

R E S O L U T I O N

WHEREAS, a 3.94-acre parcel of land known as Parcel 225, Tax Map 73 in Grid A-4, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on September 29, 2005, Churchill Devco, LLC 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 Preliminary Plan 4-04190 for Ridgeview 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 February 9, 2006, 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 February 9, 2006, 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/37/05), and further APPROVED Preliminary Plan of Subdivision 4-04190, Ridgeview, including a Variation from Section 24-130 for Lots 1-9 and Parcel A with the following conditions:

1. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
2. Development of this site shall be in conformance with the approved stormwater management concept plan (CSD 42112-2005-00) and any subsequent revisions.
3. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 1.32± acres of open space land (Parcel A). Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.

- b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
- c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
- d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
- e. Any disturbance of land to be conveyed to an HOA shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to an HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.

The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

- 5. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
  - a. Eliminate woodland conservation on lots less than 20,000 square feet and show it as being saved, but not counted.
  - b. Revise the worksheet to reflect all changes to the plan.
  - c. Show all required building restriction lines.
  - d. Revise the revision block accordingly.
  - e. Have the revised plan signed and dated by the qualified professional who prepared the plan

6. Development of this subdivision shall be in compliance with the Type I tree conservation plan (TCPI/37/05) approved as part of this application.

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/37/05), 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.”

Impacts to sensitive environmental features shall be limited to a minor area of impact for the construction of the cul-de-sac and stormdrain outfall.

7. At time of final plat, a conservation easement shall, be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for the single area of impact approved, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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.”

8. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
9. Prior to the signature approval of the preliminary plan, a copy of the approved stormwater concept plan shall be submitted. If the plan shows impacts not approved with the preliminary plan approval, those impacts are not considered approved with this application.

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 on the west side of Brooke Road, approximately 1,500 feet north of the intersection of Brooke Road and Walker Mill Road. Surrounding properties are acreage parcels developed with single-family dwelling units in the R-55 Zone. To the north is the Doswell E. Brooks Elementary School. To the west is undeveloped parkland associated with the Oakcrest Community Center (M-NCPPC) in the R-O-S Zone.

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-55	R-55
Use(s)	Vacant	Single-family Residential
Acreage	3.94	3.94
Lots	0	9
Parcels	1	1
Dwelling Units:	0	9

4. **Environmental**—The site is characterized with terrain sloping toward the center of the parcel identified as a stream, and drains into unnamed tributaries of the Lower Anacostia River. A review of the available information indicates that streams, nontidal wetlands, severe slopes, or areas of steep slopes with highly erodible soils occur on this property. There is no 100-year floodplain on the subject property. There are no transportation-related noise impacts associated with the site. The soils found to occur, according to the Prince George’s County Soil Survey, include the Beltsville series and Sassafras. These soil series generally exhibit slight to moderate limitation to development due to perched water table, impeded drainage, 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, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties, December 1997, rare, threatened, or endangered species are not found to occur in the vicinity of this property. No designated scenic or historic road is located along the frontage of this property. This property is located in the Anacostia River watershed of the Anacostia River Basin and in the Developed Tier as reflected in the adopted General Plan.

**Natural Resources Inventory**

The preliminary plan application has a signed natural resources inventory (NRI/12/05), dated May 4, 2005, that was included with the application package. The preliminary plan shows all the required information correctly.

**Woodland Conservation**

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 it. A Type I tee conservation plan submitted as part of this application was reviewed and was found to satisfy the requirements of the Woodland Conservation Ordinance.

This property has a net tract area of 3.94 acres. The TCP I woodland conservation worksheet indicates that the minimum woodland conservation requirement for this site is 0.79 acre (20 percent of the net tract). An additional 0.43 acre is required due to removal of woodland below the threshold level, for a total requirement of 1.22 acres. The plan shows the requirement being met with 1.14 acres of on-site woodland preservation, and 0.08 acre of reforestation for a total of 1.22 acres as required.

No further information is required at this time with regard to the Type I tree conservation plan (TCPI/37/05), except minor revisions; however, it was noted that it is not consistent with the stormwater management concept plan as submitted, which shows impacts to buffer areas not recommended for approval.

#### **Environmental Impacts and Variation to Section 24-130**

The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The stream, 50-foot stream buffer, and severe slopes have been correctly located on the plan and verified to be correct as reflected in the NRI.

The Subdivision Ordinance requires the preservation of streams and wetlands and their associated buffers in their entirety, unless the Planning Board approves a variation and can make the required findings of Section 24-113.

