

R E S O L U T I O N

WHEREAS, A. V. Johnson, Jr. is the owner of a 10.92-acre parcel of land known as Parcels 343 and 140, Tax Map 73 in Grid A-2, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on April 5, 2007, Earthtek Development, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 30 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06022 for Highmount Estates 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 April 5, 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 April 5, 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 the Type I Tree Conservation Plan (TCPI/55/06), and further APPROVED Preliminary Plan of Subdivision 4-06022, Highmount Estates, including a Variation from Section 24-130 for Lots 1-30 and Parcels A and B with the following conditions:

1. The applicant shall:
 - a. Provide a standard sidewalk along the subject site's entire frontage of Highmount Lane, unless modified by DPW&T.
 - b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
 - c. Provide the six-foot wide bituminous concrete walk on Parcel B, as shown on the submitted preliminary plan.
2. Prior to approval 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 40138-2006-00 and any subsequent approved revisions. Prior to signature approval of the

preliminary plan, a revised approved stormwater management concept shall be submitted.

4. Prior to signature approval the applicant shall submit four copies of the corrected final Phase I archeological report.
5. Prior to issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
6. Prior to issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association the open space land (Parcels A and B). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan if one is required. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and

approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.

- i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC without the review and approval of DPR.
 - j. The Planning Board or its designee shall be satisfied that there are adequate provisions to ensure that retention and future maintenance of the property to be conveyed.
7. Prior to signature approval of the preliminary plan, the Type I Tree conservation plan shall be revised as follows:
 - a. Revise the plan to show all the woodland on lots less than 20,000 square feet as being counted as cleared. Add the following note to the plan: "All woodlands on lots have been calculated as cleared."
 - b. Revise the worksheet to include the calculation of the floodplain clearing.
 - c. Show specimen Tree 6 to be removed.
 - d. Remove soils information from the plan.
 - e. Show the proper TCP number in the signature block.
 - f. Revise the TCPI worksheet as necessary after the above revisions have been completed.
 - g. Have the revised plan signed and dated by the qualified professional who prepared the plan.
8. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/55/06). The following notes shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/55/06), 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 Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
9. All reforestation notes and details shall be provided on the TCPII. All plants proposed shall be native plant species. The outermost of the planting area shall contain trees 1 inch in caliper minimum. Clear notes regarding responsibility for maintenance of this area during establishment

and in perpetuity shall be provided.

10. Prior to signature approval of the preliminary plan, the TCPI shall be revised to add the following note: "Reforestation within the future stormwater management easement for the pond is subject to the approval of the Department of Public Works and Transportation." A copy of the approved technical stormwater management plans shall be submitted prior to signature approval of the TCPII. The technical plans shall show the reforestation to ensure that DPW&T concurs with the planting within the easement.
11. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for the two areas of impacts approved, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads 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 allowed."
12. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
13. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to be in conformance with all design conditions of Stormwater Management Concept approval letter 40138-2006-00 approved on October 10, 2006, or as revised. If revised, a copy of the revised approved stormwater management concept plan shall be submitted.
14. The applicant shall construct a six-foot-wide asphalt trail connector from Street B in the subject subdivision to the existing trail system in Capitol Heights Neighborhood Park. A section of this trail connector will be located on a homeowners association parcel and the remaining portion will be constructed on parkland
15. The applicant shall construct a playground (for ages 5-12 years old) in Capitol Heights Neighborhood Park, consisting of a multistation facility such as the Challenger's Model 350-0612, unless the applicant proposes another piece of equipment that DPR determines to be equal to or better
16. The following conditions relate to the construction of facilities on parkland;
 - a. Prior to submission of the final plat, the applicant shall provide detailed construction drawings for the playground and trail connector on M-NCPPC property to DPR.
 - b. The applicant, his heirs, successors and/or assignees shall submit three original

recreational facilities agreements (RFAs) for construction of the playground and trail connector on park property to the Park Planning and Development Division (PP&D) for approval prior to the submission of final plats. Upon approval by the PP&D, the RFA shall be recorded among the county land records.

- c. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property.
 - d. The trail shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
 - e. All recreational facilities constructed on park property shall be completed prior to the approval of the 15th building permit
17. The portion of the six-foot-wide asphalt trail connector to be constructed on homeowners association property shall be subject to the following conditions:
- a. The trail connector shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
 - b. The applicant shall allocate an appropriate and developable area for the private recreational facilities (trail connector) on the homeowners association (HOA) land. The parcel shall be centrally located in the subdivision and away from the major traffic intersections. A pedestrian access shall be provided from the residential lots to the recreational parcel.
 - c. The trail connector shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to final plat.
 - d. A trail plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department that complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
 - e. The applicant shall submit three original, executed recreational facilities agreements (RFAs) to the DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
 - f. Submission to the DRD of a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits.
 - g. The developer, his successor and/or assignees shall satisfy the Planning Board that there

are adequate provisions to assure retention and a future maintenance of the trail connector.

- h. The trail shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DRD.
 - i. The location of the trail shall be staked in the field and approved by DRD prior to construction.
 - j. The construction of the trail on homeowners association property shall be completed prior to the issuance of the 15th building permit.
 - k. No building permits shall be issued for lots 11 and 12 on subject property until the trail on homeowners association has been constructed.
18. Prior to the approval of the final plat, a limited detailed site plan shall be approved by the Planning Board or its designee for the construction of private on-site recreational facilities on Parcel B (the trail connection), establishing appropriate bonding amounts and determining triggers for construction, in accordance with the *Parks and Recreation Facilities Guidelines*.
19. The plans shall be revised to show 25 feet of street frontage along Street B for HOA Parcel B, which contains the trail connector. Adequate landscaping and a split rail fence shall be provided to delineate the parcel from adjacent lots.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- 2. The property is located on the north side of Highmount Lane approximately 400 feet east of its intersection with Suffolk Avenue. It is developed with a single-family dwelling (which is to be removed) Most of the site is wooded. The site is surrounded by a mix of single-family detached and attached dwellings in the R-80 and R-T Zones. To the north is the Capitol Heights Park, owned by M-NCPPC.
- 3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-55	R-55
Use(s)	Undeveloped	Single-Family Dwellings
Acreage	22.84	22.84

Lots	0	30
Outlots	0	0
Parcels	2	2
Dwelling Units:		
Detached	1 (to be removed)	30
Public Safety Mitigation Fee		No

4. **Environmental**—Streams, 100-year floodplain, and severe slopes, are found to occur on the property. There are no nearby transportation-related noise generators. The soils found to occur according to the Prince George's County Soil Survey include Adelphia, Elkton, Collington fine sandy loam, and sandy land. 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, rare, threatened, or endangered species are not found to occur in the vicinity of this property. This property is located in the Anacostia River subwatershed of the Anacostia River Basin and in the Developed Tier as reflected in the adopted 2002 General Plan. The site contains gap areas, evaluation areas, and regulated areas within the network of the Countywide Green Infrastructure Plan.

Countywide Green Infrastructure Plan

The approved Countywide Green Infrastructure Plan identifies regulated areas, evaluation areas, and gap areas on this property that are within the network. Woodland on this site has high priority for preservation. Proposed impacts to regulated areas are discussed below.

Natural Resources Inventory

An approved Natural Resources Inventory, NRI/041/06, was submitted with the application. There are streams and 100-year floodplain on the property. The FSD indicates four mixed-hardwood forest stands totaling 7.75 acres and notes the species size and condition. There were seven specimen trees identified. The NRI correctly shows all of the required information.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. The site contains regulated areas, evaluation areas, and gap areas within the network of the Green Infrastructure Plan. Woodland conservation efforts should be concentrated in the areas adjacent to the regulated areas: the stream and the wetlands. The plan shows 0.59 acres of woodland preservation and 0.75 acres of afforestation/reforestation in the areas adjacent to the stream/wetland complex. Due to the small lot sizes, additional woodland conservation on-site is not practical.

A Type I Tree Conservation Plan, TCPI/55/06, has been submitted. This 10.92-acre site has a net tract area of 9.56 acres and a woodland conservation threshold of 20 percent or 1.91 acres. There is also a replacement requirement of 1.83 acres for clearing above and below the threshold. The

worksheet does not account for any floodplain clearing; however, a small area of the floodplain will be cleared for the outfall structure from the stormwater management pond. The requirement will need to be revised from the 3.75 acres shown, after the comments herein are addressed. Currently, the plan shows the requirement being met by 0.59 acres of on-site preservation, 0.75 acres of afforestation and 2.41 acres of off-site mitigation. All woodland conservation is appropriately shown off the lots because the lot sizes are all below 20,000 square feet with many of them being in the 7,000 to 9,000 square foot range.

The TCPI shows woodland saved, but not counted, on Lots 7, 8, 9, 11, 12, 13, 15, 21 and 22. Some of these lots are as small as 7,900 square feet. This woodland should be counted as cleared and shown as cleared on the plan because these lots are also less than 20,000 square feet in area and 40 feet of useable rear yard area has not been provided on all the lots. To obtain positive drainage, it is likely that most if not all of the woodlands shown will be required to be removed. In addition, even if the woodlands are preserved in place, if the worksheet counts these areas as being cleared, the future homeowners will not be burdened with having to revise the TCP if they decide to clear the trees in order to make use of the available space on the very small lots.

There are seven specimen trees on the property. Three of the seven are proposed to be preserved. Two of these trees are within the stream/wetland complex and will be preserved. The specimen tree on Lot 8 (Tree 6), is a multi-stemmed silver maple. Approximately 70 percent of the critical root zone of this tree is either already disturbed by the development of the site to the west, or is proposed to be disturbed with the proposed grading on the subject site. Silver maples are not long-lived trees and are very susceptible to storm damage. This tree is not recommended for preservation because of the previous disturbance and the necessary disturbance for the proposed development.

Reforestation is shown within the area that will become the stormwater management pond easement. The following note must be added to the TCPI: "Reforestation within the future stormwater management easement for the pond is subject to the approval of the Department of Public Works and Transportation." A copy of the approved technical stormwater management plans will be required prior to signature approval of the TCPII. The technical plans shall show the reforestation to ensure that DPW&T concurs with the planting within the easement.

Environmental Impacts and Variation Request

The site contains significant environmental features protected by Section 24-130 of the Subdivision Ordinance. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as stormwater pond outfalls, public utility lines, road crossings, and so forth, which are mandated for public health and safety.

The Subdivision Ordinance requires the preservation of streams and wetlands and their associated buffers in their entirety, unless the Planning Board approves a variation and can make the required findings of Section 24-113.

The plan as submitted shows proposed encroachments into the regulated areas. Two variation requests for proposed impacts were submitted for the construction of improvements to an existing public road and stormwater management pond outfall. The impacts proposed are supported because they are necessary to implement the proposed development.

Review of the Variation Request submitted

Impact Area A

This variation request is to allow grading, road widening, a sidewalk, trenching, and the installation of storm drainage including a possible culvert pipe, and commercial utilities, which would include approximately 2,000 square feet of disturbance to the stream buffer. The area shown is all within the designated public utility easement along Highmount Lane.

Impact Area B

This variation request is to allow clearing, trenching, and the installations of a storm drain pipe and outfall, which includes approximately 450 square feet of disturbance to the expanded stream buffer.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The variations are required to address the regulations associated with the construction of the stormwater management pond outfall and the construction of roadway improvements to existing Highmount Lane.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The conditions of the property are unique with respect to the placement of the associated expanded buffer and the required placement of the stormwater management outfall and

road improvements along Highmount Lane.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;

The installation of a stormwater management outfall and road improvements along Highmount Lane are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

The topography provides no alternative for the location of the stormwater management outfall and road improvements that is required to serve the development. Without the required stormwater management outfall and road improvements, the property could not be properly developed in accordance with the R-55 zoning.

