

R E S O L U T I O N

WHEREAS, Brian Holt is the owner of a 1.47-acre parcel of land known as Parcel 4, Tax Map 15 in Grid A-3, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on September 29, 2005, GFC 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 4-05059 for Henson 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 February 2, 2006 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 February 2, 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 the Type I Tree Conservation Plan (TCPI/36/05), and further APPROVED Preliminary Plan of Subdivision 4-05059, Henson 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 to provide the permit number for the dwelling located on proposed Lot 3.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #8381-2005-00 and any subsequent revisions.
4. Prior to the issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements, and upon state approval, along Laurel-Bowie Road (MD 197) Road. If the state declines the signage, this condition shall be void.
5. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. In TCPI standard note #1 at the end of the first sentence refer to the subject preliminary

plan case number instead of the TCPI number. In note #6 at the end of the second sentence refer to the subject preliminary plan case number instead of the word "permit."

- b. Revise the plan name to refer only to the TCPI.
 - c. Update the revision box on both sheets since the first revision was made.
 - d. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.
 - e. Reduce the limit of disturbance along the southwest property line abutting Lot 1 to the extent possible.
6. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/36/05). 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/36/05), 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."
7. Prior to signature approval of the preliminary plan, both the preliminary plan and TCPI shall be revised to show the unmitigated 65-dBA (Ldn) noise contour measured from the proposed centerline of MD 197, either based on the noise model or a Phase I noise study. The plans must be revised to provide mitigation for all outdoor activity areas to acceptable levels based on state standards. This may be achieved by turning the structure on Lot 2 and to place it so that it mitigates noise for the outdoor activity area on Lot 1. As an alternative, a noise barrier can be provided for the length of Lot 2 parallel to MD 197.
8. 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 within prescribed noise corridors have been designed to reduce interior noise levels to 45-dBA (Ldn) or less and outdoor activity areas to 65-dBA Ldn or less.
9. Prior to signature approval of the preliminary plan, the applicant shall submit a copy of the approved or pending building permit for the construction of the single-family dwelling unit on proposed Lot 3. If the pending building permit site plan is not consistent with the recommendations of this approval, a revision to the building permit shall be required or an adjustment to the proposed lotting pattern. If the building permit has been finalized after the acceptance date of this preliminary plan application (09/26/05) the applicant shall file a new permit to bring the development of Lot 3 into conformance with this approval, which requires a driveway with turnaround capabilities and review of the driveway location.

10. The building permit for the construction of the dwelling on Lot 3 shall demonstrate a driveway with turnaround capabilities to avoid vehicles having to back out onto MD 197. The driveway shall be located as far south of the intersection of MD 197 and Snowden Pond Road as feasible.
11. The building permit for the construction of the dwelling unit on Lot 2 shall locate the driveway on the west side of the proposed dwelling unit as far west on the lot as feasible. Direct access to MD 197 from Lot 2 shall not be permitted.

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 in the southwest quadrant of the MD 197/Snowden Pond 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)	Vacant	Single-family dwellings
Acreage	1.47	1.47
Lots	0	3
Parcels	1	0
Dwelling Units:		
Detached	0	3
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed revised plans for the above referenced preliminary plan and the Type I tree conservation plan stamped as received on November 21, 2005. The Environmental Planning Section recommends approval of Preliminary Plan 4-05059 and TCPI/36/05 subject to conditions.

The Environmental Planning Section previously reviewed this site as Pre-Preliminary Plan P-03004 in 2003. The plan is for the creation of three lots for the construction of three single-family detached dwellings. The property is currently identified as Parcel 4 and is undeveloped.

