

R E S O L U T I O N

WHEREAS, Kairos Development Corporation, Inc. is the owner of a 1.4293-acre parcel of land known as TB Middleton Farm, Tax Map 97 in Grid F-2, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on January 22, 2008, Land and Compass, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 8 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07014 for Kairos Meadows 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 27, 2008, 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 27, 2008, 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 4-07014, Kairos Meadows, for Lots 1-8 with the following conditions:

1. Prior to approval of the final plat of subdivision, the applicant, heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication.
2. The applicant and the applicant's heirs, successors, and/or assignees shall provide standard sidewalks along the subject site's entire road frontages of Middleton Lane, Kenwood Street, and Edgewood Drive, unless modified by DPW&T.
3. The abandoned shallow well located under the rear deck of the existing house at 5625 Middleton Lane must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit.
4. Any abandoned septic tank (concrete lid observed to left of house) must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit.

5. A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings (house and shed). Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed.
6. Development of this site shall be in conformance with Stormwater Management Concept Plan #34699-2006-00 (approved August 22, 2006) and any subsequent revisions.
7. Prior to the issuance of any permits a Limited Detailed Site Plan shall be approved by the Planning Board that addresses house siting, architecture with elevations, landscaping and fencing.

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 on the north side of Middleton Lane between Kenwood Street (west) and Edgewood Street (east).
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 dwelling | Detached single-family dwellings |
| Acreage | 1.42 | 1.42 |
| Lots | 0 | 8 |
| Parcels | 1 | 0 |
| Detached Dwelling Units | 1 (to be razed) | 8 |
| Public Safety Mitigation Fee | | No |

4. **Community Planning**—This application is located 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 because the proposal meets the density requirements. The 2006 approved Henson Creek-South Potomac master plan and sectional map amendment classifies the property in the R-55 Zone. This application conforms to the residential, low-density land use (up to 5.7 dwelling units per acre) recommended in the 2006 approved Henson Creek-South Potomac master plan and SMA because the proposed 8 lots on the subject property's 1.42 acres would result in a density of 5.63 dwelling units per acre.

5. **Environmental Planning**—There are no streams, 100-year floodplain, or wetlands on the property. Runoff from the site eventually reaches Henson Creek in the Potomac River watershed. According to the “Prince George’s County Soil Survey” the principal soils on the site are in the Beltsville series. Marlboro clay is not found to occur in the vicinity of this site. Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program staff, rare, threatened and endangered species do not occur in vicinity of the site. No designated historic or scenic roads will be affected by this development. There are no nearby sources of traffic-generated noise. According to the 2005 *Countywide Green Infrastructure Plan*, there are no network features from the plan located on the site. The property is in the Developed Tier of the 2002 General Plan.

Environmental Issues Addressed in the Subregion V Master Plan

The master plan does not note any environmental issues associated with this property.

Countywide Green Infrastructure Plan

The property is not within the network of the Green Infrastructure Plan network and is not located near any network elements.

Environmental Review

A signed Natural Resources Inventory (NRI), NRI/177/06, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. The property contains less than 10,000 square feet of woodland. A standard letter of exemption was issued on November 14, 2007. This site is not subject to the provisions of the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved tree conservation plan. According to the “Prince George’s County Soil Survey” the soils on the site are in the Beltsville series. Beltsville soils have a K factor of 0.43 and are considered highly erodible and may be problematic for grading on steep or severe slopes; however, there are no steep or severe slopes on the site. A soils report may be required by the county during the permit review process. If basements are proposed, a soils report will be required pursuant to CB-94-2004.

Water and Sewer

The property is located within Water and Sewer Category 3. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before approval of a final plat. This development will be served by public systems.

6. **Parks**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the Department of Parks and Recreation, Park Planning and Development Division

recommends that prior to approval of the final plat of subdivision, the applicant, heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication.

7. **Trails**—The 2006 approved Henson Creek-South Potomac master plan and sectional map amendment recommends pedestrian-oriented development, walkable communities, and local pedestrian connections. Policy 3 states:

Provide adequate pedestrian and bicycle linkages to schools, parks, and recreation areas, commercial areas, and employment centers.

The strategies under Policy 3 designate Middleton Lane as a sidewalk corridor (master plan, page 71). Currently, the subject site's frontages of Middleton Lane, Kenwood Street, and Edgewood Drive do not include sidewalks. The submitted preliminary plan reflects the provision of standard sidewalks along all road frontages for the subject site.

8. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did request traffic counts for the purpose of making an adequacy finding, and traffic counts dated March 2007 were provided by the applicant and analyzed. Therefore, the findings and recommendations outlined below are based upon a review of these 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 subject property is in 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 is required in the Developing Tier.

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 intersection of Old Branch Avenue and Middleton Lane is determined to be the critical intersection for the subject property. The existing conditions at the study intersection are summarized as follows: AM peak hour, a critical lane volume (CLV) of 716, operating at level-of-

of-service (LOS) A; and PM peak hour, a CLV of 727, operating at LOS A.

