

R E S O L U T I O N

WHEREAS, Lamo, LLC is the owner of a 20.17-acre parcel of land known as Parcel 145, Outlots B and E (WWW 62 @ 87), said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on March 20, 2006, Riba Land Corporation filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 19 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05102 for Yocum 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 September 7, 2006, 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 7, 2006, 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/05/05), and further APPROVED Preliminary Plan of Subdivision 4-05102, Yocum Property, for Lots 1-19 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Revise general note #11 to reflect the right-of-way dedication area as 1.51 acres, as per e-mail from Greenhorne & O'Mara, Inc. dated August 17, 2006.
  - b. Delineate the plat reference for the adjacent Clinton Hills Subdivision (WWW 62 @ 87) on the plan. This information was provided within the general notes.
  - c. Delineate the centerline of Joseph Drive, and demonstrate the 30-foot dedication from the centerline of the road to the property line.
  - d. Revise general note #17 to include the approval date of the Stormwater Concept Plan.
  - e. Provide a general note that references the companion Tree Conservation Plan, TCPI/5/05.

- f. Provide a general note that states that a variation is requested for Section 24-130 of the Subdivision Regulations for the installation of a stormdrain system within the expanded stream buffer on Lot 1.
  - g. Provide a general note that states Lots 1, 2, 9, & 10 in the subject subdivision are exempt from Mandatory Dedication of Parkland requirements because they are over 1 acre in size. The remaining 15 lots are subject to a fee-in-lieu.
  - h. Provide interior dimensions for Lots 1 and 2, and Outlots B & E, and provide legible dimensions and bearings for the entire exterior of the property.
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, #2920-2005-00 and any subsequent revisions.
4. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public street unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
5. Prior to approval of the Final Plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication for the 15 lots that are less than one acre in size.
6. The Final Plat shall show all 1.5 Safety Factor Lines and a 50-foot building restriction line from the 1.5 Safety Factor Line. The location of the 1.5 Safety Factor Lines shall be reviewed and approved by M-NCPPC, Environmental Planning Section and the Prince George's County Department of Environmental Resources. The Final Plat shall contain the following note:

“No part of a principal structure may be permitted to encroach beyond the 50-foot building restriction line established adjacent to the 1.5 Safety Factor Line. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER.”
7. 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 areas where variation requests have been granted, 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.”

8. 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/5/05), 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 Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

9. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant, his heirs, successors, and or assignees shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
10. Prior to signature approval of the Preliminary Plan, copies of the approved Stormwater Management Concept Plan and letter shall be submitted to the Environmental Planning and Subdivision Sections.
11. Prior to the issuance of a grading permit for the development, a Public Safety Mitigation Fee shall be paid in the amount of \$25,080 (\$1,320 x 19 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$1,320 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

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 at the northern terminus of Joseph Drive and west of the terminus of Norris Way.

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-E	R-E
Use(s)	Vacant	Single-Family Dwellings
Acreage	20.17	20.17
Lots	0	19
Outlots	2	0
Parcels	1	0
Dwelling Units:		
Detached	1	19 (including 1 existing dwelling to remain)
Public Safety Mitigation Fee		Yes

4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for the Yocum Property, 4-05102; the revised Type I Tree Conservation Plan, TCPI/5/05; a variation request dated June 27, 2006; a geotechnical report dated June 29, 2006; and an update to the geotechnical report dated August 1, 2006, stamped as received by the Environmental Planning Section on August 4, 2006. The Environmental Planning Section supports the variation request for impacts to sensitive environmental features for the reasons stated in this memorandum and recommends approval of Preliminary Plan 4-05102 and TCPI/5/05 subject to the conditions.

This site was previously reviewed by the Environmental Planning Section as Case 04/P-21 in the December 2004 Water and Sewer System Area Change Request. Preliminary Plan 4-04210 and TCPI/5/05 were withdrawn before being heard by the Planning Board. The current application is for 19 lots in the R-E Zone.

The 20.17-acre site in the R-E Zone is about 50 percent wooded with a mixed hardwood forest. According to the “Prince George’s County Soils Survey” the principal soils on this site are in the Aura and Croom series. Marlboro clay occurs on this property and will influence what areas of the site are appropriate for development. There are streams, but no nontidal wetlands or 100-year floodplain located on this property. The property is in the Piscataway Creek watershed in the Potomac River basin. The Green Infrastructure Plan notes regulated areas for portions of the property and the remainder of the property is an evaluation area. There are no nearby sources of traffic-generated noise. Gallahan Road is a designated scenic road; however, the proposed development will have no impact. According to information obtained from the Maryland Department of Natural Resources, there is a bald eagle nest in the vicinity of this property. The site is in the Developing Tier according to the approved General Plan.

