

R E S O L U T I O N

WHEREAS, Kevin Porter is the owner of a .50-acre parcel of land known as Parcel 326, Tax Map 73 in Grid B-3, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on May 4, 2007, Kevin Porter filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06111 for Porter Property 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 11, 2007, 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 October 11, 2007, 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 4-06111, Porter Property for Lots 1 and 2 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Revise general note no. 18 to demonstrate that the standard letter of exemption from the Woodland Conservation Ordinance was issued on June 7, 2007 (not June 6th), and further add to the existing note that the site is exempt because it contains less than 10,000 square feet of existing woodland, and has no previously approved tree conservation plans associated with the property.
 - b. Provide a general note which references companion NRI/116/06.
2. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #41230-2006-00 and any subsequent revisions.
3. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.

4. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along the property's entire street frontage of Rollins Avenue unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
5. The applicant, his heirs, successors and or assignees shall utilize an abutting driveway design, constructed per DPW&T standards and requirements. Separate, standard residential driveway aprons shall be provided along Rollins Avenue, if deemed appropriate by DPW&T upon the issuance of street construction permits.
6. The applicant, his heirs, successors and or assignees shall dedicate a minimum of 40 feet from the existing centerline of Rollins Avenue along the property's entire street frontage.

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 subject property is located along the west side of Rollins Avenue, approximately 150-feet south of its intersection with Modupeola Way.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

| | EXISTING | PROPOSED |
|------------------------------|--------------------|-----------------|
| Zone | R-55 | R-55 |
| Use(s) | Undeveloped/Vacant | Single-Family |
| Acreage | 0.50 | 0.50 |
| Lots | 0 | 2 |
| Parcels | 1 | 0 |
| Dwelling Units: | | |
| Detached | 0 | 2 |
| Public Safety Mitigation Fee | | No |

4. **Environmental**—The Environmental Planning Section has reviewed Preliminary Plan of Subdivision 4-06111, for the Porter Property, stamped as received by the Environmental Planning Section on June 18, 2007. The Environmental Planning Section recommends approval of Preliminary Plan, 4-06111, subject to no environmental conditions.

Background

The Environmental Planning Section has no records of previous applications for this property. The property is currently undeveloped and wooded. The current preliminary plan proposes the subdivision of a parcel totaling 0.50 acres into two single-family residential lots.

Site Description

The site is characterized by terrain sloping toward the west, and drains into unnamed tributaries of the Bearverdam Creek watershed in the Anacostia River basin. A review of the available information indicates that there are no streams, 100-year floodplain, wetlands, highly erodible soils, or areas of severe and steep slopes located on the site. Marlboro clay is not found to occur on the site. Rollins Avenue is a collector roadway and generally not regulated for noise. The primary soil types found to occur on the subject property according to the Prince George's County Soils Survey are Adelphia, Sassafras and Westphalia. These soil series generally exhibit slight to moderate limitations to development when associated with steep slopes and can have impeded drainage and high erosion potential. Based on the information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur within the vicinity of this property. There are no designated scenic or historic roads adjacent to this property. This property is located in the Developed Tier as delineated on the approved 2002 General Plan.

Environmental Issues Addressed in the Suitland District Heights and Vicinity

The subject property is located within Analysis Area 2 of the Suitland Heights and Vicinity Master Plan. There are no specific environmental recommendations or design standards that require review for conformance. The environmental requirements for woodland conservation and stormwater management are addressed in the Environmental Review section below.

Countywide Green Infrastructure Plan Conformance

The site is not within the designated network of the approved Countywide Green Infrastructure Plan.

Environmental Review

The preliminary plan application has a signed natural resources inventory (NRI/116/06), dated September 21, 2006, which was included within the application package. The preliminary plan shows all the required information correctly and no additional revisions are needed to demonstrate conformance to the NRI.

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is less than 40,000 square feet in area and has no

previously approved Tree Conservation Plan. A Type I Tree Conservation Plan was not submitted and is not required. A standard letter of exemption from the Ordinance was issued by the Environmental Planning Section, Countywide Planning Division on June 7, 2007. No further information is required at this time as it relates to woodland requirements. The letter of exemption should accompany all future permit applications submitted for this property.

A Stormwater Management Concept Approval Letter (41230-2006-00), dated May 21, 2007, and the associated plan were submitted with the preliminary plan. The approved stormwater management concept plan shows infiltration drywells proposed for each lot as reflected on the TCPI. Requirements for stormwater management will be met through subsequent reviews by the Department of Public Works and Transportation. No further information regarding stormwater management is required at this time.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources, dated June 2003, and the site will therefore be served by public systems.

5. **Community Planning**—The property is located in Planning Area 75A within the Capitol Heights community and is within the limits of the *1985 Approved Master Plan and 1986 Sectional Map Amendment for Suitland—District Heights and Vicinity (Planning Areas 75A and 75B)*. The master plan recommends a medium suburban residential land use for this property. This application proposes a medium suburban residential land use that is consistent with the land use recommendation within the *1985 Approved Master Plan and 1986 Sectional Map Amendment for Suitland—District Heights and Vicinity*.