There are no funded projects within the study area in either the county Capital Improvement Program or the state Consolidated Transportation Program that would affect the future capacity of the critical intersection. Four approved but unbuilt developments that would directly affect the critical intersection were identified. Annual through traffic growth of 1.1 percent per year was added to account for development and traffic growth in the general area. With background growth added, the following results are obtained: AM peak hour, a CLV of 858, operating at LOS A; and PM peak hour, a CLV of 913, operating at LOS A.

A residential subdivision consisting of eight single-family detached lots is proposed. This amount of development would generate 6 AM (1 in and 5 out) and 7 PM (5 in and 2 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

15% - Southwest along Middleton Drive
10% - South along MD 5
20% - South along Old Branch Avenue
55% - North along MD 5

Given this trip generation and distribution, staff has analyzed the impact of the proposal, and the following results are obtained: AM peak hour, a CLV of 866, operating at LOS A; and PM peak hour, a CLV of 921, operating at LOS A.

It is noted that this intersection operates adequately and within the standards identified. The site is not within or adjacent to any master plan transportation facilities. The subject application proposes additional road dedication for Kenwood Street, Middleton Lane, and Edgewood Drive to establish appropriate minimum right-of-way widths. The specific amounts of dedication are acceptable.

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 Prince George's County Code if the application is approved. No transportation-related conditions are warranted at this time.

9. **School**—The Historic Preservation and Public Facilities Planning Section 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 6 | Middle School Cluster 3 | High School Cluster 3 |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units | 8 DU | 8 DU | 8 DU |
| Pupil Yield Factor | .24 | .06 | .12 |
| Subdivision Enrollment | 1.92 | .48 | .96 |
| Actual Enrollment | 4,518 | 5,968 | 9,696 |
| Completion Enrollment | 168.96 | 90 | 181 |
| Cumulative Enrollment | 53.28 | 56.40 | 93.60 |
| Total Enrollment | 4,742.16 | 6,114.88 | 9,971.56 |
| State Rated Capacity | 4,775 | 6,114 | 10,392 |
| Percent Capacity | 99.31 % | 100.01% | 95.95% |

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts 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 \$7,870 and \$13,493 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.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section 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 Subdivision Ordinance. Public Facilities staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Clinton Company 25, using the *Seven (7) Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department. Pursuant to CR-69-2006, 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.

11. **Police**—The subject property is located in Police District IV. The response time standard is 10 minutes for priority calls and 25 minutes for nonpriority 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 January 22, 2008.

| Reporting Cycle | Previous 12 Month Cycle | Priority Calls | Nonpriority Calls |
|--------------------------------------|-------------------------|----------------|-------------------|
| Acceptance Date January 22, 2008. | 12/06 - 12/07 | 10 minutes | 15 minutes |
| Cycle 1 | | | |
| Cycle 2 | | | |
| Cycle 3 | | | |

The response time standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met January 28, 2008. 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, 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. **Stormwater Management**—A Stormwater Management Concept Plan, CSD #34699-2006-00, approved by the Prince George’s County Department of Public Works and Transportation, was submitted with this application.
13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for 4-07014 Kairos Meadows and has noted that the abandoned shallow well located under the rear deck of the existing house at 5625 Middleton Lane must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit. Staff noted a concrete lid observed to the left of the existing house, which may indicate the presence of an abandoned septic tank. Any abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The preliminary plan indicates that the house and shed are to be removed. 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.
14. **Archeology**—A Phase I archeological survey is not recommended for the property located at 5625 Middleton Lane in Temple Hills, Maryland. 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. However, the applicant should be aware that there is one county historic site, Bells Methodist Church and Cemetery (PG:76B-

(PG:76B-107), located within one mile of the subject property.

Moreover, Section 106 review may require 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.

15. **Historic**–The proposed subdivision will have no effect on historic resources.
16. **Planning Board** – There was a discussion about the rezoning of the property from R-R to R-55 as a part of the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. Neighboring residents to the subject property objected to the density of the development, but recognized that they needed to work with the developer to obtain compatibility of the new homes to their existing homes. The Vice-President of the Camp Springs Citizens Association provided written comments to the Planning Board citing their disapproval of the proposed development, while also requesting a Detailed Site Plan. The developer stated that they were willing to work with the community. The Planning Board members noted a concern over compatibility issues with proposed housing on Lot sizes consistent with the R-55 zone and existing housing on Lot sizes consistent with the R-R zone. The Planning Board determined that a Limited Detailed Site Plan should be imposed that examines the siting of the single-family dwellings; the elevation of the architecture, landscaping and fencing was warranted.

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.

* * * * *

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 Clark, seconded by Commissioner Cavitt, with Commissioners Clark, Cavitt, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, March 27, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of April 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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