



PGCPB No. 10-78

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File No. 4-09032

RESOLUTION

WHEREAS, Vendemia and Decesaris are the owners of a 7.10-acre parcel of land known as Tax Map 115 in Grid C-1, also known as Lot 39, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned Residential-Estate (R-E); and

WHEREAS, on March 2, 2010, Vendemia and Decesaris filed an application for approval of a Preliminary Plan of Subdivision for 6 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09032 for Sanford 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 July 8, 2010, 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 July 8, 2010, 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/037/06), and further APPROVED Preliminary Plan of Subdivision 4-09032, Sanford Estates for 6 lots with the following conditions:

- I. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Notes 15 and 16 shall be combined and revised to "water and sewer Category 4."
 - b. Add a note to reflect that proposed conservation lot (Lot 4) is 3.68 acres with a residential area of 0.46 acre and a Conservation easement area of 3.22 acres.
 - c. Add a building restriction line of 60 feet from Oaklawn Road on Lots 1 and 6.
 - d. Revise the label on the WSSC easement on Lot 4 to state "WSSC easement for Sewer."
 - e. Revise the WSSC easement to show a connection to the adjacent Lot 41.

2. The final plat shall reflect building restriction lines of 60 feet from the ultimate right-of-way of Oaklawn Road on Lots 1 and 6.
3. The applicant and the applicant's heirs, successors, and/or assignees shall provide standard four-foot-wide sidewalks along both sides of Sanford Court unless modified by the Department of Public Works and Transportation (DPW&T).
4. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate a ten-foot public utility easement (PUE) along the public right-of-way as delineated on the approved preliminary plan of subdivision.
5. 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 Lots 1, 2, 3, 5, and 6.
6. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. The specimen tree table shall be revised to include the proposed disposition of the trees listed.
 - b. The labels shown for Woodland Conservation Areas 1, 2, and 3 shall be revised to read "Woodland Preservation Area." The legend shall be revised accordingly.
 - c. Revise the shading shown for the areas of steep slopes to underlay the other line work shown on the plan so that the boundary and limits of the proposed street are clearly visible.
 - d. The revised plan shall be signed and dated by the qualified professional who prepared it.
7. At the time of final plat, 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/037/06), 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."
8. The final plat shall include the following note:

"This subdivision is a Conservation Subdivision for which the subdivision of land is strictly controlled."

9. Prior to approval of the final plat, a conservation easement agreement shall be recorded in the Land Records of Prince George's County for the conservation area on Lot 4, in accordance with Section 24-152 of the Subdivision Regulations and the findings contained in the resolution of the approved preliminary plan of subdivision. The final plat shall indicate the liber and folio of the agreement. The easement agreement shall be reviewed by the Environmental Planning Section and be approved by the Prince George's County Planning Board (or its designee) prior to recordation. The easement shall run with the land, and shall be in full force and effect in perpetuity.
10. Prior to the approval of a Type II tree conservation plan, permanent split-rail fencing with customized signage to acknowledge the conservation easement and woodland preservation shall be shown on Lot 4 as illustrated in Staff Exhibit A. The detail of the split-rail fencing and customized signage shall be approved with the Type II tree conservation plan.
11. Prior to the issuance of the building permit for Lot 4, the split-rail fencing and signage shall be installed in accordance with the approved Type II tree conservation plan.
12. Prior to the issuance of any permits, a Type II tree conservation plan shall be approved.
13. Development of this site shall be in conformance with Stormwater Management Concept Plan 24791-2006-00 and any subsequent revisions.
14. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$22,680 (\$3,780 x 6 dwelling units). Notwithstanding, the number of dwelling units and the total fee payment 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 number of dwelling units by the per unit factor noted above. The per unit factor of \$3,780 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.
15. The final plat shall reflect the public right-of-way dedication consistent with the approved preliminary plan.

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	APPROVED
Zone	R-E	R-E
Use(s)	Vacant	Residential Single-family dwelling
Acreage	7.10	7.10
Lots	1	6 (Including one conservation lot)
Outlots	0	0
Parcels	0	0
Dwelling Units:		
Detached	0	6
Public Safety Mitigation Fee		Yes

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on March 19, 2010.

3. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates 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. Specifically, this application is consistent with Developing Tier Goals to: “Maintain low- to moderate-density land uses (except in Centers and Corridors)” and to “Reinforce existing suburban residential neighborhoods.” The preliminary plan is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier by maintaining a pattern of low- to moderate-density suburban residential communities.

