

R E S O L U T I O N

WHEREAS, CE Land & Properties, LLC. is the owner of a 1.83-acre parcel of land known as Parcel 412, Tax Map 96 in Grid C-1, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on July 19, 2007, CE Land & Properties, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07031 for Owens 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 July 19, 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 July 19, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/20/07), and further APPROVED Preliminary Plan of Subdivision 4-07031, Owens Property, for Lots 1-4 with the following conditions:

1. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
2. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (CSD 23310-2007) and any subsequent revisions.
3. 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 1-4.
4. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public street unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
5. The plan shall dedicate a minimum of 40 feet from existing centerline along the site frontage along Owens Road.
6. Prior to signature approval, the preliminary plan shall be revised to show a reduced radius for the cul-de-sac with a corresponding increase in the building envelopes to the affected lots and an

adjustment of the boundary line between Lots 1 and 4 consistent with the findings under connectivity and lotting pattern.

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 south side of Owens Road, approximately 900 feet west of its intersection with Barnaby Run Drive. To the north, across Owens Road, are single-family residences in the R-80 Zone in the Barnaby Run Estates subdivision. To the east is a deed parcel (Parcel 29) in the R-80 Zone developed with a single-family dwelling. To the south is an undeveloped deed parcel shown as part of Parcel 29, which is under the same ownership and has the same tax account number as Parcel 29, beyond which is the Glassmanor Park (M-NCPPC) . To the west is undeveloped land in the R-80 Zone.
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
Acreage	1.83	1.83
Lots	0	4
Outlots	0	0
Parcels	1	0
Dwelling Units:		
Detached	0	4
Public Safety Mitigation Fee		No

4. **Environmental**—A review of the available information indicates that streams, 100-year floodplain, and wetlands are not found to occur on this property. There are severe slopes and areas of steep slopes with highly erodible soils associated with the site. Owens Road is a collector roadway and generally not regulated for noise impacts. According to information obtained from the Maryland Department of Natural Resources Wildlife and Heritage Service, 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 Oxon Run watershed of the Potomac River basin and in the Developed Tier as reflected in the 2002 General Plan.

#### **The Heights and Vicinity Master Plan Conformance**

The subject property is located within the Eastover-Forest Heights area of the Heights and

Vicinity Master Plan. There are no specific environmental recommendations or design standards that require review for conformance. The environmental requirements for woodland conservation and stormwater management are addressed in the Environmental Review Section below.

### ***Countywide Green Infrastructure Plan Conformance***

This site contains evaluation areas within the designated network of the *Countywide Green Infrastructure Plan*. The plan as designed shows the preservation of the steep and severe slopes on the portion of the site closest to regulated features to the south. This design implements the *Countywide Green Infrastructure Plan* on this site.

### **Natural Resources Inventory**

The preliminary plan application has a signed natural resources inventory (NRI/084/06), dated July 5, 2006, which was included with the application package. No revisions are required for conformance to the NRI.

### **Woodland Conservation**

The property is subject to the requirements of the Prince Georges County Woodland Conservation and Tree Preservation Ordinance because the property is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type I tree conservation plan submitted as part of this application was reviewed..

The woodland conservation threshold for this site is 0.37 acre, or 20 percent of the net tract. As currently designed, an additional 0.01 acre is required due to removal of woodlands, for a total requirement of 0.38 acre. The plan shows the requirement being met with 0.38 acre in fee-in-lieu. It is acceptable to meet all woodland conservation using fee-in-lieu because the total requirement is less than one acre. In addition, the majority of the trees on site at the rear of Lot 4 are being retained but not counted.

### **Soils**

The predominant soil types found to occur on this site according to the Prince George's County Soil Survey are Iuka and Aura. These soil series have limitations when located on steep slopes, and can also have issues associated with high shrink swell potential, impeded drainage, high water table, seasonally high water table and poor stability. The soils will not affect the design as proposed because the areas of steep and severe slopes are proposed to be preserved. According to available information, Marlboro clay does not occur on this property.

