

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

WHEREAS, Richard Neville, Trustee is the owner of a 10.78-acre parcel of land known as Parcels 260 and 163, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on September 25, 2006, Landesign, Inc. 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 4-06106 for Maxwell's Grant 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 November 30, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on November 30, 2006, 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/02/05), and further APPROVED Preliminary Plan of Subdivision 4-06106, Maxwell's Grant, including a Variation from Section 24-130 for Lots 1-30 and Parcels A and B with the following conditions:

1. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, except for areas where variation requests have been granted, and be reviewed by the Environmental Planning Section prior to certification. 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."
2. Prior to the issuance of any permits which impact jurisdictional wetlands or wetland buffers, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
3. The Type II TCP shall show landscaping within the 50-foot-wide stream buffer with appropriate

species of at least 1 1/2 inches in caliper at spacing of at least 20 feet on center. No trees shall be planted within 40 feet from the back of any house footprint.

4. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on approved Type I Tree Conservation Plan TCPI/02/05, or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

5. The Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment recommends that Allentown Road be designated as a Class III bikeway with appropriate signage. Because Allentown Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
6. The applicant, his successors, and/or assigns, shall provide a standard sidewalk along both sides of all internal roads, unless modified by DPW&T.
7. At the time of final plat approval, the applicant shall dedicate right-of-way along Allentown Road of 50 feet from centerline, as shown on the submitted plan.
8. The applicant, his successors, and/or assigns, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
9. The applicant shall allocate appropriate and developable areas for the private recreational facilities on Home Owners Association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the preliminary plan by the Planning Board.
10. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the *Park and Recreation Facilities Guidelines*.
11. Submission of three original, executed recreational facilities agreements (RFA) 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.
12. 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.

13. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
- \*14. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association open space land. Land to be conveyed shall be subject the following:
- \*[14] a. Conveyance shall take place prior to the issuance of building permits.
- \*[15] b. A copy of an 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.
- \*[16] 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.
- \*[17] d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
- \*[18] e. Any disturbance of land to be conveyed to a homeowner's association shall require the written consent of the DRD. 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 storm drain 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.
- \*[19] f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowner's 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.

\*Denotes correction

[Brackets] denotes deletion

Underlining denotes addition

- \*[20]        g.        ~~Temporary or permanent~~ use of land to be conveyed to a homeowner's association for stormwater management shall be approved by DRD.
- \*h.        The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- \*[21]    15.        A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.
- \*[22]        16.        Development of this site shall be in conformance with approved Stormwater Management Concept Plan CSD 33416-2004-01 and any subsequent revisions thereto.
- \*[23]    17.        Once the house at 7406 Allentown Road is vacated, the existing shallow well 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 shallow well should be illustrated on the preliminary plan.
- \*[24]    18.        A raze permit is required prior to the removal of any 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 needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well properly abandoned/sealed before the release of the grading permit.
- \*[25]        19.        Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$113,400 (\$3,780 x 30 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.
- \*[26]        20.        Prior to the issuance of any permits, the Planning Board or their designee shall approve a limited detailed site plan (LDSP). This LDSP shall address:
- a.        On-site recreational facilities and adjacent lots 11 and 12.
- b.        Architecture, landscaping, fence treatments and the viewshed along Allentown Road for Lots 1-9, 13-16 and 30.

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[Brackets] denotes deletion

Underlining denotes addition

- \*[27]    21.        The final plat of subdivision shall note a denial of access to Lots 1, 2, 3, 4 and 30 from

Allentown Road.

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 Tax Map 106, Grid E2, consisting of two parcels, Parcel 260 and Parcel 163 with frontage along Allentown Road. It comprises approximately 11.67 acres of land in the R-80 Zone. The site is located on the south side of Allentown Road, 100 feet west of its intersection with Waldran Avenue.
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 Residential
Acreage	10.44	10.44
Lots	0	30
Parcels	2	2
Dwelling Units:	0	30
Public Safety		Yes
Mitigation Fee		

4. **Environmental**—The Environmental Planning Section previously reviewed Preliminary Plan 4-04205 and TCPI/2/05 for the subject property. Those applications were withdrawn before being heard by the Planning Board, as were Preliminary Plan 4-05126 and TCPI/2/05.

