



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 15-103

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File No. 4-15006

RESOLUTION

WHEREAS, John Miller is the owner of a 0.27-acre parcel of land known as Tax Map 49 in Grid F-4 and is composed of Lots 1 and 2, Block 8-Roger's Second Addition to Mount Rainier, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned Mixed Use Town Center (M-U-TC) and Development District Overlay (D-D-O); and

WHEREAS, on July 7, 2015, John Miller filed an application for approval of a Preliminary Plan of Subdivision for the creation of four townhouse dwelling unit lots (Lots 27-30); and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-15006 for Edgemont Subdivision 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 October 1, 2015, for its review and action in accordance with the Land Use Article of the 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 October 1, 2015, 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 Alternative Compliance AC-15106, and further APPROVED Preliminary Plan of Subdivision 4-15016 for four townhouse dwelling unit lots (Lots 27-30), with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
 - a. Clearly delineate the boundary of the shared vehicular access easement on Lots 27 through 30, with the bearings and distances and square-footage of the easement area.
 - b. Reflect "Denial of Access" along Perry Street and north along 33rd Street to a point 40 feet from the northern property line.
 - c. Revise General Note 15 to provide a table that specifies the minimum lot standards for the development.
 - d. Revise General Note 1 to reference Plat Book BDS 1 at Page 48 instead of Plat Book A/Plat 2.

- e. Revise General Note 23 to reflect fee-in-lieu of parkland dedication.
 - f. Revise General Note 11 to state the following: "Existing Zoning: The property is zoned M-U-TC/D-D-O and lies within the Civic Core District of the 2010 Approved City of Mount Rainier Mixed-Use Town Center Development Plan and the Town Center Character Area of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District."
 - g. Revise General Note 25 to state that the subject site lies within the Mount Rainier National Register Historic District (68-013-00) and is adjacent to the North Brentwood National Register Historic District (68-061).
 - h. Revise General Note 32 to reflect that the shared vehicular access easement is pursuant to Section 24-128(b)(9), not Section 24-128(b)(8), of the Subdivision Regulations and is 20 feet wide.
 - i. Note that the property is within the City of Mount Rainier.
- 2. Development of this site shall be in conformance with Stormwater Management Concept Plan 16368-2015-00 and any subsequent revisions.
 - 3. Prior to signature approval of the preliminary plan of subdivision, the approved stormwater management concept plan and approval letter shall be submitted to the Subdivision Review Section of the Maryland-National Capital Park and Planning Commission.
 - 4. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement along all public rights-of-way.
 - 5. Prior to approval of the final plat of subdivision, a draft 20-foot-wide shared vehicular access and maintenance easement over the proposed Section 24-128(b)(9) driveway from 33rd Street serving Lots 27-30 shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed to the benefit of the owners of Lots 27 through 30, and include the rights of M-NCPPC. The easement documents shall set forth the shared rights, responsibilities, and liabilities of the parties. Prior to recordation of the final plat, the easement shall be recorded in Prince George's County Land Records, the liber/folio of the easement shall be indicated on the final plat, and the limit of the easement reflected. The final plat shall reflect denial of access to Perry Street and 33rd Street in accordance with the approved preliminary plan of subdivision.
 - 6. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication.

7. Total development shall be limited to uses that would generate no more than 3 AM and 3 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
8. Prior to approval of building permits, the permit plan shall demonstrate conformance to Alternative Compliance AC-15016, or as amended, and the lot standards approved with this preliminary plan of subdivision.
9. The following note shall be placed on the final plat: "Prior to approval of building permits, the permit plan shall demonstrate conformance to Alternative Compliance Plan AC-15016, or as amended, and the lot standards approved with PPS 4-15006."
10. Prior to signature approval of the preliminary plan of subdivision, the landscape plan shall be revised to relocate or remove the retaining wall to provide a minimum three-foot-wide planting strip for the shade trees along the northern property line.
11. Any nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on Tax Map 49 in Grid F-4 and is composed of Lots 1 and 2, Block 8 – Roger's Second Addition to Mount Rainier, recorded in Plat Book BDS 1-48, circa 1907, in the Prince George's County Land Records. The property consists of 11,761.2 square feet of land within the Mixed Use Town Center (M-U-TC) Zone and the Development District Overlay (D-D-O) Zone implemented through the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA). The site is currently undeveloped. This preliminary plan of subdivision (PPS) proposes the creation of four townhouse dwelling unit lots. Pursuant to Section 24-107(c)(3) of the Subdivision Regulations, no land shall be subdivided within the regional district in Prince George's County until the subdivider or his agent shall obtain approval of the PPS and final plats by the Planning Board, resulting in this application.