The model used by the Environmental Planning Section predicts that the top of the Marlboro clay occurs at an elevation of approximately 80 feet. Section 24-131 of the Subdivision Regulations controls the development of unsafe land. Staff is concerned that grading of this property could

result in unsafe conditions for the existing structures that border the eastern boundary of the subject property. The subject property slopes steeply up from the west to the east. Abutting the eastern boundary at the top of the steep slopes are 12 residential structures within Pyles & Welch's Clinton Hills Subdivision. Improper grading on the subject property could create a hazard for slope failure that would impact these existing residential structures. Extreme caution and attention to the requirements of Section 24-131 of the Subdivision Regulations are warranted.

A geotechnical report was submitted and the 1.5 safety factor lines associated with the Marlboro clay (based upon that report) were shown on the Preliminary Plan and the Type I Tree Conservation Plan. A revised geotechnical report, dated June 29, 2006, and an update to the geotechnical report dated August 1, 2006, were reviewed by the staff of the Prince George's County Department of Environmental Resources, and the Environmental Planning Section. The 1.5 safety factor lines shown on the TCPI is based upon post-grading conditions. DER allows areas containing unsafe land on lots of 40,000 square feet or larger if structures are at least 50 feet from the limit of any unsafe land. The proposed grading will not cause any slope stability issues for any of the properties within Pyles & Welch's Clinton Hills Subdivision.

A signed Natural Resources Inventory (NRI), NRI/130/05, was submitted with the application. The inventory indicates that there are streams, but no wetlands or 100-year floodplain on the property and the plan delineates the extent of the expanded stream buffers. The expanded buffers shown on the Preliminary Plan and the TCPI are the same as those shown on the signed NRI.

The FSD, based upon four sample points, notes one forest stand totaling 13.70 acres and five specimen trees. Forest Stand F-1 is a mature mixed tulip poplar/red maple/beech woodland with an understory containing American holly. Japanese honeysuckle covers approximately 80 percent of the forest floor. Preservation priority is high where this woodland occurs on steep slopes.

The Green Infrastructure Plan notes regulated areas for portions of the property and the remainder of the property is an evaluation area. According to information obtained from the Maryland Department of Natural Resources, there is a bald eagle nest in the vicinity of this property. The evaluation area for bald eagle nesting sites extends 1,320 feet from the nest tree and includes the extreme northeastern corner of the site. The proposed development will have no significant impact on the bald eagle nest in the vicinity of this project.

Kudzu, a significant invasive plant species, has overgrown the old field and is invading the woodland. The TCPI notes that measures to eradicate this species will be addressed on the Type II Tree Conservation Plan. Measures should be taken to eradicate this species and notes will be needed on the TCPII to this affect.

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 is more than 10,000 square feet of existing woodland.

The Type I Tree Conservation Plan, TCPI/5/05, has been reviewed. The plan proposes clearing 7.16 acres of the existing 13.22 acres of woodland. The woodland conservation threshold is 5.04 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 6.96 acres. The plan proposes to meet the requirement by providing 5.87 acres of on-site woodland preservation and 1.09 acres of on-site planting. An additional 0.19 acres of woodland will be preserved on-site but not as part of any requirement.

Because the Green Infrastructure Plan notes regulated areas for portions of the property and the remainder of the property is an evaluation area, meeting all required woodland conservation on-site is appropriate. The design provides for adequate outdoor activity areas on each lot, creates contiguous woodland and fulfills the requirements of the Woodland Conservation Ordinance.

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 buffers. The NRI and Type I Tree Conservation Plan show each of the individual elements required to delineate the expanded stream buffer. The expanded stream buffers are correctly delineated.

The plan proposes impacts to the expanded stream buffer for the installation of a stormdrain outfall. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113.

All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations.

A variation request dated June 27, 2006, was submitted. The single proposed impact is for the installation of a stormwater management outfall. Section 24-113 of the Subdivision Regulations contains four required findings (text in bold) to be made before a variation can be granted.

**(1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormwater management outfalls are required by the Prince George's County Department of Environmental Resources 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 are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The specific topography of the site requires the use of storm water management facilities to adequately serve the proposed development. The property contains significant environmental features with moderate to severe elevation changes and slopes. The installation of the required storm drain system that will serve the proposed development must follow the natural contours of the subject property to achieve adequate gravity flow. Marlboro clay is also present within the limits of this property, and places further importance in having adequate storm drain facilities that will ensure the development of this property does not result in on-site or downstream flooding.

The presence of Marlboro clay is unique to this property, and is generally not applicable to other properties. To further ensure the adequate conveyance of storm water run-off, and to prevent erosion to the greatest extent possible, the storm drain system must extend into the limits of the expanded stream buffer. Approval of the proposed variation request will allow the storm drain system to outfall at, or near the property's lowest possible elevation. This design, as approved by the Department of Environmental Resources, will help to properly dispense storm water away from the proposed subdivision, and safely into the stream channel.