#### **SITE DESCRIPTION**

This 11.67-acre property in the R-80 Zone is located 100 feet west of the intersection of Allentown Road and Waldron Avenue. There are no streams, wetlands or 100-year floodplain on the property. The property eventually drains into Tinkers Creek in the Potomac River watershed. Most of the site is wooded. According to the Prince George's County Soils Survey the principal soils on this site are in the Beltsville, Chillum, Croom and Iuka series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads are affected by this development. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developed Tier as reflected in the approved General Plan.

## **ENVIRONMENTAL REVIEW**

An approved natural resources inventory (NRI), NRI/122/05, was submitted with the application. The inventory indicates that there are streams, wetlands and 100-year floodplain on the property and the plan delineates the extent of the expanded stream buffers. The expanded buffers shown on the Preliminary Plan and the TCPI are the same as those shown on the approved NRI.

A Detailed Forest Stand Delineation (FSD) was submitted with the NRI. The FSD describes three forest stands totaling 10.06 acres and four specimen trees. The FSD plan shows all areas with severe slopes, all areas with steep slopes containing highly erodible soils and the stream.

Forest Stand "A" covers about 5.85 acres in the center of the site and is mixed hardwood dominated by red cedar and many invasive and exotic plants in the understory. There are no specimen trees in this stand. Preservation priority is high within areas containing sensitive environmental features and low in all other areas.

Forest Stand "B" covers about 0.81 acres in the northern portion of the property and is similar to Stand "A." There are no specimen trees in this stand. Preservation priority is low.

Forest Stand "C" covers about 3.40 acres in the southern portion of the site and is a maturing hardwood woodland with an understory containing many invasive and exotic plants. All four of the specimen trees occur in this stand. Preservation priority is high within areas containing sensitive environmental features but low in all other areas. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffers, except for areas where variation requests have been granted, and be reviewed by the Environmental Planning Section prior to certification. A note should be placed on the plat.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations will require variation requests in conformance with Section 24-113 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands and their associated buffers unless the impacts are essential for the development as a whole. Staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts to sensitive environmental features require variations to the Subdivision Regulations. A variation request, dated October 26, 2006, for proposed impacts to expanded stream buffers was submitted.

The proposed grading on the Type I Tree Conservation Plan indicates impacts to the expanded buffer for the installation of the stormwater management facility, grading for several lots to ensure positive drainage in a way that cannot otherwise be achieved and the connection to the existing sanitary sewer line. The Interagency Review Committee consisting of members of the

environmental permitting community previously reviewed the concept of the impacts on this property. It was agreed at this meeting that the impacts as shown were generally appropriate, given the current condition of the site and off-site conditions that are intended to be addressed by the on-site improvements.

Section 24-113 of the Subdivision Regulations contains four required findings (text in bold) to be made before a variation can be granted. The Environmental Planning Section supports the variation requests for the reasons stated below.

**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 request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormwater management outfalls are required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.

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

The specific topography of the site requires the use of the stormwater management facilities, sanitary sewer connections and grading as shown on the plans to adequately serve the proposed development. The stormwater management pond has been designed to provide for water quality for off-site properties that do not have any facilities.

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

The installation of stormwater management outfall, sanitary sewer connections and positive drainage 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 peculiar 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 regulation is carried out.**

The topography provides no alternative for the location of the stormwater facilities, sanitary sewer lines and proposed grading. Without the required stormwater management facilities and sanitary sewer connections, the property could not be properly developed in accordance with the R-R zoning.

The Environmental Planning Section supports the variation requests for the reasons stated above. Prior to the issuance of any permits which impact jurisdictional wetlands or wetland buffers, the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan is required.

The Type I Tree Conservation Plan, TCPI/2/05, has been reviewed. The plan proposes clearing 8.57 acres of the existing 10.06 acres of upland woodland. The woodland conservation threshold has been correctly calculated as 2.33 acres and the woodland conservation requirement has been correctly calculated as 5.11 acres. The plan proposes to meet the requirement by providing 5.11 acres of off-site preservation. Approximately 1.49 acres of woodland will not be cleared on-site; however, none of this is proposed to meet any requirement.