As previously discussed, the PPS proposes the creation of four townhouse lots. Existing Lots 1 and 2 are located at the northwest quadrant of the intersection of Perry Street and 33rd Street. The site is approximately 100 feet wide and 120 feet deep. The four proposed lots (Lots 27 through 30) are oriented such that the townhouses will face Perry Street. Lots 27 and 30 will be 30 feet wide and Lots 28 and 29 will be 20 feet wide. All four lots will be 120 feet deep. The applicant proposes to

provide a shared driveway to the townhouse development from 33rd Street along the rear of the units, pursuant to Section 24-128(b)(9) of the Subdivision Regulations. This proposal is approved, as further discussed.

The site is located within the area of the 2010 *Approved City of Mount Rainier Mixed-Use Town Center Zone Development Plan* (Mount Rainier M-U-TC Development Plan). Neither the M-U-TC Zone nor the development plan contain lot standards which can be applied to this development. Development of this site, as proposed, is not subject to a detailed site plan. Therefore, minimum lot standards are approved with this PPS and shall be reflected on the plan. The following minimum lot standards are required:

Interior Lot:

Minimum Lot Size: 2,400 square feet
Minimum Lot Width: 20 feet

End-Unit Lot:

Minimum Lot Size: 3,600 square feet
Minimum Lot Width: 30 feet

Maximum Number of Townhouses in a Stick: 4

Due to design constraints associated with the proposed use and provision of a rear driveway, the applicant has submitted an alternative compliance request (AC-15016) for relief from Sections 4.6 and 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Alternative Compliance AC-15016 is **APPROVED**.

3. **Setting**—The subject site is located at the northwest quadrant of the intersection of Perry Street and 33rd Street. To the north, west, and south of the site is One-Family Detached Residential R-55/D-D-O zoned property developed with single-family dwellings. To the east of the site is M-U-TC/D-D-O zoned property developed with multifamily dwellings.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	M-U-TC/D-D-O	M-U-TC/D-D-O
Use(s)	Vacant	Single-Family Attached
Acreage	0.27	0.27
Lots	2	4
Outlots	0	0
Parcels	0	0
Dwelling Units	0	4 (single-family attached)
Public Safety	No	No
Variance	No	No
Variation	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 July 17, 2015.

5. **Community Planning**—This site is located within the Existing Communities growth policy area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). As described in Plan Prince George's 2035, established communities should have context-sensitive infill and low- to medium-density development. This property is located in the Gateway Arts District Sector Plan and SMA. Within this sector plan, the property is located in the M-U-TC Zone in Mount Rainier, which is governed by the vision and development standards in the Mount Rainier M-U-TC Development Plan. The development plan calls for infill development or open space on this property.

Planning Issues

The PPS has been reviewed for conformance with the applicable subdivision-related standards of the development plan. Review was focused on site design standards and guidelines for orientation, build-to line, frontage, and setback. The applicable standards are provided in **BOLD** below:

Site Design: Orientation, Build-to Line and Frontage

1. **New buildings shall face 34th Street, Perry Street, and Rhode Island Avenue. Buildings in downtown Mount Rainier shall create a consistent street wall that provides a sense of enclosure.**

The townhouse lots have been oriented so that the proposed townhouses will front on Perry Street, in conformance with this standard.

Site Design: Setback

2. **A continuous building wall has the effect of defining the built environment and the public realm of the street. Consequently, infill buildings shall maintain the established setback of the area and shall be built flush with the front facades of existing buildings.**

The PPS has been analyzed to determine if the proposed lots have sufficient length and width to support townhouse development that conforms to this standard. On July 23, 2015, staff received a Property Setback Exhibit (dated July 18, 2015) from the applicant, which provides an analysis of the existing setbacks established by the development within close vicinity of the subject site. As previously discussed, the townhouses are proposed to front on Perry Street in accordance with the development standards of the development plan. The proposed length of the lots is 120 feet, which indicates that adequate length exists to site the townhouses in a location that conforms to the established setback standard. The applicant's exhibit demonstrates that the proposed

setback along Perry Street for the townhouses will be 16 feet, which is consistent with the established setback.

