

R E S O L U T I O N

WHEREAS, Advanced Building System is the owner of a 1.28-acre parcel of land known as Parcel 90, Tax Map 97 in Grid A-3, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on August 9, 2006, Advanced Building System filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 5 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06031 for Andre Corner 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 January 25, 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 January 25, 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/36/06), and further APPROVED Preliminary Plan of Subdivision 4-06031, Andre Corner, for Lots 1-5 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Revise general note 25 to reflect the correct stormwater concept approval number (36115-2003-00).
 - b. Revise general note 27 to reflect the correct companion TCPI number (TCPI/36/06).
 - c. Update the revision box to demonstrate the 9/19/06 plan revision.
 - d. Clearly label the proposed water and sewer house connections for Lots 2 and 5.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 36115-2003-00 and any subsequent revisions.

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 1-5.
5. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along the property's entire street frontage of Fisher Road unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
6. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
7. Prior to the issuance of grading permits the applicant, his heirs, successors, and or assignees shall demonstrate that any abandoned well and/or septic tank has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.
8. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/36/06), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”
9. Prior to the issuance of building permits for the proposed dwellings, the applicant, his heirs, successors, and or assignees shall construct a 6-foot high, sight-tight, board-on-board fence along the property's entire eastern property line.
10. The Type II Tree Conservation Plan shall field locate the existing specimen tree. If the tree is within the Fisher Road right-of-way, the Department of Public Works and Transportation shall be consulted to determine whether the tree can be preserved in place. If DPW&T denies permission no further action is required and the tree may be removed. If DPW&T grants permission or if the tree is not within the right-of-way, the actions required below shall be implemented and the TCPII shall be approved prior to the approval of the final plat.

The Type II Tree Conservation Plan shall include a condition analysis for the specimen tree and it shall be conducted by a certified arborist using the latest edition of the Council of Tree and Landscape Appraisers “Guide for Plant Appraisal.” If the condition analysis results in a score of 60 or above, a tree preservation plan shall be prepared. The plan shall include pre-construction treatments, protection measures to be implemented during construction and post-construction mitigation measures and shall be included as part of the TCPII.

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 along Fisher Road approximately 1,800 feet north of its intersection with Brinkley Road.
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)	Single-Family	Single-Family
Acreage	1.28	1.28
Lots	0	5
Parcels	1	0
Dwelling Units:		
Detached	2 (to be razed)	5 (new)
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Andre Corner, 4-06031, and the Type I Tree Conservation Plan, TCPI/36/06, stamped as received by the Environmental Planning Section on September 22, 2006. The Environmental Planning Section recommends approval of 4-06031 and TCPI/36/06 subject to the conditions.

Background

The Environmental Planning has no records of any previous applications for the subject property. The proposal is for five lots in the R-80 zone.

Site Description

The site is currently developed with two single-family detached residential structures and is partly wooded. Stormwater runoff from the property eventually reaches Piscataway Creek in the Potomac River watershed. According to information obtained from the Maryland Department of Natural Resources Wildlife and Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. There are no designated scenic and historic roads in the vicinity of this property. According to the “Prince George’s County Soil Survey” the principal soils on the site are in the Aura series. According to available information, Marlboro clay does not occur in the vicinity. This property is located in

the Developing Tier as reflected in the adopted General Plan.

Environmental Review

A signed Natural Resources Inventory, NRI/036/06, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. The FSD indicates two forest stands totaling 0.82 acre and one specimen tree.

According to the Green Infrastructure Plan, none of the property contains a regulated area, evaluation area, or network gap. Based upon this analysis, there are no priority woodlands on-site. No further action regarding sensitive environmental features is required.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

The Type I Tree Conservation Plan, TCPI/36/06, has been reviewed. The plan proposes clearing all of the existing 0.82 acres of woodland. The woodland conservation threshold is 0.26 acre and the woodland conservation requirement has been correctly calculated as 0.65 acre based on the clearing currently proposed. The plan proposes to meet the requirement by providing a fee-in-lieu for 0.65 acre.

Due to the lot sizes and the lack of priority woodlands, on-site conservation is not recommended because it would unnecessarily encumber small lots without providing the benefits envisioned by the Woodland Conservation Ordinance. The use of fee-in-lieu instead of off-site mitigation is appropriate in this instance because the total mitigation requirement is less than one-acre. A Type II tree conservation plan will be required prior to the issuance of grading permits for the subject property.

According to the "Prince George's County Soil Survey" the principal soils on the site are in the Aura series. Aura soils are in the B-hydric series and are high erodible. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. 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.

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 site will therefore be served by public systems.

5. **Community Planning**—The property is located within Planning Area 76B within the Oxon Hill community, and is within the limits of the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*. The master plan land use recommendation is for a

low-density, residential land use at up to 5.7 dwelling units per acre. This application proposes low-density residential land use, and is therefore consistent with the land use recommendation within the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*.