The general design of the proposed woodland retention areas on-site results in the preservation of almost all of the sensitive environmental features on the site, avoids forest fragmentation and provides useable outdoor activity areas on each lot. The use of all off-site woodland conservation is appropriate for this infill development based on the lot sizes proposed, the quality of the existing woodland and the required grading of the site to attain positive drainage. The applicant agreed to provide plantings of landscape trees within the 50 foot-wide stream buffers. No landscaping has been shown on the plans.

The Type II TCP should show landscaping within the 50-foot-wide stream buffer with appropriate species of at least 1½ inches in caliper at spacing of at least 20 feet on center. No trees shall be planted within 40 feet from the back of any house footprint. A note describing the restriction of the TCPI and any revisions should be placed on the Final Plat of Subdivision.

According to the Prince George's County Soils Survey the principal soils on this site are in the Beltsville, Chillum, Croom and Iuka series. Beltsville soils are highly erodible, may have a perched water table and are in the C-hydric group. Chillum and Croom soils are in the C-hydric group and only pose problems when associated with steep slopes. Iuka soils may have a perched water table, poor drainage, wetlands inclusions and are in the C-hydric group. High groundwater is problematic for both foundations and basements. This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources will



require a soils report in conformance with CB-94-2004 during the permit process review.

A copy of the Stormwater Management Concept Plan, CSD 33416-2004-00, was submitted with this application. An on-site wet pond shown on the TCPI is required in addition to drywells on each lot and infiltration trenches along the roads. No additional information is required with respect to the stormwater management.

### **Water and Sewer Categories**

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

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 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 SMA, although at somewhat lower density than envisioned by the plan for this area.

### **BACKGROUND**

The subject property is located on the south side of Allentown Road, 150 feet west of the intersection of Allentown Road and Waldran Avenue. It is 10.78 acres in size. The proposed use is for 30 single-family residential lots. The subject property is currently vacant. 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.

### **PLANNING ISSUE**

The 2006 Approved Henson Creek-South Potomac Master Plan designates Padgett's Corner as an activity center. It is envisioned as a community-scale commercial area that supports the surrounding residential neighborhoods by providing locally serving retail, office and public uses closely integrated with residential development. The plan recommends incorporating moderate-density housing proposals on undeveloped or underdeveloped property around the existing commercial areas as an integral part of the activity center and to provide transition between commercial land-uses and established single-family residential development.

The subject property is within this activity center, to the east of the existing commercial shopping center, where rezoning applications including moderate-density residential and perhaps some well-designed commercial land uses are encouraged. In absence of such a development proposal

in a rezoning application, development according to the existing single-family residential zoning classification is considered in conformance with master plan land use recommendations, although at somewhat lower density than envisioned for this area.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince Georges County Subdivision Development Division of the Department of Parks and Recreation recommends to the Planning Board approval of Preliminary Plan 4-06106 provided that the applicant, his successors, and/or assignees, should provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The applicant should allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. Appropriate conditions to implement this recommendation are included at the conclusion of this report.
7. **Trails**—Preliminary Plan 4-06106 was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area Master Plan in order to provide the Master Plan Trails. The Approved Henson Creek-South Potomac Master Plan and the 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan designate Allentown Road as a master plan bicycle/trail corridor. In the vicinity of the subject site, standard sidewalks have been provided along Allentown Road to accommodate pedestrians, and bikeway signage has been provided at some locations to alert motorists to the possibility of bicycle traffic in the roadway. The subject site's frontage has an existing sidewalk.

Staff recommends the provision of bikeway signage along the site's frontage. At the time of road resurfacing, consideration should be given to the provision of designated bike lanes or wide outside curb lanes to more adequately accommodate bicycle traffic.

Communities immediately to the east of the subject site either have open section roads with no sidewalks, or have sidewalks along one side of the internal roads. Staff recommends the provisions of a standard sidewalk along one side of the internal roads in the subject site, unless modified by DPW&T.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 11.67 acres of land in the R-80 Zone. The property is located on the south side of Allentown Road, approximately 1,000 feet east of its intersection with Temple Hill Road. The applicant proposes a residential subdivision consisting of 30 single-family detached lots.

Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did request traffic counts in the area for the purpose of making an adequacy finding. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

#### **Growth Policy—Service Level Standards**

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

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the Developing Tier.

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

#### **Staff Analysis of Traffic Impacts**

The intersection of Allentown Road and Brinkley Road is determined to be the critical intersection for the subject property. This intersection would serve virtually all of the site-generated traffic. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

Recent traffic counts done in 2005 indicate that the critical intersection operates at Level-of-Service (LOS) C, with a critical lane volume (CLV) of 1,154, during the AM peak hour. During the PM peak hour, the intersection operates at LOS D with a CLV of 1,310.

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

- Ashley's Crossing, 4-02026 for 22 lots (60 percent of site traffic uses the intersection)
- Roddy Wood Subdivision, 4-05151 for 20 lots (70 percent of site traffic uses the intersection)

A 1.8 percent annual rate of through traffic growth along Allentown Road and a 1.4 percent annual rate of through traffic growth along Brinkley Road have been assumed. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,298; PM peak hour—LOS D, with a CLV of 1,431.

With the development of 30 single-family detached residences, the site would generate 23 AM (5 in and 18 out) and 27 PM (18 in and 9 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

75 percent—East along Allentown Road  
25 percent—West along Allentown Road

Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS D, with a CLV of 1,305; PM peak hour—LOS D with a CLV of 1,438. Therefore, the critical intersection operates acceptably under total traffic.

The Approved Henson Creek- South Potomac Master Plan shows Allentown Road as a major collector within a 100-foot right-of-way. The most recent submitted plan shows adequate dedication of 50 feet from centerline along Allentown Road.

The plan shows a connection to existing Baywolf Street. This connection is very desirable for general circulation in the are, and may be needed to facilitate access to a traffic signal in the future as traffic on Allentown Road increases. This connection is strongly supported.

The right angle and widened “eyebrow” pavement at Faith Crossing/Allison Court does not appear to be designed to DPW&T standards. However, the applicant has provided written approval from DPW&T and with that documentation this street pattern is deemed 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 with conditions

9. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Allentown Road, Company 32, using the 7- 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.

10. **Police Facilities**—The preliminary plan is located in Police District V. 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 September 25, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	08/05/05-08/05/06	11.00	20.00
Cycle 1	09/05/05-09/05/06	12.00	20.00
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.

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.

#### Finding

##### Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	30 sfd	30 sfd	30 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	7.20	1.80	3.60
Actual Enrollment	3,946	5,489	9,164
Completion Enrollment	121	64	127
Cumulative Enrollment	16.80	108.12	216.24
Total Enrollment	4,091	5,662.92	9,510.84
State Rated Capacity	4,033	6,114	7,792
Percent Capacity	101.44%	92.62%	122.06%

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

These figures are correct on the day this referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public

hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between 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-23-2003.

12. **Stormwater Management**—A Stormwater Management Concept Approval letter, CSD # 33416-2004-01, was submitted and approved. Development of the property should be in conformance with this approval.
13. **Health Department**—Once the house at 7406 Allentown Road is vacated, the existing shallow well 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 shallow well should be illustrated on the preliminary plan. A raze permit is required prior to the removal of any 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 needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well properly abandoned/sealed before the release of the grading permit.
14. **Archeology**—Phase I archeological survey is not recommended for the above-referenced property. However, the applicant should be aware that state or federal agencies may require archeological investigation through the provisions of Section 106 of the National Historic Preservation Act.
15. **Historic Preservation** —The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.
16. **Limited Detailed Site Plan**—In a memorandum received on October 19, 2006, from Councilman Tony Knotts, a detailed site plan is requested to ensure additional opportunity for community input. Community residents have expressed concerns about the impact new development will have on traffic and safety. Finding 4 and Finding 15 requires a limited detailed site plan for the review of on-site recreational facilities and for architecture and landscaping.

17. **Subdivision**— Staff is recommending a limited detailed site plan for architecture and landscaping for those lots with common property lines to address the possible need for a fence and landscaping treatment because of the tight lotting pattern.

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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, November 30, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of December 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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