

R E S O L U T I O N

WHEREAS, Howard Nichols is the owner of a 1.44-acre parcel of land known as Parcel 41, Tax Map 106, Grid B-2, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on April 19, 2004, Guiseppe A. Gallo filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 Lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04075 for Gallo 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 September 23, 2004, 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 September 23, 2004, 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/36/04), and further APPROVED Preliminary Plan of Subdivision 4-04075, Gallo Subdivision for Lots 1 and 2 with the following conditions:

1. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/36/04). 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/36/04), 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/Tree Preservation Policy.”

2. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of

structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

3. Development of the property shall be in conformance with an approved stormwater management concept plan. The approval number and date shall be noted on the plan.
4. A Type II tree conservation plan shall be approved prior to the approval of permits.
5. If the existing house at 7214 Webster Lane is connected to public sewer, the abandoned septic tank shall be pumped out by a licensed scavenger and either removed or backfilled in place immediately following final connection.

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 site is located at the northwest corner of the intersection of Webster Lane and Noah Drive.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Uses	Single-Family Residence	Single-Family Residences
Acreage	1.44	1.44
Lots	0	2
Parcels	1	0
Single-Family Residences	1	2 (1 New)

4. **Environmental**—There are streams and wetlands on the property associated with Henson Creek in the Potomac River watershed. There is no 100-year floodplain on the property. According to the *Prince George's County Soils Survey*, the principal soils on this site are in the Beltsville and Sassafras series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties*, December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated historic or scenic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted *General Plan*.

Streams and Wetlands

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. For the purposes of this review, these areas include all of the expanded stream buffer and any isolated sensitive environmental features. A stream and minimum 50-foot stream buffers and an area of wetlands with minimum 25-foot wetland buffers are shown on the plan. A wetland report containing all necessary information was submitted with the application. Sensitive environmental features are adequately shown on the plans. A portion of an expanded stream buffer occurs on the property that is the subject of this application. No impacts to the expanded stream buffer are proposed.

Woodland Conservation

A detailed forest stand delineation (FSD) was submitted with this application. The FSD includes the subject property and an adjacent lot for a gross tract of 3.20 acres. The plan shows one forest stand of 2.22 acres and four specimen trees. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland.

A revised Type I Tree Conservation Plan, TCPI/36/04, has been reviewed. The plan proposes clearing 0.28 acre of the existing 0.42 acre of woodland. The woodland conservation requirement has been correctly calculated as 0.47 acre. The plan proposes on-site preservation of 0.11 acre of woodland and 0.36 acre off-site conservation.

Soils

According to the Prince George's County Soils Survey, the principal soils on this site are in the Beltsville and Sassafras series. Beltsville soils are highly erodible, may have a perched water table, and are in the C-hydric group. Sassafras soils pose no special problems for development.

Water and Sewer Categories

The property is in water category W-3 and sewer category S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The property is in Planning Area 76B/Camp Springs. The 2002 General Plan places the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The 1981 Master Plan for Subregion VII recommends Low Suburban at a density up to 2.6 dwelling units per acre for single-family detached residences. The master plan also shows conditional reserve areas extending through the property, in recognition of the slopes and stream buffers. This application conforms to the master plan recommendation.

6. **Parks and Recreation**— In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—There are no master plan trails issues regarding the subject application.
8. **Transportation**— The applicant has not prepared a traffic impact study. It was not required by the transportation staff based on the proposed use of the site. The proposed development would generate 1 AM and 1 PM peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (revised September 2002).

The site is 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 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.

Staff Comments

The traffic generated by the proposed preliminary plan would impact the intersection of Allentown Road and Webster Lane. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

Staff has no recent counts at the critical intersection of Allentown Road and Webster Lane. 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*. Given these facts, staff would therefore recommend that the Planning Board find that 1 AM and 1 PM peak-hour trips will have a *de minimus* impact upon the critical movements at the intersection of Allentown Road and Webster Lane.

Each lot will have a driveway to Webster Lane. The existing single-family dwelling unit has driveway access to Webster Lane.

There are no master plan roads in the immediate vicinity or adjacent to the proposed development. Right-of-way dedication will be required along Webster Lane and Noah Drive. This is shown correctly on the preliminary plan.

Transportation Conclusion

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

- 9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Finding

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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	12 sfd	12 sfd	12 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.88	0.72	1.44
Actual Enrollment	5334	5131	10098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	206.64	134.04	268.56
Total Enrollment	5895.36	5483.38	10766.97
State Rated Capacity	5384	4688	8770
Percent Capacity	109.50%	116.97%	122.77%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

The school surcharge may be used for the construction of additional school facilities, which are

expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of 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 the subdivision plans for adequacy of fire and rescue facilities.
 - a. The existing fire engine service at Allentown Road Fire Station, Company 32, located at 8709 Allentown Road, has a service travel time of 3.98 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Allentown Road Fire Station, Company 47, has a service travel time of 3.98 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 9.55 minutes, which is beyond the 7.25-minute travel time guideline.

The existing paramedic service at Clinton Fire Station is beyond the recommended travel time guideline. The nearest fire station, Allentown Road Fire Station, Company 32, has a service travel time of 3.98 minutes. This facility would be within the recommended travel time for paramedic service if an operational decision to locate this service at that facility is made by the county.

The proposed subdivision will be within an adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

These findings are in conformance with the standards and guidelines contained in the 1990 *Approved Public Safety Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

11. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reviewed the application and had the following comments:
 1. Numerous tires (approximately six) were found on the property at the tree line in the

southwest corner of proposed Lot 3 and in the wetlands on the stormdrain and sanitary sewer easement. The tires must be hauled away by a licensed scrap tire hauler to a licensed disposal/recycling facility and a receipt for tire disposal submitted to this office prior to preliminary plan approval.

2. A significant amount of domestic trash and other debris (cans, bottles, light fixtures, carpet, rusted gas tank and axle) were found on the property (at the tree line in the southwest corner of proposed Lot 3, and in the wetlands and along the eastern slope of the stormdrain and sanitary sewer easement), and should be removed and properly stored or discarded.

Comment: The tires and debris are located on the adjoining 3.22-acre property that has been removed from this application; therefore, they are no longer on the subject property.

3. If the existing house at 7214 Webster Lane will be connected to public sewer, the abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place immediately following final connection. The location of the septic system should be located on the preliminary plan.
13. **Stormwater Management**—The applicant has not yet received stormwater concept approval from the Prince George’s County Department of Environmental Resources. A copy of the concept approval letter from the county is necessary prior to signature approval of the preliminary plan.
14. **Cemeteries**—There are no known cemeteries on the subject property.
15. **Public Utility Easement**—The preliminary plan shows a 10-foot-wide public utility easement along both Webster Lane and Noah Drive.
16. **Prior Approvals**—The subject property has no prior approvals.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 23, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of October 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk