

R E S O L U T I O N

WHEREAS, 59th Avenue Associates, LLC. is the owner of a 3.29-acre parcel of land known as Tax Map 58 in Grid F-3, said property being in the 2nd Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on June 22, 2007, 59th Avenue Associates, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 12 Lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07041 for Tuxedo 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 November 15, 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 November 15, 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 the Type I Tree Conservation Plan (TCPI/23/07), and APPROVED Variance Application No. V-07041, and further APPROVED Preliminary Plan of Subdivision 4-07041, Tuxedo Property, for Parcel 102, Lots 1-5, 9-12 and Lot 1, Block F with the following conditions:

1. Prior to signature approval of the preliminary plan and the Type I Tree Conservation Plan (TCPI/023/07) the woodland conservation worksheet must be corrected to show the woodland conservation required and provided as 1.92 acres.
2. Development of this subdivision shall be in compliance with the Type I Tree Conservation Plan (TCPI/023/07) approved as part of this application.

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/023/06), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission Prince George’s County Planning

Department.”

3. Prior to signature approval, the preliminary plan shall be revised to show the required build-to lines 47 feet from the centerline of 59th Avenue and 42 feet from the centerline of Beecher Street.
4. In conjunction with the approval of the final plat of subdivision, the appropriate width of the public utility easement (PUE) on Lot 24 shall be made by the Planning Board.
5. The final plat of subdivision shall note that the issuance of building permits and the design and materials for future structures in this subdivision is strictly controlled by the 2005 *Approved Sector Plan and Sectional Map Amendment for the Tuxedo Road/Arbor Street/Cheverly Metro Area* and the findings contained in the resolution of approval for Preliminary Plan 4-07041.
6. 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, except for Lot 16 and Lot 24.
7. The applicant or the applicant’s heirs, successors, and/or assignees shall provide a minimum six-foot-wide asphalt path within the Frolich Lane right-of-way from 59th Avenue to 57th Place, unless modified by the controlling authority. This trail should be located along the same alignment as existing walking paths to the extent feasible and practical and shall be maintained by the Town of Cheverly.
8. The applicant or the applicant’s heirs, successors, and/or assignees shall provide construction plans for the trail and shall be reviewed and approved by the controlling right-of-way authority.
9. The trail shall be staked in the field by the applicant or the applicant’s heirs, successors, and/or assignees, the senior trails planner, and the controlling right-of-way authority prior to the construction to minimize clearing and impact to large trees.
10. The trail required by Condition 7 shall be completed prior to the issuance of building permits for Lots 22 and 23.
11. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan 50367-2006-00 and any subsequent revisions.
12. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structure being razed.
13. Prior to signature approval of the preliminary plan, the plan shall reflect sufficient dedication for Frolich Lane (Belmont Street) as determined by the controlling authority for this public right-of-way.

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 directly south of the Cheverly municipal boundary and is bounded on the north by Frolich Lane (Belmont Street), on the east by 59th Avenue, and on the south by Beecher Street.
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)	Single-Family Residences/Wooded	Single-Family Residences
Acreage	3.29	3.29
Parcels	1	1
Lots	6	12
Dwelling units	2 (to remain)	12 (10 new)
Public Safety Mitigation Fee		No

4. **Variations**—The applicant is requesting three variations with the subject application to validate the location of two existing dwellings at 2404 59th Avenue and 2406 59th Avenue.

Applicant Variance Request from Section 27-442(e), Front Yard depth

Section 27-442(e), Table IV, of the Zoning Ordinance establishes minimum yard depth along a street for lots in the R-55 Zone of 25 feet. Variations may be granted provided the application meets the following criteria, contained within Section 27-230(a) of the Prince George's County Code.

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions;"**

The variations requested are for proposed Lot 16 (Variance Exhibit A) and proposed Lot 24 (Variance Exhibit B), which are currently described as Lots 9-12 and part of Parcel 102. Lot 16 is proposed at 7,515 square feet with an existing single-family residence that is to remain. A variance of 3.2 feet from the requirement of a 25-foot building restriction line is required to validate the location of the existing residential dwelling (2404 59th Avenue) on proposed Lot 16. The front corner of this existing house is 25 feet from the existing dedication for 59th Place, but an additional dedication will make the house 21.8 feet from the ultimate right-of-way line.

Proposed Lot 24 is 13,792 square feet with an existing single-family residential dwelling that is to remain. Two variances are necessary to accommodate setback requirements from 59th Avenue and 59th Place. A variance of 3.4 feet from the requirement of a 25-foot building restriction line is required to validate the location of the existing residential dwelling (2406 59th Avenue) on proposed Lot 24. Because additional dedication is necessary, the front corner of the existing house for 59th Place will be 21.6 feet from the proposed right-of-way line. A variance of 16 feet from the requirement of a 22-foot building restriction line is required to validate the location of the existing residential dwelling on Lot 24. The front corner of the existing house will be 6 feet from the proposed right-of-way line at 59th Avenue.

Both of the existing dwellings were constructed prior to the existence of zoning regulations in Prince George's County. The home on Lot 24 was constructed in close proximity to 59th Avenue, which was created by a subdivision predating the construction of the house. The two variances required for setbacks from 59th Place are necessary because additional road dedication is now being requested. Granting this variance will have a positive effect on the existing character of the street. In fact, the sector plan has recognized that the dwelling on Lot 16 is to be considered source architecture for guiding the compatibility of future structures. Both lots are larger than the minimum 6,500-square-foot requirement. These factors combine to create an extraordinary situation not generally applicable to other properties in the area.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;

If the variance is not granted it would require the owner to demolish all or a portion of existing dwellings that have a positive benefit to the existing neighborhood given the age and architectural merit of each of the existing houses.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The granting of this variance will not substantially impair the intent, purpose, or integrity of the 2005 *Approved Sector Plan and Sectional Map Amendment for the Tuxedo Road/Arbor Street/Cheverly Metro Area*. The plan retained the R-55 Zone for the site. The applicant proposes single-family detached residential units; this is in conformance with the R-55 zoning recommendation of the 2005 *Approved Sector Plan and Sectional Map Amendment for the Tuxedo/Arbor Street/Cheverly Metro Area*.

Staff supports this variance requests for these reasons.

5. **Community Planning**—This application is not inconsistent with the 2002 Approved General Plan Development Pattern policies for 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 does not conform to the land use recommendation of the 2005 *Approved Sector Plan and Sectional Map Amendment for the Tuxedo/Arbor Street/Cheverly*

Metro Area for open space and townhouse uses for the subject property, if the market matures. The 2005 *Approved Sector Plan and Sectional Map Amendment for the Tuxedo/Arbor Street/Cheverly Metro Area* retained the R-55 Zone for the site. The SMA also placed the property in a Development District Overlay Zone (DDOZ). The applicant proposes single-family detached dwellings; this is in conformance with the R-55 zoning recommendation of the 2005 *Approved Sector Plan and Sectional Map Amendment for the Tuxedo/Arbor Street/Cheverly Metro Area*.

The sector plan recommends retention of the R-55 (One-Family Detached Residential) zoning for the subject site until the market matures, at which time it is recommended the zoning be changed for a small portion of the site to the R-T (Townhouse) Zone to allow for a denser, walkable environment near the main street. It should be noted, however, that the permissible maximum density in the R-T Zone is six dwelling units per acre and the permissible maximum density in the R-55 Zone is 6.7 dwelling units per acre. The sector plan states that as redevelopment pressures proceed in this area, it would be appropriate to consider rezoning to implement the recommended land use. The sector plan recommends a ballpark for active recreation for the northern portion of this site. The sector plan recognizes that the property is in private ownership and recommends that the northern portion be acquired for public use. At this time, neither M-NCPPC nor the Town of Cheverly has indicated interest in acquiring the property for use as a park. Therefore, this recommendation of open space may not be realized.

6. **Environmental**—The subject site is characterized with terrain sloping toward the southwest boundary line of the parcel and drains into unnamed tributaries of the Lower Beaverdam Creek watershed in the Anacostia River basin. The site is currently undeveloped and partially wooded. A review of the available information indicates that severe slopes or areas of steep slopes with highly erodible soils occur on the subject property. There are no streams or 100-year floodplain on the subject property. John Hanson Highway (US 50) is located to the south of the subject property and is a freeway roadway and generally regulated for noise. The soils found to occur on the site, according to the Prince George's County Soil Survey, include Christiana and Keyport. These soil series generally exhibit moderate to severe limitations to development due to a perched water table (an aquifer that occurs above the regional water table), impeded drainage, poor drainage, flood hazard, seasonally high water table, steep slopes, and high erosion potential. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Wildlife and Natural Heritage Program, rare, threatened, or endangered species are not found to occur in the vicinity of this property. There are no designated scenic or historic roads located along the frontage of this property. This property is located in the Developed Tier as reflected in the 2002 Approved General Plan.

