

R E S O L U T I O N

WHEREAS, Richard V. Bell, et al is the owner of a 3.10-acre parcel of land known as parcels 100 and 101, Tax Map 5, Grid D-1, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 30, 2002, Heritage Homes Development filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 6 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-2119 for Sandy Spring Estates, Phase II 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 13, 2003, 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 13, 2003, 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/2/03), and further APPROVED Preliminary Plan of Subdivision 4-02119, Sandy Spring Estates, Phase II for Lots 1-6 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Include the stormwater management concept plan approval number and date.
 - b. Reflect in note or graphic form, the provision of the appropriate public utilities easements.
2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/2/03). 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/2/03), 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 the issuance of any permits, and in conjunction with the Limited Detailed Site Plan, a Type II Tree Conservation Plan shall be approved.
4. Prior to signature approval of the preliminary plan of subdivision, the Forest Stand Delineation (FSD) shall be revised as follows:
 - a. Provide a narrative describing the forest stand and its characteristics.
 - b. The FSD plan contains two different lines that show the existing tree line. Revise the FSD to show only one tree line, preferably one that more closely resembles a tree line instead of a dotted line.
 - c. The FSD shall be signed and dated by the qualified professional who prepared the plan.
5. Prior to signature approval of the preliminary plan of subdivision, the Type I Tree Conservation Plan shall be revised as follows:
 - a. Note #4 of the TCPI notes incorrectly lists the mitigation fee as \$1.20 per square foot. This note must be revised to reflect the correct mitigation fee, which is \$1.50 per square foot.
 - b. The Woodland Conservation Worksheet must be revised to eliminate the use of fee-in-lieu and shall show the remaining 0.33-acre woodland conservation requirement as being met off-site.
 - c. The revised plan shall be signed and dated by the qualified professional who prepared the plan.
6. Prior to signature approval of the preliminary plan, a Phase I and Phase II Noise Study that address potential noise impacts for Lots 1-6 on Preliminary Plan 4-02119 shall be submitted. The resulting 65 dBA Ldn noise contour and proposed mitigation measures shall then be shown on the preliminary plan and the TCP.
7. Prior to the issuance of building permits for residential units on this site, the building permits shall be modified to contain certification by a professional engineer with competency in acoustical analysis that the building shells have been designed to attenuate noise levels to 45 dBA Ldn or less.
8. No building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters is less than or equal to 105 percent, or 6 years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance

capacity.

9. For all structures that must obtain a raze permit from the Department of Environmental Resources, any hazardous materials in these structures must be removed prior to the razing of the structures. Once removed, these materials must be properly discarded or labeled and stored in an appropriate manner.
10. Prior to the approval of the final plat of subdivision, all tires dumped on the subject property shall be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal shall be submitted to the Health Department.
11. The applicant, his successors and/or assignees shall pay a fee-in-lieu of mandatory park dedication prior to the approval of the final plat.

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 north side of Old Sandy Spring Road, just west of I-95, approximately 2000 feet east of the Sweitzer Lane/Sandy Spring Road intersection.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Commercial (to be removed)	Residential
Acreage	3.07 acres	3.07 acres
Lots	0	6
Parcels	2	0
Dwelling Units: Detached	0	6

4. **Environmental**—The Environmental Planning Section reviewed the above-referenced revised Preliminary Plan of Subdivision and TCPI/2/03 stamped as accepted for processing on February 12, 2003. The Environmental Planning Section has not previously reviewed this site; however,

recent subdivision, Sandy Spring Estates (4-00017), was approved on the adjacent property.

A review of the available information indicates that 100-year floodplain, wetlands and streams are not found to occur on the property. The predominant soils found to occur according to the Prince George's County Soil Survey include soils in the Beltsville and Galestown series. The Beltsville soils are highly erodible and the Galestown soils pose few difficulties for development. According to available information, Marlboro clay is not found to occur on this property. The sewer and water service categories are S-3 and W-3 according to information obtained from the Department of Environmental Resources dated November 1, 2001. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled "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. This site is in close proximity to Interstate 95, a significant noise generator. There are no scenic or historic roads in the vicinity of this property. This property is located in the Walker Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

The Forest Stand Delineation (FSD) submitted with this application has been reviewed and was found to require additional information. Previous comments with regard to the required changes were not addressed. A simplified FSD may be prepared for this site because less than 40,000 square feet of woodlands are proposed to be cleared. The simplified FSD must be prepared in accordance with the Prince George's County Woodland Conservation and Tree Preservation Technical Manual.

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-site. The Type I Tree Conservation Plan, TCPI/2/03, was reviewed and was found to require revisions. Previous comments on this plan were not addressed. TCPI/2/03 is recommended for approval subject to conditions.

