



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2021-60

File No. 4-20023

R E S O L U T I O N

WHEREAS, West Holdings, LLC is the owner of a 0.76 -acre parcel of land known as Parcel 181, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned Residential (R-35); and

WHEREAS, on March 3, 2021, West Holdings, LLC filed an application for approval of a Preliminary Plan of Subdivision for 8 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-20023 for Addition to Deer Park Heights 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 May 6, 2021, 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 May 6, 2021, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-20023 for 8 lots with the following conditions:

1. Prior to approval of the final plat of subdivision, in accordance with Section 24-135 of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee-in-lieu payment for mandatory parkland dedication.
2. Any nonresidential development on the subject property shall require approval of a new preliminary plan of subdivision, prior to issuance of any permits.
3. Development of the site shall be in conformance with the approved Stormwater Management Concept Plan (37237-2020-00) and any subsequent revisions.
4. Prior to approval of a final plat, the final plat shall include the grant of 10-foot-wide public utility easements along the public rights-of-way.
5. Total development within the subject property shall be limited to uses which generate no more than 6 AM peak-hour trips and 6 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require approval of a new preliminary plan of

subdivision, with a new determination of the adequacy of transportation facilities, prior to issuance of any 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 in the northeast quadrant of the intersection of Deer Park Drive and Akron Street and abuts four streets: Akron Street, Deer Park Drive, Culver Street, and Beaumont Street. As a result, the site is flanked by three intersections: Beaumont Street and Akron Street, Akron Street and Deer Park Drive, and Deer Park Drive and Culver Street. The property consists of 2 outlots and 1 parcel; Outlot A, which is recorded in Plat Book WWW 22 Page 64; Outlot B, which is recorded in Plat Book WWW 23 Page 37; and Parcel 181, which is recorded in Liber 43551 at folio 125. The site is located within the One-Family Semidetached, and Two-Family Detached, Residential (R-35) Zone, and is subject to the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)* (The Heights and Vicinity Master Plan and SMA). This preliminary plan of subdivision (PPS) includes 8 lots for development of 8 single-family semidetached dwellings. The site is currently vacant and undeveloped. The proposed development is subject to a PPS, in accordance with Section 24-107 of the Prince George's County Subdivision Regulations.
3. **Setting**—The property is located on Tax Map 88 in Grids A4 in Planning Area 76A, and is zoned R-35. The abutting properties to the east, as well as the surrounding properties to the north and west, share the same zone, and are all improved with semidetached dwellings. The adjacent properties to the south, beyond Deer Park Drive, are single-family detached dwellings located within the One-Family Detached Residential (R-55) zone.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	R-35	R-35
Use(s)	Vacant	Residential
Acreage	0.76	0.76
Lots	0	8
Outlots	2	0
Parcels	1	0
Dwelling Units	0	8
Gross Floor Area	N/A	N/A
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee meeting on March 19, 2021.

5. **Previous Approvals**—The subject site includes two outlots that are the subject of final plats of subdivision, recorded in Plat Book WWW 22 Page 64 (Outlot A) and in Plat Book WWW 23 Page 37 (Outlot B). The outlots are being resubdivided with this application. A new final plat for the properties will be required, pursuant to this PPS, if approved, and will supersede the prior final plat of subdivision approvals.
6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with The Heights and Vicinity Master Plan and SMA are evaluated, as follows:

Plan 2035

The application is in the Established Communities Growth Policy area designated in Plan 2035. The vision for the Established Communities area is most appropriate for context-sensitive infill and low- to medium-density development (page 20).

Master Plan Conformance

The Heights and Vicinity Master Plan and SMA retained the subject properties in the R-35 Zone and recommends residential uses on the subject property.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the Heights and Vicinity Master Plan.

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Approval Letter and Associated Plan (37237-2020-00) reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), were submitted with the subject application. According to the SWM concept plan, six drywells are proposed on the site. There will be four located in the front yards and two in the rear. A SWM fee of \$2,000.00 for on-site attenuation/quality control measures is required. In accordance with Section 24-130 of the

Subdivision Regulations, development of the site shall conform with the approved SWM concept plan and any subsequent revisions, to ensure no on-site or downstream flooding occurs.

8. **Parks and Recreation**—This PPS was reviewed for conformance with the requirements and recommendations of the Heights and Vicinity Master Plan, the 2017 Land Preservation, Parks and Recreation Plan for Prince George’s County, and the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, as policies in these documents pertain to public parks and recreational facilities.

