

R E S O L U T I O N

WHEREAS, Costas D. Ntakounakis is the owner of a 2.18-acre parcel of land known as Lots 37, 38, 39, Plat BB 2@62, said property being in the 2nd Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on February 11, 2004, Steven Gudeman filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for eight lots and one outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04001 for Kidmore Park 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 April 15, 2004, 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 April 15, 2004, 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/08/91), and further APPROVED Preliminary Plan of Subdivision 4-04001, for Lots 1-8 with the following conditions:

1. Prior to signature approval, the FSD shall be revised to include the existing tree line.
2. Prior to signature approval, the TCPI shall be revised to:
  - a. Remove the soils information.
  - b. Reference the Stormwater Management Concept Approval Letter reference number.
  - c. The following note shall also be added: "Off-site mitigation can be provided in the form of a fee-in lieu payment for this project at the time of TCPII review and approval."
3. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
4. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health

Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. All other trash must be removed and properly discarded.

5. Prior to the issuance of grading permits, the applicant shall submit a manifest demonstrating that the fuel storage tanks located on the property have been properly disposed of by a licensed waste company and reclamation of any contaminated soils has occurred under the direction of the Health Department.
6. The septic tank serving the existing house on Lot 1 must be pumped out by a licensed scavenger and either removed or backfilled in place once public sewer is made available to the property.
7. Development of the property shall be in conformance with the approved stormwater management concept plan #22812-2003-1, or any approved revisions thereto.
8. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the tree conservation area and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
9. Prior to signature approval, the preliminary plan shall be revised to incorporate Outlot A into Lots 4-8.

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 property is located at the southeast quadrant of Beacon Light Road and 69<sup>th</sup> Avenue (a paper street).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Uses	Single-Family Residence	Single-Family Residences
Acreage	2.18	2.18
Lots	3	8
Outlots	0	1

4. **Environmental**—A review of the available information indicates there are no streams, Waters of the US, wetlands, 100-year floodplain, highly erodible soils or Marlboro clays found to occur on the site. There are no significant nearby noise sources and the proposed use is not expected to be a noise generator. The soils found to occur on the site, according to the Prince George’s County Soil Survey, are Christiana and Sandy and clayey land. These soils generally exhibit slight to moderate limitations to development due to steep slopes and high shrink-swell potential. 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**

1. A forest stand delineation (FSD) has been submitted for this proposal and was generally found to address the requirements for a detailed forest stand delineation in compliance with the requirement of the Woodland Conservation Ordinance; however, the existing tree line is still missing from the plan.

**Recommended Condition:** Prior to signature approval, the FSD shall be revised to include the existing tree line.

2. 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. The Type I Tree Conservation Plan, TCPI/8/91 as submitted, was reviewed and was found to conform to the requirements of the Woodland Conservation Ordinance.

The minimum woodland conservation requirement for the site is 0.44 acre of the net tract. An additional 0.33 acre is required due to the removal of woodlands, for a total woodland conservation requirement of 0.77 acre. The plan shows the requirement being met with 0.38 acre of on-site preservation and 0.39 acre of off-site credits, for a total of 0.77 acre of woodland conservation provided.

The plan contains some technical errors that need to be addressed. The plan shows soil boundary information, which is not information to be shown on a TCPI. The stormwater

concept plan approval number is not referenced on the TCPI.

In addition, since the amount of off-site mitigation is under an acre, fee-in lieu may be used instead of using an off-site easement to meet the requirements.

**Recommended Condition:** Prior to signature approval, the TCPI shall be revised to remove the soils information and to reference the Stormwater Management Concept Approval Letter reference number. The following note shall also be added: “Off-site mitigation can be provided in the form of a fee-in lieu payment for this project at the time of TCPII review and approval.”

3. A proposed Stormwater Management Concept Approval Letter (CSD# 22812-2003-01), dated January 21, 2004, was submitted with the application.

#### **Water and Sewer Categories**

The property is in water category W-3 and sewer category S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The property is in Planning Area 69/Neighborhood 10. 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 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg–New Carrollton and Vicinity (Planning Area 69)* recommends suburban density for single-family detached dwellings. This application conforms to the master plan recommendation.
6. **Parks and Recreation**—In accordance with Section 24-134 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. The proposed preliminary plan is consistent with the land use recommendations of the master plan and General Plan.
7. **Trails**—There are no master plan trails issues regarding the subject application.
8. **Transportation**—The applicant has not prepared a traffic impact study. It was not required by the transportation staff based on the proposed use of the site. Based on the five additional single-family units, the proposed development would generate 4 AM and 5 PM peak-hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (revised September 2002).