Tuxedo Road/Arbor Street/Cheverly Metro Area Approved Sector Plan

The subject property is located within the 2005 *Approved Sector Plan and Sectional Map Amendment for the Tuxedo/Arbor Street/Cheverly Metro Area*. The environmental requirements for woodland preservation, stormwater management, and noise are addressed in the Environmental Review section below. There are no specific environmental requirements or design standards that require review for conformance.

Approved Countywide Green Infrastructure Plan

The site is not located within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*.

Environmental Review

The preliminary plan application has a signed natural resources inventory (NRI/151/06), dated June 20, 2007, which was included with the application package. The preliminary plan and Tree Conservation Plan I (TCPI) show all the required information correctly. No additional information is required with respect to the NRI and the *Approved Countywide Green Infrastructure Plan*.

A stormwater management concept approval letter (50367-2006-00) dated January 18, 2007, and the associated plan were submitted with the preliminary plan. The approved stormwater management concept approval plan shows a proposed above-ground stormwater management pond with outfalls to be connected into the existing stormdrain system as reflected on the TCPI. This area of the county was built before on-site stormwater management was a requirement. It is important that this site provide stormwater management on site as shown on the preliminary plan. 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.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

The woodland conservation threshold (WCT) for this 3.29-acre property is 20 percent, or 0.66 acre of the net tract. The TCPI proposes to clear 1.67 acres of woodland on-site and 0.25 acre of woodland off site, resulting in a total requirement of 1.92 acres. The entire requirement of 1.92 acres is proposed to be met off-site.

The forest stand delineation describes the existing woodlands on site as follows: "Invasive species of significance were found in the canopy, understory and herbaceous layers of this stand. The most prevalent invasive species found in the canopy were Paulownia and Silver Maple which accounted for nearly 60 percent of the coverage in the canopy. The most prevalent invasive species found in the understory and the herbaceous layers were Multiflora Rose and Japanese Honeysuckle that accounts

for 7 percent and 83 percent of the coverage in those layers respectively.” Woodlands in this condition are not desirable for preservation because they will be a liability to the future property owners. In addition, the R-55 zoning allows small lot sizes. The smallest lot proposed is 6,577 square feet. The combination of poor quality woodlands and small lots is not conducive to meaningful woodland preservation. Staff supports the proposal to meet the woodland conservation requirements off-site. Development of this subdivision should be in compliance with the Type I Tree Conservation Plan (TCPI/023/07) approved as part of this application. A note should be placed on the final plat detailing that the development is subject to the restrictions of the approved tree conservation plan.

John Hanson Highway (US 50) is a freeway, a major noise generator, and is generally regulated for noise. Based on the Environmental Planning Section’s noise model, an analysis of the noise generated by the roadway indicates that the 65 dBA Ldn noise contour is located approximately 649 feet from the centerline of John Hanson Highway (US 50). The modeled noise contour is located near the southern property line of the subject property. The calculation of this noise contour using the model assumes flat topography and does not assume any intervening structures between the property and the noise source. If these mitigating factors are considered, the noise contour would not reach the subject property because there are structures and a rise in topography between the property and the noise source, John Hanson Highway (US 50). Thus, the on-site noise levels are predicted to be below the state noise standard of 65 dBA Ldn for residential uses. No additional information regarding noise is required.

Water and Sewer

The property is located within Water and Sewer Category 3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. Development will be served by public systems.

7. **Urban Design**—Two of the lots contain existing single-family dwellings that front on 59th Avenue. Seven of the new lots are grouped around a proposed cul-de-sac that is an extension of 59th Place. The other three lots have frontage on a currently unimproved section of Beecher Street. The lots generally conform to the underlying R-55 zoning and will result in a somewhat compact development, which is consistent with the character of the surrounding community.

