

C O R R E C T E D R E S O L U T I O N

WHEREAS, James Maguire, Jr. is the owner of a 10.86-acre parcel of land known as Parcel 6, Tax Map 157, Grid C-4, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on September 21, 2001, James Maguire filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01076 for School Run Estates 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 November 29, 2001, 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 November 29, 2001, 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/23/00-01), and further APPROVED Preliminary Plan of Subdivision 4-01076, School Run Estates for Lots 1 and 2 with the following conditions:

- [1. The applicant, heirs, successors and or assigns shall dedicate 40 feet from the center line of the right-of-way of Brown Station Road at the time of approval of the final plat of subdivision as shown on the submitted preliminary plan.
2. The applicant, heirs, successors and or assigns shall make improvements within the dedicated right-of-way of Brown Station Road. Those improvements shall be determined by DPW&T and will include acceleration and deceleration lanes at the site entrance.
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #8329131-2000-00.
4. Prior to signature approval the preliminary plan shall be revised to locate the septic field which served the existing residence.

[Brackets] indicated deleted text

* Asterisk indicates corrected text

5. Prior to the approval of the final plat of subdivision, a licenced scavenger shall scavenge and backfill the septic tank on site which served the existing dwelling.
6. The existing shallow well shall be sealed in accordance with the Code of Maryland Regulations 26.04.04 by a licenced well driller or witnessed by a representative from the Environmental Engineering Program of the Health Department. If the applicant proposes construction of the building or parking over the existing well site, sealing the well will not be required.
7. All commercial structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.
8. Prior to signature approval of the TCPI, the plan shall be labeled as a Type I.]
- *1. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, #008007130.
- *2. The final plat of subdivision shall contain the following note:

ADevelopment is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/23/00-01), 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.@

- *3. Prior to issuance of any permits, a Type II TCP shall be approved.

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 west side of Letcher Road East, north of its intersection with Baden Naylor Road in Baden.
3. EnvironmentalCThis site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Forest Stand Delineation and a Type I Tree Conservation Plan have been submitted as part of the application. The Forest Stand Delineation meets the requirements of the Woodland Conservation Ordinance.

[Brackets] indicated deleted text

* Asterisk indicates corrected text

A revised Type I Tree Conservation Plan (TCPI/23/00-01) dated November 7, 2001, was reviewed and found to be adequate. The minimum woodland requirement for the site is 5.45 acres of the net tract. An additional 0.65 acre is required due to the removal of woodlands, for a total minimum woodland requirement of 6.10 acres. The plan shows the requirement being met with 6.10 acres of on-site preservation.

The subject property was previously reviewed by the Environmental Planning Section. In 1994, a Type II Tree Conservation Plan (TCPII/89/94) was approved for five adjacent parcels, including the subject property. This TCP authorized the clearing of 1.2 acres of woodland for the Abrushing out of the gravel road@ that runs through the southern portion of this site, and provides access to four of the included lots through the fifth lot, which fronts on Letcher Road.

The subject property was also reviewed as Preliminary Plan 4-00033, which was submitted for review July 7, 2000, and a TCPI for Lots 1 and 2 (TCPI/23/00). Lots 1 and 2 represented a subdivision of Lot 4 (JWB L. 1824 F.285) which was shown on TCPII/89/94. On this plan Lot 4 was shown to be 11.7380 acres in size.

A pre-preliminary plan, P-01004, was submitted for review in June 2001. The area of the pre-preliminary had been reduced by 0.878 acre from the previous submittal; the parcel boundary stopped on the north side of the proposed 30-foot-wide private drive shown on the plan, and did not include the portion of the site labeled A25' Common Access Easement & PUE.@

A perennial stream has been identified in the northwest corner of the site. The site is located in the Spice Creek watershed, which is a tributary of the Patuxent River. No wetlands or 100-year floodplain have been identified on this plan, and the plan notes indicate that none exist on this site.

The soils on the site are in the Westphalia, Galestown, and Sandy Land series. Westphalia soils have a K factor of 0.43, and may present an erosion problem on steep slopes. No Marlboro clay has been identified on this site.

