

R E S O L U T I O N

WHEREAS, K & P Piscataway Road, LLC is the owner of a 3.25-acre tract of land known as Outparcel A, Tax Map 124, Grid B-4, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on July 2, 2008, K & P Piscataway Road, LLC filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08013 for King Gallahan 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 18, 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 December 18, 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/066/04-01), and further APPROVED Preliminary Plan of Subdivision 4-08013, King Gallahan for Lots 1 – 3 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Correct the spelling of Delancey Street.
 - b. Correct general Note 16 to indicate that the property is within Aviation Policy Areas 4 and 6.
 - c. Provide a plat reference for the abutting lots within Rolee Estates, (WWW 61@34).
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 Stormwater Management Concept Plan 453-2008-00 and any subsequent revisions.

4. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised to include the following note:

“For each lot for which afforestation is proposed, the afforestation and associated fencing shall be installed prior to the issuance of the building permit for that lot. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.”

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/066/04-01), 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 final plat shall demonstrate front building restriction lines to ensure that APA-4 open space areas remain free of dwellings. The declaration of covenants for the property, in conjunction with all deeds conveying lots to future homeowners within this subdivision shall include language discouraging the placement of fencing and large trees within APA-4 on private homeowner’s lots, to assist in permitting a successful aircraft emergency landing.
7. Prior to the approval of the final plat, the applicant shall demonstrate conformance to the disclosure requirements of Section 27-548.43 of the Zoning Ordinance regarding the proximity of this subdivision to a general aviation airport.
8. Section 27-548.39(b) of the Zoning Ordinance requires that every application for permit and preliminary plan shall demonstrate compliance with the height restrictions of Section 27-548.42(b). This section restricts the height of residential structures to no greater than 50 feet unless the applicant demonstrates compliance with FAR Part 77 of the Federal Aviation Regulations.
9. Prior to approval of the final plat of subdivision, the applicant and the applicant’s heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication for Lot 1.
10. The applicant and the applicant’s heirs, successors, and/or assignees shall provide standard sidewalks along the property’s entire street frontage of Delancey Street unless modified by the

Department of Public Works and Transportation at the time of issuance of street construction permits.

11. Prior to signature approval of the preliminary plan of subdivision, the aviation policy areas plan shall be revised to remove the underlying outparcel (Outparcel A) and the plan revised to reflect the three lots which are the subject of this application. The 30 percent open space requirement within APA-4 shall be demonstrated on the plan.
12. Prior to signature approval of the preliminary plan of subdivision, the preliminary plan shall be revised to reflect the planned alignment for A-65, consistent with Attachment A or any succeeding master plans for the area.

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 terminus of Delancey Street, approximately 700 feet west of its intersection with Piscataway Road (MD 223).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Undeveloped	Single-Family
Acreage	3.25	3.25
Lots	0	3
Outparcels	1	0
Parcels	0	0
Dwelling Units:		
Detached	0	3
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section previously approved a Letter of Exemption, E-29-99, for a timber harvest on the subject property. Prior Preliminary Plan 4-04116 and TCPI/066/04 were approved by the Planning Board on January 6, 2005. The Planning Board's actions for Preliminary Plan 4-04116 are contained in PGCPB Resolution No. 05-03. Other prior applications for this property include Detailed Site Plan DSP-05077 and Type II Tree Conservation Plan TCPII/144/05, which were approved by staff on September 6, 2006. Final plats of subdivision were recorded for the property on January 4, 2007. The current proposal is for the re-subdivision of Outparcel A into three lots in the R-E Zone.

Site Description

Current air photos indicate that the site is mostly wooded. There are no streams, wetland or 100-year floodplain on the property that is the subject of the preliminary plan. This site is associated with Tinkers Creek in the Potomac River watershed. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or on adjacent properties. No designated scenic or historic roads are impacted by the proposed subdivision. There are no nearby sources of traffic-generated noise. The proposed development is not expected to be a noise generator. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville and Sassafras series. Marlboro clay does not occur in this area. The site is located in the Developing Tier as designated in the 2002 *Prince George's County Approved General Plan*.

Master Plan Conformance

The 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B* is more than 15 years old. Within the approved master plan, the Environmental Envelope section contains goals, objectives, and guidelines. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is derived from the master plan.