The Development District Standards regulate the form and character of development within this area. As stated in the Applicability section of the sector plan’s discussion of the Development District Overlay Zone on page 85:

All existing single-family residential buildings and new single-family dwellings in the R-55 Zone are exempt from site plan review. New infill housing and additions to an existing front façade shall comply with the Regulating Plan during permit application. [underlining added]

As the development standards will be enforced during the permit process, it is important to

determine that the preliminary plan does not create lots where the development standards will be problematic to apply. If a plan of development such as a building permit is found not to meet the regulatory development standards, then modification of the standards can be applied through detailed site plan review. The following development standards warrant discussion at this time:

Building Siting and Setback

- 1. All buildings shall front the street and shall be set back along the established build-to line measured from the centerline of the existing roadway as follows:**
 - b. The build-to line on designated “Local Streets” shall be 35 feet, except 30 feet on 59th Avenue (south of Beecher Street). The build-to line on Beecher Street shall be 42 feet in the north where parallel parking is designated and 35 feet in the south.**
 - c. The build-to line on designated “Neighborhood Streets” and 59th Avenue (north of Beecher Street) shall be 47 feet.**
- 2. No parts of any building with the exception of overhanging eaves, balconies, awnings, and stoops shall extend beyond the build-to line.**

The proposed preliminary plan shows a typical 25-foot front building restriction line as required under the R-55 zoning, whereas the Development District Plan mandates the use of build-to lines. The build-to lines for each lot are determined based upon the plan’s classification of the street on which the lot fronts and are measured from the street centerline. The plan states that the build-to line for the north side of Beecher Street (a designated “Local Street”) should be 42 feet, and that the build-to line for 59th Avenue north of Beecher Street (also a designated “Local Street”) should be 47 feet. The preliminary plan should be revised to conform to these lines by clearly identifying the street centerline and appropriate build-to lines.

The proposed cul-de-sac extension was not foreseen by the *2005 Approved Sector Plan and Sectional Map Amendment for the Tuxedo/Arbor Street/Cheverly Metro Area*. The building siting standards of the overlay zone appear to be intended to create a consistent building wall along the streetscape of 59th Avenue and Beecher Street. The R-55 Zone building restriction lines shown on the preliminary plan for Lots 17-23 are shown as 25 feet from the proposed right-of-way. It seems reasonable and appropriate to treat lots 17-23 as standard R-55 lots for the purpose of building siting.

- 3. Building facades shall occupy a minimum of:**
 - a. 75 percent of the build-to line on lots with a build-to line of eighty (80) feet or greater within the designated Main and Local Streets**

As noted above, Beecher Street and 59th Avenue are designated “Local Streets.” Lots 13-15,

proposed along Beecher Street, are each 70 feet in width, so they would not be required to meet the above requirement. However, proposed Lot 16 and Lot 24, which front on 59th Avenue and are occupied by existing structures, have build-to lines greater than 80 feet in length, so any new construction on these lots may need to occupy at least 75 percent of the build-to line. It is noted that the existing buildings on Lot 16 and Lot 24 are proposed to remain, but any redevelopment of the buildings in the future may require each to meet the Development District building standards.

Stormwater Management

- 3. The use of stormwater management ponds shall be negotiated with the Prince George's County Department of Environmental Resources.**

The design proposes a stormwater management pond at the southwest corner of the subdivision. The Department of Public Works and Transportation (DPW&T) has assumed responsibility for stormwater management. DPW&T is the appropriate agency to administer this standard.

Height, Scale and Massing

- 2. Building height for development on a "Local Street" shall be a minimum of two stories and a maximum of three stories.**

As noted above, Beecher Street and 59th Avenue are designated Local Streets, so development on Lots 13, 14, 15, 16, and 24 is limited to two to three stories, which will be enforced at the time of building permit issuance.

Materials and Architectural Details

- 2. Low-quality materials such as standard-faced concrete masonry units, prefabricated metal panels, and Exterior Insulation and Finish Systems (EIFS) shall not be used. Imitation or synthetic exterior building materials that simulate the appearance of natural materials should be avoided.**
- 3. The materials and details for buildings fronting "Local or Neighborhood Streets" shall find design cues as shown on the source buildings.**

Houses proposed to be built on these lots will need to demonstrate, at the time of permit review, that they will not utilize low-quality building materials and that they have utilized design cues from the sector plan's designated source buildings. The existing house on Lot 16 (2404 59th Avenue) is one of the designated source buildings, and another source building is located across the street at 2401 59th Avenue. The other source buildings identified by the regulating plan are commercial and institutional buildings that would probably not be relevant to the residential development proposed on the subject property.

