



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-04213

Application	General Data
Project Name: COLLEGE HEIGHTS WEST Location: North of terminus of Windsor Lane, Lovell Drive and Commander Drive, approximately 500 feet north of Wells Parkway. Applicant/Address: Kenneth H. Michael 4640 Forbes Boulevard, Suite #300 Lanham, MD. 20706	Date Accepted: 01/18/05
	Planning Board Action Limit: 03/28/05
	Plan Acreage: 10.49
	Zone: R-55
	Lots: 23
	Parcels: 1
	Outlots: 3
	Election District: 21
	Planning Area: 66
	Tier: Developed
	Council District: 03
	Municipality: College Park
	200-Scale Base Map: 209NE03

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) <div>12/10/04</div>
	Sign(s) Posted on Site: <div>01/24/05</div>

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-04213
College Heights West, Lots 1-23, Parcel A & Outlots A-C

OVERVIEW

The site contains approximately 10.49 acres of land in the R-55 Zone. It is a combination of three deed parcels (Parcels 123, 70 and Part of 43, Tax Map 33, Grid A-3). The applicant is proposing to subdivide the site into 23 lots, 1 parcel and 3 outlots. Access to each of the lots will be from driveways connecting to an extension of Commander Drive, with the exception of Lot 22, which is shown with a driveway from the end of Windsor Lane. Parcel A is shown to be dedicated to public use as "part of right-of-way for road access" (presumably to Parcel 42 to the north), while the disposition of Outlots A-C are not shown, although conveyance to adjoining property owners has been discussed as a possibility.

The preliminary subdivision application proposes 23 lots for single-family residential development on 10.49 acres, which includes approximately 5.599 acres owned by the State of Maryland. This proposal is a resubmitted prior application and combines two former lots into a single lot and creates three new outlots.

Section 27-113 of the Zoning Ordinance states, "Any land which is conveyed in fee simple...by the State of Maryland shall immediately be placed in the Reserved Open Space (R-O-S) Zone until a Zoning Map Amendment for the land has been approved by the District Council." If the proposed lots currently owned by the state are to be sold to future homeowners, the property should be rezoned to the R-55 Zone through a zoning map amendment prior to final plat.

SETTING

The site is located at the northern terminus of Windsor Lane, Lovell Drive, and Commander Drive, approximately 500 feet north of Wells Parkway. The site is undeveloped and predominately wooded. The surrounding properties are zoned R-55 and are developed with single-family residences to the south and southwest (College Heights Subdivision), a church to the northwest, and undeveloped land to the north, northeast and east.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-55	R-55
Uses	Vacant	Single-Family Residences
Acreage	10.49	10.49
Lots	0	23
Parcels	3	1
Outlots	0	3
Dwelling Units	0	23

2. **Environmental**—The Environmental Planning Section has reviewed the above-referenced Preliminary Plan of Subdivision, 4-04213, stamped as received by the Environmental Planning Section on January 20, 2005. On January 26, 2005, a jurisdictional determination was submitted for review; however, an approved forest conservation plan previously requested, first in a memo dated July 20, 2004, with the previous application, and more recently in a letter dated January 18, 2005, from the Maryland Department of Natural Resources, is still missing. The plans as submitted have been found to require additional information and/or revisions. Complete comments cannot be provided until revised plans and the requested information have been submitted.

Background

The Environmental Planning Section originally reviewed the subject property as a preliminary plan of subdivision, 4-04107. A portion of the property is currently owned by the University of Maryland. The state has decided to take jurisdiction for review of this case, so a forest conservation plan is required. The submittal was eventually withdrawn awaiting an approved forest conservation plan from the state. The current preliminary plan proposes the subdivision of an existing parcel totaling 10.49 acres into 23 individual lots in the R-55 zone.

Site Description

The subject property is located north of the ends of Windsor Lane, Lovell Drive, and Commander Drive, approximately 500 feet north of Wells Parkway. The surrounding properties are residentially zoned. The site is characterized by terrain sloping toward unnamed tributaries of the Brier Ditch Creek watershed, which traverse the subject property in the Anacostia River basin. A review of the available information indicates that there are areas of severe slopes and some areas of steep slopes on highly erodible soils on the site. There are streams, Waters of the US, wetlands, and 100-year floodplain. There are no Marlboro clays found on the site. There are no noise issues associated with the current proposal. The soils found to occur on the site, according to the Prince George's County Soil Survey are Bibb, Fallingston, Matawan, Beltsville, Keyport, and Sunnyside. These soil types generally exhibit slight to moderate limitations to development due to steep slopes, seasonally high water table, poor stability, perched water table, and impeded drainage. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property. This property is located in the Developed Tier as delineated on the adopted General Plan.

Environmental Review

Note: As revisions are made to the submitted plans, the revision box on each sheet should be used to describe in detail the revisions made, when, and by whom. In the case of the forest stand delineation and tree conservation plans, the sheet should also be signed and dated by the qualified professional preparing the plans.