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 warranted traffic controls) if deemed warranted by the appropriate operating agency.

### **Staff Comments**

The traffic generated by the proposed preliminary plan would impact the intersection of MD 410 (Veterans Parkway) and Riverdale Road, which is signalized. The critical intersection is not programmed for improvement with 100 percent construction funding in the current Maryland Department of Transportation Consolidated Transportation Program.

Staff has no recent counts at the critical intersection of MD 410 and Riverdale Road. Due to the limited trip generation of the site, the Prince Georges' County Planning Board could deem the site's impact at this location to be de minimus, with minimal impact on the intersection's level of service standard. Given these facts, staff would therefore recommend that the Planning Board find that 4 AM and 5 PM peak-hour trips will have a de minimus impact at the intersection of MD 410 and Riverdale Road.

The site is accessed by Beacon Light Road with a 60-foot right-of-way and 69<sup>th</sup> Avenue with a 50-foot right-of-way. No additional right-of-way is required. Only Lot 1 will have direct access to Beacon Light Road; the other lots will access 69<sup>th</sup> Avenue. This is acceptable.

### **Transportation Conclusion**

Based on the preceding findings, the Transportation Planning Section finds 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 has reviewed this subdivision plan for adequacy of 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 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	8 sfd	8 sfd	8 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.92	0.48	0.96
Actual Enrollment	36236	11113	16710
Completion Enrollment	209.04	42.26	95.81
Cumulative Enrollment	81.12	20.28	40.56
Total Enrollment	36528.08	11186.02	16847.33
State Rated Capacity	38817	10375	14191
Percent Capacity	94.1	107.82	118.72

Source: Prince George's County Planning Department, M-NCPPC, December 2003

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 on 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 adequate public facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.**

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
  - a. The existing fire engine service at Riverdale Heights Fire Station, Company 13, located at 6101 Roanoke Avenue, has a service travel time of 2.51 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Riverdale Heights Fire Station, Company 13, has a service travel time of 2.51 minutes, which is within the 6.25-minute travel time guideline.
  - c. The existing paramedic service at Landover Hills Fire Station, Company 30, located at

68<sup>th</sup> Street and Annapolis Road, has a service travel time of 3.7 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

These findings are in conformance with the standards and guidelines contained in the 1990 *Approved Public Safety Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

11. **Police Facilities**—The proposed development is within the service area for Police District I-Hyattsville. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reviewed the application and offered the following comments:
  - a. A significant amount of building material debris was found on proposed Outlot A and should be removed and properly stored or discarded.
  - b. Approximately six tires were found on proposed Outlot A. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Prince George’s County Health Department Division of Environmental Health prior to preliminary plan approval.
  - c. The septic tank serving the existing house on Lot 1 must be pumped out by a licensed scavenger and either removed or backfilled in place once public sewer is made available to the property.
  - d. Any abandoned well found within the confines of the property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to the issue of any grading permit.
  - e. If the existing house is to be razed, a permit must be obtained through the Department of Environmental Resources.
  - f. A fuel tank was noted on site, adjacent to the occupied house. This tank must be removed prior to grading permit approval and the contents properly discarded. If staining is encountered, the soils beneath these tanks must be removed and properly disposed. A

representative from the Health Department must evaluate the soils for possible contamination once the tank is removed prior to grading permit approval.

13. **Stormwater Management**—The applicant received stormwater concept approval from the Prince George’s County Department Of Environmental Resources on January 21, 2004.
14. **Cemeteries**—There are no known cemeteries on the subject property.
15. **Public Utility Easement**—The preliminary plan shows a 10-foot-wide public utility easement adjacent to both Beacon Light Road and 65<sup>th</sup> Avenue.
16. **Prior Approvals**—The subject property was included in TCPI/08/91, which is being revised as part of this application.
17. **Outlot**— The applicant is proposing an outlot (Outlot A) to be dedicated to a homeowners association (HOA) and counted toward tree preservation requirements. Because of the narrow width of the proposed outlot and its lack of access to and frontage on a public right-of-way, this does not seem to be the best use of this land. This is particularly true when considering that this 16,500-square-foot tree save area would be the only reason a HOA would be created for this eight-lot subdivision. A more reasonable approach would be to simply extend the lot lines of Lots 4 through 8 to include this area. While this would encumber the lots with a tree conservation area, it should be noted that the unencumbered area of the lots created would still exceed the 9,500 square foot minimum lot size for the R-80 Zone, and provide for rear yards in excess of 60 feet in depth. In order to further assure that the tree conservation area remains intact, a conservation easement should be noted on the final plat.

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 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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 15, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of May 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TEL:meg