Proposed Lot 30 abuts both Perry Street and 33rd Street. As previously discussed, the proposed length for Lot 30 is 120 feet, which is adequate to accommodate the established setback for Perry Street. Lot 30 was closely reviewed, however, to ensure that adequate lot width is proposed to accommodate a townhouse that conforms to the established setback along 33rd Street. The proposed width for Lot 30 is 30 feet. Both the landscape plan and stormwater management concept plan depict a 20-foot-wide townhouse on this lot. Therefore, a ten-foot setback is proposed. If the established setback for 33rd Street has been determined to be greater than ten feet, an amendment to the development standards would be required, or the lot would be need to be removed.

In determining the established setback for 33rd Street, it is important to note that commercial, multifamily, and single-family residential uses exist along the portion of the street adjacent to this site. Also of note is that the proposed townhouse development will serve as a transition between the more dense commercial and multifamily development closer to the town center and the single-family development further out. The applicant's setback exhibit demonstrates that an average setback on 33rd Street of the six closest single-family dwellings is 16.5 feet. Similarly, the average setback on 33rd Street of the commercial and multifamily buildings located at the intersection of Perry and 33rd is 3.5 feet. The average of these two average setbacks is ten feet, which is the applicant's proposed setback along 33rd Street for Lot 30.

Based on this analysis, it is determined that the proposed development conforms to the development standard for setbacks.

The application, with its proposed residential use, is consistent with the land use recommendations of Plan Prince George's 2035, the sector plan, the development plan, and the permitted uses in the M-U-TC/D-D-O Zone. The proposed townhouse development will provide needed infill development in this area, as well as a desirable neighborhood transition between single-family and multifamily development and nearby commercial uses along 33rd Street.

6. **City of Mount Rainier**—The PPS is located within the municipal boundary of the City of Mount Rainier and was referred to the city for review and comments accordingly. At the time of the writing of this staff report, no comments have been received from the City of Mount Rainier. However, the applicant has submitted a copy of City of Mount Rainier Resolution 7-2015, which states that the City of Mount Rainier endorses the project.
7. **Urban Design**—Permitted uses for the subject site are provided in the use table of the Gateway Arts District Sector Plan and SMA, as modified in the Mount Rainier M-U-TC Development Plan. Townhouses are permitted in the M-U-TC Zone. The project conforms to the standards of the development plan. Building permit plans must conform to the lot standards established with this PPS.

Conformance with the Prince George's County Landscape Manual

The site is subject to the requirements of the Landscape Manual, more specifically, Section 4.1, Residential Requirements; Section 4.6, Buffering Developments from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements.

An alternative compliance application (AC-15016) has been submitted for relief from Sections 4.6 and 4.7 of the Landscape Manual, as further discussed in this report. The alternative compliance plan demonstrates conformance to Sections 4.1 and 4.9. A landscape plan has been submitted for review of the alternative compliance request.

Section 4.1, Residential Requirements: Section 4.1 of the Landscape Manual requires that each townhouse plant a minimum of one and one-half major shade trees and one ornamental or evergreen tree per dwelling unit located on individual lots and/or common open space. Additionally, it states that an existing shade tree, except for an invasive species, exceeding two and one-half inches diameter at breast height located in the common area or open space within 75 feet of a dwelling unit may be counted toward fulfillment of the requirement for a tree, provided that the size, genus, condition, and location of each tree to be counted toward the fulfillment of this requirement is shown on the landscape plan. The site and landscape plan must also demonstrate that a minimum of 70 percent of the critical root zone of such tree will remain undisturbed. The landscape plan demonstrates conformance to Section 4.1.

Section 4.6, Buffering Development from Streets: This section of the Landscape Manual is intended to buffer the rear yard and the lowest story of the rear exterior walls from streets. The plans for the project indicate that the rear yard of the unit to be placed on Lot 30 of the subdivision would be clearly visible from 33rd Street. The landscape plan does not demonstrate strict conformance to Section 4.6. The applicant has requested alternative compliance to this section, which is **APPROVED**.