Woodland Conservation

A forest stand delineation (FSD) has been submitted for this proposal, and was generally found to address the requirements for detailed FSD but requires additional information and minor revisions. The FSD text and plan failed to identify all steep slopes on-site, slopes from 15 to 25 percent shown have not been limited to those on highly erodible soils, the tree line and the stand boundaries conflict, and the FSD contains buffer boundaries that are not appropriate on an FSD. A correct FSD is necessary in order for staff to review the environmental elements of the site.

Required Revisions: The FSD should be revised as follows:

- a. Revise the legend to state that slopes between 15 and 25 percent are those on highly erodible soils only or revise the plan to address this.
- b. Revise the tree lines to be coterminous.
- c. Remove from the plan buffer boundaries not appropriate on an FSD.
- d. Revise the coverage of the FSD plan and text to include all legal parcels that exist today.
- e. Have the revised plan signed and dated by the qualified professional who prepared the plan.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. However, the Department of Natural Resources chooses to take jurisdiction over the subject property because it is owned by the state. A Type I tree conservation plan or an approved forest conservation plan were not submitted with the review package. It is the responsibility of the applicant to submit to the state Forest Conservation Program, a plan for review and approval. An approved forest conservation plan is required to proceed with the review of the preliminary plan.

Streams, Floodplain, Wetlands

The Subdivision Ordinance requires the preservation of the expanded stream buffer in a natural state (Section 24-130(b)(6) and (7) unless the Planning Board approves a variation request. The plans as submitted identified two wetland areas with their respective buffers. In addition, the source of the 100-year floodplain has yet to be provided. A 100-yr-floodplain study is needed to determine the amount of woodland that can be deducted.

The preliminary plan as submitted proposes impacts to the expanded buffer. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as public utility lines (including sewer and

stormwater outfalls), street crossings, and so forth, that are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, that do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Ordinance.

Variation Requests – Section 24-130

The variation requests submitted for review on January 20, 2005, meet the minimum submission requirements. This application proposes four separate individual impacts to the expanded stream buffer. The variation request submitted identifies individual impact areas and provided written justifications for the four encroachments collectively. The impact areas are shown on the plan and identified as impacts 1, 2, 3 and 5.

The variation request did not include several areas that are not shown as impacts currently on the plans but that will become impacts when the final grading has been designed for the prospective lots and when the provisions of the Woodland Conservation Ordinance are applied. For example, Lots 14, 15, 20, 21, and 22 are shown with conceptual limits of disturbance that do not allow sufficient space between the units and the expanded buffer. The conceptual design of these lots must be revised. Staff will not recommend impacts for approval that are strictly for the clearing and grading necessary to provide useable rear yard areas and space for construction.

Impact Areas: Outfalls 1, 2, 3, and 5.

The four impact areas are located north of the proposed development within the expanded stream buffer, which traverses the subject property east to west. The four proposed buffer impacts are a result of proposed stormdrain outfalls and total 2,905 square feet. Staff supports these requests for impacts because they have been minimized and are for necessary outfall construction.

The following is an analysis of the variations requested. The text in bold represents the text from the Zoning Ordinance.

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The variations requested are for impacts to the expanded stream buffer. A stream traverses the subject property into which it drains. The approval of these impacts will not create conditions detrimental to the public safety, health, or welfare, or injurious to other property; and will provide the necessary utilities and structures to protect public safety, health and welfare.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The conditions of the property are unique with respect to the placement of the existing stream and the expanded buffer and the required placement of the necessary stormdrain outfalls. The stream traverses the middle of the property and is the appropriate avenue for stormwater discharge.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

No other variances, departures, or waivers are required with respect to stormwater discharge. All appropriate federal and state permits must be obtained before the construction can proceed. Because there are state permitting processes to review the proposed impacts to nontidal wetlands, wetland buffers and Waters of the U.S., the construction proposed does not constitute a violation.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

Due to the configuration of this site, the location of the stream and the 100-year floodplain, and the fact that no other reasonable options are possible which would further reduce or eliminate the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variations.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The proposed development will utilize these public systems.

3. **Community Planning**—The property is in Planning Area 66 /College Park. The 2002 General Plan places the property in 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 application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* recommends approximately 30 percent of the site for medium-suburban residential use. The balance is recommended for public or quasi-public use. This application conforms to the master plan recommendation.
4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Department of Parks and Recreation recommends that the applicant provide private on-site recreational facilities to serve the community. The Zoning Ordinance requires a limited detailed site plan for the review of private recreational facilities to determine conformance to the *Parks and Recreational Facilities Guidelines*. The applicant is proposing a fee-in-lieu of providing on-site facilities.
5. **Trails**—There are no master plan trail issues identified in the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity*. The roads adjacent to and leading to the site (Windsor, Lovell, and Commander) have no sidewalks.
6. **Transportation**—The applicant's proposed development would generate fewer than 50 trips in any peak hour hence a traffic study was not required. That applicant—at staff's request—did

however, provide an AM and PM peak-hour turning movement traffic count at the intersection of Adelphi Road and Wells Parkway. The findings and recommendations outlined below are based upon a review of these data and analyses conducted by staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

Growth Policy—Service Level Standards

The subject property is located within the Developed Tier, as defined in the 2002 General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the Guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The critical intersection on which the proposed development would have an impact would be: Adelphi Road/Wells Parkway (signalized). The most recent traffic analysis of that intersection revealed that the intersection operated with a critical lane volume/level-of-service (CLV/LOS) of 993/A during the AM peak hour, and 1051/B during the PM peak hour. Based on trip generation rates from “The Guidelines for the Analysis of the Traffic Impact of Development Proposals,” a 23-lot single-family dwelling unit development would generate 17 (3 in, 14 out) AM peak-hour trips and 21 (14 in, 7 out) PM peak-hour trips. Staff found no background development that would significantly impact the subject intersection. Because the counts were done during the summer, staff applied a seasonal adjustment factor of six percent and four percent to the AM and PM peak-hour volumes, pursuant to the Guidelines. In order to determine the results under total traffic conditions, the new trips along with adjusted existing traffic volumes were analyzed. The results showed a CLV/LOS of 1,055/B during the AM peak hour, and 1,104/B during the PM peak hour.

Site Plan Comments

Regarding the site access and overall circulation, staff has no issues.

The University of Maryland, by letter dated January 5, 2005, has addressed the lack of access being provided to the remainder of Parcel 42. It states that alternative access through the provision of a 50-foot-wide easement across land east of its property is being pursued and will be sufficient for its access needs. In addition, the Department of Public Works and Transportation, by memo dated January 25, 2005, have approved the 90-degree bend proposed in new Commander Drive but are requiring a cul-de-sac be constructed at the end of Windsor Lane.

Transportation Staff Conclusions and Recommendations

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	24 sfd	24 sfd	24 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.76	1.44	2.88
Actual Enrollment	36,236	10,786	16,960
Completion Enrollment	268.56	67.50	135.60
Cumulative Enrollment	61.20	15.30	30.60
Total Enrollment	36,618.52	10,870.24	17,129.08
State-Rated Capacity	39,607	10,375	14,191
Percent Capacity	92.45	104.77	120.70

Source: Prince George's County Planning Department, M-NCPPC, December 2004

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the school facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Prince George's County Council adopted CB-89-2004 on November 16, 2004, amending the test for adequate public facilities for preliminary plans and establishing a new test for public safety facilities based on average response times across a defined geographic area. The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision for adequacy of fire and rescues services in accordance with CB-89-2004, Section 24-122.01(c) through (e) of the Subdivision Regulations.

The Prince George's County Department of Fire and Rescue Services has determined that this preliminary plan is located in Fire Box number 1-21. The twelve-month average response times are:

Engine: 6.32 minutes, which is above the required 6.00-minute response time in areas outside the Rural Tier.

Basic Life Support (Ambulance): 7.48 minutes, which is above the required 6.00-minute response time in areas outside the Rural Tier.

Advanced Life Support (Paramedic): 10.07 minutes, which is above the required 10.00-minute response time in areas outside the Rural Tier.

The Fire Chief reported that the current staff complement of the Fire Department is 95percent, which is within the standard of CB-89-2004.

The Fire Chief has reported by letter, dated December 17, 2004, that the department has adequate equipment to meet the standards stated in CB-89-2004.

In accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Subdivision Regulations, as modified by CB-89-2004, this application cannot be approved due to inadequacy of fire and rescue facilities.

9. **Police Facilities**—The Prince George's County Council adopted CB-89-2004 on November 16, 2004, amending the test for adequate public facilities for preliminary plans and establishing a new test for public safety facilities based on average response times. The Prince George's County Planning Department has determined that this preliminary plan is located in District I. The Prince George's County Police Department report that the average yearly response times for that District are:

23.39 minutes for non-emergency calls, which meets the standard of 25.00-minutes.

11.15 minutes for emergency calls, which does not meet the standard of 10.00-minutes for emergency calls.

The Police Chief reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the Academy, for a total of 1,345 personnel, which is within the standard of 90 percent of authorized strength (1,278 officers).

In accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Subdivision Regulations, as modified by CB-89-2004, this application cannot be approved due to inadequacy of police facilities.

10. **Health Department**—The Health Department had no comments on this application.
11. **Stormwater Management**—The Department of Environmental Resources Development Service Division, has determined that on-site stormwater management is required. A stormwater management concept plan (29847-2003-00) has been approved. To ensure that development of this site does not result in on-site or downstream flooding, development must be in accordance with this approved plan or any approved revision thereto.

12. **Cemeteries**—There are no known cemeteries on the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law. The Historic Preservation Section (M-NCPPC) did not recommend a Phase I archeological survey.
13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.

RECOMMENDATION

DISAPPROVAL, due to inadequacy of public safety facilities and unresolved environmental issues, including the lack of a Type I tree conservation plan.