This site is in close proximity to Interstate 95, a significant noise generator. At the January 17, 2003 Subdivision Review meeting, the applicant indicated that a Phase I Noise Study had been completed for the proposed development and that it would be submitted for review. The noise study that was submitted with this application was conducted for the subdivision to the east of this site, Sandy Spring Estates (4-00017). The lots for this application and the potential noise impacts have not been addressed in this noise study. A Phase I Noise Study must be submitted that includes the lots for the current application, and the location of the 65 dBA Ldn noise contour must be shown on the preliminary plan. A Phase II noise study proposing mitigation measures will also be required.

5. **Community Planning**—The subject property is located in Planning Area 60 in the Northwestern Area community and is subject to the 1990 *Master Plan for Subregion I*. That master plan recommends Low Suburban (Lots 1-3) and Suburban (Lots 4-6) residential land use densities. The 1990 Sectional Map Amendment for Subregion I retained this property in the R-R Zone. The 2002 General Plan placed the property in the Developing Tier.

The following Objective and Guideline are from the Living Area Chapter of the Master Plan and should be considered with regard to the development of Lots 1-4:

Objective – To assure that future housing and neighborhoods are designed and located to provide protection from floods, stormwater damage, erosion, unstable soil conditions, noise, vibration, aircraft accidents, and other incompatible uses and to place a high priority on correcting and preventing these deficiencies.

Guideline – Where feasible, building setbacks and/or berms or acoustical fencing should be utilized to deflect noise and to screen visual impacts^{3/4} especially at major road intersections and interchanges, or where conflicts between land uses may develop.

The redevelopment of the commercial use, located on proposed Lots 4 and 5, to single-family homes is considered much more compatible with the surrounding residential neighborhood.

The proposed development is in compliance with the Master Plan's recommendations for land use density and is consistent with the General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134(a), the Park Planning and Development Division recommends that a fee-in-lieu of dedication be required for the subject application because land available for dedication is unsuitable based on its size and location.
7. **Trails**—There are no Master Plan trail issues associated with the development of this property. However, if road improvements are required by the Department of Transportation and Public Works, standard sidewalks are encouraged along Old Sandy Spring Road
8. **Transportation**—The Transportation Planning Section reviewed the subdivision application referenced above. The applicant proposes a residential subdivision consisting of six single-family detached residences. While six lots are proposed, there is an existing commercial structure on the property. Consequently, the finding of adequacy will be based on the impact of five new lots.

Based on the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, a five-lot, single-family development will generate 4 AM peak hour trips, and 5 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 5 trips or fewer in any peak period. Staff has no issues with on-site circulation of traffic.

Based on the fact that the subject application is considered to be *de minimus*, 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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section reviewed the subject application for adequacy of public facilities in accordance with Section 24-122.02 of the

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Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	5 sfd	5 sfd	5 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.2	0.30	0.60
Actual Enrollment	5680	1740	4224
Completion Enrollment	102	26	53
Wait Enrollment	1	0	1
Cumulative Enrollment	0	0	0
Total Enrollment	5784.20	1766.30	4278.60
State Rated Capacity	5279	1759	4123
Percent Capacity	109.57%	100.42%	103.78%
Funded School	N/A	N/A	N/A

Source: Prince George's County Planning Department, M-NCPPC, January 2003

These figures are correct on the day the referral was written. They are subject to change under the provisions of CB-40 and CR-23. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers that will be shown in the resolution of approval will be the ones that apply to this project.

The affected elementary school cluster percent capacity is greater than 105 percent. There is no Funded School in the affected elementary cluster. Therefore, this subdivision can be approved with a six-year waiting period in accordance with Section 24-122.02.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following.

- a. The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service travel time of 4.36 minutes for Lots 1-4 and 4.55 minutes for Lots 5 and 6, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service travel time of 5.54 minutes for Lots 1-4 and 5.73 minutes for Lots 5 and 6, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Laurel Rescue Squad, Company 49, located at 14910

Bowie Road, has a service travel time of 5.54 minutes for Lots 1-4 and 5.73 minutes for Lots 5 and 6, which is within the 7.25-minute travel time guideline.

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

11. **Police Facilities**—The proposed development is within the service area for Police District VI-Beltsville. In accordance with Section 24-122.01(c)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing county police facilities will be adequate to serve the proposed Sandy Spring Estates, Phase 2, development.
12. **Health Department**—The Division of Environmental Health reviewed the subject application and offered a number of comments primarily relating to the removal of the existing structure, the noise associated with I-95, the dumping of tires on the property and the existence of a sizable leaf-composting area on the site. The Recommendation section of this report contains conditions addressing those concerns.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #41391-202-00, has been approved to ensure that development of this site does not result in on-site or downstream flooding. The concept plan approval number and date should be placed on the preliminary plan prior to signature approval. Development must be in accordance with this approved plan.
14. **Cemeteries**¾ Note No. 21 of the General Notes on the preliminary plan states that there are no cemeteries on the subject property.
15. **Public Utility Easements**¾ The preliminary plan does not reflect the public utilities easements (PUE) that will be necessary along Walker Branch Court and Old Sandy Spring Road. This should be reflected in note or graphic form on the plan.

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 Scott, seconded by Commissioner Lowe, with Commissioners Scott, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 13, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of April 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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