- 1. An open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation, natural ecological features, and estimated future population needs, should be established and maintained.**

Implementation of the *Approved Countywide Green Infrastructure Plan* will ensure compliance with this guideline.

- 2. Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulations and other innovative techniques that ensure responsible environmental consideration.**

The subject property is too small to be a residential comprehensive design zone, and utilizing the optional design approach of a cluster subdivision is no longer a legal option. The property does not have sufficient features to qualify as a conservation subdivision.

- 3. Land dedicated in accordance with the subdivision regulations for the provision of needed recreational facilities should not consist solely of floodplains or other parts of the Natural Reserve Area.**

No land is proposed for dedication.

4. **The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.**

Implementation of the Countywide Green Infrastructure Plan will focus development in an environmentally sound manner.

5. **Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.**

The property has no significant environmental features. As described in the natural resources inventory (NRI), the on-site woodlands are of good quality.

6. **Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**

This guideline mirrors the requirements of the Woodland Conservation and Tree Preservation Ordinance. There are no wetlands, streams, expanded stream buffers, or 100-year floodplain on the subject property.

7. **To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.**

This guideline is a standard practice for all tree conservation plans; however, the property is separated from nearby large contiguous woodland.

8. **The Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except for agricultural, recreational and similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.**

The natural reserve areas described in the master plan are areas that have been superseded by the regulated areas in the Green Infrastructure Plan. There are no areas designated as regulated areas on the subject property.

9. **All development proposals should provide effective means for the preservation and protection of Natural Reserve Areas, the development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.**

There are no areas designated as natural reserve on the subject property, and no open space or conservation areas are proposed on the submitted plans.

10. Limited development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.

The Subregion V master plan does not identify any areas of conditional reserve on the subject property; however, the Countywide Green Infrastructure Plan superseded the master plan for these designations when it was adopted in 2005. The conditional reserve areas of the master plan have been superseded by the evaluation areas of the Countywide Green Infrastructure Plan. The Type I tree conservation plan shows preservation of existing woodlands on a substantial portion of the designated evaluation areas.

11. In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution and other characteristics of excessive vehicular traffic should be protected by suitable construction techniques and by the enforcement of legally mandated standards.

Piscataway Road is a nearby source of traffic-generated noise; however, because of the distance to the proposed development, no significant noise impact is predicted.

12. Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.

Piscataway Road is a nearby source of traffic-generated noise; however, because of the distance to the proposed development, no significant noise impact is predicted.

13. Farming conservation measures such as diversions, terraces, and grassed waterways in conjunction with contour strip cropping and crop rotations should be implemented.

No farming is proposed.

14. Citizens, developers and others should be encouraged to seek current information on the area's sensitive environmental condition, and on all aspects of related regulatory systems and functional programs from the appropriate local, State and Federal agencies.

Information available at PGAtlas.com provides generalized information regarding sensitive environmental features of the region, and the natural resource inventory (NRI) submitted provides detailed information regarding the subject property. The NRI shall be used to formulate the appropriate areas for development on the site.

Summary

The proposal is in conformance with the Subregion V master plan for the reasons stated above.

Conformance with the Countywide Green Infrastructure Plan

The western portion of the property is designated as an evaluation area and the remainder is identified as a network gap within the Countywide Green Infrastructure Plan. These features are associated with the stream system to the west of the subject property. The designation within the network means that every effort must be made to meet the Woodland Conservation Ordinance requirements on-site. The revised Type I tree conservation plan shows substantial preservation of the evaluation area, but does not meet the requirement on-site. The threshold of 7.22 acres is met on-site through preservation and extensive areas of afforestation on proposed lots. The afforestation was approved on the previous TCP and is shown on lots that are 40,000 square feet and greater.

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan:

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

The subject property contains evaluation areas and network gaps. The TCPI conforms to the Countywide Green Infrastructure Plan by preserving priority woodlands within evaluation areas and adjacent network gaps, and by meeting the woodland conservation threshold on-site.

Policy 2: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development patterns of the 2002 General Plan.

Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of appropriate stormwater management practices. It is recommended that low-impact development stormwater management methods be applied on this site to the fullest extent possible. The TCPI shows the use of individual drywells for the three lots proposed in this subdivision.

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

The TCPI conforms to the Countywide Green Infrastructure Plan by preserving priority woodlands within evaluation areas and adjacent network gaps, and by meeting the woodland conservation threshold on-site.

