

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-00036  
Jaeger Property, Parcel ■E•

OVERVIEW

The subject property consists of 3.74± acres of land in the R-30 Zone. It is currently identified as p/o Parcel ■A,• Jaeger Property Subdivision, recorded by record plat WWW 56 @ 68. The subject application proposes to create one parcel for the construction of 37 multifamily dwelling units. Multifamily dwellings are permitted in the R-30 Zone subject to bedroom percentages listed in the Zoning Ordinance. A Detailed Site Plan, in accordance with Part 3, Division 9 of the Zoning Ordinance is also required.

While the property fronts Kenilworth Avenue, access is proposed by an easement over the adjoining Westchester Park property. As discussed later in this report, this easement is recorded in the Land Records, and the applicant has right to use it. Access to Kenilworth Avenue (MD 210) should be denied for safety reasons.

SETTING

The subject property is located within the Westchester Park Condominium Community on the east side of Kenilworth Avenue, approximately 1,300 feet south of its intersection with Greenbelt Road. It is generally surrounded by the Westchester Park Development. Townhouses in the R-30 Zone are to the south, multifamily dwellings are to the east in the R-10 Zone, and Greenbelt National Park abuts the property to the north. Across Kenilworth Avenue to the west are single-family homes in the R-55 Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental Issues and Variation Request - The Environmental Planning Section has reviewed additional information, and revised plans submitted for the above project, and offers the following comments:

Staff requested the applicant to prepare a Phase I Noise Study to analyze noise impacts from Kenilworth Avenue. A noise study prepared by Staiano Engineering Inc., dated August 10, 2000, was submitted which evaluated these noise impacts. The study indicates that noise mitigation will be necessary to reach acceptable noise levels.

The applicant submitted a Type I Tree Conservation Plan that was deemed by staff to be deficient. Staff requested a revised Tree Conservation Plan that met minimum requirements. A revised Tree Conservation Plan, TCP I/25/00, has been submitted and reviewed. The TCP now clearly shows which areas are set aside for woodland conservation, and indicates their acreage. The TCP I indicates the location of the single specimen tree identified on-site, and provides a table indicating its species, size, condition, and proposed disposition. The minimum requirement

for this site is 0.75 acres (20 % of the Net Tract); an additional 0.07 acres is required to replace woodland cleared; for a total requirement of .82 acres. The applicant has proposed to meet this requirement with 0.79 acres of on-site preservation and 0.03 acres of on-site reforestation/afforestation.

The property is in Water and Sewer Category 3 and will be served by public systems. There are no other significant environmental issues at this time.

2. Community Planning - The 1989 *Approved Langley Park-College Park-Greenbelt Master Plan* recommends that the subject property for development with multifamily residential uses at ■Urban density with a maximum of 12.0 dwelling units per acre. The 1990 *Adopted Langley Park-College Park-Greenbelt Sectional Map Amendment* (Planning Areas 65, 66 and 67) retained the existing R-30 Zone for the subject property. The proposed subdivision of the site for the development of multifamily dwellings will not impede the goals, concepts and guidelines of the Master Plan.
3. Parks and Recreation - The property is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. In accordance with the Regulations, the applicant proposes to provide on-site recreation facilities in lieu of dedication. These on-site facilities will be determined at the Detailed Site Plan stage.
4. Trails - The *Approved Langley Park-College Park-Greenbelt and Vicinity Master Plan* designates Kenilworth Avenue (MD 201) as a Class III bikeway with appropriate signage. Because Kenilworth Avenue is a State right-of-way, the applicant, and the applicant may be required to provide for the installation of one "Share the Road with a Bike" sign in accordance with State requirements. However, prior to installation of the sign, the State Highway Administration (SHA) will review the proposed location to ensure that it is acceptable, and may decline to use the property's frontage for placement of a sign. In this event, no sign will be required. Should a sign be required, the applicant would purchase the sign from the State and install it in accordance with the State's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities.
5. Transportation - The proposed development of 37 multifamily dwelling units would generate 19 (4 in; 15 out) AM and 22 (14 in; 8 out) PM peak hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*. The traffic generated by the proposed preliminary plan would impact the intersection of MD 201 at Pontiac Street and Westchester Park Drive. This intersection is not programmed for improvement with 100% construction funding within the next six years in the current Maryland Department of Transportation *Consolidated Transportation Program* or the Prince George's County *Capital Improvement Program*.

The Prince George's County Planning Board, in the *Guidelines*, has defined level of service ■D (LOS D) as the lowest acceptable operating condition on the transportation system. The MD 201/Westchester Park Drive intersection, when analyzed with existing traffic operates at level-of-service ■A during the AM peak hour and level-of-service ■C during the PM peak hour. When the proposed site-generated trips are added to the existing traffic volumes, the intersection level-of-service remained at level-of-service ■A during the AM peak and level-of-service ■C during the PM peak hour as developed using the *Guidelines*

Based on the foregoing discussion, the Countywide Planning Division concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

6. Schools - 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 July 2000) (CR-4-1998) and concluded the following:

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5- Year Enrollment	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Percentage of Capacity
Oakcrest Elementary School	37 MFD	0.23	8.51	591	0	599.51	494	121.36%
Greenbelt Middle school	37 MFD	0.05	1.85	747	0	748.85	802	93.37%
Parkdale High School	37 MFD	0.10	3.70	1896	0	1899.70	2007	94.65%

