

R E S O L U T I O N

WHEREAS, Lonergan Homes/PDC Collingbrook, LLC is the owner of an 8.86-acre parcel of land known as Tax Map 54, Grid D-3 and is known as Lots 15 through 19, Block B, within the Collingbrook Subdivision, and Outlot A, within the Lonergan property, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on September 17, 2007, Lonergan Homes and PDC Collingbrook, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 9 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07035 for Triangle 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 February 7, 2008, 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 7, 2008, 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/37/02-01), and further APPROVED Preliminary Plan of Subdivision 4-07035, Triangle Property for Lots 101 thru 109, Block B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. Remove the reference to prior preliminary plan 4-04200 for the Lonergan property as this application was withdrawn, and reference the approved preliminary plan application for the Lonergan Property, 4-06103.
  - b. Provide a separate net lot area and gross lot area for all lots containing 100-year floodplain to demonstrate compliance with Section 24-129 (a)(3) of the Subdivision Regulations.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Development of this site shall be in conformance with the stormwater management concept plan, 42887-2007-00, and any subsequent revisions.

4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Dawn Whistle Way, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
5. Prior to final plat approval, The Declaration of Covenants, Conditions & Restrictions for the Collingbrook Homeowner's Association, Inc., which are recorded in the Land Records of Prince George's County at Liber 17753 Folio 243, shall be revised to include the property and the lots which are the subject of this preliminary plan of subdivision. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The Liber and Folio of the recorded, revised Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the general aviation airport.
6. Prior to the approval of the final plat the applicant shall demonstrate conformance to the disclosure requirements of Section 27-548.43 of the Zoning Ordinance regarding the proximity of this subdivision to a general aviation airport.
7. Section 27-548.39(b) requires that every application for permit and preliminary plan shall demonstrate compliance with height restrictions of Section 27-548.42(b). This section restricts the height of residential structures to no greater than 50 feet unless the applicant demonstrates compliance with FAR Part 77 of the Federal Aviation Regulations.
8. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area (PMA) and all woodland conservation areas on proposed Lots 101 through 109, Block B, as identified on preliminary plan 4-07035. The easement shall be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the final plat:

“The conservation easement described on this plat is an area 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 permitted. These woodlands shall be preserved in perpetuity. This easement cannot be removed from the final plat without approval of the Prince George’s County Planning Board.”
9. Prior to signature approval of the preliminary plan, the NRI shall be revised to show a site statistics table that includes the gross acreage of the entire site, total woodland acreage of the entire site, total woodland acreage on the net tract, total 100-year floodplain acreage, and the total acreage of woodland within the 100-year floodplain. The acreages shall be correctly reflected in the TCPI worksheet.

10. Prior to approval of a final plat for the subject property, a TCPII for the Loneragan property shall be reviewed and approved by the Environmental Planning Section, and Outlot A shall be removed from the plan. The worksheet shall reflect the new gross tract area which will be used to calculating the woodland conservation requirement.
11. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. Revise the worksheet to show the correct acreage of existing woodland on the net tract.
  - b. Revise the plans so that no additional afforestation/reforestation shall be placed on lots that have been sold or been approved for building permits.
  - c. Revise the plans to provide a minimum of 40 feet of useable rear yard area and 20 feet of clearance on each side of the proposed houses from the woodland conservation area.
  - d. In Note 1 provide the applicable preliminary plan reference number.
  - e. Remove all the details and woodland conservation management notes from the plan.
  - f. Add the following note to Sheet 1: "The proposed afforestation as shown on this plan is conceptual. The final treatment of the proposed afforestation will be determined on a revised Type II tree conservation plan.
  - g. Add the following note to Sheet 1 and the tree conservation plan notes: "This plan is being revised to include acreage from the Loneragan subdivision to the south into the Collingbrook subdivision. The Type II tree conservation plan will also be required to be revised accordingly."
  - h. Revise the worksheet as necessary.
  - i. After all these revisions have been made to the plan, have the qualified professional who prepared the plan sign and date it.
12. Development of this subdivision shall be in conformance with an approved Type I tree conservation plan (TCPI/37/02-01). The following note shall be placed on the final plat of subdivision:

"Development is subject to the restrictions shown on the approved Type I tree conservation plan (TCPI/37/02-01), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specified areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

13. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit two copies of the stormwater management concept plan signed by DPW&T and two copies of the concept approval letter. The stormwater management concept plan approval number and approval date shall be delineated on the preliminary plan and TCPI. Any required stormwater management facilities shall be shown on the TCPI.