Section 4.7, Buffering Incompatible Uses: Single-family detached units abut the site to the north and west, requiring the provision of a Type A Section 4.7 buffer. A Type A buffer requires a minimum building setback of 20 feet, a minimum landscape yard of 10 feet, and 40 plant units per 100 linear feet of property line. The landscape plan does not demonstrate strict conformance to Section 4.7. The applicant has requested alternative compliance to this section, which is **APPROVED**.

Section 4.9, Sustainable Landscaping Requirements: Section 4.9 of the Landscape Manual requires that a percentage of plants within each plant type shall be a native species. Generally, 50 percent of shade and ornamental trees and 30 percent of evergreen trees and shrubs are required to be native species. At the time of applying for building permits for the project, the applicant should provide a Section 4.9 schedule (Available on

page 100 of the Landscape Manual) demonstrating conformance to the requirements of this section.

Conformance with the Tree Canopy Coverage Ordinance

The project is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance, as it will involve the disturbance of greater than 5,000 square feet. The landscape plan recommended for approval (AC-15016) demonstrates conformance to the tree canopy coverage requirements.

Plan Comments

The applicant proposes to provide a shared driveway to the townhouse development from 33rd Street along the rear of the units. This proposal is supported, as it allows for the removal of garages from the front façade of the building which creates a more aesthetically pleasing streetscape. Additionally, the close proximity of potentially four driveways, one for each townhouse, to the intersection of Perry Street and 33rd Street would result in an undesirable traffic situation. Therefore, the proposed rear driveway should be provided via a 20-foot-wide shared vehicular access easement, pursuant to Section 24-128(b)(9) of the Subdivision Regulations. Section 24-128(b)(9) states that "a private easement may be approved in accordance with the driveway standards in Part 11 of Subtitle 27, in order to provide vehicular access, when deemed appropriate by the Planning Board." The development plan does not include driveway standards which would supersede Part 11 of Subtitle 27 for the development of the site. Therefore, a 20-foot-wide easement is required in order to provide safe and adequate access in accordance with the driveway width standards provided in Part 11, Section 27-460, of the Zoning Ordinance. Such an easement would ensure that the burden of maintenance of the driveway is shared between the owners of the four lots and is treated as a driveway, not a street. The PPS should be revised to show the location of the 20-foot-wide shared vehicular access easement, including square footage and dimensions. Condition 5 of the resolution will require that the easement document be fully executed prior to approval of the final plat for the townhouse units and contain the rights, responsibilities, and liabilities of the parties involved, and the liber and folio of that easement reflected on the final plat prior to recordation.

8. **Alternative Compliance**—The site is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Residential Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because it involves construction of new buildings on the subject property. The applicant has filed this request for Alternative Compliance from Section 4.6, Buffering Residential Development from Streets, along 33rd Street for a reduced width buffer, and from Section 4.7, Buffering Incompatible Uses, along the northern and western property lines for encroachments of paving within the landscape yard width and the proposed buildings into the required building setbacks, respectively.

REQUIRED: Section 4.6 Buffering Residential Development from 33rd Street

Length of bufferyard	23 feet
Landscape yard width	20 feet
Fence	4-foot high picket fence
Plant Materials	1 shade tree
	2 evergreen trees
	4 shrubs

PROVIDED: Section 4.6 Buffering Residential Development from 33rd Street

Length of bufferyard	23 feet
Landscape yard width	10 feet
Fence	4-foot high picket fence
Plant Materials	1 shade tree (street tree)
	1 ornamental tree
	6 shrubs

REQUIRED: 4.7 Buffering Incompatible Uses, along the northern property line, adjacent to single-family detached residential.

Length of bufferyard	100 feet
Minimum building setback	20 feet
Landscape yard	10 feet
Fence or wall	No
Percent with Existing Trees	0
Plant Units (40 per 100 l.f.)	40

PROVIDED: 4.7 Buffering Incompatible Uses, along the northern property line, adjacent to single-family detached residential.

Length of bufferyard	100 feet
Minimum building setback	20 feet
Landscape yard	2.5 feet
Fence or wall	No
Percent with Existing Trees	0
Plant Units (80 per 100 l.f.)	59

REQUIRED: 4.7 Buffering Incompatible Uses, along the western property line, adjacent to single-family detached.

Length of bufferyard	110 feet
Minimum building setback	20 feet
Landscape yard	10 feet
Fence or wall	No
Percent with Existing Trees	0
Plant Units (40 per 100 l.f.)	44

PROVIDED: 4.7 Buffering Incompatible Uses, along the western property line, adjacent to single-family detached.

