

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

WHEREAS, a .60-acre parcel of land known as Parcel 149, Tax Map 106 in Grid D-2 said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on November 6, 2006, Land and Compass, Inc. 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 4-06047 for Hayosh Flynn Allentown Subdivision was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on ~~*February 8~~ 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 ~~*February 8~~ 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 Preliminary Plan of Subdivision 4-06047 *and a variance to 27-442 yard frontage for Lot 1, Hayosh Flynn Allentown Subdivision for Lots 1 and 2 with the following conditions:

1. 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 Lot 2.
2. The applicant's heirs, successors, and/or assignees 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.
3. The applicant's heirs, successors, and/or assignees shall provide a standard sidewalk along the subject property's entire frontage of Allentown Road, unless modified by DPW&T.

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4. The driveways to each proposed lot 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 checked and verified at the time of building permit.

5. The submitted plan shall be modified to revise the notation on the plan describing Allentown Road as having an ultimate right-of-way of 80 feet. The ultimate right-of-way for Allentown Road in accordance with the master plan is 100 feet.
6. At the time of final plat approval, the applicant shall dedicate right-of-way along Allentown Road of 50 feet from centerline.
7. Development of this site shall be in conformance with the Stormwater Management Concept Plan 7788-2006-00 and any subsequent revisions.
8. Prior to the issuance of building permits the applicant, his heirs, successors, or assignees shall demonstrate that any abandoned wells or septic systems have 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.

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 subject property is located on south side of Allentown Road at its intersection with Pleasant Hill 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)	Single-family Residences	Single-family Residences
Acreage	0.60	0.60
Lots	0	2
Outparcels	0	0
Parcels	1	0
Dwelling Units:	1 (to remain)	2 (1 new)
Public Safety Mitigation Fee		No

- *4. **Variances**—Staff is recommending a variance to 27-442 Yard Frontage due to a request by the Transportation Section for additional dedication along Allentown Road, a master plan major collector facility, MC-702, on the *Approved Henson Creek-South Potomac Master Plan and Sectional Map*. The plan must be revised to reflect dedication of 50 feet from centerline along this roadway, and the notation on the plan describing Allentown Road as having an ultimate right-of-way of 80 feet must be revised; the ultimate right-of-way in accordance with the master plan is 100 feet.

*This additional dedication impacts the front yard for required Lot 1 because of the location of the existing house, which is to remain. The Zoning Ordinance requires a twenty-five foot front yard setback for all dwelling units with the dedication of fifty-feet from centerline for the roadway. The existing house would only be setback fifteen feet and a variance of ten feet is required.

***Variance Request from Section 27-442, Yard Frontage**

*Section 27-442 of the Zoning Ordinance establishes minimum Lot Yard frontage for lots in the R-80 Zone. Variances may be granted provided the application meets the following criteria, contained within Section 27-230(a) of the Prince George's County Code.

- *(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions;”**

*The property does have an extraordinary situation or condition. The variance requested is for proposed Lot 1. This lot has an existing house on the property. It is currently meets the 25 foot setback, but the request by Transportation staff for the additional 10 feet of roadway dedication to comply with the Master Plan leaves only a setback of 15 feet. These factors combine to create an extraordinary situation not generally applicable to other properties in the area.

- *(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;**

*The hardship to the owner would be the loss of Lot 2. If the variance is not granted, Lot 2 could not be developed because the entirety of this lot would need to be removed from the application.

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- *(3) The variance will not substantially impair the intent, purpose, or integrity of**

the General Plan or Master Plan.

*The granting of this variance will not substantially impair the intent, purpose, or integrity of the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*. The residential, low-density land use is in conformance with the recommendation of the plan.

*Staff supports this variance request for these reasons.

- *[4]5. **Environmental**—This 0.60-acre property in the R-80 Zone is located opposite the corner of Allentown Road and Pleasant Hill Drive. The site is currently developed with a single-family detached residential structure and is not wooded. There are no streams, wetlands or 100-year floodplain on the property. Stormwater run-off from the property eventually reaches Tinkers Creek in the Potomac River watershed. According to the *Countywide Green Infrastructure Plan*, none of the property is within a designated network. 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 Beltsville 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, 100-year floodplain, or woodland on the property. Although the gross tract area is in excess of 40,000 square feet, this property is not subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because there are less than 10,000 square feet of existing woodlands on site, and the property has no previously approved tree conservation plans.

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According to the “Prince George’s County Soil Survey” the principal soils on the site are in the Beltsville series. Beltsville soils are in the C-hydric series and are highly 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. The Prince George’s County Department of Environmental Resources approved Stormwater Management Concept, CSD 7788-2006-00, on March 12, 2006.

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. The property will be served by public systems. Water and sewer lines in Allentown Road abut the property.

- *[5]6. **Community Planning**—The property is located on the south side of Allentown Road at its intersection with Pleasant Hill Drive. The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* classifies the property in the R-80 Zone. There is one existing single-family residential dwelling. The proposal is for two single-family residential lots. The land use is for residential, low-density land use at a density 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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application conforms to the residential, low-density land use (up to 3.5 dwelling units per acre) recommended in the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*.
- *[6]7. **Parks and Recreation**—In accordance with Section 24-134(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 from Lot 2 as applicable from the subject subdivision because land available for dedication is unsuitable due to its size and location. Lot 1 is exempt because it contains an existing dwelling unit to remain.
- *[7]8. **Trails**—The *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* recommends 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.

