject site. Sidewalks are provided along all roads where units front, and along the two open space corridors that bisect the property. Sidewalk connections are provided to both MD 202 and 75th Avenue. The master plan identified Landover Road (MD 202) as an important sidewalk corridor. This recommendation was confirmed in the MPOT, which

recommends continuous sidewalks and designated bike lanes along this section of MD 202. The Maryland State Highway Administration (SHA) has already completed road frontage improvements including sidewalks, brick crosswalks, and landscaping for this segment of Landover Road (MD 202). The MPOT also designates 75th Avenue as a master plan bikeway. This bikeway can be implemented via "Share the Road with a Bike" signage and, upon road resurfacing or improvement, the provision of designated bike lanes or other suitable bicycle-compatible pavement markings along the entire length of the road is recommended.

A standard sidewalk is shown along one side of the entrance road off Landover Road (MD 202). This was recommended at the time of the original DSP in 2005. However, since that time, the MPOT has been approved which requires the provision of standard sidewalks along both sides of all new road construction with the Developed and Developing Tiers. Because of this policy, which was affirmed by the Planning Board and the District Council at the time of the approval of the MPOT in 2009, sidewalk construction is recommended along both sides of Winterhazel Drive from MD 202, not just one side as previously recommended. Crosswalks and approximately 400 linear feet of additional sidewalk along Carolina Rose Drive are also recommended and should be reflected on the revised DSP. These recommendations should improve the accommodations for pedestrians walking onto the site from MD 202. The sidewalk and crosswalks are acceptable as shown by the applicant on the revised plans.

From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a preliminary plan as required under Section 24-123 of the Subdivision Regulations, if the application is approved with conditions.

10. **Transportation**—The subject property is located within the Developed Tier, as defined in the General Plan. A detailed site plan (DSP-04010) was originally approved on February 25, 2005 by the Planning Board (PGCPB Resolution No. 05-58) for 308 single-family attached condominium units for the subject property. At the time, the site was improved with 594 multifamily apartment units which were built in the 1960's. The site was exempt from filing a preliminary plan of subdivision at the time of the DSP-04010 pursuant to Section 24-107(c)(7)(D) of the Subdivision Regulations, which states that development of more than 5,000 square feet of gross floor area, which constitutes at least ten percent of the total area of a site, has been constructed pursuant to a building permit issued on or before December 31, 1991 is exempt. Finding 11(e) and Condition 2(a) of approved DSP-04010 required the property to vest the existing development through a final plat. The site was recorded in Plat Book REP 214 @ 33 on August 1, 2006 to vest the existing development. The record plat also consolidated the site into its current configuration as Parcel O-10 and Outlot A, and dedicated Bealls Court and Bealls Pleasure Lane. The detailed site plan (DSP-04010/01) approved in June 2008 allowed for 323 single-family

attached residential units. Detailed Site Plan DSP-4010-02, approved in 2010, simply added two architectural single-family attached house types. This preliminary plan is for the same number of residential units approved in June 2008. Since the lot was previously recorded in 2006 to vest the existing development rights of the site and approved 323 residential units, a traffic study or count was not required by the applicant.

The original 594 multifamily residential dwelling units on the site have been razed. Two access points are shown on the submitted plan, one on MD 202 (Landover Road) and one on Bealls Court from 75th Avenue. Bealls Court includes two roundabouts, one adjacent to the site entrance on Bealls Court and the other at the intersection of Bealls Court and 75th Avenue. These two roundabouts will provide more capacity and improve traffic flow to and from the proposed site from 75th Avenue. There is also an existing site entrance on MD 202 (Landover Road) that has two outbound lanes and one inbound lane to/from the arterial roadway. While MD 202 (Landover Road) is an arterial roadway, the access point to the site is considered to be acceptable and in accordance with Section 24-121(a)(3) of the Subdivision Regulations; consequently a variation request from Section 24-121(a)(3) is not required because the access to MD 202 is via Winterhazel Drive, a private street.

The internal street circulation and access to the townhouses appears to be adequate with the exception of six streets on the western side of the site plan. Approximately 140 feet in length, these 22-foot-wide alley stubs are along the northern property line with no turnaround provided. They include Cutleaf Lane, Scotch Rose Drive, Wintercreeper Drive, Riverbank Lane, Prairie Rose Drive, and Carolina Rose Drive. The turnaround capability of these streets should be re-evaluated at the time of detailed site plan and modifications made accordingly. If, at the time of review of the detailed site plan, adequate turnaround capability cannot be met, a loss of lots could occur, but is not recommended at this time.

