

C O R R E C T E D R E S O L U T I O N

WHEREAS, Ronald Holsey is the owner of a 1-acre parcel of land known as Parcel 72, Tax Map 106 in Grid E-2, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on October 2, 2006, Ronald and Bernadette filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots and 1 outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06092 for 5413 Odell Road 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 December 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 December 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 Preliminary Plan of Subdivision 4-06092, for Lots 1 and 2 and Outlot A with the following conditions:

1. Prior to signature approval, the preliminary plan must show appropriate dedication along Odell Road. Dedication must be consistent with the dedication provided by the adjacent Van Horn Estates subdivision.
2. If the shed is to be razed, a permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structure must be removed and properly stored or discarded prior to the structure being razed.
3. A Stormwater Management Concept Plan, # 29838-2006-00, has been approved with conditions. A geo-technical report is required at the time of building permit.
4. The Adopted and Approved Subregion I Master Plan recommends that Odell Road be designated as a Class III bikeway with appropriate signage. Because Odell Road is a county right-of-way, the applicant, and the applicants heirs, successors, and or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of

this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.

5. A standard sidewalk shall be provided along the subject site’s entire frontage of Odell Road unless modified by the Department of Public Works and Transportation.
6. Prior to signature approval of the preliminary plan the standard 10-foot-wide public utilities easement shall be shown.
7. 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.
- *8. Prior to signature approval of the preliminary plan, the recorded area of the easement over proposed Lot 2 shall be converted into Outlot A, at 22 feet *in width. This outlot shall be [and] conveyed to the property owners of Parcel 73 *at time of final plat.

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

	EXISTING	PROPOSED
Zone	R-80	R-80
Use(s)	Residential	Residential
Acreage	1.00	1.00
Lots	1	2
	(one existing dwelling)	(one existing dwelling and one new dwelling)
Outlots	0	1
Mitigation	0	None

3. **Environmental**—The Environmental Planning Section has not previously reviewed plans for this site. The proposal is for the creation of two lots for single-family detached dwellings. One single-family detached dwelling currently exists on proposed Lot 1 and will remain at post development.

*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

Site Description

This 1.00-acre property is located on the south side of Odell Road approximately 500 feet east of its intersection with Old Baltimore Pike and is zoned R-80. There are no regulated environmental features on the site. Based on Year 2005 aerial photos no woodlands exist on-site. Two soil series are found to occur at the site according to the Prince George's County Soil Survey. Christiana Silt Loam soils (two types in this series) and Sunnyside Fine Sandy Loam are found on-site. Both Christiana soils have K-factors of 0.43 and both potentially have development constraints associated with them. Specifically, these soils may be unstable and have a high shrink-swell potential in relation to house foundations. The Department of Environmental Resources will address these issues during the review of building permits. There are no sources of traffic-generated noise in the vicinity of the site. There are no designated scenic or historic roads located in the vicinity of this property. According to available information obtained from the Maryland Department of Natural Resources Wildlife and Natural Heritage Program, rare, threatened, and endangered species are not found to occur in the vicinity of this property. According to the 2005 approved Countywide Green Infrastructure Plan, one network feature, a network gap is associated with the site. In addition, the site is contiguous to a special conservation area identified in the Green Infrastructure Plan, the Beltsville Agricultural Research Center (BARC). The site is in the Indian Creek watershed of the Anacostia River basin, the Subregion I and Vicinity Planning Area and the Developing Tier in the approved General Plan.

Environmental Review

A staff signed natural resources inventory (NRI/088/06) was included in the preliminary plan submittal. Information in the NRI indicates there are no regulated features and no woodland exists on-site. The revised preliminary plan has been reviewed in relation to the signed NRI and the former plan is consistent with the NRI.

The southeast portion of the site is within a network gap identified in the Countywide Green Infrastructure Plan associated with it. More importantly, this site borders the federally owned Beltsville Agricultural Research Center (BARC) property, along the subject site's entire east property line. BARC is one of several special conservation areas identified in the Green Infrastructure Plan and is described as follows:

“The Beltsville Agricultural Research Center (BARC) is owned by the U.S. Department of Agriculture and is spread over 7,000 acres. It is among the largest and most diversified agricultural research complexes in the world. BARC has experimental pastures, nurseries, orchards, gardens, fields for cultivated crops, and forested ecosystems. This complex has vast areas of open space providing ecological hubs and wildlife corridors. The site also contains a wide variety of habitats that provide extensive research opportunities. Its placement in the green infrastructure network's evaluation area emphasizes that any future land use of the area should be carefully considered.”

The redesigned plan for two lots represents a significant reduction of impervious surface areas and stormwater runoff compared to the original submittal. Although this site is 1.00 acre in area and is relatively small by comparison to the BARC property, the redesign for two lots implements the Green Infrastructure Plan at this location and accomplishes a strategy of the Plan to preserve and protect the network, while allowing for the desired development pattern of the General Plan. The redesign also provides for the existing driveway and vehicular access for two lots, with a minimal amount of impervious surfaces.

