

A M E N D E D R E S O L U T I O N

WHEREAS, W.J. Kumbar is the owner of a 2.20-acre parcel of land known as Parcel 95, Tax Map 88, Grid F-1, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on April 27, 2004, William J. Kumbar filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 9 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04039 for Kumbar's Addition to Suitland 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 September 30, 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 September 30, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, on September 30, 2004 the Planning Board approved Preliminary Plan of Subdivision 4-04039; and

*WHEREAS, on April 20, 2006 the Planning Board approved a request to reconsider Preliminary Plan of Subdivision 4-04039 based on engineering error; and

*WHEREAS, the basis of that engineering error was that the original approval of the preliminary plan, failed to properly locate an existing driveway on the subject property that serves adjoining properties; and

*WHEREAS, on July 13, 2006, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with all of the original conditions and findings, with the exception of the addition of new Finding 16.

*Denotes Amendment

Underlining indicates new language

[Brackets } indicate deleted language

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/43/04), and further APPROVED Preliminary Plan of Subdivision 4-04039, Kumbar's Addition to Suitland for Lots 1-9 with the following conditions:

1. The following note shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/49/04), 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/Tree Preservation Policy."
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. A raze permit shall be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on site shall be removed and properly stored or discarded prior to the structures being razed.
4. Any abandoned well found within the confines of the property shall 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.
5. Any abandoned septic tank found within the confines of the property must be pumped out by a licensed scavenger and either removed prior to grading or backfilled in place as part of the grading permit.
6. A stormwater management concept plan shall be approved and the approval number and date shall be added to the preliminary plan prior to signature approval.
7. Standard sidewalks shall be provided along the frontage of Swann Road and along both sides of Kumbar Way, per the concurrence of Department of Public Works & Transportation.

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 site is located on the west side of Swann Road, approximately 300 feet south of its intersection with Mathilda Lane.
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
Uses	Single-Family Residence	Single-Family Residences
Acreage	2.2	2.2
Lots	0	9
Parcels	1	0
Single-Family Residences	1 (to be razed)	9

4. **Environmental**—The site is characterized by terrain sloping gradually toward the west and draining into unnamed tributaries of the Henson Creek watershed in the Potomac River basin. There are no streams, Waters of the U.S., 100-year floodplain, or Marlboro clays found to occur on the site. The subject property is characterized with highly erodible soils that could impact the development of the site due to possible wetlands on site, of which verification from the U.S. Army Corps of Engineers is still pending. Swann Road is a collector roadway generally not regulated for noise. The soils found to occur on the site, according to the Prince George’s County Soil Survey, are Beltsville, Croom, and Matapeake. These soil types generally exhibit slight to moderate limitations to development due to perched water table, impeded drainage, and steep slopes. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. There are no designated scenic and historic roads adjacent to this property. This property is located in the Developed Tier as delineated on the approved General Plan.

Tree Conservation

A forest stand delineation (FSD) has been submitted for this proposal and was thought to require revisions to comply with the Woodland Conservation Ordinance. However, a field visit conducted by staff on June 11, 2004, confirms that the delineation and relevant information as provided were correct and generally found to address the requirements for detailed FSD and tree conservation plan.

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type I Tree The Conservation Plan, TCPI/43/04, has been 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. An additional 0.55 acre is required due to the removal of woodlands under the current proposal for a total woodland conservation requirement of 0.99 acre. The plan shows the requirement being met with 0.99 acre of off-site mitigation.

Noise

Noise is not a major consideration in the review because Swann Road is a collector roadway and not generally regulated for noise. Suitland Parkway is an arterial roadway and a noise generator

that is located approximately 200 feet south of the subject property; however, noise is not an issue at this time due to the distance. No additional information is required with regards to noise impacts at this time.