Length of bufferyard	110 feet
Minimum building setback	10 feet
Landscape yard	10 feet
Fence or wall	No
Percent with Existing Trees	0
Plant Units (80 per 100 l.f.)	55

Justification of Recommendation

The applicant is requesting alternative compliance to Section 4.6, Buffering Residential Development from Streets, where 23 linear feet of rear yard is oriented along 33rd Street. Typically, a 20 foot wide buffer is required between the rear yard and the street. The applicant proposes to provide a ten foot wide buffer with a four foot high picket style fence. The Mount Rainier M-U-TC Development Plan sets forth fencing requirements on page 84, which states that "Walls and fences shall be a minimum of three feet to a maximum four feet in height." Given the compact space of the site, the applicant proposes to use a street tree towards the buffer requirement with one ornamental tree and six shrubs forming a hedge row along the rear yard and located within the subject lot, where one shade tree, two evergreen trees, and four shrubs would normally be required. Since the subject site is on a corner lot, the rear yard will be visible from a street regardless of orientation; however, the proposed townhomes are highly compatible with the surrounding residential properties and the owners provided letters in support of the proposed development. Due to these factors, the proposed alternative compliance measures are equally effective as normal compliance with Section 4.6 of the Landscape Manual along 33rd Street.

The applicant is requesting alternative compliance to Section 4.7, Buffering Incompatible Uses, along the northern property line, adjacent to existing single-family detached residential development. A Type A landscape buffer, inclusive of a 20-foot-wide building setback and a 10-foot-wide landscape yard, would normally be required to buffer the proposed single-family attached residential use from the adjacent property. An access drive to the rear garages of the townhomes is located along the northern property and a 2.5 foot high retaining wall encroaches into the required landscape yard. The remaining area for planting beyond the low wall is 2.5 feet

wide where the applicant proposes to provide 147 percent of the required plant material. Given that the adjacent property to the north has driveway access along the same property line and the owner has provided a letter in support of the proposed development, and that the proposed plant materials will provide a landscape buffer with plant quantities above that which is normally required between two properties, the proposed alternative compliance measures are equally effective as normal compliance with Section 4.7 of the Landscape Manual along the northern property line. However, the 2.5 feet in width is too narrow to support the planting of shade trees; therefore, the proposed 2.5-foot-high retaining wall should be relocated or removed such that there is a minimum of three feet for planting.

The applicant is also requesting alternative compliance to Section 4.7, Buffering Incompatible Uses, along the western property line, adjacent to existing single-family detached residential development. A Type A landscape buffer, inclusive of a 20-foot-wide building setback and a 10-foot-wide landscape yard, would normally be required to buffer the proposed single-family attached residential use from the adjacent property. The applicant is proposing to provide a 10-foot building setback and landscape yard with 125 percent of the required plant material. The proposed building height and building setbacks demonstrated by the applicant in supporting documents is not dissimilar to the surrounding community. The owner of the adjacent property to the west has also provided a letter in support of the proposed development. Given the compatibility of the existing surrounding community and the applicant's proposal to provide an excess of the required plant material, the proposed alternative compliance measures are equally effective as normal compliance with Section 4.7 of the Landscape Manual along the western property line.

Alternative Compliance for Section 4.6, along 33rd Street, and for Section 4.7, along the northern and western property lines, of the 2010 *Prince George's County Landscape Manual* is **APPROVED** with conditions, prior to signature approval.

9. **Environmental**—A Natural Resources Inventory Equivalency Letter (NRI-022-2015) and a Standard Letter of Exemption have been approved for the subject site. The project is subject to the environmental regulations of Subtitle 24 that came into effect on September 1, 2010 because the application is for a new PPS.

Based on the 2014 aerial photos, the approved NRI-EL, and a review of the additional information available on PGAtlas, there are no regulated environmental features that occur on the property. There are no wetlands or 100-year floodplain that occur on the property. The soils found to be present on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Service (NRCS), Web Soil Survey (WSS), include Christiana-Dower-Urban land complex and Russet-Christiana-Urban land complex. According to available information, Marlboro clay was not present within the property area. According to the Sensitive Species Project Review Area (SSPRA) map prepared by the Maryland Department of Natural Resources (MDNR), Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of the property. The property is in the Upper Anacostia watershed of the Potomac River. The site has frontage along Perry Street and 33rd Street. Neither of these roads are designated as

historic or scenic roadways. The site is within the Upper Anacostia watershed of the Potomac River basin and in Environmental Strategy Area 1 (ESA1), formerly the Developed Tier.