The site is exempt from the Prince George's County Woodland Conservation Ordinance because there are less than 10,000 square feet of existing woodlands on-site. On August 30, 2006, the Environmental Planning Section issued a standard letter of exemption from the Ordinance. This letter is valid through August 30, 2008, and should be submitted with all future permit applications.

An approved copy of the Stormwater Management Concept Plan and Concept Plan Approval Letter has been submitted. The Concept Plan proposes the use of infiltration and dry wells as the control methods. Concept Plan approval was issued on July 18, 2006, by the Department of Environmental Resources (DER). The DER case number assigned to this site is 29838-2006-00 and the approval is valid for a period of three years from the date of issuance.

Water and Sewer

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designated this property in Water and Sewer Category 3. Water and sewer lines in Odell Road abut the property. Water and sewer line extensions are required to serve the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before recordation of a final plat.

4. **Community Planning**—This application is located 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. The subject property is located on the south side of Odell Road, approximately 1,000 feet east of its intersection with Edmonston Road. The property is 1.00 acre in size and currently houses one single-family detached dwelling unit. The proposal is to subdivide the existing 1.00-acre lot into two lots for one additional single-family dwelling unit; the existing house will remain. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The application for the two lots in the R-80 Zone conforms to the land use recommendations for low suburban residential development for this site in the 1990 Master Plan for Subregion I.
5. **Parks and Recreation**—In accordance with Section 24-134 (a)(3)(B) of the Prince George's County Subdivision Regulations, Lot 1 of the subject subdivision is exempt from mandatory dedication of parkland requirements because it has an existing dwelling.

In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the Park Planning and Development Division recommends that the Prince George's County Planning Board require the payment of a fee-in-lieu of dedication as applicable from Lot 2 in the subject subdivision because land available for dedication is unsuitable due to its size and location.

6. **Trails**—5413 Odell Road, Preliminary Plan 4-06092 was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area Master Plan in order to provide the Master Plan Trails. The Adopted and Approved Subregion I Master Plan designates Odell Road as a Master Plan bikeway. The majority of Odell Road is open section with no sidewalks. The bikeway can be accommodated through the provision of “Share the Road with a Bike” signage. Bicycle compatible road improvements or pavement markings can also be considered for Odell Road in its entirety at the time of road improvement or maintenance. The adjoining lots immediately to the west of the subject site include a standard sidewalk along the frontage of Odell Road. These lots are part of the Van Horn Estates development off Old Baltimore Pike and the exiting sidewalk extends across the road frontage of Odell Road on the two adjoining lots. Staff recommends that this sidewalk be continued across the frontage of the subject property, unless modified by Department of Public Works and Transportation (DPW&T).
7. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of two single-family lots, one of which would include an existing residence, for a net of one lot. The proposed development of one net residence would generate 1 AM and 1 PM peak-hour vehicle trip as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

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 traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of Old Baltimore Pike and Odell Road. This intersection is unsignalized and stop-controlled. There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program.

Staff has no recent available turning movement counts at the critical intersection of Old Baltimore Pike and Odell Road. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 1 AM and 1 PM peak hour trip will have a de minimus impact upon delay in the critical movements at the Old Baltimore Pike and Odell Road intersection.

Odell Road is not a master plan roadway, but the adjacent Van Horn Estates subdivision provided dedication of 45 feet from the existing centerline (at that time) of Odell Road. The plan is not clear about what dedication is being provided, and it may not show the adjacent property correctly. This plan must be revised to more clearly indicate proposed dedication. In any regard, the line of dedication along Odell Road must be consistent with the dedication provided by Van Horn Estates.

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 with conditions.

8. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Beltsville, Company 31, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department. Pursuant to CR-69-2006, 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.
9. **Police**—The preliminary plan is located in Police District VI. The response standard for emergency calls is 10 minutes 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 October 2, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	09/05/05-09/05/06	9.00	15.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on September 5, 2006. 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 Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

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

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	5,453	1,585	4,278
Completion Enrollment	68	19	40
Cumulative Enrollment	2.16	1.08	1.08
Total Enrollment	5,524.36	1,759	4,123
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	113.72%	91.27%	104.77%

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

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section 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. **Stormwater Management**—A Stormwater Management Concept Plan, # 29838-2006-00, has been approved with conditions. A geo-technical report is required at the time of building permit.
11. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Odell Road Property. If the shed is to be razed, a permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structure must be removed and properly stored or discarded prior to the structure being razed.
12. **Archeology**—Phase I archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The applicant should be aware that there are several prehistoric and historic archeological sites in the vicinity, concentrated in less developed areas. The subject property appears to have been impacted by modern construction to the point that intact archeological deposits probably no longer exist.

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.
13. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.
14. **Subdivision**—As mentioned in the Overview, there is a 12-foot ingress/egress access easement serving Parcel 73 over proposed Lot 2. The conversion of this recorded easement to an Outlot does not affect the minimum requirement for the creation of Lot 2. The creation of this easement into an Outlot for future conveyance to the owners of Parcel 73 will eliminate any future issues regarding ownership and maintenance.

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

Adopted by the Prince George's County Planning Board this 4th day of January 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator