

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



PGCPB No. 10-11

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File No. 4-09019

R E S O L U T I O N

WHEREAS, West-Palmer Enterprises, Inc. is the owner of a 31.84-acre parcel of land known as Tax Map 114, Grid E2, Parcel 155, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned Residential-Estate (R-E) Zone; and

WHEREAS, on July 31, 2009, West-Palmer Enterprises, Inc. filed an application for approval of a Preliminary Plan of Subdivision for 13 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09019 for Goldin Oaks Subdivision was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 21, 2010, 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 January 21, 2010, 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/052/06), and further APPROVED Preliminary Plan of Subdivision 4-09019, Goldin Oaks Subdivision, including part of a requested Variation from Section 24-130(b)(6) and 24-130(b)(7) of the Prince George's County Code with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Correct the lot size for Lots 2 and 3
 - b. Remove proposed buffer Impact No. 1
 - c. Rename "Parcel A" as "Outparcel A"
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 29803-2006 and any subsequent revisions.

4. At 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 those areas with approved variation requests, and be reviewed by the Environmental Planning Section prior to approval. 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."

5. Prior to signature of the preliminary plan and TCPI, copies of a stormwater management concept approval letter and the associated plan shall be submitted. The stormwater facilities and grading shown on the approved CSD plan and TCPI must be the same. The lotting pattern must be the same as on the preliminary plan.

6. The following note shall be placed on the final plat:

"Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans."

4. Prior to signature of the preliminary plan, the Type I Tree conservation plan shall be revised to:

- a. Remove the soils boundaries
- b. Provide the correct approval block
- c. Correct TCP Note No. 1 to provide the correct preliminary plan number
- d. Reflect the new approved stormwater concept design
- e. Revise the grading on Lot 9 to allow for a reasonable grade for a driveway
- f. Revise the area on Lot 11 to indicate "calculated as cleared"
- g. Clarify the boundaries and woodland conservation acreages on Parcel A
- h. Revise the worksheet as needed
- i. Have the revised plan signed and dated by the qualified professional who prepared the plan

5. Prior to final plat, the Type II Tree Conservation Plan TCPII/013/94, shall be revised to incorporate the changes proposed by Type I Tree Conservation Plan TCPI/052/06.

6. The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/052/06), 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 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."

7. At the time of final plat approval, the applicant shall dedicate right-of-way (ROW) along Tucker Road of 50 feet from centerline, as shown on the submitted plan.
8. Prior to signature approval of the preliminary plan, the applicant shall provide to the Health Department documentation to support that the fill placed on the property contains neither hazardous waste nor organic material which could be a precursor for the formation of methane. This documentation shall be part of the Phase I ESA and be from a reputable engineering firm experienced with hazardous waste and methane generation.
9. Prior to signature approval of the preliminary plan, the applicant shall implement a remediation plan that is acceptable to the Health Department, if either hazardous materials or methane exists on the property.

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 Tucker Road, approximately 1,750 feet from its intersection with Palmer Road. The site is also at the terminus of Claudine Lane and the terminus of Nancy Drive. The property is zoned R-E as are all surrounding properties. Properties adjacent to the southern portion of the site are developed or developing with single-family residences. Properties adjacent to the northern portion of the site are part of the same Class III landfill.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	R-E	R-E
Use(s)		
Northern portion	Class III landfill	Class III landfill
Southern portion	undeveloped	single-family detached
Acreage	31.84	31.84
Lots	0	13
Parcels	1	0
Outparcels	0	1
Dwelling Units:		
Detached	0	13
Public Safety Mitigation	None	None
Fee		

4. **Environmental**—The applicant requests variations to impact wetlands and stream buffers as well as approval of the revised Type I Tree Conservation Plan, TCPI/052/06. The subject property was previously reviewed and approved under Type II Tree Conservation Plan, TCP11/013/94 for a woodland conservation bank and Natural Resources Inventory, NRI/042/06. Preliminary Plans of Subdivision 4-06077 and 4-07036, both of which were accompanied by prior versions of TCPI/052/06, were withdrawn before being heard by the Planning Board.

