

R E S O L U T I O N

WHEREAS, Debra Jones is the owner of a 2.62-acre parcel of land known as Parcel A, Tax Map 73 in Grid E-3, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on December 13, 2006, IPDS, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 10 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06135 for Jones Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 17, 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 May 17, 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/61/06), and further APPROVED Preliminary Plan of Subdivision 4-06135, Jones Property for Lots 1-10 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. Revise the TCPI general standard note # 6 to fill in the blanks.
 - b. Revise the plan to reflect the six-foot solid vinyl sound attenuation fence on Parcel A as shown in the legend.
 - c. Round all calculations in worksheet to the nearest hundredth.
 - d. Revise the grading and limit of disturbance to preserve specimen tree # 4.
 - e. Revise the woodland conservation worksheet if applicable to reflect changes made to the plan.
 - f. Have the revised plan signed and dated by the qualified professional who prepared it.

2. Prior to signature approval of the preliminary plan, a copy of the stormwater management concept approval letter with the associated plans shall be submitted. All plans shall be revised as necessary to ensure conformance.
3. Prior to signature approval of the preliminary plan, the preliminary plan and the Type I tree conservation plan shall be revised to show the details of the six-foot high solid fence.
4. At time of final plat, the following note shall be placed on the plat: "The six-foot-high solid vinyl fence on Parcel A provides noise mitigation for Lots 5, 6, 7, 9 and 10."
5. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits for Lots 5, 6, 7, 9 and 10 stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.
6. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
7. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.
8. 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 1–10.
9. 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.
10. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit two copies of the signed stormwater concept plan and approval letter, and delineate the stormwater concept plan approval number and approval date on the preliminary plan and TCPI. Any required stormwater facilities shall be shown on the TCPI.
11. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of the internal public street and along Walker Mill Road unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
12. Lot 10 shall be combined with Lot 9 to produce a conforming lot.
13. 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 or shall require the written consent of 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 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. 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.
14. Prior to final plat, the adjoining subdivision to the north, Winthrop at Windsor Mill (4-06060) shall obtain final plat approval.
15. The applicant shall provide a temporary grading easement along the northern property line to allow for the construction of the shared 50-foot public right-of-way shown on the adjoining subdivision (Winthrop at Walker Mill) to the north.
16. Prior to the approval of the final plat, and in accordance with Part 3, Division 9 of the Zoning Ordinance, a Limited Detailed Site Plan shall be approved by the Planning Board or its designee to address the type and location of landscaping and fencing within the HOA parcel.
17. If practicable, and with the consent of the Department of Public Works and Transportation, all or a portion of the off-site Woodland Conservation requirement for this development shall be met

through the provision of street trees along the streets proximate to this preliminary plan. This may be accomplished through the provision of fee-in-lieu monies to be set aside for this express purpose.

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 west side of Walker Mill Road, approximately 1,000 feet south of its intersection with Shady Glen Drive. To the north is a parcel in the R-80 Zone (the subject of 4-06060), beyond which is the Millwood Subdivision (WWW54@24) consisting of detached single-family dwellings within the R-80 Zone. To the south is the Finley Subdivision (WWW32@26) consisting of one detached single-family dwelling within the R-55 Zone. To the west is a utility right-of-way, which serves the Walker Mill Middle School (WWW69@48) located within the R-55 Zone. To the east and across Walker Mill Road is the Waterford Subdivision, primarily consisting of detached single-family dwellings within the R-55 Zone.
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)	Single-Family	Single-Family
Acreage	2.62	2.62
Lots	0	10
Parcels	1	1
Dwelling Units:		
Detached	1 (to be razed)	10 (new)
Public Safety Mitigation Fee		No

4. **Environmental**—This 2.62-acre site is located on the northwest side of Walker Mill Road, approximately 1,000 feet south of Shady Glen Drive. A review of the available information indicates that 100-year floodplain, streams and wetlands are not found to occur on this property; however, severe slopes, and areas of steep slopes with highly erodible soils are associated with the site. Walker Mill Road is an arterial roadway, which is generally regulated for noise impacts. The predominant soil types found to occur on this site according to the Prince George's County Soil Survey are Sassafras, Adelphia and Iuka. These soil series have limitations with respect to seasonal high water table, impeded drainage, flood hazard, steep slopes, and high erosion potential, but will not affect the site layout. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Wildlife and Natural Heritage Program, there are no rare, threatened or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. This property is located in

the Southwest Branch watershed of the Patuxent River basin and in the Developed Tier as reflected in the adopted 2002 General Plan. The site does not contain regulated areas, evaluated areas, or any network gaps identified in the Countywide Green Infrastructure Plan.

Countywide Green Infrastructure Plan

This site is not within the designated network of the approved Countywide Green Infrastructure Plan.

Natural Resources Inventory

The preliminary plan application has a signed Natural Resources Inventory (NRI/138/06) dated November 16, 2006, that was included with the application package. The preliminary plan and TCPI show all the required information correctly.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because the site is larger than 40,000 square feet in area, contains more than 10,000 square feet of woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan, TCPI/61/06, submitted with the preliminary plan has been reviewed and was found to require minor revisions to be in conformance with the Woodland Conservation Ordinance.

The woodland conservation threshold for the site is 0.52 acre based on a net tract area of 2.62 acres. An additional 0.63 acre of woodland conservation is required due to the removal of woodlands, for a total woodland conservation requirement of 1.15 acres. The plan shows the requirement being met with 1.15 acres of off-site mitigation on another property to be identified later. Because the proposed lots are small and any preserved woodland would not be viable or connected to off-site woodlands, meeting woodland conservation off-site as proposed is appropriate.

The plan must be revised to fill in blanks in the TCPI standard general notes and show on the plan a graphic symbol for the six-foot-high solid vinyl sound attenuation fence as reflected in the legend. The fence shall be located on Parcel A. There are several specimen trees identified on the subject property. Specimen tree #4 is along the property line. The limit of disturbance should be adjusted to preserve this tree.

Noise

The subject property abuts Walker Mill Road, an arterial roadway that is generally regulated for noise. Based on the Environmental Planning Section noise model, an analysis of the noise generated by the highway indicates that the 65 dBA (Ldn) noise contour is located approximately 181 feet from the centerline of the roadway. The noise model delineation of the 65 dBA (Ldn) noise contour is reflected correctly on the preliminary plan. The TCPI must be revised to show

the noise contour.

Based on the noise contour as delineated, Lots 5, 6, 7, 9 and 10 will be impacted. The outdoor activity areas behind these lots could be shielded from the noise on Walker Mill Road through the provision of a six-foot-high solid fence.

The preliminary plan shows a six-foot-high fence on Parcel A with a 35-foot-wide vegetative buffer that is located parallel to Walker Mill Road. This design provides adequate protection and shielding effects to outdoor activity areas. The Type I tree conservation plan must be revised to show the details of the solid fence as proposed and both plans must be revised to clearly delineate the fence on Parcel A.

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 will therefore be served by public systems.

5. **Community Planning**—The property is located in Planning Area 75A of the 1985 Suitland-District Heights and vicinity master plan within the Capitol Heights community. The master plan recommends a medium-suburban residential land use for the subject property. This application proposes a medium-suburban residential land use and is therefore consistent with the recommendations within the 1985 Suitland-District Heights and vicinity master plan.

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 residential communities. This application proposes a medium- to high-density residential community and is therefore consistent with 2002 General Plan Development Pattern policies for the Developed Tier.

The 1985 Approved Suitland-District Heights master plan and sectional map amendment retained the subject property within the R-55 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 and approved Suitland-District Heights and vicinity master plan that impact the subject property. The adjacent PEPCO right-of-way along the western boundary of the subject property is recommended as a trail corridor. However, master plan trails that fall within a PEPCO right-of-way are not being implemented due to PEPCO's liability and maintenance concerns associated with the proposed trails. In addition, the adjacent property is labeled as "Part of Parcel "A" and is owned by the BOE as part of the Walker Mill Middle School. This parcel is a long, linear parcel that appears to

serve as access to several nearby residential lots. The property's street frontage on Walker Mill Road includes a standard sidewalk. There are no master plan trails recommendations.

8. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count of the applicant, and the needed count for the critical intersection of Walker Mill Road and Shady Glen Road was submitted. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by 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 within any tier 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.

The traffic generated by the proposed preliminary plan would impact the intersection of Walker Mill Road and Shady Glen Road, which is signalized. The applicant's traffic consultant submitted a traffic count taken on February 8, 2007. The transportation staff is basing its findings on the submitted traffic count.

The application is for ten single-family residential units. The proposed development would generate 8 AM (2 in, 6 out) and 9 PM (6 in, 3 out) 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 plan would primarily impact the signalized intersection of Walker Mill Road and Shady Glen Road. Within the Developed Tier, the Guidelines for the Analysis of the Traffic Impact of Development Proposals identify signalized intersections operating at LOS E or better during both peak hours as acceptable. The following conditions exist at the critical intersection: AM peak hour, LOS A (CLV 866) and PM peak hour, LOS C (CLV 1,224). With background development added the following conditions exist at the critical intersection: AM peak hour, LOS A (CLV 934) and PM peak hour, LOS D (CLV 1,321). With

site traffic added and under total traffic conditions the following conditions exist at the critical intersection: AM peak hour, LOS A (CLV 936) and PM peak hour, LOS D (CLV 1,324). Background conditions also reflect a growth rate of three percent along Walker Mill Road for through traffic movements. With the addition of the proposed development the critical intersection operates acceptably, based on the guidelines

Driveway access to the new lots will be from a new residential subdivision street that will connect to a previous subdivision street with access to Walker Mill Road. For the proposed development site access and circulation are adequate. There will be no access from any of the lots to Walker Mill Road, which is classified as an arterial roadway (120-foot right-of-way). No further dedication is required along Walker Mill Road. The proposed residential lots are adjacent to Walker Mill Road.

Transportation Staff Conclusions and Recommendations

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	10 sfd	10 sfd	10 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.4	0.6	1.12
Actual Enrollment	35,388	11,464	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	102	25.5	51
Total Enrollment	35,708.48	11,541.62	17,035.24
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.12%	102.39%	111.23%

Source: Prince George's County Planning Department, M-NCPPC, December 2006

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 a 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 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 Ritchie, Company 37, 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, 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.

11. **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 was accepted for processing by the Planning Department on December 13, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	11/04/05-11/04/06	9.00	18.00
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 December 13, 2006.

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 Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Winthrop at Walker Mill and has the following comments to offer.

A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. 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 Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management (SWM) concept plan has been submitted but has not yet been approved to ensure that development of this site does not result in on-site or downstream flooding. Prior to signature approval of this application, the SWM concept plan must be approved and development must be in accordance with this approved plan.

14. **Historic**—A Phase I archeological survey is not recommended by the Planning Department on the above-referenced property. 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. The applicant should be aware that Concord, a National Register of Historic Places house built in 1798, is located approximately three quarters of a mile from the project area. Although there are several known prehistoric archeological sites within a one-mile radius of the property, they are concentrated along the Southwest Branch.

Section 106 review may require archeological survey for state or federal agencies, however. 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 federal monies, federal properties, or federal permits are required for a project.

15. **Section 24-121(a)(4) (150-foot lot depth)**—This section of the Subdivision Regulations requires residential lots adjacent to arterial roads such as Walker Mill Road to be platted with a minimum lot depth of 150 feet. As shown on the preliminary plan, Lot 10 does not meet the 150-foot lot depth requirement. No variation to this requirement was sought. Therefore, Lot 10 should be combined with Lot 9 to produce a conforming lot.
16. **Final Plat Sequence**— As previously discussed, although the site has frontage on Walker Mill Road, access is proposed from an extension of a road shown on the approved preliminary plan to

the north, Winthrop at Windsor Mill (4-06060). Because that public street will be necessary to provide access to this subdivision, 4-06060 will have to have final plat approval prior to the recordation of the subject subdivision.

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

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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 Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, May 17, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of June 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:TL:bjs