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

The installation of stormwater management facilities is required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

**(4) Because of the peculiar 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 topography provides no alternative for the location of the stormwater facilities that are required to serve the development. Without the required stormwater management facilities, the property could not be properly developed in accordance with the R-E zoning.

The Environmental Planning Section supports the variation requests for the reasons stated above.

According to the "Prince George's County Soils Survey" the principal soils on this site include Aura and Croom. Aura soils are highly erodible, but otherwise pose few development problems. Croom soils are in hydrologic class C, and are highly erodible, but have few other development

limitations. This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

Copies of the Stormwater Management Concept approval letter and/or plan were not submitted with this application. This large lot subdivision with relatively small areas of future impervious surfaces will not require an on-site pond. An approved Stormwater Management Concept is required because of the presence of Marlboro clay. The Preliminary Plan notes that Stormwater Management Concept, CSD#2920-2005-00, is under review by DER. Staff of DER expects a final approval shortly.

### **SUMMARY**

The Environmental Planning Section recommends approval of Preliminary Plan 4-05102 and TCPI/5/05 subject to conditions.

### **Water and Sewer Categories**

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

At the Subdivision Review Committee meeting, WSSC expressed some concerns that the proposed sewer system, as currently designed, would not function properly to serve all of the proposed dwellings due to the severe elevation changes associated with the property that would effect the gravity flow of the sewer. In response to WSSC's concerns, the applicant submitted a sewer study to WSSC, so that a hydraulic planning analysis of the proposed sewer system, and its associated elevations could be further reviewed. WSSC's Development Services Group completed the hydraulic planning analysis for the Yocum Property on August 14, 2006, and has given the project conceptual approval

5. **Community Planning**—The subject property is located in Planning Area 85A within the Brandywine Community and is within the limits of the 1993 Approved Master Plan for Subregion V. The master plan land use recommendation is for low-suburban residential land use up to 2.6 dwelling units per acre. Because of the zoning and proposed land use, this application conforms to the low-suburban residential land use recommendations within the Subregion V Master Plan.

The 2002 General Plan locates 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 proposes a low-density suburban residential community, and is therefore consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.



6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, Lots 1, 2, 9, & 10 in the subject subdivision are exempt from Mandatory Dedication of Parkland requirements because they are over one acre in size.

In accordance with Section 24-134(a) of the Subdivision Regulations the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication for the remaining 15 lots because the land available for dedication is unsuitable due to its size and location.

7. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan.

The adjoining Clinton Hills Subdivision has standard sidewalks along both sides of all internal roads. This includes the existing portion of Joseph Drive, which will connect into the proposed subdivision. Standard sidewalks are recommended along both sides of the proposed extension of Joseph Drive to provide continuity with the existing sidewalks, unless modified by Department of Public Works and Transportation at the time of issuance of street construction permits.

8. **Transportation**— The applicant proposes a residential subdivision consisting of 19 single-family detached lots. One of the proposed 19-lots is already improved with an existing dwelling that will remain. Due to the limited trip generation of the site, the Transportation Planning Section determined that a traffic study detailing weekday analyses was not needed; however, traffic counts were requested and provided 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 for the Analysis of the Traffic Impact of Development Proposals.”

**Growth Policy—Service Level Standards**

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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections 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 traffic controls) if deemed warranted by the appropriate operating agency.

**Analysis of Traffic Impacts:** Due to the limited trip generation of the site, the Transportation Planning Section's analysis for this preliminary plan application examines the site's impact at the intersection of MD 223 and Gallahan Road. This intersection is the nearest major intersection to the property, and would serve a significant portion of the site-generated traffic. It is currently unsignalized. The submitted turning movement counts indicate that the following conditions exist at the critical intersection: AM peak hour, maximum average delay of 13.1 seconds; PM peak hour, maximum average delay of 16.2 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 on the transportation system.

There are no funded capital projects at this intersection in either the County Capital Improvement Program or the State Consolidated Transportation Program that would affect the critical intersection. An annual growth rate of 1.5 percent was assumed for through traffic along MD 223. Approved developments encompassing over 1,500 residences were also factored into the background traffic computations. The following background traffic conditions were determined: AM peak hour, maximum average delay of 18.3 seconds; and PM peak hour, maximum average delay of 29.0 seconds.

The application is a plan for a residential development of 19 lots. One of the proposed lots is already improved with an existing dwelling that will remain. The proposed development would generate 13 AM (3 in, 10 out) and 16 PM (10 in, 6 out) peak-hour vehicle trips as determined using the "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The site was analyzed using the following trip distribution:

65 percent—North along Gallahan Road  
15 percent—South along MD 223  
20 percent—Northeast along MD 223

With the site's traffic, the following operating conditions were determined: AM peak hour, maximum average delay of 18.4 seconds; and the PM peak hour, a maximum average delay of 29.3 seconds.