There are streams, wetlands, and 100-year floodplain associated with Henson Creek in the Potomac River watershed located on the property. The topography shows expanses of severe slopes and steep slopes on highly erodible soils. According to current air photos the site is partially wooded. The *Approved Countywide Green Infrastructure Plan* indicates that the stream valley is a Regulated Area and the remainder of the property is an Evaluation Area. No designated scenic or historic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or on adjacent properties. According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Aura, Beltsville, Bibb, and Howell soils series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the 2002 *Prince George's County Approved General Plan*.

The 2006 *Approved Master Plan and Sectional Map for the Henson Creek-South Potomac Planning Area* contains environmental policies that should be addressed during the review of developments within the plan area. The applicable language of the master plan is shown in [bold type] and Planning Board findings are provided in [regular type].

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the Henson Creek planning area.

The *Approved Countywide Green Infrastructure Plan* indicates that the stream valley is a Regulated Area and the adjacent upland area is an Evaluation Area. The TCPI conforms to the Countywide Green Infrastructure Plan by preserving priority woodlands within Regulated Areas and adjacent Evaluation Areas.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Preservation of water quality in this area will be provided through the application of best stormwater management practices for stormwater management. The stormwater management concept plan requires the use of drywells and grass swales to provide for water quality and infiltration.

Policy 3: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

The development is conceptual at the present time. In future applications, the use of environmentally sensitive building techniques overall energy consumption should be addressed.

Policy 4: Reduce light pollution and intrusion into rural and environmentally sensitive areas.

Lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally sensitive areas is minimized because this site is adjacent to a major stream valley. The applicant should include an appropriate note to reduce light pollution on the final plat.

Policy 5: Reduce adverse noise impacts to meet State of Maryland noise standards.

The proposed development is not expected to be a noise generator and is not impacted by any nearby sources of noise.

Countywide Green Infrastructure Plan Conformance

The site is within the designated network of the *Approved Countywide Green Infrastructure Plan* and includes areas designated as Regulated Areas and Evaluation Areas. The Evaluation Areas are the forested areas contiguous with the Regulated Areas that contain special environmental features that should be considered for preservation. These features include severe slopes and steep slopes with highly erodible soils. The proposed development generally conforms to the *Approved Countywide Green Infrastructure Plan* and supports the stated measurable objectives as follows:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains Regulated Areas and Evaluation Areas. The TCPI conforms to the *Approved Countywide Green Infrastructure Plan* by preserving priority woodlands within Regulated Areas and adjacent Evaluation Areas.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices for stormwater management.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The TCPI conforms to the *Approved Countywide Green Infrastructure Plan* by preserving priority woodlands within Regulated Areas and adjacent Evaluation Areas.

Summary of Master Plan Conformance: The proposed development generally conforms to the *Approved Countywide Green Infrastructure Plan* for the reasons stated above.

Environmental Review

A signed Natural Resources Inventory, NRI/042/06, was submitted with the application. There are streams, wetlands and 100-year floodplain on the property. The stream, wetlands, 100-year floodplain, associated buffers and the expanded stream buffer are shown on the NRI. The expanded stream buffers are correctly shown on the preliminary plan and the Type I Tree conservation plan.

Based upon ten sample points, two forest stands are indicated and 19 specimen trees are noted. Forest stand 1 contains approximately 15.65 acres and is a diverse, mature stand of high quality hardwoods dominated by American beech, yellow pine and white oak. There are some invasive species in the understory. Forest stand 2 is approximately 3.08 acres and is a mature bottomland forest dominated by river birch, black gum and sweetgum. Stand 2 should be preserved to the extent possible because it contains the stream valley. According to the *Approved Countywide Green Infrastructure Plan*, the stream valley is a Regulated Area and the adjacent upland area is an Evaluation Area.

At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement should contain the expanded stream buffers, except for those areas with approved variation requests, and be reviewed by the Environmental Planning Section (EPS) prior to approval. The applicant shall include an appropriate note on the final plat restricting removal of vegetation in the conservation easement.