No noise concerns have been identified related to this site. The site is in sewer and water categories S-6 and W-6. Private water and sewer are proposed. No rare, threatened or endangered species, cemeteries, historic sites, or scenic/historic roads have been identified on or adjacent to the subject property. This site is not located within a designated Rural Legacy Area.

4. Community PlanningCThe subject property is within the limits of the *Subregion VI Master Plan* in Planning Area 86B in the Baden Community, approved September 1993. The master plan land use recommendation for this property is for a *ALow-Rural@* land use. This property was retained in the O-S Zone in the *Sectional Map Amendment for the Subregion VI Study Area*, approved May 1994.

The proposed development of two, five-acre lots is consistent with the type of residential development envisioned in the Subregion VI Master Plan. There are no outstanding planning issues associated with this application.

5. Parks and RecreationCIn accordance with Section 24-134(a) of the Subdivision Regulations, the subject preliminary plan is exempt from the requirement of mandatory dedication of parkland because the lots proposed are greater than one acre in size.
6. TrailsCThere are no master plan trail issues associated with this application.
7. TransportationCThe application is a preliminary plan of subdivision for a residential development consisting of two single-family dwelling units. The proposed development would generate 2 AM and 2 PM peak hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (April 1989).

The traffic generated by the proposed preliminary plan would impact the intersection of Baden-Naylor Road and Letcher Road East. The 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.

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined Level-of-Service D (LOS D) as the lowest acceptable LOS for signalized intersections and a maximum of 50 seconds of delay for unsignalized intersections. The unsignalized intersection identified above, when analyzed under total future traffic as developed using the *Guidelines*, was found to be operating at acceptable LOS.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations if the application is approved.

8. SchoolsCThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998) and determined that the subdivision is exempt from an APF test for schools because it is less than 36 dwelling units and not served by public water and sewer.
9. Fire and RescueCThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following.
 - a. The existing fire engine service at Baden Fire Station, Company 36, located at

16608 Brandywine Road, has a service response time of 2.49 minutes, which is within the 5.25-minute response time guideline.

- b. The existing ambulance service at Baden Fire Station, Company 36, located at 16608 Brandywine Road, has a service response time of 2.49 minutes, which is within the 6.25-minute response time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 9.17 minutes, which is beyond the 7.25-minute response time guideline. The nearest fire station, Baden, Company 36, is located at 16608 Brandywine Road, which is 2.49 minutes from the development. This facility would be within the recommended response time for paramedic service.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

- 10. Police FacilitiesCThe proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.01(c) of the Subdivision Regulations the existing county police facilities will be adequate to serve the proposed School Run Estates development. This police facility will adequately serve the population generated by the proposed subdivision.
- 11. Health DepartmentCThe proposed subdivision is to be developed on private water and sewer systems. Each lot has adequate sewage disposal areas. The Health Department has no issues associated with the approval of the proposed preliminary plan.
- 12. Stormwater ManagementCThe Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #008007130, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
- 13. Access EasementsCThe tax map describes the parcels that are impacted by these deeds referred to above as Parcels 6, 12, 7, 61 and 84. Parcel 6, which is the subject of this application, has frontage on and access via the existing access easements which abut the south property line. The easement extends west from Letcher Road East. The easement provides access for Parcel 6, Parcel 12 and Parcel 7, which are all along the north side of the easement running from east to west. The newly created easement, which is south, extends west but from Baden Naylor Road which forks to the east from Letcher Road East. The easement crosses Parcel 61 and terminates along the east property line of Parcel 84. Parcel 84 will be served by the new easement. Parcel 61, which fronts on Baden Naylor Road, is proposed with direct vehicular access to the public street.

Parcels 84 and 61 are on the south side of the existing easement created under Liber 5370 Folio 47 and are denied access to the existing easement which currently serves the subject property. Access onto the easement on which Parcel 6 has frontage is restricted to Parcels 6, 12 and 7. Parcel 61 is the sole user of the easement created by Liber 14597 Folio 113 across Parcel 84 to the south. The subdivision of Parcel 6 into Lots 1 and 2 will add one lot to the use of the easement, for a total of four. The proposed subdivision is in conformance to Section 24-128(b) of the Subdivision Regulations.

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 Scott, seconded by Commissioner Eley, with Commissioners Scott, Eley, Brown, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 29, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of December 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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