Master Plan Conformance

The subject property is within the Mount Rainier M-U-TC Development Plan. The development plan contains sustainable site design guidelines specific to stormwater management. These guidelines should be addressed during the review of developments within the plan area. The applicable language of the development plan is provided below in **bold** type, with comment:

Policy 6: Drainage swales, cisterns, rain gardens, and other devices should be used to capture slow water runoff.

Policy 7: Site grading, paving and planting should be done in a manner that minimizes off-site stormwater runoff.

Policy 9: Captured rainwater or building greywater should be used as an alternative to lawn irrigation systems. The use of potable water should be avoided in permanent irrigation systems.

The stormwater design will be reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The submitted illustrative plan indicates that permeable surfaces, green roofs, and cisterns will be used as part of stormwater management. Site grading, paving, and planting that minimizes off-site stormwater runoff should be incorporated into the design to the fullest extent possible.

Policy 8: Drought resistant or slow-growing hardy grasses, native plants, shrubs, ground covers, and trees should be used throughout the M-U-TC area.

The submitted illustrative plan indicates that drought-tolerant, regionally-significant, native plants will be used.

Conformance with the Countywide Green Infrastructure Plan

According to the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the site contains no regulated, evaluation, and network gap areas within the designated network of the plan. No further action is necessary for conformance with the Green Infrastructure Plan.

Environmental Review

The site has a previously approved NRI equivalency letter (NRI-022-2015). The project is exempt from the current provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site is less than 40,000 square feet and does not have a previously approved tree conservation plan. The site has been issued a Standard Letter of Exemption (S-020-15). The site contains no primary management area, as it contains no regulated environmental features. A stormwater management concept plan has been submitted; however, it is

not approved and no approval letter was included. The plan shows a green roof, bioretention, and swale. Prior to signature approval of the PPS, the approved stormwater management concept letter and plan shall be submitted.

10. **Stormwater Management**—DPIE is currently reviewing Stormwater Management Concept Plan 16368-2015-00, which has been filed, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding and that stormwater control is provided on-site, the approved concept plan and approval letter shall be submitted to staff prior to signature approval of the PPS. The concept plan shows the use of permeable surfaces, green roofs, and cisterns. Because of the small size of this subdivision and small number of lots proposed, approval of the stormwater concept plan is not required to review the proposed layout.

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection, and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to be implemented on individual properties or projects, and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans; County ordinances for stormwater management, 100-year floodplain, and woodland conservation; and programs implemented by DPIE; the Prince George's County Health Department; the Prince George's County Department of the Environment; the Prince George's Soil Conservation District; the M-NCPPC, Planning Department; and the Washington Suburban Sanitary Commission (WSSC) are also deemed to be consistent with this functional master plan.

11. **Parks and Recreation**—The proposed lots are unsuitable for mandatory dedication of parkland or private on-site recreational facilities. Therefore, in accordance with Section 24-134(a) of the Subdivision Regulations, payment of a fee-in-lieu of dedication for Lots 27 through 30 is recommended. The fee-in-lieu payment shall be paid in conjunction with approval of the final plat.
12. **Trails**—This PPS has been reviewed for conformance with Sections 24-123 and 24-124.01 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the 2010 Mount Rainier M-U-TC Development Plan in order to implement planned trails, bikeways, and pedestrian improvements. The proposed development is for less than five dwelling units. Therefore, it is not subject to the requirements of Section 24-124.01, "Transportation Review Guidelines, Part 2."

Conformance to the MPOT and Development Plan

The property is within the Mount Rainier M-U-TC Development Plan area. The plan contains site design standards and recommendations for bicycle and pedestrian facilities on major roads such as Baltimore Avenue (US 1) and 34th Street, but there are no specific bicycle or pedestrian recommendations for Perry Street or 33rd Street. Both streets contain existing sidewalks that are adequate for the proposed use.

13. **Transportation**—The findings outlined below are based upon a review of materials and analyses consistent with the “Transportation Review Guidelines, Part 1” (Guidelines).