A review of available information indicates there are no regulated environmental features associated with the site such as a stream, 100-year floodplain, wetlands and steep and severe slopes (steep slopes 15-25 percent in grade with highly erodible soils and severe slopes 25 percent and greater). Three soil series are found to occur at the site according to the Prince George's County Soil Survey. These include Elkton silt loam, Keyport silt loam (two types), and

Matapeake silt loam (two types). The Elkton and Keyport soils are in hydrologic groups D and C, respectively, and are considered highly erodible. According to available information, Marlboro clay is not found to 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," published December 1997, rare, threatened, and endangered species are not found to occur in the vicinity of this property. There are no designated scenic or historic roads located in the vicinity of this property. According to the 2005 approved Countywide Green Infrastructure Plan, no network features from the plan, such as regulated areas, evaluation areas and network gaps are located on the property. The site is located in the Beaverdam Creek watershed of the Patuxent River basin.

The preliminary plan application has a signed natural resources inventory (NRI/021/05) that was included in the package submitted. The TCPI and the preliminary plan show all the required information correctly.

This site is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it is greater than 40,000 square feet in gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. Based on a review of 2000 aerial photos, the site is 100 percent wooded. A revised Type I tree conservation plan (TCPI/36/05) has been submitted and reviewed.

The woodland conservation threshold for this site is 0.29 acres (20 percent of the net tract). As designed, the proposed clearing totals 0.88 acres. The amount of woodland conservation required, based on the amount of clearing currently proposed is 0.51 acres. The TCPI proposes to meet the site's woodland conservation requirement with 0.59 acres of on-site preservation.

Further revisions to the TCPI are required. Two of the standard Type I tree conservation plan notes need minor revisions. In TCPI standard note #1 at the end of the first sentence refer to the subject preliminary plan case number instead of the TCPI number. In note #6 at the end of the second sentence refer to the subject preliminary plan case number instead of the word "permit." The TCPI is referred to as the forest stand delineation, TCP-Type-I and the Stormwater Concept Plan. The name on the plan must refer only to the TCPI. A revision box has been added to both sheets; however, it was not updated since the recent revision was made.

At the Planning Board hearing of February 2, 2006 the representative for the applicant proffered to revise the Type I Tree conservation plan prior to signature approval to increase the area of woodland preservation along on the southwest property line of Lot 1. The additional preservation is not a part of the required woodland conservation but a proffer by the applicant to address buffering and tree preservation concerns of the community. The applicant indicated that the limit of disturbance line shown on the originally submitted Tree Conservation Plan may be able to be moved as much as 10 feet in an effort to preserve possibly a 20-foot strip of woodland. The width of the additional woodland preservation will be the extent possible and is not required.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

5. **Community Planning**—The property is located within the limits of the 1990 Approved Master Plan and Adopted Sectional Map Amendment for Subregion I, Planning Area 62, in the South Laurel Community. The master plan land use recommendation for the property is low-suburban density. The proposed land use is consistent with the recommendations of the master plan, as set forth in the findings and recommendations of this report.

The 2002 General Plan locates the property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low to moderate suburban residential communities. The proposed preliminary plan is consistent with the surrounding community, which is development with single-family dwellings in the R-R Zone.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, staff recommends that a fee-in-lieu of the requirement of the mandatory dedication of parkland be required because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—The Adopted and Approved Subregion I Master Plan recommends that Laurel-Bowie Road (MD 197) be designated as a Class III bikeway with appropriate signage. Because Laurel-Bowie Road is a state right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees should provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. However, prior to the Planning Board conditioning the placement of the signs, State Highway Association (SHA) should have the opportunity to review the proposed locations to ensure they are acceptable. The developer would purchase the signs from the state and install them in accordance with the state's manual on uniform traffic control devices dealing with the section on bicycle facilities. A note should be placed on the final plat that installation will take place prior to the issuance of the first building permit.
8. **Transportation**—The subject property is located within the Developing 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) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 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 warrant study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

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.