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 72/Suitland Community. 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 1985 approved Suitland-District Heights and Vicinity Master Plan recommends suburban residential densities for single-family residences. 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 identified in the 1985 approved Suitland-District Heights and Vicinity Master Plan or the countywide trails plan. A standard sidewalk is recommended along both sides of Kubar Way and the site's frontage along Swann Road, per the concurrence of Department of Public Works & Transportation.
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 nine single-family units, the proposed development would generate 7 AM and 8 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

As a result of field surveys by the transportation staff, the intersection of Meadowview Drive and Suitland Road, and not MD 458 and Swann Road as suggested at the time of initial view, is deemed to be the critical intersection for this site. The traffic generated by the proposed preliminary plan would impact the intersection of Meadowview Drive and Suitland Road, which is not signalized. The critical intersection is not programmed for improvement with 100 percent construction funding in the current Prince George's County FY 2005-2010 Capital Improvements Program.

The applicant submitted a traffic count for the intersection of Meadowview Drive and Suitland Road. The traffic count was taken during July 2004. During the AM peak hour there is currently a delay of 10.4 seconds and during the PM peak hour 16.5 seconds, based on the submitted traffic count. With background development, which includes annual growth and a seasonal adjustment for the traffic count, the AM peak-hour delay becomes 11.0 seconds and the PM peak-hour delay becomes 19.0 seconds. Site traffic generates negligible amounts of delay—AM peak-hour delay of 11.5 seconds and PM peak-hour delay of 19.7 seconds. Therefore, under existing and future traffic, the critical intersection would operate acceptably under the Planning Board's guidelines.

The site would be accessed by Swann Road with a 60-foot right-of-way. Appropriate dedication is shown on the site plan. A new subdivision road, Kumbar Way, will access Swann Road. Several lots appear to have driveway access to Swann Road; this is acceptable. Kumbar Way is shown with a possible future connection to adjacent properties; this is a preferable option. The site is not within or adjacent to any master plan transportation facilities.

Transportation Finding

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. No transportation-related conditions are recommended at this time.

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 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	9 sfd	9 sfd	9 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.16	0.54	1.08
Actual Enrollment	36236	11113	16710
Completion Enrollment	209.04	52.26	95.81
Cumulative Enrollment	543.60	135.90	271.80
Total Enrollment	36990.80	11301.70	17078.69
State Rated Capacity	38817	10375	14191
Percent Capacity	94.30%	108.93%	120.35%

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 an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

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

The Historic Preservation and Public Facilities Planning Section staff 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 and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 3.11 minutes, which is within the 5.25-minute travel time guideline.

The existing ambulance service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 3.11 minutes, which is within the 6.25-minute travel time guideline.

The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 3.11 minutes, which is within the 7.25-minute travel time guideline.

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

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan (1990)* 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 III-Landover. 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 1/2/04, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is the capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department reviewed the application and had the following comment to offer:
 - “1. A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.
 - “2. 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.
 - “3. The abandoned septic tank found within the confines of the property must be pumped out by a licensed scavenger and either removed prior to grading or backfilled in place as part of the grading permit.”
13. **Stormwater Management**—The applicant has not yet received stormwater concept approval from the Department of Environmental Resources. A copy of the concept approval letter is necessary prior to signature approval of the preliminary plan.
14. **Cemeteries**—There are no known cemeteries on the subject property.

15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to both Kumbar Way and Swann Road.

16. **Outlot A**—The revised preliminary plan shows a ten-foot wide outlot (Outlot A) along the southern boundary of the site that accommodates one-half of a twenty-foot private easement serving properties to the south and west, one of which is also owned by the applicant. The applicant is proposing to retain Outlot A, although they have also approached the property owner to the south to see if she is interested in having it conveyed to her. The four lots that lose the ten-foot strip (Block B, Lots 1-4) still exceed the minimum 6,500 square feet lot area in the R-55 Zone, ranging from 7,407 to 8,869 square feet in area.

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 Clark, with Commissioners Eley, Clark, Squire, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, July 13, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of September 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk

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