The 2002 General Plan locates this property within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density residential neighborhoods. This application proposes a medium-to high-density residential neighborhood which is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The 1986 Approved Sectional Map Amendment for Suitland—District Heights and Vicinity, retained this property within the R-55 Zone.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Suitland-District Heights and Vicinity Master Plan or the Approved Addison Road Metro Town Center

Sector Plan that impact the subject property. The site is just outside the sector plan's designated boundary limits and is situated approximately one mile to the southwest of the Addison Road Metro. The sector plan does recommend sidewalks along all major roads to accommodate pedestrian movement to Metro and to the Town Center. There is an existing sidewalk along the west side of Rollins Avenue that terminates at the subject property. The Transportation Planning Section recommends the continuation of this sidewalk across the property's entire street frontage of Rollins Avenue

8. **Transportation**—The following are the Transportation Planning Section's comments concerning site access, geometric design and traffic impact of the subject application. The application proposes the subdivision of an existing acreage parcel into two new building lots for the development of detached single-family dwellings. The proposed subdivision would have a minimal impact on the adjacent roadways, therefore, a traffic study was not requested from the applicant

Site Access Evaluation: Rollins Avenue is a planned collector roadway having an 80-foot-wide right-of-way. The Transportation Planning Section recommends that the two lots utilize an abutting driveway design at the common boundary line so that only a single access point from Rollins Avenue is needed to serve both of the proposed lots.

Master Plan Rights-of-Way to be dedicated or recommended to be placed in reservation: The proposed lots will be located along Rollins Avenue, a planned collector facility as designated within the Approved Addison Road Metro Town Center Sector Plan. The revised preliminary plan submitted shows dedication of 40 feet along the site's entire street frontage of Rollins Avenue.

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for a residential development consisting of two single family lots. The proposed development of one net residence would generate 2 AM and 2 PM peak-hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The site is within the Developed Tier, as defined in the 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.

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 warrant

study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

Due to the limited trip generation of the site, the Prince George’s County Planning Board could deem the site’s impact at this location to be de minimus. The Transportation Planning Section would therefore recommend that the Planning Board find that 2 AM and 2 PM peak-hour trips will have a de minimus impact on the nearby roadways and intersections.

TRANSPORTATION STAFF CONCLUSIONS

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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section have reviewed this preliminary plan for impact on 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.

Impact on Affected Public School Clusters

| Affected School Clusters # | Elementary School Cluster 7 | Middle School Cluster 4 | High School Cluster 4 |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units | 2 DU | 2 DU | 2 DU |
| Pupil Yield Factor | .24 | .06 | .12 |
| Subdivision Enrollment | .48 | .12 | .24 |
| Actual Enrollment | 33,058 | 13,185 | 17,855 |
| Completion Enrollment | 215.75 | 52 | 104 |
| Cumulative Enrollment | 3.36 | .84 | 1.68 |
| Total Enrollment | 33,277.6 | 13,237.96 | 17,960.92 |
| State Rated Capacity | 39,187 | 11,256 | 16,332 |
| Percent Capacity | 84.92% | 117.60% | 109.97% |

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts 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. Council bill CB-31-2003

allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be a paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Public Facilities Planning Section has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Chapel Oaks, Company 38, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The subject property is located in Police District III. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on May 4, 2007.

| Reporting Cycle | Previous 12 Month Cycle | Emergency Calls | Nonemergency |
|------------------------------|-------------------------|-----------------|--------------|
| Acceptance Date 5/04/2007 | 4/06-4/07 | 9 minutes | 15 minutes |
| Cycle 1 | 5/06-5/07 | | |
| Cycle 2 | 6/06-6/07 | | |
| Cycle 3 | 7/06-7/07 | | |

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on May 24, 2007.

The Police Chief has reported that the department has adequate equipment to meet the standards

stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Porter Property and has no comments to offer.
13. **Stormwater Management**—The Department of Public Works and Transportation has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #41230-2006-00 has been approved with conditions 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.
14. **Historic**—A Phase I archeological survey is not recommended on the .50-acre Porter Property, located at 1501 Rollins Avenue in Capitol Heights, Maryland. 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. There are no archeological sites or historic sites within a one-mile radius of the subject property.

However, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

15. **At the Public Hearing** – At the public hearing for this application on October 11, 2007, the Planning Board had expressed some concerns with Condition No. 5, in regards to the required abutting driveway design, with a common apron along the Rollins Avenue right-of-way. The Planning Board understood that the purpose of the common apron design was to limit the amount of access points along Rollins Avenue, a designated collector roadway. However, the Board was concerned that the appearance of such a large apron for a residential use would mimic the type of driveway apron which would normally be required, and better suited for a commercial or industrial use. Therefore, the Planning Board requested that Condition No. 5 be revised to eliminate the common apron design, and to require separate, standard residential aprons for the two proposed dwellings. Condition No. 5 has been revised accordingly.

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.

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PGCPB No. 07-191
File No. 4-06111
Page 9

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 Clark, seconded by Commissioner Cavitt, with Commissioners Clark, Cavitt, Squire and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, October 11, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of November 2007.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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