Staff supports these impacts because the site could not be developed without the improvements to the public street and the outfall to the stormwater management pond.

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 the property will, therefore, be served by public systems.

5. **Community Planning**—The property is located in Planning Area 75A/Capitol Heights within the limits of the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*. The master plan recommends a Medium-Suburban Residential (3.6 - 5.7 dwelling units/acre) use for the site. This application is proposing a medium-suburban residential land use and is, therefore, consistent with this land use recommendation.

The 2002 General Plan locates the subject property within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

6. **Parks and Recreation**—In accordance with Section 24-135(b) of the Prince George’s County Subdivision Regulations the Park Planning and Development Division of the Department of Parks and Recreation recommends to the Planning Board that facilities be provided within the subdivision (trail connector) and on the adjacent parkland (playground).

The property is located off of Highmount Lane in Capitol Heights directly adjacent to the Capitol Heights Neighborhood Park. This park is developed with facilities including basketball courts, a sitting area and a trail. The park also had a playground, though it was removed recently because it was in poor condition.

The applicant is proposing 30 single-family dwellings on the subject property. Using current occupancy statistics for single-family dwelling units, the development will provide approximately 84 new residents to the area. The requirement for mandatory dedication of parkland for this development is 0.82 acre. DPR staff believes that the residents of the development would be best served with access and increased amenities to the adjacent park. DPR staff met with the applicant and came to a mutually agreeable conclusion. The applicant has agreed to provide a trail connector from its development to the park trail system and construct a playground (for 5-12 year olds) to replace the playground that was recently removed.

7. **Trails**—There are no master plan trails issues identified in the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity* that impact the subject site. The subject site is approximately 4,000 linear feet from the Capitol Heights Metro and 6,000 linear feet from the Addison Road Metro. The site is also adjacent to the M-NCPPC Capitol Heights Park and across Suffolk Avenue from Capitol Heights Elementary School.

Sidewalks are fragmented in the vicinity of the subject site. Sidewalks do not exist along many segments of roads. However, where frontage improvements have been made, standard sidewalks have been provided. Staff supports the eight-foot-wide trail connection to the adjacent M-NCPPC parkland as shown on the submitted preliminary plan and sidewalks throughout the subdivision. This may also ultimately improve pedestrian accessibility to the north, depending upon the ultimate design and layout of the park.

8. **Transportation**—The transportation staff determined that the proposed development is not of sufficient size to warrant submission a full traffic study. However, at the Subdivision Review Committee Meeting staff requested submission of a weekday AM and PM peak period turning movement traffic counts for the critical intersection of Suffolk Road with MD 332 (Central Avenue). On December 4, 2006, the applicant submitted for review and analysis an acceptable AM and PM peak hours traffic movement count dated February 22, 2006. The findings and recommendations outlined below are based upon a review 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

The subject property is located within the developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the Guidelines.

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.

Transportation Findings

The application is a preliminary plan of subdivision for 30 residential lots. The proposed development would generate 23 AM and 27 PM peak hour vehicle trips as determined using the "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The traffic generated by the proposed preliminary plan would impact the unsignalized intersection of Suffolk Road with MD 332 (Central Avenue). This intersection is the nearest intersection to the site, and would serve virtually all of the site-generated traffic.

The intersection identified above is along MD 332, which is not programmed for additional improvement within the next six years in the current Prince George's County *Capital Improvement Program (CIP)*. When analyzed with existing, background and total future traffic as developed using the Guidelines, it was found to be operating with total average delay below the acceptable value of 50 Seconds.

All the proposed lots except for Lot 1 and Lot 2 will have direct access to two proposed internal streets that will connect. Each of these streets are shown with a right-of-way width of 50 feet. Lot 1 and 2 will have direct access onto Highmount Lane. The plan show a total of 25 feet in total dedication from existing centerline for Highmount Lane, which is adequate and acceptable.

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.

9. **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 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	30 sfd	30 sfd	30 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	7.2	1.8	3.6
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	102	25.50	51
Total Enrollment	35,715.68	11,532.42	17,038.84
State-Rated Capacity	39,192	11,273	15,317
Percent Capacity	91.13	102.30	111.24

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

County Council Bill CB-31-2003 establishes a school facilities surcharge in the amount 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, renovations to existing school buildings, or other systemic changes.

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003, and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for 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 seven-minute response time for the first due fire station Capitol Heights, Company 5, 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, the 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.

12. **Police Facilities**—The subject property is located in Police District III. 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 application was accepted for processing by the Planning Department on November 16, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	10/05/05-10/05/06	9.00	18.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls was met on October 5, 2006.

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, the 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.

12. **Health Department**— The Environmental Engineering Program has reviewed the preliminary plan of subdivision and has the following comments to offer:

Any abandoned septic tank(s) must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system(s) should be located on the preliminary plan. The two 3-inch diameter wells shown on proposed Lot 15, behind the block shed, appear to be clean outs to a septic tank.

Any abandoned well(s) found within the limits of the subject property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit. The location of the well(s) should be located on the preliminary plan. One abandoned shallow well was found adjacent to the house on proposed Lot 2.

A raze permit is required prior to the removal of any existing structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note should be affixed to the preliminary plan that requires that the structures are to be razed and the well(s) and septic system(s) properly abandoned prior to the release of a building permit.

In addition, a drum containing an unidentified liquid on site must be identified and removed in accordance with state and county regulations.

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 approval letter 40138-2006-00 dated October 10, 2006, was submitted with the application. The concept approval cited several conditions of approval that would directly impact the current layout and design of this subdivision. These conditions and the anticipated impacts to the subdivision design are as follows:

“3. A 50 buffer shall be maintained between the 100-year floodplain and all residential lots. Lot layout will need to be revised.”

Comment: Lots 24 through 30 are closer than 50 feet from the 100-year floodplain. Fulfilling the required 50-foot setback from the 100-year floodplain will have a substantial design impacts.

“4. A 50-foot buffer is also needed between Lots and the SWM pond.”

Comment: It appears that Lots 22 and 23 have maintained the required 50-foot setback from the 100-year water surface elevation (WSEL) for the proposed stormwater management pond, but the conditions of approval indicate that the limit of the pond from which the buffer is measured may not be the 100-year WSEL. Impacts on the design of the adjacent lots will depend on where the 50-foot buffer is required.

“5. SWM pond appears to be too small as shown on the concept plan. Since no area for an entrance road or the necessary benches and buffers has been provided. This may impact lot layout.”

Comment: If the SWM pond is enlarged to include an entrance road, required safety benches and the required 50-foot buffer, there will be direct impact on the adjacent lots, Lot 22 and 23, and a possible resultant impact on other lots in the subdivision.

The applicant is currently seeking approval of a revised concept plan that addresses these issues. Development must be in accordance with the approved plan or any approved revision thereto.

14. **Historic**—A draft report of the Phase I archeological investigations of the Highmount Estates Property, *A Phase I Archeological Survey of the Highmount Estates Property, Prince George’s County, Maryland, Preliminary Plan #P-06002*, was received on September 7, 2006 and a review letter was sent on November 6, 2006. No further archeological work was recommended on the property and staff concurs with this recommendation. No further archeological work is required on the Highmount Estates Property at the county level. Four copies of the final report with the requested corrections have not yet been received. Once the final reports have been received and accepted, the archeological requirements for the county will be considered complete.

However, 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.

15. **Connectivity**— The revised preliminary plan submitted by the applicant meets the Planning Board's directive to identify possible means towards greater connectivity within the subdivision. Whereas before the two streets within the subdivision terminated in cul-de-sacs, the revised plan shows the two cul-de-sacs connected by a 200-foot long segment of roadway, creating a loop through the development.

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 Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Eley and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 5, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of May 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:TL:bjs