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 along the south side of Dawn Whistle Way at its intersection with Diamondhead Avenue. All surrounding properties consist of detached single-family dwellings within the R-E Zone.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Single-Family	Single-Family
Acreage	8.86	8.86
Lots	5 (Previously Recorded)	9 (4 New)
Outlots	1	0
Parcels	0	0
Dwelling Units:		
Detached	0	9 (4 On New Lots)
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed preliminary plan of subdivision 4-07035 and the Type I tree conservation plan, TCPI/37/02-01, stamped as received on December 28, 2007. The Environmental Planning Section recommends approval of 4-07035 and TCPI/037/02-01 subject to conditions.

### Background

The Environmental Planning Section previously reviewed plans associated with this site in preliminary plans of subdivision 4-02063, 4-04200 and 4-06103. Preliminary plan 4-02063 for the Collingbrook site was approved by the Planning Board on December 12, 2002. The Planning Board's conditions of approval are contained within PGCPB No. 02-249. Preliminary plan 4-04200 was withdrawn prior to review by the Planning Board. Preliminary plan 4-06103 for the Lonergan Property was approved by the Planning Board on January 18, 2007. The Planning

Board's conditions of approval are contained in PGCPB No. 07-14. Two Type I tree conservation plans are associated with the site, TCPI/37/02 and TCPI/14/05 (the Collingbrook and Lonergan sites, respectively).

The proposal is a resubdivision of existing Lots 15–19, Block B, within Collingbrook and Outlot A within the Lonergan property (4-06103). Proposed Lots 101–109 will be created for single-family detached dwellings, and additional on-site tree preservation on Outlot A will count toward the Collingbrook site. This proposal represents an -01 revision to the Collingbrook TCPI/37/02; however, a simultaneous review of TCPI/14/05 is necessary to correct the calculations of the woodland conservation requirements because the Planning Board is the approval authority for TCPI reviews. If the subject application is approved, the TCPII for the Lonergan site must reflect the removal of the land area that was added to this TCPI prior to its signature approval.

### **Site Description**

The site is approximately 56 percent wooded. Based on a review of available information, there are regulated features located on-site including a stream, 100-year floodplain, and wetlands. According to the Prince George's County Soil Survey three soil types are found on the property and these include Adelphia fine sandy loam, Monmouth fine sandy loam, and Shrewsbury fine sandy loam. The Monmouth soils are characteristic of prime farmland. Shrewsbury soils are hydric soils and have development constraints associated with them. These include high water table and poor drainage associated with house foundations and streets located in vicinity of them. Based on available information, Marlboro clays are not found to occur at this location. There are no significant traffic-noise generators in the vicinity of the site. Church Road is a designated scenic and historic road in the vicinity of this site; however, the site does not have direct access along this road. According to the Maryland Department of Natural Resources Wildlife and Natural Heritage Program staff, rare, threatened and endangered species are not found at this location. According to the Countywide Green Infrastructure Plan, all three network features, regulated areas, evaluation areas and network gaps, are located on-site. The site is in the Collington Branch watershed of the Patuxent River basin, the Bowie and Vicinity master plan, and the Developing Tier of the General Plan.

### **Master Plan Conformance**

The site is within the Bowie and vicinity planning area. The Environmental Envelope chapter contains goals, policies and strategies by which to implement the plan's vision. The plan text is provided below in.

### **Policy 1: Protect, preserve and enhance the identified green infrastructure network within the master plan area.**

#### **Strategies:**

- 1. Use the designated green infrastructure network to identify opportunities for environmental preservation and restoration during the development review process.**

2. **Protect primary corridors (Patuxent River and Collington Branch) during the development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential developments elements. Protect secondary corridors (Horsepen Branch, Northeast Branch, Black Branch, Mill Branch, and District Branch) to restore and enhance environmental features and habitat.**

Map 7 of the Environmental Infrastructure chapter identifies primary and secondary corridors. The Collington Branch is one of two primary corridors where the preservation of priority woodland and existing vegetation are priorities. The purpose of the corridors is to ensure preservation of wildlife habitat and vital connections in relation to tributaries within the Patuxent River basin. The proposal as designed implements Policy 1 because most of the existing woodland on-site will be preserved. The forest stands have regulated features and these areas, along with the existing woodland, will be permanently protected in a conservation easement on the final plat. No additional information is needed with regard to the master plan.

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

The site has all three network features from the *Countywide Green Infrastructure Plan* on it, most of which is an Evaluation Area. Existing woodlands on-site total 4.97 acres of which 0.61 acres are in the floodplain. These woodlands are associated with the Patuxent River Primary Management Area (PMA). Woodlands identified in one of two forest stands (Stand A) are a high priority for permanent preservation because of their location within the PMA. As noted above, the regulated areas will be permanently protected and most of the woodland conservation will be met on-site.

Because three network features are associated with the site from the Green Infrastructure Plan and all proposed lots in this portion of the subdivision are larger than 40,000 square feet, it is appropriate that the woodland preservation be provided on these lots. An extensive area of on-site preservation including “priority” woodland is proposed on private lots to fulfill the woodland conservation requirement. Because the area of future encumbrance is so extensive and the encumbering of more than 50 percent of any one lot is discouraged, the woodland conservation on the newly created lots should also be placed in a conservation easement to ensure permanent protection of these sensitive areas.

#### **Environmental Review**

A signed natural resources inventory (NRI/003/08) was submitted for review with the TCPI that includes the Collingbrook site and the Triangle property. The NRI was approved in error because the plan did not show the correct existing woodland acreages of the Collingbrook site.

Triangle property is now being subdivided to create lots associated with the Collingbrook site and the NRI and TCPI reflect the boundaries of the approved Collingbrook TCP (TCPII/100/03-05) with the new land area added (Triangle property). Because the Triangle property was once part of

the TCPI for the property to the south (Loneragan property), the TCPII for the Loneragan property must reflect the new limits of the site before the final plat for the Collingbrook/Triangle property is signed.

The NRI (NRI/003/08) was reviewed for conformance with the existing conditions of the approved Type II tree conservation plan for Collingbrook (TCPII/100/03-05), which is the most recently updated and approved plan for the overall site. Although the NRI shows the base information from that TCPII, it is understood that permits have been issued for the site and some areas have been cleared. With regard to the subject site, part of the on-site stream was impacted and cleared as part of approvals with a previous preliminary plan application. The existing limits of that regulated area are shown on the preliminary plan submitted with this application. No further revisions to the NRI, TCPI, and preliminary plan are needed with regard to the PMA.

A new 100-year floodplain study (FPS #890169) was submitted with the revised NRI. The 100-year floodplain has increased by 4.24 acres over what was shown on the most current approved TCPII for Collingbrook (TCPII/100/03-05).

The acreage statistics on the plan are confusing. The plan states that the total woodland on-site is 164.75 acres. Although not clarified, it appears as though this is the acreage of woodland on the net tract because it is more consistent with the net increase in land area, woodland area, and 100-year floodplain. The NRI must be revised to show the gross tract acreage of the entire site, gross woodland acreage of the entire site, total woodland acreage on the net tract, total 100-year floodplain acreage, and the total acreage of woodland within the 100-year floodplain. Once this is clarified and the NRI has been revised, the TCPI, which shows an incorrect net tract woodland acreage of 145.25 acres, must be changed to show the correct acreage for all figures.

The site contains an unnamed stream, wetlands and areas of 100-year floodplain. The site is within the Patuxent River basin. All regulated site features are required to be delineated at the time of preliminary plan submission. The Patuxent River Primary Management Area (PMA) is to be preserved to the fullest extent possible as required in the Subdivision Ordinance Section 24-130(b)(5).

Based on the current design and lot layout there are no impacts proposed to the PMA for the proposed subdivision. Previous impacts were approved for the construction of Dawn Whistle Way that have been implemented in the field. No further information regarding the PMA is required.

The site is subject to the provisions of the Woodland Conservation Ordinance because the land area is contained within two approved Type I tree conservation plans. The TCPI for the Triangle property application has been revised to include the entirety of the Collingbrook property because most of the land area in the Triangle property application was formerly within the Collingbrook TCPI. It should also be noted that the TCPII for the Collingbrook site recently was taken to the Planning Board for approval because it was substantially different from the approved TCPI. The TCPII that went to the Planning Board is the guiding document regarding afforestation on the remainder of the Collingbrook site and has not yet received signature approval.

This entire site (Triangle property and Collingbrook) has a woodland conservation threshold (WCT) of 25 percent, or 54.23 acres. Because the total acreage of woodland is incorrect, a complete review of the worksheet could not be done; however, this is not an impediment to the approval of the plan because the proposed additional clearing of the site is very minimal.