The applicant is proposing to create four townhouse lots. There are no existing structures on the site. The subject property is located within Transportation Service Area 1 (TSA 1), as defined in Plan Prince George’s 2035. Pursuant to provisions in the Guidelines, the Planning Board may find that the traffic impact of small developments is de minimus. A de minimus development is defined as one that generates five trips or fewer in any peak period. The four new residences are expected to generate 3 AM and 3 PM peak hour trips. Therefore, the proposal is considered de minimus. A trip cap that includes the four proposed residences (3 AM and 3 PM peak-hour vehicle trips) is recommended.

There are no master plan roadways adjacent to the site. The site is within the Mount Rainier M-U-TC Development Plan. Perry Street and 33rd Street are both shown correctly with a 50-foot right-of-way and existing dedication of 25 feet from their centerlines. No further right-of-way dedication is required. Access to the proposed townhouses will be from 33rd Street via a shared vehicular access easement (Section 24-128(b)(9)) located behind the townhouses. Four separate garages are shown on the site plan. The proposed on-site circulation is acceptable.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations, with conditions.

14. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George’s County Council Resolution CR-23-2003, and concluded the following:

Impact on Affected Public School Clusters
SF Attached Units

Affected School Clusters #	Elementary School 2 Cluster	Middle School 2 Cluster	High School 2 Cluster
Dwelling Units	4 DU	4 DU	4 DU
Pupil Yield Factor	.145	.076	.108
Subdivision	1	0	0
Actual Enrollment	20,414	4,349	8,318
Total Enrollment	20,415	4,349	8,318
State Rated Capacity	17,570	4,334	8,125
Percent Capacity	116%	100%	102%

Prince George’s 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. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$9,017 and \$ 15,458, to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a quarter mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State Marc Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the County urban centers and corridors as defined in Section 27A-106 of the Prince George's County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within a quarter mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

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.

15. **Fire and Rescue**—The PPS has been reviewed for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Bunker Hill Fire/EMS, Company 855. This first due response station located at 3716 Rhode Island Avenue is within the maximum seven-minute travel time for residential land uses.

Capital Improvement Program (CIP)

There are no Prince George's County CIP projects for public safety facilities proposed in the vicinity of the subject site.

16. **Police Facilities**—The subject property is located in Police District I, Hyattsville. 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 PPS was accepted for processing by the Planning Department on July 7, 2015.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date	6/2015-5/2014	6 minutes	12 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based upon police response times, the response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on July 16, 2015.

17. **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 part of this property in water and sewer Category 3, Community System. The site will therefore be served by public water and sewer service. The site is located in Sustainable Growth Tier 1.
18. **Health Department**—The Prince George’s County Health Department has evaluated the PPS and recommends that the applicant remove any trash debris from the site at the time of grading permits.
19. **Public Utility Easements**—In accordance with Section 24-122(a) of the Subdivision Regulations, when public utility easements (PUEs) are required by a public utility company, the subdivider should include the following statement 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 PPS correctly delineates a ten-foot-wide PUE along the public rights-of-way as required, which will be reflected on the final plat prior to approval.

20. **Historic**—The subject property is located in the Mount Rainier National Register Historic District. National Register Historic Districts are not regulated by the Subtitle 29, the Prince George’s County Historic Preservation Ordinance, of the County Code. However, General Note 25 should be revised to state that the subject property is in the Mount Rainier National Register Historic District (68-013-00). The subject property is not a Prince George’s County historic site or resource and is not located adjacent to any historic sites or resources. The North Brentwood National Register Historic District (68-061) is located north and west of the subject property. According to the tax records, the improvements once located on the subject property were razed in August 2004.

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. This proposal will not impact any historic sites, historic resources, or known archeological sites.

21. **Use Conversion**—This PPS was analyzed based on the proposal for residential development. The analysis includes access, noise, mandatory dedication, and views of the property, specifically relating to the residential land use proposed with this application. While the subject application is not proposing any nonresidential development, if such a land use were proposed, a new PPS will be required.

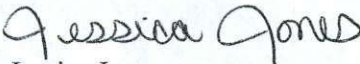
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey, Washington, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 1, 2015, in Upper Marlboro, Maryland.

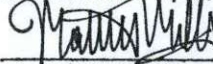
Adopted by the Prince George's County Planning Board this 29th day of October 2015.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:WM:ydw

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPG Legal Department
Date 10/14/15