

PGCPB No. 07-192

File No. 4-06008

R E S O L U T I O N

WHEREAS, Kanaiyalal Patel is the owner of a .51-acre parcel of land known as Tax Map 35 in Grid C-4, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on May 8, 2007, Kanaiyalal Patel 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 4-06008 for 8600 Good Luck Road 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 October 11, 2007, 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 October 11, 2007, 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 Preliminary Plan of Subdivision 4-06008, 8600 Good Luck Road Property for Lots 1 and 2 with the following conditions:

1. Prior to the issuance of any building permit, a soils report addressing specific remedies and their locations in all areas where Christiana clay presents development problems shall be reviewed and approved by M-NCPPC, Environmental Planning Section and the Prince George's County Department of Environmental Resources. The report shall include a map showing all borehole locations, logs of all of the boreholes and identify lots where Christiana clay poses a problem for construction of foundations.
2. 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 and 2.
3. The applicant or the applicant's heirs, successors, and/or assignees shall provide a standard sidewalk along the subject property's entire frontage of Good Luck Road, unless modified by DPW&T.
4. The applicant or the applicant's heirs, successors, and/or assignees shall provide a standard sidewalk along the subject property's entire frontage of Woodside Drive, unless modified by DPW&T.

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5. The final plat of subdivision shall reflect a note that denies vehicular ingress/egress to Good Luck Road.
6. Development of this site shall be in conformance with an approved stormwater management concept plan 30257-2007-01 and any subsequent revisions.

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 proposed subdivision is situated at the northeast intersection of Good Luck Road and Woodside Drive
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Use(s)	Vacant	Single- Family Residence
Acreage	.51	.51
Lots	1	2
Dwelling units	0	2
Public Safety Mitigation Fee		No

4. **Environmental**—There are no regulated environmental features located on-site. Based on 2005 air photos there are less than 10,000 square feet of existing woodlands on-site. One soil series is found to occur on the site according to the Prince George's County Soil Survey: Christiana-Urban Land Complex. This soil series has a K-factor of 0.43 and can have some development constraints when house foundations are constructed on them. These soils can be unstable and have a high shrink-swell potential. Traffic-generated noise impacts are not anticipated from Good Luck Road because it is classified as a collector roadway. There are no designated scenic or historic roads located in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program staff, rare, threatened, and endangered species are not found to occur in the vicinity of this property. According to the approved Countywide Green Infrastructure Plan, the site is not within the designated network. The site is in the Baldhill Branch watershed of the Patuxent River basin, the Greenbelt and Vicinity Planning Area and in the Developing Tier of the adopted General Plan.

Environmental Review

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A staff signed Natural Resources Inventory (NRI/050/06) was included in the preliminary plan submittal. The NRI indicates there are no woodlands and no specimen trees on-site. A note on the NRI states there are no regulated environmental features located on-site. The revised preliminary plan has been reviewed in relation to the signed NRI. The Forest Stand Delineation and signed NRI both show only the Christiana-Urban Land Complex soils series located on-site.

Due to development constraints associated with the Christiana soils, a soils report must be submitted to identify where Christiana clay poses a problem for construction of foundations. Prior to the issuance of any building permit, a soils report addressing specific remedies and their locations in all areas where Christiana clay presents development problems shall be reviewed and approved by M-NCPPC, Environmental Planning Section and the Prince George's County Department of Environmental Resources. The report shall include a map showing all borehole locations, logs of all of the boreholes and identify lots where Christiana clay poses a problem for construction of foundations.

The site is exempt from the Prince George's County Woodland Conservation Ordinance because the site is less than 40,000 square feet in size. On April 26, 2006, the Environmental Planning Section issued a Standard Letter of Exemption from the Ordinance. This letter is valid through April 26, 2008 and should be submitted with all permit applications. No further information regarding woodland conservation is necessary.

The site's Stormwater Management Concept Plan and Concept Plan approval status was submitted. The revised preliminary plan contains General Note #20 that refers to Stormwater Management Concept Plan approval #3027-2007-00 issued on August 8, 2007.

Water and Sewer

The water and sewer service categories are Water and Sewer Category 3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and the property will, therefore, be served by public systems. Water and sewer lines abut the property within the public right-of-way for Woodside Drive.

5. **Community Planning**—This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application conforms to the suburban density residential land-use recommendations of the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* for the site. The 1990 Adopted SMA rezoned this property from the R-R Zone to the R-80 Zone as part of zoning change G-703. The land use map indicates Suburban residential land use at up to 3.5 dwelling units per acre. 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.
6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County

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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 from Lots 1 and 2 as applicable from the subject subdivision because land available for dedication is unsuitable due to its size and location.

