

R E S O L U T I O N

WHEREAS, Lannik, LLC is the owner of a 1.97-acre tract of land known as Lot 3, Parcel 1 and Lot 6, Parcel 4, Tilghman Estates, Tax Map 81 in Grid C-1, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on August 29, 2007, Lannik, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 5 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07013 for Banjo's Estates 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 24, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 24, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/036/07), and further APPROVED Preliminary Plan of Subdivision 4-07013, Banjo's Estates, for Lots 1 through 5 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Revise the lotting pattern of the preliminary plan and the TCPI in accordance with Staff Exhibit "A", and adjust the net lot areas of Lots 1 thru 5 accordingly.
 - b. Reference the approved permit number for the existing dwelling, and if applicable, label the right-of-way dedication within the limits of the property only as "Right-of-way dedication within the limits of the property was previously dedicated to DPW&T by deed as a part of the permit review process for the existing dwelling", and reference the applicable residential building permit number. Provide the deed references on the plan for any previous dedication to DPW&T by deed.
 - c. Delineate the Tilghman Lane right-of-way dedication along the western property line, at 25-feet from the easterly limits of the existing 12-foot right-of-way, and show the Tilghman Lane right-of-way dedication along the northern property line at 25 feet from

the southerly limits (not the centerline) of the existing 12-foot right-of-way.

- d. Delineate a 10-foot wide, public utility easement (PUE) continuous and adjacent to Tilghman Lane along the western property line.
 - e. Label Attwood Street as having a 50-foot right-of-way.
 - f. Provide the actual right-of-way width of County Road, and label the centerline. If County Road has an actual variable width, reference the right-of-way plat which was used to prepare the plan.
 - g. Correct the gross tract area provided on the plan (1.47 acres), to 1.97 acres.
 - h. Revise the net lot area table provided on the plan to reflect the correct net lot area for Lot-1 (revise the net lot area table in accordance with Condition 1(a) above).
 - i. Provide the actual height of the existing dwelling on the property, and provide setbacks to the side property lines and street lines.
 - j. Label the zoning category for the abutting District Heights Subdivision to the south (R-55 Zone).
 - k. Provide a general note which references the companion TCPI (TCPI/036/07), and the companion NRI (NRI/124/06).
 - l. Remove all references to prior record plat A-2713, unless the applicant can submit a copy of the referenced plat used to prepare the plan.
 - m. Provide general notes which demonstrate how the Mandatory Dedication of Parkland requirement will be fulfilled (fee-in-lieu), the approved stormwater management concept plan number (3263-2006-00) and date of approval (February 24, 2006).
 - n. Provide the deed reference for the existing sewer easement along the western property line, and delineate the proposed water and sewer lines (within easements) and the proposed house connections which will serve Lots 1-5.
 - o. Provide a revision box and reflect the date and purpose of the prior plan submission and any subsequent revisions.
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 3263-2006-00 and any subsequent revisions.
 4. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:

- a. Revise the worksheet to remove the 0.38 acres of on-site preservation, calculate all woodlands on-site as being cleared, and show the entire requirement of 1.11 acres as being met with fee-in-lieu.
 - b. Label the area on the backs of the lots as “woodland preserved but counted as cleared” and add the following note to the plan: “The woodlands shown on Lots 1-5 may be removed by the homeowners in the future without penalty.”
 - c. Revise the worksheet to note the TCPI number for this application
 - d. Remove the symbol and title for “Forest Conservation Easement” from the plan and legend.
 - e. Remove the symbols for the tree protection fence and sign.
 - f. On Sheet 2, remove the woodland conservation management notes, water quality notes, tree protection notes, and TCPII notes, sign details, and fence details from the plan.
 - g. Remove the forest stand description from the plan.
 - h. Show the required TCPI notes.
 - i. Have the plans signed and dated by the qualified professional who prepared them.
 - j. Conceptually show the location of the proposed drywells.
5. 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/036/07), 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.”
6. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along the property’s entire street frontage of Tilghman Lane unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
 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, except for Lot 1.

8. At the time of final plat approval, the applicant, his heirs, successors, and or assignees shall dedicate right -of-way along Tilghman Lane of 25 feet from the southerly limits of the existing 12-foot wide private easement, from the property’s southwest corner to County Road.
9. Prior to the issuance of any building permits within the subject property, the reconstruction of Tilghman Lane, per DPW&T standards and requirements, from the property’s southwest corner to County Road shall (a) have full financial assurances through either private money or full funding in the county’s capital program, (b) have been permitted for construction by the county’s DPW&T and (c) have an agreed-upon timetable for construction with the DPW&T.
10. Prior to the issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a Detailed Site Plan approved by the Planning Board. The Detailed Site Plan shall address the following:
 - a. Architecture for the proposed dwellings to ensure compatibility with the existing surrounding residential communities.
 - b. The provision of standard sidewalks along the property’s entire street frontage of Tilghman Lane.