Summary of Master Plan Conformance

The proposed development and TCPI generally conform to the Countywide Green Infrastructure Plan for the reasons stated above.

Environmental Review

An approved Natural Resources Inventory, NRI/013/08, was submitted with this application. The NRI notes that there are no streams, wetlands, or 100-year floodplain on the property that is the subject of this preliminary plan. The NRI shows the entire property that is the subject of previously approved TCPs, but the calculations of existing woodlands, etc., are not provided for the entire site as required. The NRI should be revised to provide these calculations.

A forest stand delineation (FSD) containing all 22.88 acres within the King Gallahan Subdivision was reviewed with previously approved Preliminary Plan 4-04116. The FSD, based on five sample areas, identified one forest stand totaling 6.35 acres and two specimen trees.

The existing forest stand is a mixed hardwood forest dominated by tulip polar and sweet gum. There are some invasive plant species in the understory. The only priority preservation areas are those associated with the slopes along the stream valley to the west of the subject property. No further action regarding the NRI is required.

This site is subject to the provisions of the Woodland Conservation Ordinance because the property has previously approved tree conservation plans. A Type I Tree Conservation Plan, TCPI/066/04, was approved with Preliminary Plan 4-04116, and a Type II Tree Conservation Plan, TCPII/144/05, was approved with Detailed Site Plan DSP-05077. A revised TCPI is required at this time, and a revised TCPII will be required prior to issuance of any permits for the subject property.

The Type I Tree Conservation Plan, TCPI/066/04-01, has been reviewed. The plan proposes clearing 2.69 acres of the existing 6.35 acres of woodland. The woodland conservation threshold is 7.22 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 9.53 acres. The plan proposes to meet the requirement by providing 3.18 acres of on-site preservation, 4.32 acres of on-site planting, and 2.03 acres of off-site mitigation.

The plan correctly allows for cleared rear yards at least 40 feet deep and cleared side yards of at least 20 feet. The woodland conservation threshold will be met on-site. The design preserves contiguous woodland areas and the planting of a buffer along Piscataway Road. The plan proposes extensive on-site planting on lots. To assure protection in perpetuity, as required by Maryland law, easements for the planting areas are shown on the final plats. Grading Permit Application No. 44741-2006-G has been applied for, but has not yet been approved. That permit

may proceed; however, prior to submittal for a permit for the lots proposed in this application, the TCPII will need to be revised to include the additional clearing shown on the revised TCPI. Additionally, prior to approval of any permits for the lots proposed in this application, all off-site woodland conservation will need to be obtained. On-site planting must be completed prior to the issuance of any building permits.

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville and Sassafras series. Beltsville soils are highly erodible and pose problems for the control of erosion and sediment control when associated with slopes in excess of 15 percent. Sassafras soils pose no special problems for development. This information is provided for the applicant's benefit. Prince George's County may require a soils report in conformance with CB-94-2004 during the permit process review.

An approved Stormwater Management Concept Plan, CSD 453-2008-00, was submitted with this application. The approval requires the use of dry wells for individual structures. The dry wells are shown on the revised TCPI. No further action regarding stormwater management is required.

Water and Sewer Categories

The 2001 *Water and Sewer Plan* designates this property in water and sewer Category 3, according to water and sewer maps obtained from the Department of Environmental Resources, and the site will therefore be served by public systems.

5. **Community Planning**—The property is located in Planning Area 81B within the Clinton Community, and is located within the limits of the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V*. The master plan recommends a suburban estate and low-density planned neighborhood at up to one dwelling unit per acre. This application proposes a low-density planned neighborhood that is consistent with the land use recommendation within the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V*.

The 2002 General Plan locates the subject property within 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- to moderate-density suburban residential community that is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

This application is located within Aviation Policy Areas APA-4 and 6. As a result, the layout of the subdivision needs to comply with the regulations for development within the aviation policy areas.

The 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V* retained this property within the R-E Zone.

The property has street frontage along Delancey Street, approximately 700 feet west of its

intersection with Piscataway Road (A-54). Old Fort Road Extended (A-65) is planned as a four-to six-lane divided highway which will run perpendicular to Piscataway Road (A-54), just north of Delancey Street.

