

PGCPB No. 06-134(C/A)

File No. 4-05151

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

WHEREAS, Sidney and Edith Sellner are the owners of a 5.80-acre parcel of land known as Parcel 59 and Lot 1 (WWW 61@87), Tax Map 106 in Grid D-2, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on January 30, 2006, IPDS, LLC. filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 20 lots; and

WHEREAS, the application for disapproval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-05151 for Roddy Woods 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 June 8, 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 DISAPPROVAL of the application; and

WHEREAS, on June 8, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

\*WHEREAS, on June 8, 2006, the Planning Board disapproved Preliminary Plan of Subdivision 4-05151; and

\*WHEREAS, on September 7, 2006, the Planning Board approved a request to reconsider the action of denial for Preliminary Plan of Subdivision 4-05151 based on the furtherance of substantial public interest; and

\*WHEREAS, on November 16, 2006, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with all new findings and conditions.

\*[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 DISAPPROVED Preliminary Plan of Subdivision 4-05151, Roddy Woods for Lots 1-20 due to inadequate fire and rescue staffing levels pursuant to Section 24-122.01(e) of the subdivision regulations.]

\*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

\*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

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Conservation Plan (TCPI/8/06), and APPROVED Preliminary Plan of Subdivision 4-05151, Roddy Woods for Lots 1-[30]±20 with the following conditions:

\*1. 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/8/06), 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 and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

\*2. Development of this site shall be in conformance with the stormwater management concept plan and any subsequent revisions.

\*3. Prior to the issuance of any permits, the Planning Board or their designee shall approve a limited detailed site plan (LDSP). This LDSP for the entire property shall address:

- a. Appropriate bufferyards along the backs of lots adjacent to Allentown road and into the board of education property.
- b. Traffic calming measures for Lanham Lane.
- c. Driveways with on-lot turn-around
- d. Capabilities for lots with direct access to Allentown Road.
- e. Architecture landscaping and fence treatments

\*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 1-13 and Lots 15-19.

\*5. Prior to signature approval of the preliminary plan the standard 10-foot wide public utilities easement (P.U.E.) shall be shown along all rights-of-way

\*6. The applicant or the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of “Share the Road with a Bike” signage along Allentown Road. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.

± Denotes Correction

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\*7. The applicant or the applicant's heirs, successors, and/or assigns shall provide a standard sidewalk along the subject property's entire frontage of Allentown Road, unless modified by

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DPW&T.

- \*8. The applicant or the applicant's heirs, successors, and/or assigns shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
- \*9. The driveways to proposed Lots 18, 19, and 20 shall be designed with a turnaround capability in order to minimize the need for vehicles accessing each lot to have to back onto Allentown Road. The design of the driveways to each shall be reflected on the detailed site plan and verified at the time of building permit.
- \*10. Traffic calming measures shall be reviewed with the Department of Public Works and Transportation (DPW&T) as a part of the review of the detailed site plan. If traffic-calming measures are warranted and approved by that agency, that recommendation shall be made a part of the detailed site plan recommendation. The applicant shall implement such measures at the time of building permit or as otherwise specified by DPW&T.
- \*11. At the time of final plat approval, the applicant shall dedicate right-of-way along Allentown Road of 50 feet from centerline, as shown on the submitted plan.
- \*12. The final plat of subdivision shall note a denial of access to Lots 12, 13, and 14 from Allentown Road.
- \*13. Prior to the approval of any grading or building permits a raze permit shall approved for the removal of all the existing structures on the site.
- \*14. Prior to signature approval of the TCPI the following errors shall be corrected:

  - a. Remove the soil boundaries from the TCPI.
  - b. Illustrate on the TCPI the proposed limit of disturbance is shown on the legend.
- \*15. Prior to signature approval of the preliminary plan add the lot dimensions for each lot to the plan.

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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, \* [does not] meets the legal requirements of Subtitle 24 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

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2. The property is located on the north side of Allentown Road, approximately 1,200 feet west of its intersection with Temple Hill Road and 120 feet south of its intersection with Pleasant Hill Drive.

- \*[3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Use(s)	One single-family dwelling to be removed	Single-family dwelling units
Acreage	6.19	6.19
Lots	1	20
Parcels	1	0
Dwelling Units:		
Detached	1 (to be razed)	20
Public Safety Mitigation Fee		No]

- \*[4. **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 Subdivision Ordinance. The subject application was accepted on January 30, 2006.]

\* [The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Allentown Road, Company 32, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.]

\* [The Fire Chief report for adequate equipment is contained in a memorandum dated March 28, 2006. That memorandum states that "the department has adequate equipment and has developed an equipment replacement program to meet all the service delivery needs for all areas of the county."]

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\* [The Fire Chief report for current staffing for the Fire Department is contained in a memorandum dated March 28, 2006. That memorandum states that the number of "net operational employees" is 672, which equates to 96.97 percent of the authorized strength of 692 fire and rescue personnel.]

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\* [As previously noted, the subject application was accepted on January 30, 2006. Section 24-122.01(e)(2) of the Subdivision Regulations state: "If any of the required statements in this Subsection are not provided that meet the criteria specified in this Section on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports, then the Planning Board may not approve the preliminary pla[n] until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board."]

\*[One key element to the ordinance language cited above is the creation of a window for the application of the fire and rescue adequacy test that runs from "the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports." This means that an application is afforded the opportunity to pass the test in a time frame that spans approximately 90 days. With regard to data on fire and rescue staffing levels prior to the receipt of the March 28, 2006, letter from the Fire Chief, some clarity needs to be provided.]

\*[Since January 1, 2006 (the beginning of the time frame when the standard of 100 percent of the authorized strength of 692 fire and rescue personnel must be met), staff has received four memorandums from the Fire Chief (dated January 1, 2006, February 1, 2006, March 5, 2006, and March 28, 2006). The data presented in these four memorandums varies in their description of the personnel being counted as applicable to the percentage of the authorized strength standard. While the number of personnel presented varies only slightly (694, 694, 696 and 693 respectively), the description of the status of these personnel has changed or has been clarified from memorandum to memorandum.]

\*[It seems clear to staff that since the beginning of 2006, each reporting of personnel has included certain numbers of trainees and/or recruits that were not intended to be considered applicable to the minimum percentage requirement. This becomes apparent when comparing the January 1 and February 1 memorandums. Both reflect a total authorized strength of 694 personnel, but the February 1 memorandum identifies 46 members of that complement in the training academy. The March 5 memorandum does not provide a breakdown of the 696 personnel total, but the March 28 memorandum identifies 21 recruits as part of the "actual total strength" of 693.]

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\*[Given the totality of the information identified above, staff concludes that since the acceptance of the subject application, the minimum staffing level for fire and rescue personnel, as required by Section 24-122.01(e)(1)(B)(ii), has not been met. Therefore, pursuant to Section 24-122.01(e)(2), staff is compelled to recommend disapproval of the subject application at this point in time. It should be noted, however, that with an acceptance date of January 30, 2006, at the writing of this staff report more time remains in the test window for the subject application.]

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- \*3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

<u>Zone</u> <u>Use(s)</u>	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>
	<u>R-80</u> <u>One single-family dwelling to be removed</u>	<u>R-80</u> <u>Single-family dwelling units</u>
<u>Acreage</u>	<u>6.19</u>	<u>6.19</u>
<u>Lots</u>	<u>1</u>	<u>20</u>
<u>Parcels</u>	<u>1</u>	<u>0</u>
<u>Dwelling Units:</u>		
<u>Detached</u>	<u>1 (to be razed)</u>	<u>20</u>
<u>Public Safety Mitigation Fee</u>		<u>No</u>

- \*4. **Subdivision**—The Landscape Manual requires a 35-foot bufferyard along a major collector (Lots 12-14) and a 30-foot type C bufferyard between the school property and the residential property (Lots 1-5). Staff is recommending a limited detailed site plan for architecture and landscaping where the rear yards and side yards are oriented are toward Allentown Road and for those lots with common property lines possibly needing a fence and landscaping treatment because of the tight lotting pattern.

- \*5. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Roddy Woods, 4-05151, and the revised Type I Tree Conservation Plan, TCPI/8/06, stamped as received by the Environmental Planning Section on September 15, 2006. The Environmental Planning Section recommends approval of 4-05151 and TCPI/8/06 subject to conditions noted.

### **BACKGROUND**

This Environmental Planning Section previously approved a Type II Tree Conservation Plan, TCPII/126/06, for the subject property. The current application is for 19 lots in the R-80 zone.

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### **SITE DESCRIPTION**

This 6.20-acre property in the R-80 zone is located on the north side of Allentown Road, approximately 1,200 feet west of Temple Hill Road. There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into Henson Creek in the Potomac River watershed. According to the "Prince George's County Soils Survey" the principal soils on this site are in the Beltsville, Galestown, Sassafra and Westphalia series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural

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Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads are affected by the proposed development. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

### **ENVIRONMENTAL REVIEW**

A signed Natural Resources Inventory (NRI), NRI/149/05, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. A forest stand delineation (FSD) was submitted with the NRI. The FSD, based upon ten sample points, describes four forest stands totaling of 4.82 containing no specimen trees. Mature Virginia pines that are subject to windfall dominate approximately one acre of the woodland and the remainder is mixed pine/hardwood with no trees greater than 24 inches diameter and an abundance of invasive and noxious plants. According to the 1993 air photos, the western portion of the site was an open field, Virginia pines dominated the northeast quadrant and the southeast quadrant was an overgrown field.

There are no sensitive environmental features on the site and there are no priority woodlands as defined in the “Prince George’s County Woodland Conservation and Tree Preservation Policy Document.” According to the Green Infrastructure Plan, none of the property is near or contains and Regulated Area or Evaluation Area. Based upon this analysis, there are no priority woodlands on-site. No impacts to any sensitive environmental features are proposed. No further action regarding sensitive environmental features is required.

This property is subject to the provisions of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the property has a previously approved tree conservation plan. A Type II Tree Conservation Plan, TCPII/126/06, for the subject property.

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The Type I Tree Conservation Plan, TCPI/8/06, has been reviewed. The plan proposes clearing all 4.82 acres of the existing 4.82 acres of woodland. The woodland conservation threshold is 1.21 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 3.32 acres. The plan proposes to meet the requirement by providing 3.32 acres of off-site woodland conservation. The previously approved Type II Tree Conservation Plan, TCPII/126/06, has an identical worksheet.

The Countywide Green Infrastructure Plan indicates that no portion of the property is within the designated network. On-site preservation is not recommended because the site has no significant



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environmental features, the woodlands are of low quality and the proposed lots are small.

There are some technical errors. Soil boundaries should not be shown. A proposed limit of disturbance is shown on the legend but is not apparent on the plan. A note detailing the restrictions of the tree conservation plan should be placed on the final plat of subdivision.

According to the Prince George's County Soils Survey the principal soils on this site are in the Beltsville, Galestown, Sassafra and Westphalia series. Beltsville soils are highly erodible, may have a perched water table and are in the C-hydric group. Galestown and Sassafra soils pose no special problems for development. Westphalia soils are highly erodible and in the B-hydric series. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

A copy of the Stormwater Management Concept Approval Letter, CSD 44712-2005-00, was submitted with the application. The plan requires installation of grass swales and dry wells. No further action regarding stormwater management is required for this preliminary plan of subdivision review.

### **Summary**

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The Environmental Planning Section recommends approval of 4-05151 and TCPI/8/06 subject to conditions.

### **Water and Sewer Categories**

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 water and sewer plan designated this property in water and sewer Category 3. Water and sewer lines in Allentown Road abut the property. A sewer line traverses the property. Water and sewer line extensions are required to serve the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before recordation of a final plat.

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- \*6. **Community Planning**—This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers and employment areas that are increasingly transit serviceable. This preliminary subdivision is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This preliminary subdivision conforms to the residential, low-density land use recommendation in the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*.



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\*7. **Parks and Recreation**—The house is on lots 12 and 18 and is to be razed. In accordance with Section 24-135(a) of the Prince George's County Subdivision Regulations the Park Planning and Development Division recommends that the Prince George's County Planning Board require a payment of a fee-in-lieu of dedication as applicable from the remainder of the subject subdivision because land available for dedication is unsuitable due to its size and location.

\*8. **Trails**—Preliminary Plan 4-05151, Capital Commerce Park, was reviewed for conformance with the countywide trails plan and/or the appropriate area master plan in order to provide the master plan trails. The *Adopted and Approved Master Plan for Subregion VII, Henson Creek (Planning Areas 76A and 76B) and South Potomac (Planning Area 80)* designates Allentown Road as a master plan trail/bike corridor. The recently adopted Henson Creek-South Potomac master plan further refines this proposal by recommending continuous sidewalks and designated bike lanes along Allentown Road. The provision of bike lanes can be explored by DPW&T at the time of road resurfacing or road improvement. Staff recommends the provision of a standard sidewalk and one "Share the Road with a Bike" sign at this time. Crossland High School is immediately to the north of the subject site. However, the portion of the site that abuts the subject application appears to be a fenced bus lot, making a pedestrian connection impractical at this location.

#### **SIDEWALK CONNECTIVITY**

A variety of road cross sections exist along Allentown Road in the vicinity of the subject site. Where frontage improvements have been made, a standard sidewalk has been provided. Existing segments of Lanham Lane include sidewalks along both sides.

\*9. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 5.80 acres of land in the R-80 zone. The property is located on the north side of Allentown Road, midway between its intersections with Temple Hill Road and Lanham Lane. The applicant proposes a residential subdivision consisting of 20 single family detached lots.

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Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did request traffic counts in the area for the purpose of making an adequacy finding. 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**

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The subject property is in 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 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 Allentown Road and Temple Hill Road is determined to be the critical intersection for the subject property. This intersection would serve virtually all of the site-generated traffic. The critical 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.

Recent traffic counts done in February 2006 indicate that the critical intersection operates at Level-of-Service (LOS) B, with a critical lane volume (CLV) of 1,139, during the AM peak hour. During the PM peak hour, the intersection operates at LOS D with a CLV of 1,306.

As previously noted, there are no funded capital projects at this intersection in either county Capital Improvement Program or the state Consolidated Transportation Program that would affect the critical intersection. There are three approved but unbuilt developments that would affect the intersection that have been reviewed and counted by staff:

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Ashley's Crossing, 4-02026 for 22 lots (10 percent of site traffic uses the intersection)

Dolan's Addition, 4-98090 for 18 lots (55 percent of site traffic uses the intersection)

Green Hills, 4-05070 for 10 lots (65 percent of site traffic uses the intersection)

A two percent annual rate of through traffic growth along Allentown Road and Temple Hill Road has been assumed. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,231; PM peak hour—LOS D, with a CLV of 1,415.

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With the development of 20 single-family detached residences, the site would generate 15 AM (3 in and 12 out) and 18 PM (12 in and 6 out) peak hour vehicle trips. The site was analyzed with the following trip distribution:

70 percent east along Allentown Road  
10 percent north along Temple Hill Road  
5 percent south along Temple Hill Road  
15 percent west along Allentown Road

Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,233; PM peak hour—LOS D with a CLV of 1,421. Therefore, the critical intersection operates acceptably under total traffic.

The Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment shows Allentown Road as a major collector within a 100-foot right-of-way. The most recent submitted plan shows adequate dedication of 50 feet from centerline along Allentown Road. However, in consideration of the higher current operating speeds and traffic volumes along Allentown Road, driveways onto the three new lots planned for direct driveway access onto this roadway must utilize a turnaround capability in order to minimize the need for vehicles accessing these lots to back onto Allentown Road. The lots involved are Lots 18, 19, and 20 (Lot 12 is an existing residence served by an existing driveway onto Allentown Road).