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 along the south side of Tilghman Lane, approximately 220-feet west of its intersection with County Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-55	R-55
Use(s)	Single-Family	Single-Family
Acreage	1.97	1.97
Lots	2	5
Parcels	0	1
Dwelling Units:		
Detached	1	5 (4 New)
Public Safety Mitigation Fee		No

4. **Environmental**— The Environmental Planning Section has reviewed the revised Preliminary

Plan of Subdivision for Banjo's Estates and the Type I Tree Conservation Plan, TCPI/036/07. The Environmental Planning Section recommends approval of 4-07013 and TCPI/036/07 subject to conditions.

Background

The Environmental Planning Section has previously reviewed a Type II Tree Conservation Plan (TCPII/147/06) application for a portion of this site. The current proposal is for the creation of five residential lots within the R-55 Zone.

Site Description

A review of the available information indicates that streams, 100-year floodplain, wetlands, steep slopes, and severe slopes are not found to occur on this property. There are no significant traffic related noise sources. The predominant soil type found to occur on this site according to the Prince George's County Soil Survey is Sassafras which has no development-related concerns. 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. According to available information, Marlboro clay does not occur on this property.

According to information obtained from the Maryland Department of Natural Resources Wildlife and Heritage Service, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. This property is partly located in the Lower Beaverdam Creek of the Anacostia River basin and partly in the Southwest Branch of the Patuxent River Basin. This site is not within the designated network of the Countywide Green Infrastructure Plan.

The subject property is located within the Eastover-Forest Heights area of the Heights and Vicinity Master Plan. There are no specific environmental recommendations or design standards that require review for conformance.

The preliminary plan application has a signed Natural Resources Inventory (NRI/124/06), that was included with the application package. The elements of NRI are correctly reflected on the preliminary plan and TCPI. The property is subject to the requirements of the Prince Georges County Woodland Conservation and Tree Preservation Ordinance because the property has a previously approved Type II Tree Conservation Plan (TCPII/147/06). A Type I Tree Conservation Plan has been submitted and reviewed. The TCPI shows a lotting pattern that is significantly different from the initial preliminary plan submission and the approved TCPII. The revised plans have reduced the number of proposed lots from 8 to 5.

The woodland conservation threshold for this site is 0.39 acres, or 20 percent of the net tract. The TCPI proposes to clear 1.28 acres of the existing 1.67 acres of woodland. The total woodland conservation requirement is 0.72 acres. The plan shows the requirement being met with 0.38 acres of on-site preservation and 0.73 acres of fee-in-lieu.

The woodland shown to be preserved is desirable to provide some separation between the proposed lots and existing homes; however, because it is located on lots less than 20,000 square feet it cannot be counted toward meeting the requirements. The woodland should remain, and be labeled as “woodland preserved, but counted as cleared.” This will allow future homeowners to decide whether or not they desire to have woodlands on their lot. When the entire site is calculated as being cleared the requirement is 1.11 acres. Because the entire requirement is so small and just over one acre, it can be met with fee-in-lieu.

The plan shows several symbols, notes, and details that are only required on a TCPII. This information should be removed from the plan. The title shown in the worksheet needs to be revised to show the TCPI number for this site instead of the TCPII number.

Water and Sewer Categories

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

5. **Community Planning**— The property is located in Planning Area 75B within the District Heights Community and is within the limits of the 1985 *Approved Suitland-District Heights & Vicinity Master Plan*. The master plan recommended land use for the subject property is for a Medium suburban residential land use at up to 6.7 units per acre. This application proposes a Medium suburban residential land use which is consistent with the land use recommendation within the 1985 *Approved Suitland-District Heights & Vicinity Master Plan*.

The 2002 General Plan locates the subject property within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium-to-high density neighborhoods. This application proposes a medium-to-high density neighborhood which is consistent with the 2002 General Plan Development Pattern policies for the Corridors in the Developed Tier.

The 1986 Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity retained the property’s existing R-55 Zoning.

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, except for Lot 1 where the existing dwelling unit will remain, because the land available for dedication is unsuitable due to its size and location.
7. **Trails**— There are no master plan trails identified in the *Approved Suitland-District Heights and Vicinity Master Plan* that impact the subject site. The Circulation and Transportation Chapter of the master plan includes a guideline to provide “A system of trails and walks for pedestrians, bicyclists, and equestrians to connect neighborhoods, recreation areas, commercial areas,

employment areas, and Metro stations.” In keeping with this guideline and the County’s goal of providing walkable and livable communities, the Transportation Planning Section recommends the provision of a standard sidewalk along the property’s entire street frontage of Tilghman Lane, unless modified by DPW&T at the time of issuance of street construction permits.

Sidewalk Connectivity

Sidewalks are fragmented or missing along many roads within the vicinity of the subject property. Sidewalks have been provided in some areas where frontage improvements have been made.