Staff raised concerns regarding on-site circulation at the time of the initial review of this application because SHA indicated that the right-of-way of MD 197 at this location was an arterial facility, with an ultimate right-of-way of 120 feet. Section 24-121 of the Subdivision Regulations restricts direct vehicular access to an arterial roadway. Staff originally advised the applicant that a variation to Section 24-121(a)(3) of the Subdivision Regulations would be required for the development of Lot 3 if direct access to MD 197 were proposed. However, after review by staff it was determined that the 1990 Approved Master Plan for Subregion I identifies MD 197 at this location as a collector facility with an ultimate right-of-way of 80 feet. Therefore, the Subdivision Regulation does not restrict direct vehicular access to MD 197 at this location. However, staff would recommend that the driveway for Lot 3 be located as far away from the MD 197/Snowden Pond Road intersection as possible, and that the building permit for Lot 3 demonstrate a driveway with turn-around capabilities to ensure that vehicles are not required to back out onto MD 197. Lot 2 should be restricted to access via Snowden Pond Road and not MD 197 and the driveway should be located on the west side of the dwelling on Lot 2, as far from the intersection of MD 197 and Snowden Pond Road as feasible.

At the Subdivision Review Committee meeting of October 21, 2005, the applicant stated that a permit had been issued by the Department of Environmental Resources for the construction of a single-family dwelling on Parcel 4, in a location coincidental with the location of the dwelling on proposed Lot 3 and reflected on the proposed tree conservation plan (TCPI/36/05). Staff requested that the applicant submit a copy of the permit as supplemental information for the review of this preliminary plan of subdivision. The applicant stated that because the permit had been issued, the development of proposed Lot 3 would not be subject to conditions of this approval. The applicant has not provided the information regarding the possible issuance of a building permit for proposed Lot 3. However, based on available information staff was unable to verify that a permit has in fact been issued for the construction of a dwelling unit on this property. Staff is recommending that the applicant demonstrate whether a permit has or has not been issued for the subject property. If a permit has been issued, staff is recommending that a revision to the pending permit be required or a new permit be required to modify the permit site plan if the building permit is not consistent with the recommendations of this report.

The dedication of 320 square feet should be required for the right-of-way of MD 197 as reflected on the preliminary plan.

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 with conditions.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for the 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.

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	3 sfd	3 sfd	3 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.72	0.18	0.36
Actual Enrollment	5453	1585	4278
Completion Enrollment	68	19	40
Cumulative Enrollment	0	0	0
Total Enrollment	5521.72	1604.18	4318.36
State Rated Capacity	4858	1759	4123
Percent Capacity	113.66%	91.20%	104.74%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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 \$7,412 and 12,706 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.

This project meets the 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 & Public Facilities Planning Section has 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 Zoning Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Laurel, Company 10, using the 7-Minute Travel Times and Fire Station Locations map provided by the Prince George's

~~County Planning Department~~ At the hearing of February 2, 2006, the applicant proffered to meet with the community and the Department of Environmental Resources to review and understand drainage standards. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. The Police Chief has reported that the current staff complement of the Police Department is 1302 sworn officers and 43 student officers in the Academy for a total of 1345 (95 percent) personnel, which is within the standard of 1278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated 08/01/2005 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 VI. The standard for emergency calls response is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on September 29, 2005 .

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-08/05/05	9.00	16.00

On the date of acceptance of the preliminary plan of subdivision the emergency and nonemergency response times standards were met. Further review within the available reporting cycles was not necessary. A public facilities mitigation agreement is not required.

The Police Chief has reported that the current staff complement of the Police Department is 1302 sworn officers and 43 student officers in the Academy for a total of 1345 (95 percent) personnel, which is within the standard of 1278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on August 5, 2005. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police and fire facilities have been met.

12. **Health Department**—The Health Department has reviewed the preliminary plan of subdivision and has no comments to offer.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #8381-2005-00 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.

At the Planning Board hearing of February 2, 2006, the applicant proffered to meet with the community and the Department of Environmental Resources to review and understand drainage issues on the abutting lots to the southwest. It was acknowledged by the Planning Board and a resident that testified at the hearing, that the applicant has an approved stormwater management plan and that the drainage issue described by an adjoining property owner is a pre-existing condition and therefore not the responsibility of the applicant to address. However, the approval of the stormwater management plan should ensure that the development of this property does not exacerbate the problem.

14. **Historic**—A Phase I archeological survey is not recommended on the property.

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 Vaughns, with Commissioners Squire, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 2, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of February 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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