The proposed development is located approximately 1.3 miles east of North Barnaby Park, which includes a pool and splash park, ball fields, a playground, and tennis courts. Marlow Heights Community Center and Park is located approximately 0.7 mile northeast of this property, and includes indoor basketball courts, a fitness center, conference and reception space, an outdoor playground, and tennis courts. Other parks in the vicinity include Abbott Drive Park, Temple Hills Community Center and Park, and Henson Creek Stream Valley Park.

The Heights and Vicinity Master Plan indicates that land designated for active use in the Temple Hills area is more than adequate. However, the Heights has a deficit of 216 acres in the amount of land designated for passive use. Accordingly, the plan places an emphasis on acquiring land for community parks that consists of 10 to 20 acres or greater in size, as well as adding to existing parks to increase their size and usability. The acquisition of land associated with the stream valleys including Henson Creek and Barnaby Run should also be pursued.

The applicant proposed a fee-in-lieu for the mandatory dedication of parkland requirement. The Planning Board concurs with this proposition based on the limited size of the proposed development and its proximity to many park facilities. The fee may then be applied to improvements at one of the nearby parks or community centers.

The applicant’s proposal of a fee-in-lieu of parkland dedication is permissible, in accordance with Section 24-135(a) of the Subdivision Regulations and will meet the mandatory dedication of parkland requirements (Section 24-134(a)) of the Subdivision Regulations.

9. **Bicycle and Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Heights and Vicinity Master Plan, to provide the appropriate pedestrian and bicycle transportation facilities.

Existing Conditions, Sidewalks and Bike Infrastructure

The subject property abuts Beaumont Street, Akron Street, Deer Park Drive, and Culver Street. There are currently no pedestrian or bicycle facilities built on the subject property. The area under review for the subject application is not within a 2002 General Plan Corridor or a Plan 2035 Center and therefore, is not subject to Section 24-124.01 of the Subdivision Regulations and the “Transportation Review Guidelines, Part 2.”

Review of Master Plan Compliance

This development case is subject to the MPOT, which recommends the following facilities:

- Planned Bicycle Lane: C-704 23rd Parkway
- Planned Shared Roadway: Raleigh Road

The planned bicycle lanes and shared roadway in the vicinity of the subject property are beyond the scope of this development.

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element recommends how to accommodate infrastructure for people walking and bicycling:

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

The subject property falls within the Heights and Vicinity Master Plan, which has a series of guidelines on pages 127–128, which recommend the following:

- 1. A system of trails and walks for pedestrians, bicyclists, and equestrians should be developed to connect neighborhoods, recreation areas, commercial areas, employment areas, and transit facilities.**
- 5. Applications for preliminary subdivision plans should show interior trails and proposed connections with the planned trails system.**
- 6. Trails provided privately within subdivisions shall be encouraged to connect with planned trails system.**

The PPS displays sidewalks along the frontage of all proposed lots. In addition, crosswalks have been provided at the southwest bounds of the subject property, providing a pedestrian connection to existing sidewalks across Akron Street, and at the southeast bounds of the subject property, providing a pedestrian connection to existing sidewalks across Culver Street.

The subject property does not currently display any interior trails, nor does the subject application contain any new road construction in which trail networks could be recommended. The proposed sidewalks and crosswalks provide connectivity to existing pedestrian facilities within the immediate vicinity of the subject property.

Based on the preceding findings, the pedestrian facilities that will serve the subdivision meet the findings required of Subtitle 24 of the Prince George's County Code, and conform to the Heights and Vicinity Master Plan and the MPOT.

- 10. Transportation**—The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service E, with signalized intersections operating at a critical lane volume of 1,600 or better.

Analysis of Traffic Impacts

The application is a PPS for a residential subdivision. The table below summarizes trip generation in each peak hour that will be used in reviewing traffic and developing a trip cap for the site:

Trip Generation Summary: 4-20023: Addition to Deer Park Heights								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single-Family Semi-Detached	8	residences	1	5	6	4	2	6
Recommended Trip Cap					6			6

The traffic generated by the proposed PPS would impact the following intersection in the transportation system:

- MD 414 and Temple Hill Road/Raleigh Road (signalized)

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 414 and Temple Hill Road/Raleigh Road	545	1,063	A	B

The critical intersection identified above is not programmed for improvements with 100 percent 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. In addition, no background traffic developments, as defined by approved, but unbuilt developments with valid PPS, final plats, or special exceptions, would impact the critical intersection (approved Conceptual Site Plan CSP-19002 for St. Barnabas Mixed Use has not advanced to PPS, and so is not eligible to be considered as background). A 0.5 percent growth factor along MD 414 and Temple Hill Road over two years, as a means of addressing the growth in through traffic is assumed. The background traffic analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 414 and Temple Hill Road/Raleigh Road	557	1,100	A	B

The following critical intersections identified above, when analyzed with total future traffic as developed using the “Transportation Review Guidelines, Part 1” including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 414 and Temple Hill Road/Raleigh Road	560	1,101	A	B

It is found that the critical intersection operates acceptably under total traffic in both peak hours. A trip cap, consistent with the trip generation assumed for the site, is required.