The site originally contained 594 multifamily residential units. As mentioned, these have been demolished. In June 2008, 323 single-family residential units were approved (DSP-4010/01). The proposed development is for the same number of townhouse units as approved in June 2008. For comparative purposes and based on trip rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," the difference in trip generation during the AM and PM peak hours is as follows:

594 Multifamily residential units	309 AM trips	356 PM trips
323 Townhouse residential units	226 AM trips	258 PM trips
Difference	-83 AM trips	-98 PM trips
Net additional trips	0 AM trips	0 PM trips

The proposed development of 323 townhouses (284 townhouse lots and 39 condominium townhouses) will therefore produce fewer AM peak hour and PM peak-hour trips than the previously approved development. There is no development under this plan beyond that

which has been previously approved and vested through recordation; and because of that fact the Planning Board can find that the proposed subdivision would generate no net trips as a result. The level of development which has been approved for this site has figured into background traffic conditions in reviewing other cases in the area. It is recommended that the Planning Board find that 0 AM and 0 PM net peak-hour trips will have a de minimus impact upon delay within the critical intersections in the area.

There is an existing traffic signal at the intersection of MD 202 (Landover Road) and proposed Winterhazel Drive (site access). There appears to be some need for signage or repairing the pavement markings at this location. Given that this applicant will need to connect Winterhazel Drive into the existing approach roadway within the state right-of-way, the state will have the authority to obtain any needed improvements.

Landover Road (MD 202) and 75th Avenue are both master plan roadways. Landover Road (MD 202) is a master plan arterial facility. The current master plan calls for a six-lane facility within a 120-foot right-of-way. It appears no further dedication beyond that shown on the submitted plan is required. A portion of the site also borders 75th Avenue, which is a master plan collector facility with an 80-foot-wide right-of-way. No further dedication than shown on the preliminary plan of subdivision is required. These roadways are listed in the Countywide Master Plan of Transportation (MPOT).

Transportation 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 Subdivision Regulations if the application is approved with conditions.

11. **Schools**—The proposed preliminary plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution 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 2
Dwelling Units	323 DU	323 DU	323 DU
Pupil Yield Factor	.14	.11	.10
Subdivision Enrollment	45	36	32
Actual Enrollment	32,508	9,899	12,737
Total Enrollment	32,553	9,935	12,769

State Rated Capacity	39,039	11,571	13,026
Percent Capacity	83%	86%	98%

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

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) 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 (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$8,299 and \$14,227 to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

12. **Fire and Rescue**—The proposed preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

The proposed development is within the seven-minute required response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
33	Kentland	7701 Landover Road

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

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

Capital Improvement Program (CIP)

The Prince George's County Capital Improvement Program (CIP) for Fiscal Years 2011–2016 provides funding for renovating the existing Kentland Fire/EMS station located at 7701 Landover Road.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

13. **Police Facilities**—The subject property is located in Police District III, Palmer Park. The response time standard is ten 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 November 10, 2010.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Cycle 1	11/2009-10/2010	8.0 Minutes	7.0 Minutes
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on November 15, 2010. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005.

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

14. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System, and will therefore be served by public systems.

15. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments to offer.
16. **Public Utility Easement (PUE)**—In accordance with Sections 24-122(a) and 24-128(b)(12) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

"Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748."

The preliminary plan of subdivision correctly delineates a ten-foot PUE along the public and private rights-of-way as requested by the utility companies.

17. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 23.57-acre property located at 7001 Bealls Court in Landover, Maryland. The subject property was formerly occupied by apartment buildings and has been extensively graded. The probability of archeological sites within the subject property is low. However, the subject property is adjacent to Beall's Pleasure (#72-002), a Prince George's County historic site.

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.

18. **Historic Preservation**—The subject 23.57-acre property is located north of the intersection of Landover Road (MD 202) and 75th Avenue in Landover and is adjacent to the Beall's Pleasure Historic Site #72-002, and its approximately 5.9-acre environmental setting. Beall's Pleasure, built in the early 19th century, is a two-story, side-gable, brick dwelling of Georgian plan. Its decorative features include the fanlight entrance and brick cornice. The house was built early in the 19th century on land that had been owned by Benjamin Stoddert, first U.S. Secretary of the Navy. Beall's Pleasure is located on wooded property, buffered from dense development around it. The house is a fine example of Federal style plantation architecture and has been listed in the National Register of Historic Places since 1979.

The character and layout of the redevelopment of the subject property were established through the approved detailed site plan. As a result, and because of the generally wooded character of the periphery of the Beall's Pleasure historic site, no additional buffering within the subject property was required by the Planning Board. Therefore, no affect on the adjacent historic site/national register property can be identified at this time.

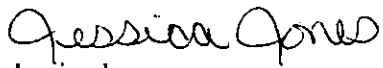
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

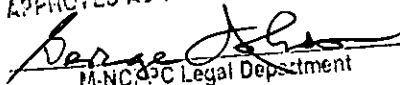
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Cavitt, seconded by Commissioner Vaughns, with Commissioners Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioners Clark and Squire absent at its regular meeting held on Thursday, January 27, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of February 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCAPC Legal Department
Date 2/8/11