The most significant concern of the TCPI is the proposed afforestation. The afforestation shown on the TCPI should be labeled as being for conceptual purposes only, because the final treatment of the lots within Collingbrook has not been determined at this time.

In the area of the proposed lots the limit of disturbance is not a continuous line and does not provide for 40 feet of useable rear yard area and 20 feet of clearance on the sides for access. These revisions need to be made before the plan is signed.

In Note 1, the applicable preliminary plan reference number should be provided. All the details and woodland conservation management notes should be removed from the plan. This information is only required on a TCPII.

The following note should be added to Sheet 1 and the tree conservation plan notes: "This plan is being revised to include acreage from the Lonergan Subdivision to the south into the Collingbrook Subdivision. The approved Collingbrook Type II tree conservation plan will also be required to be revised accordingly." After all these revisions have been made to the plan, have the qualified professional who prepared the plan should sign and date it.

A copy of an unsigned stormwater management concept plan has been submitted. No other information regarding stormwater management has been submitted.

The primary methods of stormwater management approved for the Collingbrook and Lonergan sites were providing water quality and utilizing open section roadways with grass swales, infiltration and rooftop disconnections. The same stormwater management controls will be provided on this portion of the Collingbrook site. A copy of the approved concept plan must be reviewed in relation to the proposed TCPI and the proposed stormdrain easement areas with their outfalls shown on the concept plan.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources, and the site will therefore be served by public systems.

5. **Community Planning**—The property is located in Planning Area 74A within the Bowie community and is located within the limits of the 2006 Bowie and vicinity master plan. The master plan recommends a residential-low density land use for the subject property. This application proposes a residential-low density land use which is consistent with the land use recommendation within the 2006 Bowie and vicinity master plan.



The 2002 General Plan locates the subject property within 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 proposes a low- to moderate-density suburban residential community which is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

This application is located under the traffic pattern for a small general aviation airport (Freeway Airport) and is subject to Aviation Policy Area (APA) regulations within Sections 27-548.32 through 27-548.48 of the Zoning Ordinance.

The Bowie and vicinity sectional map amendment retained the property within the R-E (Residential Estate) Zone. The property is located in APA-6 for Freeway Airport.

### **Planning Issues**

This application is located under the traffic pattern for a small general aviation airport (Freeway Airport). This area is subject to Aviation Policy Area (APA) regulations adopted by CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in APA-6. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to evaluation of this application. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with FAR Part 77.

6. **Parks and Recreation** - In accordance with Section 24-134(a)(3)(d) of the Prince George's County Subdivision Regulations, this application is exempt from the Mandatory Dedication of Parkland requirements because it proposes the re-subdivision of property for which land was previously dedicated.
7. **Trails**—Dawn Whistle Way was recently constructed and was completed as an open section roadway with drainage swales along both sides of the street. No sidewalks were provided along the entire length of the roadway. The adjacent Rodenhauser Meadows community will also be developed utilizing low-impact development techniques, including open section roads, drainage swales, and no sidewalks. The attached photos illustrate the existing road cross section along Dawn Whistle Way.

The adopted and approved Bowie and vicinity master plan designates Dawn Whistle Way as a master plan bikeway. The residential street will have a relatively low volume and low speed limit that is compatible with bicycle traffic, and the existing street lanes are sufficiently wide to accommodate bicycle movement. The Transportation Planning Section recommends bicycle signage along Dawn Whistle Way to designate the street as a master plan bikeway.

The adopted and approved Bowie and vicinity master plan recommends that Dawn Whistle Way be designated as a Class III bikeway with appropriate signage. Because Dawn Whistle Way is a county right-of-way, the applicant and 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 this signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application for the Triangle property. The applicant proposes a residential subdivision consisting of nine lots; however, five of the proposed lots were part of a prior recorded subdivision, consequently, an adequacy finding will be based on four net new lots.

Based on the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, the four new single-family lots will generate 3 AM peak-hour trips and 4 PM peak-hour trips. 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 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.

Pursuant to the provisions within the guidelines, the Planning Board may find the traffic impact of a small development to be *de minimus*. A *de minimus* development is defined as one that generates five or fewer trips in any peak period.