An approved Stormwater Management Concept Plan, CSD 29803-2006, was submitted with the review package. The CSD is based upon a previous 14-lot version of this subdivision and has a

grading pattern significantly different from that shown on the current TCPI. The CSD improperly shows several stormwater outfalls that discharge on steep and severe slopes at elevations well above the existing stream. Finally, the plan was approved on July 18, 2006, and expired on July 18, 2009. An updated plan is required before the preliminary plan can be signed.

Many of the changes provided by the applicant were in response to staff comments, including requiring the stormwater outfalls to be located on property lines rather than in the middle of lots. Noting the recommended condition to remove the proposed outfall at the Claudine Lane property line, staff believes the preliminary plan can be approved with a condition that a corrected stormwater management concept plan be provided prior to signature approval.

The plan has at least one stormwater outfall that appears to be unnecessary. Immediately west of the subject property on Claudine Lane is a stormwater outfall; the proposed outfall on Lot 1 (identified as "Impact No. 1") is unnecessary. This is discussed further in Finding 3 below. Prior to signature of the preliminary plan or TCPI, copies of a stormwater management concept approval letter and the associated plan should be submitted. The stormwater facilities and grading shown on the approved CSD plan and TCPI must be the same. The lotting pattern must be the same as on the preliminary plan.

This site is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because the property has a previously approved tree conservation plan. A Type II Tree Conservation Plan, TCPII/013/94, has established the property as a woodland conservation bank. The Type II TCP shall be revised if TCPI/052/06 is approved.

The Type I Tree Conservation Plan, TCPI/052/06, has been reviewed. The woodland conservation threshold is 6.80 acres. The woodland conservation requirement has been calculated as 8.91 acres. The plan proposes to meet the requirement by providing 6.66 acres of on-site preservation and 2.44 acres of off-site conservation.

The plan provides for substantial preservation of the Regulated Area and Evaluation Area identified by the *Approved Countywide Green Infrastructure Plan*. The plan correctly provides for 20-foot-wide cleared areas on both sides of the proposed structures and cleared 40-foot-deep rear outdoor activity areas for each lot.

Proposed Lot 9 has grading that provides a challenge for the installation of a driveway. The grading rises approximately 17 feet while traversing approximately 70-feet horizontally, yielding a slope of approximately 22 percent from the end of the proposed cul-de-sac to the proposed structure. This is extreme for a driveway. The grading shall be revised to accommodate a reasonable grade for a driveway.

Soil boundaries should not be on a TCPI. The approval stamp on the sheets has not been used for many years and must be replaced with a current approval stamp. TCP Note 1 has an incorrect preliminary plan number. The proposed stormwater design will be revised in the future and the TCPI will need to be revised prior to signature. Lot 11 has a small area labeled as "saved but not

counted"; however, this area shall be calculated as cleared and the legend revised. The actual areas used for the woodland conservation bank on Parcel A need to be clearly indicated and the acreages noted. These revisions shall be made prior to signature approval of the preliminary plan. Type II Tree Conservation Plan TCPII/013/94 should be revised to incorporate the changes proposed by TCPI/052/06. The final plat should include appropriate notes pertaining to TCPI and TCPII.

According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Aura, Beltsville, Bibb, and Howell soils series. Aura soils are highly erodible. Beltsville soils are highly erodible and subject to perched water tables and impeded drainage. Bibb soils are associated with floodplains. Howell soils are highly erodible and may have slow permeability.

Water and Sewer Categories

Section 24-122.01(b)(1) states that "the location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The water and sewer categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources (DER) dated June 2003, and will therefore be served by public systems. Category 3, obtained through the administrative amendment procedure, must be approved before approval of a final plat.

5. **Variation for Impacts to Expanded Stream Buffers**—The plan proposes impacts to the expanded stream buffers. Section 24-130 of the Subdivision Regulations prohibits impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. In a letter dated December 9, 2009, the applicant requested a variation to 24-130 indicating five areas of proposed disturbances to the expanded stream buffer. All of the impacts relate to the installation of stormwater outfalls. Impact No. 2 includes the construction of Claudine Lane. As noted previously, proposed Impact No. 1 is unnecessary because there is an existing stormwater outfall on the adjacent property.

Section 24-113(a) of the Subdivision Regulations contains four required findings [**text in bold**] to be made before a variation can be granted.

Section 24-130(b)(6) of the Subdivision Regulations states: "Where a property located outside the Patuxent River Watershed and the Chesapeake Bay Critical Areas Overlay Zones contains a perennial stream, the plat shall provide a buffer at least fifty (50) feet in width measured from each bank. The Planning Board may require the expansion of this buffer to include the one hundred (100) year floodplain, adjacent slopes of twenty-five percent (25%) or greater, and highly erodible soils on slopes of fifteen percent (15%) or greater and additional area deemed necessary to protect the stream or one hundred (100) year floodplain." Section 24-130(b)(7) of the Subdivision Regulations requires similar protections around nontidal wetlands.

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section

24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

- (1) The granting of the variation request will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The Planning Board finds the installation of a public street and stormwater management outfalls are required by Prince George's County 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 the regulations. These regulations require that the designs are not injurious to other property.

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

The Planning Board finds the alignment of the proposed street is constrained by the platted locations of the stub streets on each side of the property. The stormwater outfalls must be extended into the expanded stream buffer in order to avoid erosion because of the specific topography with extensive areas of steep and severe slopes.

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

The Planning Board finds the installation of a public street and stormwater management outfalls are required by other regulations. The approval of this variation request would not constitute a violation of other applicable laws because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations.

- (4) Because of the particular 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 Planning Board finds without the required public street improvements and installation of stormwater management outfalls at impacts 2 through 5, the property could not be properly developed in accordance with the R-E zoning.

Therefore, the Planning Board approves impacts numbered 2 through 5 in concept. However, Impact No. 1 is not approved because the outfall is unnecessary. That impact could be deleted by a connection to the existing neighboring outfall, while ensuring adequate conveyance of stormwater. The applicant should include appropriate notes on the final plat associated with issuance of permits impacting jurisdictional wetlands.

6. **Community Planning**—This application conforms to the residential, low-density land use recommendation of the 2006 Approved Henson Creek-South Potomac master plan and SMA.

This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier by maintaining a pattern of low- to moderate-density suburban residential communities. 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. Specifically, this application is consistent with Developing Tier Goals to: "Maintain low- to moderate-density land uses (except in Centers and Corridors)" and to "Reinforce existing suburban residential neighborhoods." (p. 37).

The site is in Planning Area 76B, *2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. It is recommended for residential low-density land use, up to 3.5 dwelling units per acre. The 2006 Approved Henson Creek-South Potomac master plan and SMA classified the subject property in the R-E Zone. The master plan recognizes the 102-acre Class III landfill south of Tucker Road and Palmer Road, of which the northern half of this site will remain a part. The master plan identifies this landfill as tentative future park site. The landfill portion of the site is proposed to be its own parcel (Parcel A), so the master plan recommendation is not inhibited by this application. The proposed 13 lots and 1 parcel on this 31.84-acre site are consistent with this master plan and the 2006 Approved Henson Creek-South Potomac SMA.

7. **Department of Parks and Recreation (DPR)**—This application has been reviewed for conformance to the requirements and recommendations of the of the 2006 Approved Henson Creek-South Potomac master plan and SMA, the Land Preservation and Recreation Program for Prince George's County and current subdivision regulations as they pertain to public parks and recreation.

In accordance with Section 24-134(a) of the Prince Georges County Subdivision Regulations, proposed lots within the subject subdivision may be exempt from mandatory Dedication of Parkland requirements if the lots being created are in a one-family zone with a net lot area of one acre or more. In the most recent rendering of the preliminary plan, this would appear to apply to lots 3 and 9. However, the calculation is made at the time of final plan, and technical adjustments could change the number of exempt lots.

In accordance with section 24-134(a) of the Subdivision Regulations, payment of a fee-in-lieu of dedication is applicable for all non-exempt lots in the subject subdivision. Fee-in-lieu is appropriate because land available for dedication is unsuitable due to size and location.

8. **Trails**—The property is in the area described in the Henson Creek-South Potomac Master Plan (2006) which recommends continuous sidewalks and bike lanes along Tucker Road along the entire length of the subject property to connect the major activity centers and recreational areas that are west and east of the subject property, such as planned residential areas, National Harbor, the Henson Creek Transit Village, and Camp Springs Town Center.

The 2009 Approved Master Plan of Transportation also recommends that Tucker Road contain

continuous sidewalks and designated bike lanes along the road corridor to "provide pedestrian and bike access from surrounding communities to the Tucker Road Community Center and Henson Creek Trail." (page 57).

The site is adjacent to Tucker Road, which is a master plan major collector facility within a 100-foot right-of-way (ROW). The road is also a master planned bikeway with on-road bike lanes and sidewalks. The submitted plan shows dedication of 50 feet from centerline for Tucker Road. This amount of dedication proposed by the applicant is sufficient for the future reconstruction of the road to its master planned right-of-way width and for the inclusion of the master planned bike lanes and sidewalks. Alternate configuration for bike lanes may require additional dedication to accommodate streetscape. Sidewalks along Tucker Road are recommended in the master plans and they can be constructed concurrently with the reconstruction of Tucker Road by the County in the future. Any sidewalk design required by the County for the subject application should be submitted in accordance with the Department of Public Works and Transportation (DPW&T) standards.

Internal sidewalks are not recommended for this subdivision because it contains open section roads. The applicant should be required to dedicate sufficient right-of-way along Tucker Road for alternate configuration that includes appropriate sidewalks and bike paths, unless modified by DPW&T.

9. **Transportation Planning Section**—The application is a preliminary plan of subdivision for a residential subdivision consisting of 13 single-family detached lots. Using trip generation rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (*Guidelines*), it is determined that the proposed development would generate 9 AM (2 inbound and 7 outbound) and 12 PM (7 inbound and 5 outbound) weekday peak-hour vehicle trips. The traffic generated by the proposed preliminary plan would impact the following intersections, interchanges, and links in the transportation system:

- Old Fort Road North and Allentown Road (unsignalized/four-way stop)

Due to the size of the subdivision, a traffic study was not required to be done. Traffic counts at the critical intersection were requested for the purpose of making an adequacy finding, and counts dated December 2009 were submitted by the applicant. 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*.

The subject property is located within the Developing Tier, as defined in the 2002 *Prince George's County Approved General Plan*. 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. Mitigation, as defined by Section

24-124(a)(6) of the Subdivision Regulations, 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 intersection of Old Fort Road North and Allentown Road, when analyzed with existing traffic and existing lane configurations, operates with a maximum delay of 15.4 seconds during the AM peak hour. During the PM peak hour, the intersection operates with a maximum delay of 20.7 seconds. The Prince George's County Planning Board has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition for unsignalized intersections on the transportation system.

None of the critical intersections, interchanges and links identified above are 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." Background traffic has been developed using eight approved developments in the area and 1.8 percent annual growth rate in through traffic along Old Fort Road North and Allentown Road. The critical intersection of Old Fort Road North and Allentown Road, when analyzed with background traffic and existing lane configurations, would operate as follows: AM peak hour—maximum 32.7 seconds of delay; PM peak hour—maximum 48.5 seconds of delay.

The critical intersection of Old Fort Road North and Allentown Road, when analyzed with total future traffic as developed using the *Guidelines*, including the site trip generation as described above and a distribution of 65 percent northwest along Old Fort Road North, 12.5 percent south along Old Fort Road South, and 22.5 percent east along Allentown Road, would operate as follows: AM peak hour—maximum 33.5 seconds of delay; PM peak hour—maximum 49.4 seconds of delay. Therefore, it is found that the critical intersection operates acceptably under existing, background, and total traffic in both peak hours.

The site is adjacent to Tucker Road, which is a master plan major collector facility within a 100-foot right-of-way. The submitted plan shows adequate dedication of 50 feet from centerline along Tucker Road.

It is noted that the plan shows a connection to existing Claudine Lane. This connection is supported for access, and it is also supported that the subdivision be planned with access to planned Nancy Lane through the adjacent Birdlawn subdivision, which is already recorded. Both connections are very desirable for general circulation in the area, and may be needed to facilitate

access to a traffic signal in the future as traffic on Allentown Road increases. Both connections are shown on the submitted plan, and both are supported.