It is noted that vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections, and the above analysis indicated that the intersection operates acceptably as an unsignalized intersection under existing, background, and total traffic.

The site is not within or adjacent to any master plan roadways. The dedication along the internal streets shown on the plan is acceptable.

**Transportation Staff Conclusions**

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved. No transportation-related conditions appear to be warranted at this time.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact 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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	18 sfd	18 sfd	18 sfd
Pupil Yield Factor	0.24	0.08	0.12
Subdivision Enrollment	4.32	1.08	2.16
Actual Enrollment	4145	5489	9164
Completion Enrollment	97	64	127
Cumulative Enrollment	397.92	106.80	213.60
Total Enrollment	4644.24	5660.88	9506.76
State Rated Capacity	3771	6114	7792
Percent Capacity	123.16%	92.59%	122.01%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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 interstate highway 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 on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be a paid at the time of issuance of each building permit.

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

The Historic Preservation and Public Facilities Planning Section staff 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 & Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is beyond the required 7-minute response time for the first due fire station Clinton, Company 25, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department. The applicant may enter into a mitigation plan with the county and file such plan with the Planning Board. The Planning Board may not approve this preliminary plan until a mitigation plan is submitted and accepted by the county.

The applicant has entered into a mitigation agreement in the amount of \$25,080.

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

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

11. **Police Facilities**—The preliminary plan is located in Police District IV. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on March 20, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-02/05/06	11.00	23.00
Cycle 1	01/05/05-03/05/06	10.00	23.00
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on March 5, 2006. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

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

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary

plan of subdivision for the Yocum Property and has no comments to offer.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan #2920-2005-00 has been submitted but not yet approved. Prior to signature approval of the preliminary plan the applicant shall submit copies of the approved stormwater concept plan and letter to the Environmental Planning and Subdivision Sections 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. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations.

Section 27-423 of the Prince George’s County Zoning Ordinance establishes the zoning requirements for lot size averaging.

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).**
- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).**

Based on the gross acreage of 20.17 acres within the R-E Zone, 21 lots would be allowed. The applicant is proposing 19 lots. Ten (10) of the proposed lots meet or exceed the largest minimum net lot area (40,000 square feet) required in the R-E Zone. Therefore, at least 50-percent of the lots created will equal or exceed the largest minimum net lot area required in the zone. The proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

Comment: The property has significant environmental features with moderate to severe elevation changes and slopes. There are no historic resources associated with the property. The utilization of lot size averaging on the eastern portion of this property will eliminate the need for any additional impacts to the sensitive environmental features that are so abundant on the western portion of the property. The use of lot size averaging will allow the applicant to construct a majority of the proposed dwellings on the eastern side of extended Joseph Drive where no sensitive environmental features exist, while preserving more of the natural features and amenities that are located on the western portion of the property and avoiding any additional impacts to sensitive environmental features.

**B. The subdivision design provides for an adequate transition between the proposed sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

Comment: The use of lot size averaging was only supported by staff along the eastern side of extended Joseph Drive, as this is the portion of the subject property that will be adjacent to the Clinton Hills Subdivision. The abutting Clinton Hills Subdivision was approved in 1967 when the R-R Zone allowed a minimum net lot area of 10,000 square feet. The lots within the Clinton Hills Subdivision that will directly abut the Yocum Property range in size from 10,000 square feet to 10,721 square feet. Utilizing lot size averaging adjacent to the Clinton Hills Subdivision will provide more of a natural transition than a conventional lotting pattern could provide, and would eliminate the need to have conventional, 40,000 square foot lots directly abutting the existing 10,000 square foot lots within the Clinton Hills Subdivision.

**C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.**

Comment: The dwellings proposed within the subject property will be constructed at a much lower elevation than the existing dwellings within the adjacent Clinton Hills Subdivision due to the natural features and topography of the subject property. A majority of the existing woodlands on the eastern portion of the property abutting the Clinton Hills Subdivision will be preserved, and will serve as a natural buffer between the two subdivisions. In locations behind the Clinton Hills Subdivision where woodlands do not exist, reforestation is proposed consisting of .54 acres. The reforestation will also help serve as a natural buffer behind Lots 6 thru 9, Block E, within the Clinton Hills Subdivision, where a significant treeline is not present.

The Subdivision Section supports the applicant's proposal to utilize the LSA provision for the development of this property.

15. **Historic**—Phase I archeological survey was completed on the above-referenced property. Four copies of the final report, "Phase IB Archaeological Survey of the Yocum Property in Prince George's County, Maryland Plan No. 4-04210," were submitted on November, 4, 2005. No further archeological work on the subject property is recommended by the Planning Department.

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.

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire temporarily absent at its regular meeting held on Thursday, September 7, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of October 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JF:bjs