PLANNING ISSUES

The subject property is located within Aviation Policy Areas APA-4 and 6. Regulations for development in the vicinity of general aviation airports are detailed within Sections 27-548.32 to 27-548.49 of the Zoning Ordinance. This application needs to demonstrate compliance with these regulations. In all aviation policy areas after September 1, 2002, a general aviation airport environment disclosure notice shall be included as an addendum to contracts of sale to prospective purchasers regarding the proximity of their property to Washington Executive Airport. Among the 52 acres that comprise APA-4, there is a requirement for 30 percent, or 15.6 acres, to remain as open area. Moreover, in APA-4 and APA-6, no building permit may be approved for a structure higher than 50 feet unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77 or Code of Maryland, COMAR 11.03.05. Additionally, no building, structure, or natural feature should be constructed, altered, maintained, or allowed to grow so as to project, or otherwise penetrate the airspace surfaces.

The table below summarizes the permitted uses for APA-4 and APA-6.

APA	Zoning Ordinance Citation	Use Restrictions	Proposed Uses	Proposed use consistent with allowed use?
4	27-548.38(b)(4)	Same density as underlying zone.	Density is that allowed by zone.	Yes.
	27-548.41(a),(b)(4)	30% open area required.	Applicant needs to identify open area provided, with majority located along extended runway centerline.	To be determined.
6	27-548.38(b)(4)	Same density as underlying zone.	Density is that allowed by the zoning.	Yes.
All APA's	27-548.41(d)(3)	Generally, land uses shall not endanger the safe operation of aircraft, specific activities also mentioned.	From the information submitted, no activities are identified that would endanger the safe operation of aircraft with the possible exception noted below regarding street lights.	Yes, with comments.

Section 27-548.41(b) of the Zoning Ordinance requires that certain percentages of open area be retained in APA 1-4 for the purpose of providing strategically located areas under flight paths to permit a successful emergency landing without hitting an occupied structure and to allow aircraft

occupants to survive the landing without serious injury. This section of the Zoning Ordinance clarifies that “open area” in Aviation Policy Areas generally refers to stormwater management ponds, field crops, golf courses, pasture lands, streets or parking lots, and recreational facilities such as ball parks, or yards, if the area is relatively level and free of objects such as overhead lines and large trees and poles. It further explains that because a pilot’s discretion in selecting an emergency landing site is when the aircraft is at low altitude, open areas should be designed as one or more contiguous acres. The proposed subdivision consists of roughly one acre within APA-4. Structures on this one-acre lot should be located furthest from the extended runway centerline within APA-4. Section 27-548.40, Aviation Policy Area Mitigation Residential Subdivision, allows flexibility in lot dimensions, setbacks, lot coverage, and yard requirements where such flexibility is needed for the effective implementation of the regulations.

Proposed dwelling units should not be lined up perpendicular to the flight path. Within the open areas for APA-4, to further ensure effective implementation of the aviation policy area open area regulation, it is strongly recommended that there be homeowner association (HOA) covenants to prevent the planting of tall tree species in yards or HOA property that is in, or adjacent to, these areas.

Furthermore, the applicant needs to comply with street light design and placement pursuant to Section 27-548.38(d)(3) of the Zoning Ordinance.

In all APA’s uses of land should, to the greatest extent possible, not:

- (D) Make it difficult for pilots to distinguish between airport lights and other lights, or impair pilot or ground operator visibility in the vicinity of an airport.**

Any street lights located along the sections of Delancey Street should have cut-off type lighting fixtures to direct glare downward. The Department of Public Works and Transportation (DPW&T) should be consulted regarding acceptable street light designs.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, Lots 2 and 3 within 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 Lot 1 because the land available for dedication is unsuitable due to its size and location.

7. **Trails**—Existing Delancey Street has standard sidewalks along both sides of the street for the entire length of the roadway. The Transportation Planning Section recommends that this cross section be continued along the proposed cul-de-sac/extension of Delancey Street.

There are no master plan trails issues identified within the adopted and approved Subregion V

master plan.