Windows and Door Openings

- 4. Facades along build-to lines on a “Local Street” shall have fenestration between forty and eighty percent, including roof dormer opening, and be measured as a percentage of the entire façade.**

The houses proposed along Beecher Street and 59th Avenue (Lots 13, 14 and 15) will need to demonstrate at the time of building permit review that they incorporate the required amounts of fenestration

Projections and Recesses

- 4. Front porches on “Local and Neighbor Streets” shall not exceed eight feet beyond the build-to line.**

The houses proposed along Beecher Street and 59th Avenue (Lots 13, 14 and 15) will need to demonstrate that the front porches do not extend more than eight feet beyond the build-to line.

Regulating Matrix (Sector Plan Figure 11, pages 88-89)

This table graphically illustrates the building form allowed, including some of the siting standards listed above but also introduces other standards that are not included in the plan text. The standards that are relevant to this preliminary plan are those shown in the left column on page 89, which relate to proposed structures that front on designated “Local Streets.” These additional standards apply to new structures proposed on Lots 13, 14, 15, 16, and 24:

- a. Front porches are required, must project forward of the build-to line, be eight feet deep and occupy at least 50 percent of the required façade width along the build-to line.
- b. Lots that share a side lot line with another single-family lot require a minimum eight-foot side yard setback.
- c. Finished floors of houses must be 15 to 60 inches above the elevation of the sidewalk.
- d. Attic stories are allowed only with roof dormers and the maximum building height should not exceed three stories.
- e. The buildable lot area is limited to that space that is no more than fifty-five (55) feet behind the build-to line, except for a side wing area no more than twenty-four feet wide on one side of the lot.
- f. At least fifteen percent of the lot must be preserved as contiguous open space.
- g. Side wings or ancillary buildings may be no more than 24 feet in height.

- h. Privacy fences may be placed along common lot lines and must be seven feet in height.
 - i. Building roofs shall be limited to hip roofs and gable roofs.
8. **Parks and Recreation**—This subject site is within the boundaries of the 2005 *Approved Sector Plan and Sectional Map Amendment for the Tuxedo Road/Arbor Sreet./Cheverly Metro Area*. The majority of the subject site is identified within the sector plan as a proposed ballfield/park area. The sector plan indicates a trail, parking facility, and ballfield on the property. The sector plan does not, however, articulate whether that park is to be public or private. The subject site is located directly south of the Cheverly municipal boundary.

Staff of the Department of Parks and Recreation created a sketch plan (Parks Exhibit A) that shows the subject property cannot accommodate a ballfield with parking and a trail as described in the sector plan. Exhibit A shows a softball field overlaid on the area designated as a ballfield/park shown on Map 17 of the sector plan (Parks Exhibit B).

Fortunately, there are facilities close by for future residents. Cheverly-Euclid Neighborhood Park is located approximately one-third of a mile to the northwest. The park's facilities include two tennis courts, a basketball court, a baseball field with two soccer overlays, and a playground. Additionally, the Jesse Warr Neighborhood park is located one-half mile to the southeast and has a recreation building, two half basketball courts, two playgrounds, a picnic area, and parking.

Due to the size and configuration of the proposed site, the property is not suitable for public parkland. In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, Lot 16 and Lot 24 of the subject property are exempt from mandatory dedication of parkland requirements because there are existing houses on each of the proposed lots. In accordance with Section 24-134(a) of the Prince Georges County Subdivision Regulations, the Park Planning and Development Division recommends that the Prince George's County Planning Board require the payment of a fee-in-lieu of dedication of parkland as applicable from all additional lots.

9. **Trails**—The 2005 *Approved Sector Plan and Sectional Map Amendment for the Tuxedo Road/Arbor Sreet./Cheverly Metro Area* recommends a neighborhood trail connection along the undeveloped portions of the Belmont Street corridor. This trail is reflected on Map 8 of the sector plan and described in the text under Recommendation 9:

Provide a trail within the linear park along the undeveloped portions of the Belmont Street corridor. This trail would provide a pedestrian connection along a paper street through a largely residential neighborhood to Arbor Street.

The idea to utilize the paper street (a legally mapped but not built street) as a trail corridor was developed during the planning workshops and meetings for the development of the sector plan. This trail will provide direct pedestrian access between neighborhoods, provide access to Pinkie

Park and Arbor Street, and possibly serve as a connection to the regional trail network. Staff recommends that the trail be constructed from 59th Avenue to 57th Place. Although 57th Place is just beyond the frontage of the subject site, this makes a logical destination for this segment of trail. The total length of this trail connection is approximately 385 linear feet. Approximately 275 feet is along the site's frontage of Frolich Lane and 110 feet is between the subject site and 57th Place.

10. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of 12 single-family lots to be created within an existing parcel and 13 platted lots containing two existing residences. In consideration of the size of the existing lots, it is determined that the subdivision proposes a net of six residences over what could be developed within the current lotting pattern without benefit of the subdivision process. The proposed net development of six residences would generate 5 AM and 5 PM peak-hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The site is located within the Developed Tier, as defined in the 2002 *Approved General Plan for Prince George's County*. 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 warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of Cheverly Avenue, Arbor Street, and Columbia Park Road. This intersection is signalized. There are no proposed projects to improve this intersection in either the Prince George's County Capital Improvement Program or the State of Maryland Consolidation Transportation Program.

There are no recent counts at the critical intersection of Cheverly Avenue, Arbor Street, and Columbia Park Road. 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. Staff would recommend that the Planning Board find that 5 AM and 5 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Cheverly Avenue, Arbor Street, and Columbia Park Road intersection.

The Plan originally submitted by the applicant reflected additional dedication for Frolich Lane (Belmont Street). This dedication would expand the existing right-of-way to a minimum 50-foot

width. The revised plans submitted for review no longer reflect this dedication. Prior to signature approval of the preliminary plan, this road dedication should be reflected on the plan.

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 Subdivision Regulations in the Prince George's County Code. No transportation-related conditions are recommended at this time.

11. **Police Facilities**—The subject property is located in Police District I. 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 June 22, 2007.

Reporting Cycle	Previous 12-Month Cycle	Emergency Calls	Nonemergency
Acceptance Date June 22, 2007	6/06-6/07	10 minutes	16 minutes
Cycle 1	7/06-7/07		
Cycle 2	8/06-8/07		
Cycle 3	9/06-9/07		

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met July 2, 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. **Fire and Rescue Services**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Regulations. Public Facilities staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Tuxedo-Cheverly Company 22, using the Seven-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.

13. **Schools**—The Historic Preservation and Public Facilities Planning Section has 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	12 DU	12 DU	12 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	2.88	.72	1.44
Actual Enrollment	33,058	13,185	17,855
Completion Enrollment	215.76	52	104
Cumulative Enrollment	25.92	6.48	12.96
Total Enrollment	33,302.56	13,244.20	17,973.40
State-Rated Capacity	39,187	11,256	16,332
Percent Capacity	84.98	117.66	110.05

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

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. 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 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.

14. **Public Utilities Easement**—The existing deck around the home on Lot 24 extends to within six feet of the proposed right-of-way (also see discussion under Finding 4, Variances). A standard public utility easement (PUE) is required along all rights-of-way when requested by the appropriate utility companies. As noted in the Urban Design section of this report (Finding 5), front porches are an important and required design element along the streetscape. Rather than just requiring the removal of a portion of the deck, it is appropriate to provide for negotiations between the affected utility companies and the applicant to determine if a six-foot-wide easement in this specific area will be sufficient. This should occur prior to the approval of the final plat of

subdivision.

15. **Stormwater Management**—Stormwater Management Concept Plan 50367-2006-01 was approved with conditions on October 30, 2007. Development of the site must be in accordance with this approved plan and any revisions.
16. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Tuxedo Road property. A raze permit may be required prior to the removal of the existing structures (a gazebo, decks and a shed).
17. **Archeology**— Phase I archeological survey is not recommended on the above-referenced 3.29-acre property located at the north end corner of 59th Avenue and Beecher Street. 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. Aerial photographs indicate that the structures currently on the property were placed there between 1938 and 1965. The entire property has been extensively impacted by this recent construction and it is unlikely that any undisturbed archeological sites will be identified. However, the applicant should be aware that there are two National Register properties, four historic sites, and two historic resources within a one-mile radius of the subject property.

Moreover, Section 106 of the National Historic Preservation Act may require an 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.
18. **Historic Preservation**—This preliminary plan of subdivision has no effect on historic resources.
19. **The Town of Cheverly**—The Town of Cheverly is not supporting the approval of the preliminary plan. The Town of Cheverly has cited that the subject site is designated as open space and for higher-density housing, neither of which is being proposed as part of this preliminary plan.

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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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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, November 15, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of December 2007.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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