

R E S O L U T I O N

WHEREAS, First Baptist Church of Hyattsville is the owner of a .875-acre parcel of land known as Parcel B, (Plat Book NLP 131, Plat 91), Tax Map 42 in Grid B-4, said property being in the 16th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on October 18, 2005, Guild Craft, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05086 for Ivan Tract 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 March 23, 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 March 23, 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 Preliminary Plan of Subdivision 4-05086, Ivan Tract for Lots 1-3 with the following conditions:

1. Prior to signature approval of the preliminary plan, Note 17 shall be corrected to accurately reflect that this site is within the Hyattsville National Register Historic District.
2. Development of this site shall be in conformance with the approved stormwater management concept plan (30019-2005-00) and any subsequent revisions thereto. Prior to signature approval, the concept plan number and date shall be noted on the preliminary plan.
3. Prior to approval of the final plat of subdivision, the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
4. Prior to approval of the final plat of subdivision, a limited detailed site plan shall be approved by the Planning Board or its designee for the site. The limited detailed site plan shall address:
 - a. Compatibility of new construction with Bonnie Brae and nearby single-family homes through careful selection of architectural styles and building materials.

- b. Landscaping, buffering, and building siting to ensure the privacy of current and future residents. Particular attention shall be paid to buffering techniques for the central drive serving Lot 1.

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 east side of 42nd Avenue, opposite Madison Street within the City of Hyattsville and the Gateway Arts District. The site is predominantly cleared and developed with a single-family residence. The surrounding properties are a mix of zoning categories. To the east is a church parking lot, beyond which are single-family residences in the R-55 Zone. To the west are single-family residences in the R-55 Zone. To the north are apartments for the elderly in the R-10 Zone, while the property to the south is developed with the First Baptist Church of Hyattsville.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-55, D-D-O	R-55, D-D-O
Uses	Single-Family Residence	Single-Family Residences
Acreage	0.875	0.875
Lots	1	3
Parcels	0	0
Outparcels	0	0
Dwelling Units	1	3 (2 new)

4. **Environmental**—A review of the available information indicates that streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. There is no 100-year floodplain that is associated with the site. 42nd Avenue is a collector roadway and generally not regulated for noise impacts. The predominant soil types found to occur on this site, according to the Prince George's County Soil Survey, are Sunnyside and Shrewsbury. These soil series have limitations with respect to steep slopes, seasonally high water table, and poor drainage but will not affect the site layout. According to available information, Marlboro clay does not 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, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. This property is located in the Lower Northeast Branch watershed of the Anacostia

River basin and in the Developed Tier as reflected in the approved General Plan.

Natural Resources Inventory

The preliminary plan application has a signed natural resources inventory (NRI/080/05), dated August 31, 2005, that was included with the application package. The preliminary plan shows all the required information correctly.

Woodland Conservation

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is less than 40,000 square feet in area, it contains less than 10,000 square feet of woodlands, and it has no previous approved tree conservation plan. A Type I tree conservation plan was not submitted with the review package and is not required. The Environmental Planning Section issued a standard letter of exemption for this site on August 31, 2005.

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. The proposed development will utilize these public systems.

5. **Community Planning**—The property is in Planning Area 68/Hyattsville. 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 recently approved 2004 Gateway Arts District sector plan and sectional map amendment governs development of this site. The sector plan sets goals, objectives, and concepts based on the identification of seven character areas: 1) town center, 2) arts production and entertainment, 3) neighborhood arts and production, 4) multifamily residential community, 5) traditional residential neighborhoods, 6) neighborhood commercial, and 7) stream valley park. Each has its own set of development district standards with the exception of the stream valley park character area. This property is in the traditional residential neighborhood character area, which is described below:

In the city of Hyattsville, the R-55 standards per the Zoning Ordinance govern development in the TRN character area. This application conforms to the residential-infill land use recommendations of the 2004 Gateway Arts District Sector Plan and Sectional Map Amendment for the traditional residential neighborhood character area.

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.

7. **Trails**—There are no master plan trail issues identified in the approved Gateway Arts District master plan that impact the subject application. There is an existing sidewalk along the subject site's frontage on 42nd Avenue. This sidewalk accommodates pedestrians walking to Hyattsville Middle School to the north.
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. Three single-family lots are proposed, one of which is already improved with single-family residences.

The site is within the Developed Tier, as defined in the 2002 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 study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

Transportation Staff Comments

Based on the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, a three lot, single-family development (two new lots) will generate 2 AM peak-hour trips, and 2 PM peak-hour trips. Pursuant to provisions in the guidelines, the Planning Board may find that traffic impact of small developments is *de minimus*. A *de minimus* development is defined as one that generates five trips or fewer in any peak period.

Regarding on-site circulation of traffic, staff has no issues.

Transportation Conclusion

Based on the fact that the subject application is considered to be *de minimus*, adequate transportation facilities exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County.

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	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	94.32	23.58	47.16
Total Enrollment	35,700.80	11,528.70	17,031.40
State-Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.10%	102.28%	111.21%

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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and \$12,706 to be a paid at the time of issuance of each building permit.

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

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the public 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 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 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 Hyattsville, Company 1,

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 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated 12/01/05 that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District I. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on 10/18/05.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-09/05/05	9.00	18.00
Cycle 1			
Cycle 2			
Cycle 3			

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on 09/05/05. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police facilities have been met.

12. **Health Department**—The Health Department reviewed the application and has no comments.
13. **Stormwater Management**—The stormwater management concept approval letter and concept plan (30019-2005-00, dated August 26, 2005) have been submitted. Infiltration is the primary method of stormwater management. A fee payment of \$1,000 in lieu of providing on-site attenuation/quality control measures is part of the concept plan approval. Development must be in accordance with that approval.
14. **Historic Preservation**—The applicant should be aware that the property is within the Hyattsville National Register Historic District. The note regarding "Historic District" on the plans should be corrected and changed from "N/A" to "within the Hyattsville National Register Historic District." Also, Section 106 review may require archeological survey for state or federal agencies.

A Phase I (identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property.

Section 106 review may require an archeological survey for state or federal agencies, however. 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 federal monies, federal properties, or federal permits are required for a project.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.
16. **City of Hyattsville**—The City of Hyattsville has reviewed this application and recommends approval. The City Council received a commitment from the applicant to preserve and rehabilitate Bonnie Brae Mansion and to use compatible architectural styles and building materials in the new construction on the two new lots. Staff is recommending a limited detailed site plan to address compatibility and privacy issues through judicious selection of architecture, building materials, landscaping, buffering, and building siting.

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.

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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, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, March 23, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of May 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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