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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. The subject property does not currently have a sidewalk along its frontage, although the property immediately to the west does. The provision of sidewalks and walkable communities was identified as a community priority during the recent planning charrette for the community. There

is an existing sidewalk immediately to the west of the subject site.

- *[8]9. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 0.60 acre of land in the R-80 Zone. The property is located on the south side of Allentown Road, approximately 850 feet southwest of its intersection with Temple Hill Road. The applicant proposes a residential subdivision consisting of two single-family detached lots on an existing parcel that is developed—for a net of one new residence.

The subject property is not large enough to warrant a traffic study, and would have a minimal impact on area roadways. The findings and recommendations outlined below are based upon a review of relevant 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

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

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

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Staff Analysis of Traffic Impacts

The site's primary impact would occur at the Allentown Road/Temple Hill Road intersection, which is signalized. Staff has recent counts that indicate this intersection would operate acceptably under existing and future traffic. In reviewing the Roddy Wood Subdivision, Preliminary Plan of Subdivision 4-05151, the finding was made that under total traffic 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, for that site it was determined that the critical

intersection would operate acceptably under total traffic. Notwithstanding that a positive finding of adequacy can be made, 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. With two lots and one new net residence, the site would generate 1 AM and 1 PM peak-hour trip, and the definition of de minimus in the guidelines indicates that the site is eligible because this application is "a development which generates 5 or fewer peak-hour trips." Staff would, therefore, recommend that the Planning Board find that 1 AM and 1 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Allentown Road/Temple Hill Road intersection.

The primary issue for this site concerns the means by which adjacent Parcel 153 to the south would receive access, as it would initially appear to have no current public street access. In further investigations during review of this site, the following was determined:

- a. It appears that there is a valid recorded easement over adjacent Parcel 86 owned by McDonalds Corporation for the purpose of serving Parcel 153. The easement was recorded in 1942 by Mr. Collins, and the parcel was conveyed by Mr. Collins in 1987.
- b. Parcel 153 was conveyed by Mr. Collins to Ms. Ewbank et. al. in 1989 and subsequently conveyed to the current owners in 2000.
- c. No actions appear to have extinguished the easement.
- d. A preferred public street access to Parcel 153 would appear to cross Parcel 86 and Parcel A to Temple Hill Road. It does not appear, however, that there is any right of access over Parcel A. Nonetheless, Parcel 86 has sufficient frontage on Allentown Road to accommodate a public street.

Therefore, it is determined based upon the information at hand that the issue of access to Parcel 153 has sufficient resolution to allow the approval of the subject subdivision without a stub street specifically to provide access for Parcel 153.

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The site is adjacent to Allentown Road, which is a master plan major collector facility, MC-702, on the *Approved Henson Creek-South Potomac Master Plan and Sectional Map*. The plan must be revised to reflect dedication of 50 feet from centerline along this roadway, and the notation on the plan describing Allentown Road as having an ultimate right-of-way of 80 feet must be revised; the ultimate right-of-way in accordance with the master plan is 100 feet. Both proposed lots would require driveway access via Allentown Road, which is a major collector on the master plan. In consideration of current operating speeds and volumes, driveways onto each of the

proposed lots should utilize a turnaround capability in order to minimize the need for vehicles accessing these lots to back onto Allentown Road.

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]10. **Fire and Rescue**—The Historic Preservation and 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 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.

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.

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- *[10]11. **Police Facilities**—The preliminary plan is located in Police District V. 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 proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on November 2, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	09/05/05-09/05/06	11.00	19.00
Cycle 1			
Cycle 2			
Cycle 3			

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 applicant may enter into a mitigation plan with the county and file such plan with the Planning Board. The Planning Board may not approve this preliminary plan until a mitigation plan is submitted and accepted by the county. The Police Chief has reported that

the department has adequate equipment to meet the standards stated in CB-56-2005.

*[44]12. **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 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	1 sfd	1 sfd	1 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.24	0.06	0.12
Actual Enrollment	3,946	5,489	9,164
Completion Enrollment	121	64	127
Cumulative Enrollment	17.52	108.96	217.92
Total Enrollment	4,084.76	5,662.02	9,509.04
State Rated Capacity	4,033	6,114	7,792
Percent Capacity	101.28	92.61	122.04

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

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These figures are correct on the day the referral memo 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 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 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-23-20033

- *[12]13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and noted that wells and septic systems to be abandoned must be pumped, backfilled, and/or sealed in accordance with COMAR 26.04.04. The Health Department also noted that the septic tank adjacent to the existing house must be pumped out by a licensed scavenger and either removed or backfilled in place. All locations should be indicated on the preliminary plan.
- *[13]14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that a geo-technical report is required as per CB- 94-1994 at the time of building permit. Stormwater Management Concept Plan 7788-2006-00 was approved March 12, 2006. Development must be in accordance with this approved plan.
- *[14]15. **Archeology**—Phase I archeological survey is not recommended on the above-referenced 0.60-acre property in Camp Springs, 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. There are an extant house and shed on the subject property that have probably have already impacted any cultural resources. The surrounding area is also highly developed. However, the applicant should be aware that there are two historic sites and one historic resource within a two-mile radius of the subject property. Due to the highly developed nature of the surrounding area, no archeological sites have been identified in the vicinity.

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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]16. **Historic Preservation**—The subject application for preliminary plan of 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 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 Vaughns, seconded by Commissioner Eley, with Commissioners Vaughns, Eley, Squire and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, April 12, 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:IT:bjs