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 Developed Tier.

The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* retained the subject property within the R-80 Zone

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—There are no master plan trails issues identified in the adopted an approved Henson Creek-South Potomac master plan. However, Policy 3 on page 71 of the master plan states, “Provide adequate pedestrian and bicycle linkages to schools, parks and recreation areas, commercial areas, and employment centers.” The Samuel Chase Elementary School is located several hundred feet north of the subject property along Fisher Road. The majority of Fisher Road is open section with no sidewalks in the vicinity of the subject property. However, where frontage improvements have been made, standard sidewalks have been provided. The Transportation Planning Section recommends the provision of a standard sidewalk along the property’s entire street frontage of Fisher Road, unless modified by DPW&T.
8. **Transportation**—The following are the Transportation Planning Section’s comments concerning the site access, geometric design and traffic impact of the preliminary plan of subdivision application.

The application involves five proposed lots that would have a minimal impact on adjacent roadways. Therefore, the applicant was not required to submit a traffic study.

All five lots would have direct driveway access to Fisher Road. This is acceptable. The Department of Public Works and Transportation will likely request an end treatment on Henry Avenue which stubs up to the subject property along the eastern property line. Fisher Road functions as a primary residential street, and the proposed dedication of 30 feet from centerline is adequate and consistent with other adjacent properties. The property is not within or adjacent to any master plan roadways.

The application is a preliminary plan of subdivision for a residential development consisting of five single-family lots to be created within a existing parcel. The proposed development of five residences would generate 4 AM and 5 PM peak hour vehicle trip as determined using

“Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

The site is 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) D, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of Fisher Road and Brinkley 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.

The Transportation Planning Section has no recent counts at the critical intersection of Fisher Road and Brinkley Road. 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. The Transportation Planning Section would therefore recommend that the Planning Board find that 4 AM and 5 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the Fisher Road and Brinkley 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.

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	5 sfd	5 sfd	5 sfd

Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.20	0.30	0.60
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	103.68	25.92	51.84
Total Enrollment	35,710.88	11,531.22	17,036.44
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.12%	102.29%	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 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 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 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.

10. **Fire and Rescue**—The Historic Preservation & 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 7-minute response time for the first due fire station Oxon Hill, Company 21, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS 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.

11. **Police Facilities**—The subject property is located in Police District IV. The response standard for emergency calls is 10 minutes 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 August 9, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-07/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on July 05, 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 for Andre Corner and has the following comments to offer:

Prior to the removal of the existing, abandoned houses, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.

13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), has determined that on-site stormwater management is required. Stormwater Management Concept Plan 36115-2003-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

14. **Historic**- A Phase I archeological survey is not recommended on the above-referenced 1.28-acre property at 5900 Fisher Road. 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. An examination of aerial photographs indicates that a house was built on the property in the mid-20th century and has probably impacted any archeological sites that may have been present. However, the applicant should be aware that a National Register of Historic Places property, St. Ignatius' Church and Cemetery (PG:76B-006), St. Barnabas Church, Oxon Hill (PG:76A-004), and Kildare (PG:76B-007) 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.

15. **At the Public Hearing** – At the public hearing for this application on January 25, 2007, several citizens requested that an existing specimen tree located on the subject property, be preserved to the greatest extent possible. The Environmental Planning Section informed the Planning Board that portions of the specimen tree may be located within the limits of the Fisher Road public right-of-way, and therefore, any final determination regarding the preservation of the tree would be subject to concurrence from the Department of Public Works and Transportation. The Environmental Planning Section introduced a condition that would require a certified arborist to conduct an appraisal of the specimen tree as part of the Type-II Tree Conservation Plan review, should DPW&T determine, that either the tree is not within the public right-of-way, or that the tree is within the public right-of-way, but can remain in place. The Planning Board agreed with the new condition as drafted, and requested that it be included within the conditions of approval for the subject application. The Chairman of the Planning Board also requested the Environmental Planning Section to prepare a letter for his signature to urge the Department of Public Works and Transportation to closely evaluate, and give full consideration to the preservation of the specimen tree.

An abutting property owner informed the Planning Board that the property is commonly used by pedestrians as a “cut-through”, to obtain access from Fisher Road to Henry Avenue. In response to citizen concerns regarding trespassing, the Planning Board requested that a condition be established that requires the installation of a 6-foot high, board-on-board fence along the entire eastern property line, adjacent to Henry Avenue, prior to the approval of any building permits for the proposed dwellings. A condition has been added accordingly.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, January 25, 2007, in Upper Marlboro, Maryland.

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

R. Bruce Crawford

PGCPB No. 07-16
File No. 4-06031
Page 10

Executive Director

By Frances J. Guertin
Planning Board Administrator

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