8. **Transportation**—The following are the Transportation Planning Section’s comments concerning site access, geometric design and traffic impact of the subject application. Due to the size of the proposed subdivision, a traffic study was not requested from the applicant. The revised plan submitted for this application proposes the creation of five lots for the development of single-family detached dwellings. One of the five proposed lots is already improved with an existing dwelling. The proposed subdivision will net equivalent of four new residential lots, which would have a minimal impact on adjacent roadways.

Site Access Evaluation

All five lots are proposed to have direct access to Tilghman Lane, an existing, substandard, 12-foot wide, residential roadway which runs along the northern and western boundaries of the subject property and intersects with County Road, an improved residential street. The Transportation Planning Section has concerns with the existing, inadequate condition of Tilghman Lane, and the submitted preliminary plan does not clearly demonstrate that there is adequate right-of-way dedication available to reconstruct Tilghman Lane, in accordance with DPW&T standards, from the property’s southwest corner to County Road.

Master Plan Rights-of-Way to be dedicated or recommended to be placed in reservation:

This application is not impacted by any Master Plan rights-of-way. Appropriate right-of-way dedication along Tilghman Lane of 25 feet from the southerly limits of the existing 12-foot right-of-way, or as required by DPW&T, is needed from the property’s southwest corner to County Road.

Site Location:

The subject property is located within the Developed Tier, as defined in the General Plan.

TRANSPORTATION STAFF FINDINGS

The application is a proposal for a residential subdivision of five lots, of which one is already improved with an existing residential unit. Therefore, the proposed development would generate

only 4 AM and 5 PM additional peak-hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The *Guidelines* states that the Planning Board may find that the traffic impact of a very small development, defined as a development which generates 5 or fewer peak-hour trips, as de-minimus or an insignificant impact.

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.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	6 DU	6 DU	6 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	1.44	.36	.72
Actual Enrollment	33,058	13,185	17,855
Completion Enrollment	215.76	52	104
Cumulative Enrollment	30.72	7.68	15.36
Total Enrollment	33,305.92	13,245.04	17,957.08
State Rated Capacity	39,187	11,256	16,332
Percent Capacity	84.99%	117.67 %	110.06 %

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and

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

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

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

10. **Fire and Rescue**— The Historic Preservation & Public Facilities Planning Section have 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 and concluded the following:

Public Facilities staff have determined that this preliminary plan is within the required 7-minute response time for the first due fire station Ritchie Company #37, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire Department.

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

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

11. **Police Facilities**—The subject property is located in Police District III. The standard for priority calls response is 10 minutes and 25 minutes for non-priority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on August 29, 2007.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority
Acceptance Date Mo/day/year	7/06-7/07	8 minutes	13 minutes
Cycle 1	8/06-8/07		
Cycle 2	9/06-9/07		
Cycle 3	10/06-10/07		

The response time standards of 10 minutes for priority calls and 25 minutes for non-priority calls were met on September 14, 2007.

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

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 Banjo's Estates and has no comments to offer.
13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T) has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #3263-2006-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic**—Phase I archeological survey is not recommended on the 1.97-acre property located at 6201-6205 Tilghman's Lane in District Heights, Maryland. This plan proposes the construction of 5 single-family detached dwellings. 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. There are no archeological sites or County Historic Sites or Resources located within a one-mile radius of the subject property.

However, Section 106 review may require archeological survey for state or federal agencies. 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 state or federal monies or federal permits are required for a project.

15. **At the Public Hearing** – At the public hearing for this application on January 24, 2008, the Planning Board had expressed some concerns regarding the proposed subdivision's compatibility with the existing, surrounding communities. More specifically, because the application proposes an in-fill development, with the majority of the surrounding properties being developed many years ago, the Planning Board has concerns that the proposed architecture of the homes will be compatible with the existing homes within the surrounding community.

Extensive discussions occurred at the public hearing regarding the right-of-way limits of Tilghman Lane, a substandard, 12-foot wide right-of-way that has never been constructed in accordance with current county standards. The Transportation Planning Section and the DPW&T have stated that adequate right-of-way dedication must now be obtained, and Tilghman Lane widened to provide a 22-foot wide pavement section, with a 4-foot wide shoulder on both sides, (from the easterly most property line of Lot 5 out to the County Road right-of-way). The applicant had stated at the public hearing that they had previously met with DPW&T, and that standard sidewalks along the property's entire street frontage of Tilghman Lane were not being required by DPW&T. The Planning Board did not concur, and further stated that standard sidewalks should be provided along Tilghman Lane once it is constructed to current county standards.

In light of the above concerns, the Planning Board requested that a condition be added to the resolution which requires the approval of a detailed site plan by the Planning Board, prior to the issuance of any building permits within the subdivision. Condition 10, requiring the detailed site

plan, has been added accordingly.

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.

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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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Cavitt and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, January 24, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of March 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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