Master Plan Roads and Site Access

The site is not within, or adjacent to, any roadway facilities identified in the master plan. The site is served by Akron Street and Beaumont Street, and both are non-master plan, public, secondary residential streets, having adequate dedication. The site is also served by Deer Park Drive, a non-master plan, public, primary residential street. The plan reflects adequate dedication of 30 feet from centerline, along Deer Park Drive.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required, in accordance with Section 24-124.

11. **Schools**—This PPS was 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-23-2001. The subject property is located within School Cluster 5, as identified the Pupil Yield Factors and Public-School Clusters 2020 update. An analysis was conducted, and the results are as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Clusters		
	Elementary School Cluster 5	Middle School Cluster 5	High School Cluster 5
Other Single-Family Attached (OSF) Dwelling Units	8 DU	8 DU	8 DU
Pupil Yield Factor (PYF) – Other Single-Family Attached	0.141	0.097	0.097
OSF x PYF = Future Subdivision Enrollment	1	1	1
Adjusted Student Enrollment 9/30/19	6,428	2,797	3,668
Total Future Student Enrollment	6,429	2,798	3,669
State-Rated Capacity	7,913	3,304	5,050
Percent Capacity	81%	85%	73%

Section 10-192.01 of the County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,770 per dwelling if a building is located between I-95/I-495 (Capital Beltway) and the District of Columbia; \$9,770 per dwelling if the building is included within a basic plan or CSP that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,748 per dwelling for all other buildings. This project is between I-95/I-495 and the District of Columbia; thus, the surcharge fee is \$9,770. This fee is to be paid to DPIE at the time of issuance of each building permit.

12. **Public Facilities**—In accordance with Section 24-122.01, police, water and sewerage, as well as fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated March 8, 2021 (Perry to Heath), incorporated by reference herein.
13. **Public Utility Easement (PUE)**—Section 24-122(a) requires that, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public rights-of-way of Beaumont Street, Akron Street, Deer Park Drive, and Culver Street. The required PUEs are delineated on the PPS, along all public rights-of-way.

14. **Historic**—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 site is low. The subject property does not contain, and is not adjacent to, any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not required.

15. **Environmental**—The following applications and associated plans have been reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan Exemption #	Authority	Status	Action Date	Resolution Number
NRI-134-2020	N/A	Staff	Approved	10/19/2020	N/A
4-20023	S-176-2020	Planning Board	Approved	05/06/2021	2021-60

Grandfathering

The project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012, because the application is for a new PPS.

Site Description

This 0.77-acre site is zoned R-35 and is located on three parcels (Outlots A and B, and Parcel 181) that front on Deer Park Road, Akron Street, Beaumont Street, and Culver Street in Temple Hills. A review of the available information indicates that the site does not contain regulated environmental features, such as a stream buffer, wetlands buffer, and 100-year floodplain. The soil types found on-site, according to the U.S. Department of Agriculture, Natural Resources Conservation Services, Web Soil Survey, are Beltsville-Urban land complex and Croom-Urban land complex soils. Neither Marlboro nor Christiana clays are present on-site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The site is flat and slopes to the north towards Beaumont Street. This site is in the Oxon Run watershed, which flows into the Potomac River. The site has frontage on Deer Park Road, Akron Street, Beaumont Street, and Culver Street, which are not identified as a scenic or historic roadway.

Master Plan Conformance

The site is located within the Environmental Strategy Area 1 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and the Established Communities of the General Plan Growth Policy Map.

The Heights and Vicinity Master Plan

In the Heights and Vicinity Master Plan, the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project.

Recommendation 1: Woodland Preservation – The existing woodlands in Natural Reserve Areas must be retained. Other existing woodlands should be retained to the

extent possible in order to maintain or increase the current percentage of woodland. Furthermore, the expansion of woodlands through afforestation and reforestation is encouraged in the implementation of the greenways and open space program linkages.

Recommendation 2: The County should pursue efforts to minimize development impacts on contiguous woodland areas adjacent to Henson Creek and the Oxon Run Tributary through land acquisition for parks, where feasible, and through appropriate land use recommendations.