Source: Prince George's County Planning Department, M-NCPPC, July 2000

Since the affected **Oakcrest Elementary School** projected percentage of capacities is greater than 105%, the Adequate Public Facilities fee is **\$2070.00** per dwelling unit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

7. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following.
- The existing fire engine service at Branchville Fire Station, Company 11 located at 4905 Branchville Road, has a service response time of 4.45 minutes, which is beyond the 3.25 minutes response time guideline.
  - The existing ambulance service at Berwyn Heights Fire Station, Company 14 located at 8811 60<sup>th</sup> Avenue, has a service response time of 1.90 minutes, which is within the 4.25 minutes response time guideline.
  - The existing paramedic service at College Park Fire Station, Company 12 located at 8115 Baltimore Avenue, has a service response time of 6.62 minutes, which is within the 7.25 minutes response time guideline.

- d. The existing ladder truck service at Berwyn Heights Fire Station, Company 14, has a service response time of 1.90 minutes, which is within the 4.25 minutes response time guideline.

The above 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*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all residential structures be fully sprinkled in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County Laws. An automatic fire suppression system is required in all multifamily structures; therefore, no condition is necessary.

8. Police Facilities - The proposed development is within the service area for Police District II-Hyattsville. In accordance with Section 24-122.1 (c) (1) (A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County's police facilities will be adequate to serve the proposed Jaeger Property development. This police facility will adequately serve the population generated by the proposed subdivision.
9. Health Department - The Health Department reviewed the application and offered several comments. There is a well, a pump pit, and in all likelihood an abandoned septic system on the property. These need to be backfilled, pumped and sealed prior to final plat approval. There is also a rubble pile on the property which must be removed prior approval of the final plat. The applicant should also be aware that a raze permit will be required prior to demolition of the existing structure on the property and any hazardous materials will need to be identified and disposed of properly. The applicant will need to contact PEPCO prior to removal or any work near the existing transformer on site.
10. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8318689-2000, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through August 3, 2003. Development must be in accordance with this approved plan.
11. Public Utility Easement - The required 10-foot Public Utility Easement is shown on the preliminary plat. This easement will be included on the final plat.
12. Access - The property has frontage on Kenilworth Avenue. However, this street is an arterial roadway and there should be no direct access to it to minimize potential traffic safety problems. The property is included in an easement agreement which allows development on Parcels ■A, • ■B, • ■C, • and ■D. of the Jaeger Property subdivision, recorded in record plat WWW 56 @ 68, to use an internal access easement. The easement is recorded in the Land Records, Liber 4414, Folio 937. This easement connects the subject property to Westchester Park Drive. A note should be placed on the final plat that direct access to

Kenilworth Avenue is denied and that access is gained by an easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations.

#### RECOMMENDATION

APPROVAL, subject to the following conditions:

1. A Phase II Noise Study shall be submitted for this site, prior to Detailed Site Plan, for the proposed residential structures. The Noise Study shall address appropriate mitigation measures to achieve acceptable interior and exterior noise levels on this site, based on the Phase I study prepared by Staiano Engineering, Inc. for Westchester Park dated August 10, 2000.
2. Prior to building permits, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section prior to building permits, indicating that the design and construction of building shells will attenuate noise to interior noise level of 45 dBA (Ldn) or less; and exterior active yard areas will have a noise level of 65 dBA (Ldn) or less.
3. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCP I/25/00). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/25/00), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."
4. A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan.
5. Prior to the issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assigns shall provide the installation of one "Share the Road with a Bike" sign in accordance with State requirements, and upon State approval, along Kenilworth Avenue. If the State declines the sign, this condition shall be void.
6. The applicant, his heirs, successors and/or assigns shall provide adequate, private recreational facilities on the property in accordance with the *Parks and Recreation Facilities Guidelines*, subject to the following:
  - a. 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.
  - b. The land to be used for on-site private recreational facilities shall not suffer the

- disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
- c. Storm drain outfalls shall be designed to avoid adverse impacts on land to be used for recreational facilities. The location and design of drainage outfalls that adequate impact property to be used for recreational facilities, shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - d. Temporary or permanent use of land to be used for recreational facilities or stormwater management shall be approved by DRD.
  - e. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the recreational facilities.
  - f. Any disturbance to the land to be used for recreational facilities shall be in accordance with an approved Detailed Site Plan or shall require the written consent of the 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 storm drain 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.
  - g. Submission of three original, executed Recreational Facilities Agreements (RFA) to the DRD for approval, three weeks prior to the submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the Land Records of Prince George's County.
  - h. The private recreational facilities shall be reviewed for proper siting at the time of Detailed Site Plan Review.
  - i. The applicant, his heirs, successors and/or assigns shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to issuance of building permits, for the construction of adequate on-site recreational facilities.
- 7. A note shall be placed on the final plat stating that direct access to Kenilworth Avenue is denied and that access is gained by an easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
  - 8. Prior to the issuance of a building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$2,070.00 per dwelling unit for the elementary school, unless fully offset by a school facility surcharge payment. Any amount not offset shall be placed in an account to relieve overcrowding at Oakcrest Elementary School.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN, TCP I/25/00.