#### **Transportation Staff Conclusions**

Because the subject application is considered to be *de minimus*, 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 have reviewed this preliminary plan for 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 3	Middle School Cluster 2	High School Cluster 2
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Dwelling Units	9 DU	9 DU	9 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	2.16	.54	1.08
Actual Enrollment	4,900	6,782	10,542
Completion Enrollment	230.4	117	234
Cumulative Enrollment	77.04	31.56	63.36
Total Enrollment	5,209.6	6,931.1	10,840.44
State Rated Capacity	4,838	6,356	10,254
Percent Capacity	107.68	109.04	105.71

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

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 \$7,870 and \$13,493 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section have reviewed the preliminary plan application 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.

Public Facilities has determined that this property is within the required seven-minute response time for the first due fire station, Bowie Company No. 43, 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 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 II. The response standard for priority calls is 10 minutes and the standard for non-priority calls is 25 minutes. 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 September 17, 2007.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority
Acceptance Date September 17, 2007	8/06 - 8/07	11 minutes	17 minutes
Cycle 1	9/06 - 9/07	10 minutes	17 minutes
Cycle 2	10/06 - 10/07	10 minutes	16 minutes
Cycle 3	11/06 - 11/07	10 minutes	15 minutes

The response time standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met on October 10, 2007.

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

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Triangle property and has no comments to offer.
13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A stormwater management concept plan, #42887-2007-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic**¾ A Phase I (Identification) archeological survey is not recommended by the Planning Department. The two subdivisions which are included in this application, the Lonergan property and Collingbrook, were both previously the subject of a Phase I (Identification) archeological survey.

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. **City of Bowie** <sup>3</sup>/<sub>4</sub> Although the site is within the Bowie planning area, it is more than 0.3 mile from the city's corporate boundary. Given the distance the subject property is from the city's corporate boundary, the insignificant number of new building lots proposed (a net gain of four new building lots) and the development of the property not generating the need or use of city services or facilities, the city has no comment on this application.
16. **At the public hearing** – for this application on February 7, 2008, the applicant's attorney, Mr. Russell Warfel, had requested minor revisions to the language within Conditions 5 and 12(b), and the deletion of Condition 8 within its entirety.

Condition 5 requires notice to all future contract purchasers of homes within the community of the existence of a general aviation airport within approximately one mile of the community, and further establishes the need for a General Aviation Airport Environmental Disclosure Notice to be included within the Homeowner Association's Declaration of Covenants, and to be signed by the contract purchaser. This application proposes the re-subdivision of Collingbrook, which already has an existing homeowner's association established, and a Declaration of Covenants recorded in land records which includes a General Aviation Airport Environmental Disclosure Notice. The revision to the language within Condition 5 was to recognize that a homeowner's association had already been established, and that the existing Declaration of Covenants for the Collingbrook HOA currently includes a General Aviation Airport Environmental Disclosure Notice.

Condition 8 required the applicant to pay a fee-in-lieu of parkland dedication for all lots less than one acre in size. Prior to the public hearing, staff performed additional research on the original preliminary plan approval for Collingbrook, (4-02063), to determine how the Mandatory Dedication of Parkland requirements were fulfilled at the time of subdivision. The research revealed that 21.64 acres of land were conveyed to the M-NCPPC for the development of a new community park. The land area conveyed to M-NCPPC as part of the Collingbrook preliminary plan was above the five percent (5%) requirement as established in Section 24-134(a)(1) of the Subdivision Regulations, even with the inclusion of the land area within the subject application being added into the Collingbrook Subdivision. Therefore, it was determined that this application is exempt from the Mandatory Dedication of Parkland requirements because it proposes the re-subdivision of property for which land was previously dedicated. Staff verbally relayed this information to the Planning Board at the time of public hearing, and further informed the board that Condition 8 was no longer necessary and could be deleted from staff's original recommendation.

Condition 12(b) required the Type I Tree Conservation Plan to be revised so that no afforestation/reforestation is placed on lots that have been sold or lots that have been approved for building permits. At the time of the public hearing, the applicant's attorney, Mr. Russell Warfel, informed the Planning Board that because this application proposes a re-subdivision of an existing development, where some lots containing afforestation/reforestation have already been sold or approved for building permits, the word "additional" should be added to Condition 12(b) for clarity purposes. The Planning Board and the Environmental Planning Section concurred, and Condition 12(b) was revised accordingly, (shown as Condition 11(b) within the adopted resolution).

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, February 7, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of February 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:JF:bjs