On the northwestern portion of the site a stormwater management outfall is proposed, which encroaches into expanded buffer area. A variation request was submitted with the review package for the purpose of constructing a public road, stormdrain outfall, and plunge pool. The variation request proposes the disturbance of 6,410 square feet of the expanded stream buffer for the cul-de-sac construction and stormwater outfall. The stormwater management concept plan shows additional impacts to the expanded stream buffer for which variations were not requested.

Variation requests are generally supported for impacts that are essential to the development, such as road crossings to isolated portions of a parcel or impacts for the construction and installation of necessary public utilities, if the impacts are minimized. In this case, the impacts are necessitated by the proposed construction of a cul-de-sac with a radius that will accommodate public safety vehicles and for a stormwater management outfall.

Section 24-113 of the Subdivision Regulations contains four required findings (text in bold) to be made before a variation can be granted.

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest**

**secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The variation is required to address the regulations associated with the public road and stormdrain outfall.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The conditions of the property are unique with respect to the placement of the associated expanded buffer and the required placement of the cul-de-sac and stormdrain outfall.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

No other variances, departures, or waivers are required with regard to the treatment of stormwater. All appropriate local, federal and state permits must be obtained before the construction can proceed.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

Due to the configuration of this site and the location of the expanded buffer, the extent of the proposed impacts are appropriate to allow for the development of the property under its existing zoning.

The Planning Board approves the area of impact as requested. There are two remaining areas of impacts shown on the stormwater concept plan for which there are no variation requests submitted and are not recommended for approval. The proposed activities may require the permission of the appropriate state and/or federal agencies.

### **Water and Sewer Categories**

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

5. **Community Planning**—The property is located within the limits of the 1986 approved master plan and adopted sectional map amendment for Suitland-District Heights and vicinity, Planning Areas 75A and 75B, in the Capitol Heights community. The master plan land use recommendation is for Medium Suburban Residential densities (3.6–5.7 dwelling units/acre). The 2002 General Plan locates 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. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Prince George’s County Subdivision Regulations, the Department of Parks and Recreation is recommending a fee-in-lieu of mandatory dedication for this application because the land available is unsuitable due to 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 that impact the subject application. There is an existing sidewalk along Brooke Road that provides pedestrian access from the subject site to the school to the north. Standard sidewalks are recommended along both sides of the internal cul-de-sac.
8. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count from the applicant, and the needed count at the intersection of Rollins Avenue/Walker Mill Road was provided. The count was taken in September 2004 and was used to determine adequacy. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

**Growth Policy—Service Level Standards**

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 Analysis of Traffic Impacts**

The transportation staff is basing its findings on the traffic impacts at one critical intersection, which is signalized. The traffic generated by the proposed preliminary plan would impact the intersection of Rollins Avenue/Walker Mill Road. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

This intersection, when analyzed with existing traffic, was found to be operating at Level-of-Service (LOS) A with a critical lane volume (CLV) of 542 during the AM peak hour and LOS A with a CLV of 617 during the PM peak hour. Under background traffic, in consideration of 20 approved developments in the area, the critical intersection was found to be operating at LOS A with a CLV of 663 during the AM peak hour and LOS A with a CLV of 761 during the PM peak hour. When the subject intersection was analyzed under total traffic conditions (i.e., growth in through traffic plus approved development plus the impact of the subject site), it was found to be operating at LOS A with a CLV of 666 during the AM peak hour and LOS A with a CLV of 765 during the PM peak hour. These numbers are well within the threshold for adequacy. Site access and layout are acceptable. The site is not within or adjacent to any master plan transportation rights-of-way.

### **Transportation Conclusions**

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for 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	35388	11453	16879
Completion Enrollment	218	52	105
Cumulative Enrollment	18.24	4.56	9.12
Total Enrollment	35626.40	11510.10	16994.20
State Rated Capacity	39187	11272	15314
Percent Capacity	90.91%	102.11%	110.97%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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.

- Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision 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 Zoning Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Capitol Heights, Company 5, using the seven-minute travel times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 98.99 percent, which is within the staff standard of 657, or 95 percent of 692, as stated in CB-56-2005. The Fire Chief has reported by letter dated August 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police**—The Historic Preservation and Public Facilities Planning Section has determined that this preliminary plan is located in Police District III. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005.

The preliminary plan was accepted for processing by the Planning Department on September 29, 2005.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-08/05/05	9.00	20.00

In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05028 meets the standards for police emergency response time.

12. **Health Department**—The Health Department reviewed the application and had no comments.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been approved (CSD 42112-2005-00). Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
14. **Historic Preservation**—The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. The Historic Preservation Section does not recommend archeological investigation of this site.
15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be recorded 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 Squire, with Commissioners Eley, Squire, and Hewlett voting in favor of the motion, with Commissioner Vaughns absent at its regular meeting held on Thursday, February 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of March 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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