

## R E S O L U T I O N

WHEREAS, Robert Lathan is the owner of a five-acre parcel of land known as Lathan Property, Parcel 24, at Tax Map 108, Grid D-4, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on July 15, 2003, Robert Lathan filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for three lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03066 for Lathan Property 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 December 11, 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 December 11, 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/42/02), APPROVED the Alternative Compliance (AC-03032) and Variation to Section 24-121 and further APPROVED Preliminary Plan of Subdivision 4-03066, Lathan Property for Lots 1-3 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. To adjust the gross tract area to reflect the lots proposed.
  - b. To provide the alternative compliance case number (AC-03032) on General Note 18.
  - c. To provide the approval date of the conceptual stormwater management plan.
  - d. To label the ultimate right-of-way of Woodyard Road, demonstrating an ultimate right-of-way of 120 feet.
  - e. To provide a note that building permit plans shall demonstrate driveways with

turn-around capabilities.

- f. To provide a note that double access aprons shall be provided for Lots 2 and 3 unless modified by the State Highway Administration.
  - g. To locate the plant units shown on the west side of the driveway, staggered between Lot 3 and Lot 1, not on the property line on the landscape plan.
  - h. To reflect the Planning Board's action on the landscape plan.
- 2. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.
  - 3. Prior to the issuance for building permits. the applicant shall obtain approval from SHA for the construction of a double access apron for Lots 2 and 3. Any modification to this condition shall require the approval by the Planning Director or the designee prior to the issuance of building permits.
  - 4. 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 for Lots 2 and 3 only.
  - 5. The final plat shall provide a note that the applicant shall provide driveways with turn-around capabilities on each lot in order to minimize the need for vehicles accessing these lots to back onto Woodyard Road.
  - 6. Development shall be in conformance with the Stormwater Management Concept Plan, #29001-2002-00, once approved.
  - 7. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health Department that the domestic trash located on the property has been hauled away and properly discarded.
  - 8. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures 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 permitted.”
  - 9. 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/42/02), 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.”

10. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits, stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
11. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA (Ldn) due to military aircraft over flights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”
12. Prior to signature approval of the preliminary plan of subdivision, a copy of the stormwater management concept approval letter shall be submitted to the Development Review Division.

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 Woodyard Road approximately 600 feet northeast of Clendennin Drive in Clinton.
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)	Residential	Residential
Acreage	5.0	5.0
Lots	0	3
Parcels	1	0
Dwelling Units:		
Detached	1	3

4. **Environmental**—This site is subject to the provisions of the Woodland Conservation Ordinance

because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. The Type I Tree Conservation Plan, TCPI/42/02, has been reviewed. The plan proposes clearing 1.19 acres of the existing 2.28 acres of upland woodland and no clearing of any of the 1.06 acres of floodplain woodland. The woodland conservation requirement has been correctly calculated as 0.92 acre. The plan proposes to meet the requirement by providing 1.02 acres of on-site preservation. The proposed woodland conservation areas will provide additional protection to the stream and wetlands and will provide screening of individual houses and yards. Staff recommends approval of the proposed tree conservation plan.

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1994 by Andrews Air Force Base, aircraft-generated noise is significant. The study indicates that the noise threshold is within 65-70 dBA (Ldn). This noise level is above the state acceptable noise level for residential land uses. It will not be possible to mitigate aircraft noise in the outdoor activity areas; however, the use of proper construction materials could ensure that the noise inside of the residential structures does not exceed 45dBA (Ldn).

Woodyard Road is a potential transportation-generated noise source. The standard model for a soft surface transmission used by the Environmental Planning Section predicts the unmitigated 65 dBA (Ldn) noise contour to be approximately 144 feet from the centerline of Woodyard Road. The proposed structures as shown will provide significant noise mitigation for the rear yard outdoor activity areas from the transportation-generated noise.

According to the *Prince George's County Soils Survey*, the predominant soil types on site are Bibb, Sassafras, and Woodstown series. Almost all of the proposed development is within the area shown to have Sassafras series soils. These soils pose no special problems for development and are generally suited for infiltration of stormwater runoff. Bibb and Woodstown soils are subject to impeded drainage and a high water table.

The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. There are wetlands, streams and 100-year floodplain on the site associated with Piscataway Creek in the Potomac Watershed. The stream, 50-foot stream buffers, wetland, and 25-foot wetland buffers are shown on the plans. No impacts to the expanded stream buffer are proposed. At time of final plat, a conservation easement should be established that will protect the expanded stream buffer.

5. **Community Planning**—The property is located within the limits of the 1993 master plan for Subregion V, Planning Area 81A, in the Clinton Community. The master plan land use recommendation for the property is for low-density suburban residential. The 2002 General Plan locates the property in the Developing Tier. The proposed subdivision is consistent with the recommendation of the master plan and the General Plan.
6. **Department of Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Department of Parks and Recreation recommends the payment of a fee-in-lieu of the requirement of mandatory dedication of parkland because the land available for dedication is unsuitable due to its size and location. The amount of land required for dedication is

2,400 square feet and is not abutting an existing public park. Lot 1 is exempt for the requirement of mandatory dedication because it is greater than one acre.

7. **Trails**—There are no master plan trails issues associated with this application.
8. **Transportation**—The application is a proposal for a residential subdivision of three lots. The proposed development would generate 2 AM and 3 PM peak-hour vehicle trip as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The guidelines state that the Planning Board may find that the traffic impact of a very small development, defined as a development, which generates five or fewer peak-hour trips, is a de minimus, or insignificant, impact.

Woodyard Road (MD 223) is an arterial facility with a total right-of-way width of 120 feet in the vicinity of subject site. Arterial facilities carry a significant amount of traffic and are not to be used to provide individual lot access. Since there are no lower-type facilities that can be used for providing access to the proposed subdivision, staff recommends that common access points be used where feasible, subject to SHA approval. The needed and required right-of-dedication is 60 feet from the existing centerline. Staff recommends that the building permit plans for Lots 1, 2 and 3 demonstrate driveways with turn-around capabilities to avoid vehicles having to back out onto Woodyard Road.

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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded the following:

Finding

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