Regarding Recommendations 1 and 2, according to the approved Master Plan, no natural reserve areas occur on-site. As shown on the Natural Resources Inventory Plan (NRI), the site contains no woodland areas or regulated environmental features.

Recommendation 3: Stormwater Management – The County should ensure that stormwater is properly managed, and major streams and detention/retention basins should be monitored for water quality and flow characteristics. The plan recommends the development of five stormwater management ponds as shown on the plan map.

Recommendation 4: Alternative solutions to provide remedial action for on-site stormwater management may be necessary, until such time as the Department of Environmental Resources (DER) implements the proposed potential regional stormwater management ponds in the planning area.

Regarding Recommendations 3 and 4, the SWM design is conceptually and technically reviewed and approved by DPIE to address surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code, which requires that environmental site design be implemented to the maximum extent practicable, in accordance with the Stormwater Management Act of 2007. The site has an approved SWM Concept Plan (37237-2020-00). Six dry wells are proposed to treat the environmental site design volume.

Recommendation 5: Noise Attenuation – In areas of 65 dBA (Ldn) or greater, residential development proposals should be reviewed and certified by a professional acoustical engineer stating that the building shell of habitable structures located within a prescribed noise corridor will attenuate ultimate exterior noise level to an interior level not to exceed 45 dBA (Ldn), especially in the AICUZ designated noise corridor.

The proposed residential development is in an existing residential area. There are no adjacent noise generating roadways. Adjacent elevated noise levels are not anticipated for this development.

Recommendation 6: Air Quality: The County should continue to participate aggressively in metropolitan efforts to prevent further air quality deterioration and should support all available measures to improve local air quality.

Air quality is a regional issue that is addressed by the Metropolitan Council of Governments.

Recommendation 7: Proposed developments should meet stringent standards and guidelines and the potential environmental impacts of human activities should be identified as early as possible in the planning process. The constraints of Natural Reserve and Conditional Reserve Area must be adhered to.

There are no natural reserve or conditional reserve areas, woodlands, or regulated environmental features located on-site or on the adjacent properties.

Conformance with Countywide Green Infrastructure Plan

According to the approved 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, the site contains no regulated and evaluation areas.

ENVIRONMENTAL REVIEW

Natural Resources Inventory Plan/Existing Features

An approved NRI-134-2020, in conformance with the environmental regulations that became effective September 1, 2010, was submitted with the application. The site is comprised of one parcel and two outlots with an open area and scattered vegetation. No woodlands, specimen trees, or regulated environmental features are located on-site.

Woodland Conservation

This property is exempt to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is less than 40,000 square feet in size and contains less than 10,000 square feet of existing woodland. A Standard Woodland Conservation Exemption Letter (S-176-2020) was submitted with the PPS application.

16. Urban Design—Conformance with the Zoning Ordinance (Subtitle 27) is evaluated as follows:

Conformance with the Zoning Requirements

The project meets the purposes of the R-35 Zone stated in Section 27-431 of the Prince George's County Zoning Ordinance through the creation of a variety of lot sizes and shapes to develop one-family semidetached and two-family detached dwelling units permitted in the R-35 Zone. Conformance with applicable regulations will be evaluated at the time of permit review, including but not limited to, the following:

- Section 27-431, R-35 Zone
- Section 27-441, Uses Permitted, of the Zoning Ordinance

- Section 27-442, Regulations, of the Zoning Ordinance
- Part 11, Off-street Parking and Loading, of the Zoning Ordinance
- Part 12, Signs, of the Zoning Ordinance

Conformance with the 2010 Prince George's County Landscape Manual

At the time of permit review, the proposed development will be required to demonstrate conformance with the requirements of Section 4.1, Residential Requirements, and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. The subject site, being zoned R-35, is required to provide a minimum of 15 percent of the gross tract area covered with tree canopy. The subject site is 0.77 acre in size and the required tree canopy coverage is 5,032 square feet. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of permit review.

Plan Comments

A building and grading concept plan was submitted on March 30, 2021. The driveway width shown on the plan is approximately 9 feet and does not meet the minimum width of a parking space and cannot count toward the number of parking spaces. This will need to be addressed at the time of permit review.

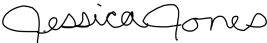
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 6, 2021, in Upper Marlboro, Maryland.

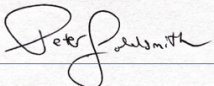
Adopted by the Prince George's County Planning Board this 27th day of May 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:AH:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: May 11, 2021