Based on the preceding findings, adequate transportation facilities shall exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

10. **Schools**—The preliminary plan was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 as shown in the following table:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	13 DU	13 DU	13 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	2.0	1.7	1.8
Actual Enrollment	4,507	3,954	7,230
Total Enrollment	4,509	3,955.7	7231.8
State Rated Capacity	4,781	4,983	7,792
Percent Capacity	94.3%	79.3%	92.8%

Source: Prince George's County Planning Department, M-NCPPC, April 2009

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate 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 (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,120 and \$13,921 to be paid at the time of issuance of each building permit.

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

11. **Fire and Rescue**—The preliminary plan was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) thru (E) of the Subdivision Regulations.

This preliminary plan is within the required seven minute response time for the first due fire station, Allentown Road, Company 32, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels. The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

12. **Police Facilities**—The subject property is located in Police District IV, Oxon Hill. The response time standard is 10 minutes for emergency calls and is 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 7/31/2009.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date: 07/31/2009	07/08-06/09	9.0 minutes	13.0 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met October 5, 2009. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005. Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A, B) of the Subdivision Regulations regarding sworn police personnel staffing levels.

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 29803-2006 was approved but expired. Prior to signature approval of the preliminary plan, the applicant should submit a copy of the stormwater concept approval letter and indicate the approval date on the preliminary plan. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
14. **Cemeteries**—No cemeteries were found on the site

15. **Historic**—The proposed subdivision will have no effect on identified Historic Sites, Resources or Districts. A Phase I archeological survey was completed in May 2007 on the subject property. No archeological sites were identified on the subject property. A draft Phase I report was submitted to The M-NCPPC Development Review Division on November 24, 2009. Staff concurs with the recommendation of the Phase I archeological report that no further work is necessary on the Goldin Oaks Property.
16. **Health Department**—The Environmental Engineering Program requested a detailed summary of the previous and current sand and gravel/rubble fill operations on Parcel A, including the years of operation and extent of excavation/fill. This submission was required so a determination could be made whether an Environmental Site Assessment and testing would be required prior to preliminary plan approval. On August 25, 2009, the Environmental Engineering Program received a copy of said summary from IPDS, LLC. The summary is authored by Ralph S. Goldin, West Palmer Enterprises, Inc. and it is dated March 13, 2007. Based on Mr. Goldin's summary, the Environmental Engineering Program determined that a Phase I Environmental Site Assessment was required prior to preliminary plan approval. That assessment is underway, but incomplete at the time of the writing of this resolution.

Section 24-131(a) of the Subdivision Regulations states "The Planning Board shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to natural conditions, such as, but not confined to, flooding, erosive stream action, high water table, unstable soils, or severe slopes, or to man-made conditions on the property, such as, but not confined to, unstable fills or slope" A portion of this site has been used for Class III fills. In Subtitle 21 Refuse, Section 21-126(a)(6), Prince George's County defines Class III fill as "common fill proposed for landscaping or for other nonload bearing usage." This can be contrasted with Class I and Class II "load bearing" fills, which are defined in the same section as "placed in a controlled manner to support structural foundations, vehicular traffic, or any facility or earthwork which the instability thereof would constitute a public hazard or nuisance." This fill is of unknown origin and content. Without the submission and review of the Environmental Site Assessment, the extent of this non-load bearing fill cannot be accurately characterized.

Due to the presence of nonload bearing fill, the extent and contents of which have not been adequately assessed, portions of the site maybe unstable and unsafe for development.

Per a letter dated January 7, 2010, the applicant requested that the Phase I Environmental Site Assessment be a condition of signature approval of the preliminary plan. The applicant submitted documentation about the extent of the Class III fill area. After careful review of the information that was submitted, the Environmental Engineering Program determined that approval of the preliminary plan subject to conditions will allow for adequate review of the safety of the land and the contents of the fill.

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 Cavitt, seconded by Commissioner Clark, with Commissioners Cavitt, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire temporarily absent at its regular meeting held on Thursday, January 21, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of February 2010.

Patricia Colihan Barney
Acting Executive Director

Frances J. Guertin

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:RD:arj

APPROVED AS TO LEGAL SUFFICIENCY.

Samuel J. Jordan
M-NCPPC Legal Department

Date 2/12/10