8. **Transportation**—The application is a preliminary plan of subdivision for a residential subdivision consisting of three lots. The proposed development of three residences would generate 2 AM and 3 PM peak-hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

The subject property is located within the Developing Tier, as defined in the *Prince George’s County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 223 and Delancey Street. This intersection is unsignalized. There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidated Transportation Program. No recent turning movement counts at the critical intersection of MD 223 and Delancey Street are available. Nonetheless, 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. It is therefore recommended that the Planning Board find that 2 AM and 3 PM peak-hour vehicle trips will have a de minimus impact upon delay in the critical movements at the MD 223 and Delancey Street intersection.

The site is affected by the alignment for the A-65 facility, a master plan arterial facility shown on the *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B*. During review of the Bevard North and Bevard East Subdivisions (4-05049 and 4-05050), in order to assure its ultimate construction while avoiding and minimizing impacts to environmental features, the alignment for A-65 was proposed to be relocated from the alignment shown on the master plan to a revised alignment. The District Council, through approval of the detailed site plans and specific design plans for these sites, has taken action to relocate the alignment from that shown in the master plan. Attachment A to this memorandum shows the general alignment within the area of this site. Attachment B shows the direct impact of A-65 on this site. The alignment would affect two of the three proposed lots.

As a matter of course, letters to the implementing agencies regarding potential reservation, in accordance with Section 24-139 of the Subdivision Regulations, were prepared and sent. In response, the County Department of Public Works and Transportation (DPW&T) provided a letter supporting reservation. The Maryland State Highway Administration (SHA) provided no letter, and verbally indicated that SHA would have no comment because the potential reservation is not along a state highway. The letter from DPW&T is included in the Planning Board's back-up for this case.

It is determined that DPW&T has not met the statutory requirements for reservation. Section 24-139(b) of the Subdivision Regulations requires that an agency's affirmative recommendation "shall include a map showing the boundaries and area of the parcel to be reserved, and an estimate of the time required to complete the acquisition." No map was sent, and while reservation was requested, no estimate of the time required to complete the acquisition was provided. This fact was confirmed with DPW&T. Therefore, it is not recommended that reservation be pursued for the subject property.

Section 24-121(a)(5) of the Subdivision Regulations indicates that a plat (and presumably all plans that preceded it) shall conform to the area master plan. Similarly, Section 24-123(a)(1) of the Subdivision Regulations requires that the Planning Board, in approving any plat, shall require that all master plan rights-of-way be shown on any preliminary plan. While the printed master plan does not indicate that a planned right-of-way for the A-65 facility crosses the subject site, actions taken by the District Council regarding two nearby developments, Bevard North and Bevard East, have had the effect of amending the planned alignment. Therefore, it is advised that the preliminary plan be modified to indicate the planned right-of-way, consistent with Attachment A or the succeeding master plan for the area.

TRANSPORTATION CONCLUSIONS

Based on the preceding findings, the Planning Board 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 Special Projects Section has reviewed the preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and have 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	3 DU	3 DU	3 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.72	.18	.36
Actual Enrollment	3,898	5,968	9,696
Completion Enrollment	148.8	90	181
Cumulative Enrollment	218.40	67.98	116.4
Total Enrollment	4,265.92	6,125.98	9,993.76
State Rated Capacity	3,771	6,114	10,392
Percent Capacity	113.12%	100.19 %	96.16%

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

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between 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. County 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 Special Projects Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-31-2003, and CR-23-2003.

- Fire and Rescue**—The Special Projects Section has reviewed the preliminary plan for fire and rescue services in accordance with Sections 24-122.01(a)(2), 24-122.01(d), and 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

The Special Projects Section has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Clinton, Company 25, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS 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/EMS Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The property is located in Police District V, Clinton. The response time standard is ten 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 application was accepted for processing by the Planning Department on July 2, 2008.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency
Acceptance Date July 2, 2008	6/07 - 6/08	10 minutes	13 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on July 3, 2008.

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

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.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the King Gallahan Property and have no comments to offer.
13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 453-2008-00 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**—A Phase I archeological survey was completed on the King Gallahan Property in February, 2005. No archeological sites were identified within the 3.25 acres of the subject property. A final report, *A Phase I Archeological Investigation of the King Gallahan Property, Prince George’s County, Maryland, Preliminary Plan 4-04116*, was submitted to the Historic

Preservation Section and was accepted on March 31, 2005. No further archeological work was recommended for the King Gallahan Property. The Historic Preservation Section concurs that no further archeological work is necessary on the subject property.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, December 18, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of January 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:JF:rmk