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Access to 16 of the 20 proposed lots would be via an extension of a public street, Lanham Lane. This street is platted within the existing community as a secondary residential street. It is determined that 35 of the 41 residences in the adjacent Sellner Estates subdivision receive access via Lanham Lane. This subdivision would add 16 lots, for a total of 51 lots receiving access via a secondary residential street. In the judgment of the transportation staff, this is excessive development for service by a secondary street. It is recommended that traffic calming measures be reviewed with the Department of Public Works and Transportation (DPW&T) prior to approval of the detailed site plan. If traffic-calming measures are warranted and approved by that agency, that recommendation shall be made a part of the detailed site plan recommendation for implementation by the applicant.

#### **Transportation Staff Conclusions**

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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 with conditions.

- \*10. **Schools**—The Historic Preservation and Public Facilities Planning Section has 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.

**Finding**

Impact on Affected Public School Clusters

<u>Affected School Clusters</u>	<u>Elementary School Cluster 6</u>	<u>Middle School Cluster 3</u>	<u>High School Cluster 3</u>
<u>Dwelling Units</u>	<u>19 sfd</u>	<u>19 sfd</u>	<u>19 sfd</u>
<u>Pupil Yield Factor</u>	<u>0.24</u>	<u>0.06</u>	<u>0.12</u>
<u>Subdivision Enrollment</u>	<u>4.56</u>	<u>1.14</u>	<u>2.28</u>
<u>Actual Enrollment</u>	<u>3946</u>	<u>5489</u>	<u>9164</u>
<u>Completion Enrollment</u>	<u>121</u>	<u>64</u>	<u>127</u>
<u>Cumulative Enrollment</u>	<u>16.80</u>	<u>108.12</u>	<u>216.24</u>
<u>Total Enrollment</u>	<u>4088.36</u>	<u>5662.26</u>	<u>9509.52</u>
<u>State Rated Capacity</u>	<u>4033</u>	<u>6114</u>	<u>7792</u>
<u>Percent Capacity</u>	<u>101.37%</u>	<u>92.61%</u>	<u>122.04%</u>

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

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These figures are correct on the day this referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

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 interstate highway 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 \$7,671 and \$13,151 to be a paid at the time of issuance of each building permit.

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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 staff 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.

- \*11. **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 Subdivision 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 Allentown Road, Company 32, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire 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 police and 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.

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

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- \*12. **Police Facilities**—The preliminary plan is located in Police District IV. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on January 30, 2006.

<b><u>Reporting Cycle</u></b>	<b><u>Date</u></b>	<b><u>Emergency Calls</u></b>	<b><u>Non-emergency</u></b>
Acceptance Date	01/05/05-12/05/05	11.00	24.00
Cycle 1	01/05/05-01/05/06	10.00	24.00
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for

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non-emergency calls were met on January 5, 2006.

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 and fire and rescue personnel staffing levels. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

- \*13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has reviewed the Roddy Woods Property. Stormwater Management Concept Plan 44712-2005-00 has been approved with conditions. Development of this property must be in conformance with the approved Stormwater Concept Approval Plan.
- \*14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Roddy Wood Subdivision. A raze permit must be obtained through the Department of Environmental Resources prior to the removal of the existing house and shed at 7201 Allentown Road. Any hazardous materials located in the house and she must be removed and properly stored or discarded prior to the structure being razed.
- \*15. **Archeology**—Paula Bienenfeld previously reviewed this property for archeological resources on February 17, 2006 and current staff concur that a Phase I archeological survey is not necessary on this 5.8-acre property. 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. The area around the property is highly developed and a house was built near Allentown Road by 1993. Therefore, this property is not likely to yield significant prehistoric or historic archeological resources.

\*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

Section 106 review may require archeological survey for state or federal agencies, however. 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.

- \*16. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.
- \*17. **Community of Sellner Estates**—Staff has communicated with resident community leader Mr. Vernon Wade who has expressed no objection to the proposed subdivision, but has expressed concern about the impact that an additional twenty homes will have on traffic and safety on the Sellner Estates community, Lanham Drive and Allentown Road. The community has also expressed concerns about the overcrowding of area schools. The Transportation section of this staff report, Finding 7, addresses the traffic concerns of the community. Finding 8 acknowledges

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the school capacity and provides mitigation via a school surcharge per dwelling unit.

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Squire, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, November 16, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of January 2007.

Aspose.Pdf  
R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:bjs