7. **Trails**—*The Adopted and Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan* recommends a multiuse trail (side path) along Good Luck Road (Master Plan, page 98). Currently, a variety of cross sections and road improvements exist along Good Luck Road south of MD 193. Large sections of the road are open section with gravel or paved shoulders. Other areas are closed section with sidewalks and on-street Parking. The Madison Hill development to the west of the subject property includes an eight-foot wide sidewalk along its frontage of the south side of Good Luck Road. This wide sidewalk was required at the time of development of the property. As the wide sidewalk will ultimately be continued on the south side of the road, staff recommends a standard sidewalk along the subject site's frontage of Good Luck Road. This is consistent with improvements made to both east and west of the subject site. Similarly, where Woodside Drive has been improved, a standard sidewalk has been provided. Staff recommends the provision of a standard sidewalk along the subject site's frontage as well, unless modified by DPW&T.
8. **Transportation**—The site is adjacent to Good Luck Road, which is a master plan collector facility within a planned 80-foot right-of-way. It appears from prior dedications by Good Luck Woods, Walbrooke Manor, and Seabrook Recreation Center that a full 80-foot right-of-way exists along this section of Good Luck Road. It also appears that at one time there was consideration to create an arterial facility along Good Luck Road, and that was the reason for the "Future R/W Line" notation on the underlying plat. Good Luck Road should be labeled as an 80-foot right-of-way. The "Future R/W Line" notation should be removed from this plan. Adequate right-of-way consistent with master plan recommendations exists along Good Luck Road, and no further right-of-way dedication is required of this plan.

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for a residential development consisting of two single-family lots to be created within an existing platted lot. The proposed development of one net residence would generate 1 AM and 1 PM peak-hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site is 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

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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.

The traffic generated by the proposed preliminary plan would impact the intersection of Good Luck Road and Cipriano Road. This intersection is signalized. There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program. There are no recent counts at the critical intersection of Good Luck Road and Cipriano Road. The last review of the intersection in 1999 indicated that the intersection would operate acceptably in both peak hours under existing, background, and total future traffic. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 1 AM and 1 PM peak-hour trip will have a de minimus impact upon delay in the critical movements at the Good Luck Road and Cipriano Road intersection.

TRANSPORTATION STAFF CONCLUSIONS

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

9. **Police Facilities**—The subject property is located in Police District II. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on May 8, 2007.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Non-emergency
Acceptance Date 5/08/2007	4/06-4/07	11 minutes	19 minutes
Cycle 1	5/06-5/07	10 minutes	19 minutes
Cycle 2	6/06-6/07		
Cycle 3	7/06-7/07		

At the time the plan was accepted for processing, the project failed the response time. However, on June 1, 2007, the response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. 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 personnel staffing levels.

10. **Fire and Rescue Services**—The Historic Preservation & Public Facilities Planning Section has

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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. Public Facilities staff have determined that this preliminary plan is within the required 7-minute response time for the first due fire station West Lanham Hills Company #48, using the *7 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 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.

11. **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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 1	High School Cluster 2
Dwelling Units	2 DU	2 DU	2 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.48	.12	.24
Actual Enrollment	6,272	1,557	10,542
Completion Enrollment	117.6	56	234
Cumulative Enrollment	0	.12	2.28
Total Enrollment	6,390.08	1,613.24	10,778.52
State Rated Capacity	6,339	1,759	10,254
Percent Capacity	100.8%	91.71%	105.11%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

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 \$7,671 and \$13,151 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. The Historic Preservation and Public Facilities

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Planning Section 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.

12. **Public Utilities Easement**—The applicant has shown the ten-foot public utilities easement on the preliminary plan as requested.
13. **Stormwater Management**—Stormwater Management Concept Plan 30257-2007-01 was approved with conditions. Development of the site must be in accordance with this approved plan and any revisions.
14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for 8600 Good Luck Road Property and has no comments to offer.
15. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 0.51-acre property located at 8600 Good Luck Road in Lanham, Maryland. 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. However, the applicant should be aware that one prehistoric archeological site is located within a one-mile radius of the subject property. In addition, four Historic Sites and four Historic Resources are located within a one-mile radius of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. 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** —This subdivision has no effect on historic resources.

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 date of notice of 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 Clark, seconded by Commissioner Cavitt, with Commissioners Clark, Cavitt, Squire and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, October 11, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of November 2007.

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R. Bruce Crawford

Executive Director

By Frances J. Guertin
Planning Board Administrator

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