

R E S O L U T I O N

WHEREAS, Alfred J. Atobelli is the owner of a .55-acre parcel of land known as Berwyn, Addition to (Lots 49-51, Block 11), said property being in the 21st Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on September 30, 1999, Mark Altobelli, et al., filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-99054, 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 March 2, 2000, 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 March 2, 2000, 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 Plat of Subdivision 4-99054 with the following conditions:

1. Prior to signature approval of the preliminary plat, the applicant shall receive approval of all necessary variances from the City of College Park. If variances are denied, final plats will not be approved and may not be processed.
2. Prior to signature approval of the preliminary plat, a stormwater concept plan shall be approved by the Department of Environmental Resources and the preliminary plat shall be revised to include the number and approval date of the approved stormwater concept plan. Development of this site shall be in accordance with the approved stormwater concept plan.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located at the southeast corner of the 48th Avenue/Pontiac Street

intersection in the City of College Park.

3. This site is not subject to the provisions of the Woodland Conservation Ordinances because the site is less than 40,000 square feet and does not have a previously approved Tree Conservation Plan. A Tree Conservation Plan is not required.

There are no wetlands, streams, or floodplain on this site. The principal soils are in the Sunnyside-Urban Land Complex. These pose no special problems for development. There are no noise impacts associated with this proposal. There are no designated Historic or Scenic roads associated with this proposal.

There are no other environmental issues associated with this property.

4. The property is found in Planning Area 66/College Park-University Park. The *1989 Approved Langley Park-College Park-Greenbelt Master Plan* recommends that the subject property be developed for single-family detached residential uses in the A Medium Suburban@ density of a maximum of 6.7 dwelling units per acre. The *1990 Adopted Langley Park-College Park-Greenbelt Sectional Map Amendment* (Planning Areas 65, 66 and 67) retained the subject in the R-55 Zone. The proposed resubdivision of the site into three lots raises no master plan issues.
5. The proposal is subject to the requirements of Section 24-134(a) of the Prince George's County Subdivision Regulations for mandatory park dedication because the proposed lots are less than one acre in size, the property is in a residential zone, and the previous subdivision occurred prior to this requirement. However, proposed Lots 49 and 50 contain existing homes; one new dwelling may be located on proposed Lot 51. Since the property is unsuitable for parkland due to its size and location, staff recommends the applicant be required to pay a fee-in-lieu of park dedication, for Lot 51 only, at the time of final plat approval.
6. There are no master plan trails issues associated with application.
7. The proposed subdivision presents no impact on master plan roadways. Both 48th Avenue and Pontiac Street are existing 30-foot right-of-way streets maintained by the City of College Park.

The proposed additional development (one additional lot created for a third single-family detached home) would generate 1 AM and 1PM peak hour vehicle trip as determined by the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (*Guidelines*). The traffic generated by the proposed subdivision would impact the intersection of US 1 and Pontiac Street.

Given the configuration of the existing US 1/Pontiac Street intersection, staff believes that the development generating one trip in any peak hour would not have a calculable

impact on the intersection. A type and quantity of development generating no more than one trip in either peak hour could be approved with no need for further analysis of the intersection.

Given this discussion, staff believes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Subdivision Regulations if this application is approved.

8. The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised August 1999) (CR-4-1998) concluded that the proposed subdivision is exempt from the Adequate Public Facilities test for schools because it contains fewer than 36 dwelling units and located in a Revitalization Tax District.
9. The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities. Fire engine, ambulance and paramedic service will be provided to this site from the College Park Fire Station, Company 12, located at 8115 Baltimore Avenue. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for engine, ambulance and medic service. With a service response time of 0.62 minutes:
 - a. The existing fire engine service at College Park Fire Station, Company 12, is within the 5.25 minutes response time guideline.
 - b. The existing ambulance service at College Park Fire Station, Company 12, is within the 6.25 minutes response time guideline.
 - c. The existing paramedic service at College Park Fire Station, Company 12, is within the 7.25 minutes response time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

10. The proposed development is within the District I-Hyattsville service area. In accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County police facilities will be adequate to serve the proposed Addition to Berwyn development. This police facility will adequately serve the population generated by the proposed subdivision.
11. The Prince George's County Health Department has reviewed the application and offered no comments.

12. The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan has been submitted but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plat. Development must be in accordance with this approved plan.
13. Several variances are required to allow this development, all involving existing structures. Proposed side yards are inadequate for the existing structure on proposed Lot 50. Since this property is within the City of College Park, the City has final authority on variance cases. Staff believes the variances are warranted given the unique nature of this application, but the required findings will need to be made ultimately by the College Park City Council. The variance requests were DENIED by the College Park Advisory Planning Commission (APC). The College Park APC denied the variances upon making the following findings contained in the resolution (February 18, 2000):

AThe property does not exhibit any exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions.

AThe applicant has not provided any testimony with regard to any unusual practical difficulties or exceptional or undue hardship upon the property owner, resulting from the strict application of the County=s Zoning Ordinance.

AGranting of the variance would not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan as the conditions of the subject property are existing.@

This decision on the variances is appealable to the College Park City Council. Given the unique situation this application presents, the variances may be approvable. The seven-foot setbacks in question are legal given the age of this subdivision. They are required only to create new lots, and the new lot lines being created do not affect the lot lines subject to the variance. This is unique. The requested variances will not affect new development. Approval of this subdivision allows the applicant to pursue the variance issue with the City of College Park. The applicant is aware that if the City ultimately denies the variances, a final plat will not be approved.

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

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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 McNeill, seconded by Commissioner Brown, with Commissioners McNeill, Brown, Boone and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 2, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of March 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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