### **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 76A/The Heights. The 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*. The master plan recommends a low-suburban residential land use for the subject property. This application proposes a low-suburban residential land use, and is therefore consistent with the recommendations within the 2000 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-density residential community, and is therefore consistent with 2002 General Plan Development Pattern policies for the Developed Tier.

The 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)* retained this property in the R-80 Zone.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—There are no master plan trail identified in the Approved Heights Master Plan that impact the subject site. The submitted site plan reflects an existing sidewalk along the subject site's frontage of Owens Road. The subject property is approximately 1,100 linear feet to the southwest of Owens Road Elementary School. Staff recommends the applicant provide a standard sidewalk along both sides of Parkview Court, unless modified by DPW&T.
8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of four single-family lots to be created. The proposed development of four residences would generate 3 AM and 4 PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

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

**Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

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

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. Staff would therefore recommend that the Planning Board find that 3 AM and 4 PM peak-hour trip will have a de minimus impact on the nearby roadways and intersections.

### **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, subject to a condition requiring the dedication of a minimum of 40 feet from existing centerline along the entire property's frontage with Owens Road.

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 <b>7</b>	Middle School Cluster <b>4</b>	High School Cluster <b>4</b>
Dwelling Units	4 DU	4 DU	4 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.96	.24	.48
Actual Enrollment	33,058	13,185	17,855
Completion Enrollment	215.76	52	104
Cumulative Enrollment	4.56	1.14	2.28
Total Enrollment	33,279.28	13,238.38	17,961.76
State Rated Capacity	39,187	11,256	16,332
Percent Capacity	84.92%	117.61%	109.97%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

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 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, 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 Oxon Hill, Company 42, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, 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 IV. 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 May 15, 2007.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	04/06-04/07	10 minutes	18 minutes
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 May 25, 2007.

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 and had no comments.
13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Division of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan (CSD 23310-2007) has been approved to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan or any approved revision thereto.
14. **Historic**—Phase I archeological survey is not recommended on the subject 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. However, the applicant should be aware that there are three known archeological sites within a one-mile radius of the subject property, two prehistoric and one historic. In addition, there are two District of Columbia Boundary Markers and St. Ignatius Church and Cemetery within a one-mile radius of the subject property.

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. **Connectivity and Lotting Pattern**—South of the subject property is a deed parcel shown as part of Parcel 29, which is land-locked. Staff has evaluated the possibility of requiring a stub street to facilitate possible future development on the parcel to the south. Given the extreme topographic change between the two properties (steep slopes in excess of 25 percent), however, a road connection between the two properties is doubtful. In addition, the property to the south is under the same ownership and has the same tax account number as the remainder of Lot 29, which is to the east of the subject property and has frontage on Owens Road. All other surrounding properties have direct access onto Owens Road.

Lot 1 has an irregular shape due to the intrusion of the cul-de-sac bulb. This results in a smaller building envelope than ordinarily found in the R-80 Zone. Staff and the applicant have met with DPW&T in an attempt to explore options to the cul-de-sac. Although a hammerhead termination to the road rather than a cul-de-sac would be ideal in this instance, DPW&T is reluctant to allow a hammerhead for this development due to the need for proper turning radii for fire equipment and trash and snow removal. In addition, DPW&T prefers that only one driveway connect to a hammerhead. As laid out, this subdivision would result in two driveways gaining access from the hammerhead. As an alternative, DPW&T has offered to allow for a reduction in the radius of the cul-de-sac bulb from 50 feet to 43 feet. While not optimal, this additional area would allow for an increase of approximately 250 square feet to the building envelope. With this increase to the size of the building envelope, staff is willing to support Lot 1.

Another minor element to the lotting pattern is the boundary line between Lots 1 and 4. Lot 1 narrowly extends around the cul-de-sac bulb and creates an area of the lot disassociated from the

building envelope and more visually associated with adjoining Lot 4. Staff recommends that the boundary line between Lots 1 and 4 be adjusted as far to the north as possible, while still maintaining a minimum 9,500-square-foot area for Lot 1. This adjustment would have no affect on the expanded building envelope for Lot 1 described above.

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.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Cavitt, and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, July 19, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of September 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:TL:bjs