The 2006 Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment (SMA) classified the subject property in the R-E Zone. There are no parks, trails, or public facilities proposed on the subject property. The preliminary plan is proposing one dwelling unit per net acre, which meets the requirement of the Zoning Ordinance and conforms to the residential low-density land use recommendation of the Approved Henson Creek-South Potomac Master Plan and SMA.

4. **Conservation Subdivision**—Section 24-152 of the Subdivision Regulations establishes guidelines for the conservation subdivision design for all preliminary plans of subdivision. Section 24-152(f) requires the submittal and certification of a sketch plan prior to the submittal of the preliminary plan for a conservation subdivision. The purpose of the sketch plan is to inventory the existing site features and identify the purpose and priorities for conservation. Certification of the sketch plan is not the approval of the subdivision, but the certification that the applicant has completed the sketch plan process and provided adequate information to identify priorities for

conservation. Conservation Subdivision Sketch Plan S-06007, Sanford Property, was completed for the site and was certified by the Planning Director on June 10, 2008 and is valid for two years from that date. The certified sketch plan proposed seven lots, including a conservation lot (Lot 4) at 3.01 acres, and a new 50-foot-wide public right-of-way extending 400 feet north from Oaklawn Road. At that time, the proposed seven lots under the sketch plan did not result in a better layout or preserve more site resources greater than that which could be achieved by a conventional subdivision. The proposed conservation area in the sketch plan met the technical minimum requirement of the Conservation Subdivision Regulations, but provided no significant improvement over the woodland that could be preserved under a conventional subdivision.

Preliminary Plan of Conservation Subdivision 4-09032, Type I Tree Conservation Plan TCPI/07/06, a conventional preliminary plan of subdivision, and a conventional Type I tree conservation plan for the subject property were accepted on March 2, 2010, which was before the end of the validity period of the certified sketch plan. The conventional preliminary plan and tree conservation plan are replicas of the previous Preliminary Plan 4-05157 and are utilized as a comparison tool in evaluating the proposed conservation subdivision. The conventional plan of subdivision proposed to subdivide the property into six conventional lots for single-family dwelling units with frontage and direct access on a new public right-of-way, extending north from Oaklawn Road. The new public right-of-way, Sanford Court, was proposed as 50 feet in width and 600 feet in length. The proposed lots, Lots 1 through 6, had an average lot size of 43,236 square feet.

The subject preliminary plan of conservation subdivision also proposes to subdivide the site into six single-family residential lots that include Lot 4 as a conservation lot at 3.68 acres, with frontage and direct access on a new public right-of-way of 50 feet in width and 400 feet in length, extending north from Oaklawn Road. The conservation subdivision development technique was enacted by the District Council in order to allow for orderly development of land in a manner that in part **“protects the character of land through the permanent preservation of farmland, woodland, sensitive natural features, scenic and historic landscapes, vistas, and unique features of the site in keeping with the General Plan and Countywide Green Infrastructure Plan”** (Section 24-152(b)).

This preliminary plan meets the purpose and intent of Section 24-152 of the Subdivision Regulations for a conservation subdivision by prioritizing site characteristics for conservation that will preserve the important features of the site and adjacent properties as follows:

- a. **Woodland and Specimen Trees:** The site is comprised of 6.96 acres of existing woodland with eight specimen trees. Overall, the on-site woodlands are good-quality mixed hardwood. In order to maximize the amount of woodland to be saved on-site, the conservation subdivision proposes to shorten the street cul-de-sac by 200 feet. This allows an additional 0.75 acre of woodland to be saved when compared to the conventional subdivision layout (4-05157). Under a conventional subdivision, only 2.91 acres of woodland would remain uncleared. The conservation subdivision will save 3.66 acres of

quality woodland. Only two of the eight specimen trees are proposed for removal with this conservation subdivision for the construction of the proposed road.

- b. **Contiguous Woodland:** The environmental characteristic of adjacent properties shows that woodland exists north and northeast of the site. By creating a conservation area as part of Lot 4, it will provide connectivity between the neighborhood environmental features and a continuous open space network between the properties. If the conservation area were abandoned, there would be a gap between the adjacent woodland areas, and the connectivity between woodlands would be lost. The loss of contiguous woodland was evident in the conventional subdivision where the plan creates fragmentation of the proposed woodland preservation by breaking it into several small areas. The conservation subdivision plan, on the other hand, creates a large contiguous block of woodland that connects to the adjacent properties.

- c. **Countywide Green Infrastructure Plan:** The property is subjected to the *Approved Countywide Green Infrastructure Plan* and the plan indicates that the property contains both an evaluation area and a network gap. The evaluation area contains interior forest and contiguous woodland that provides connectivity to the adjoining properties to the north and northeast. The network gap covers an area that is adjacent to existing Oaklawn Road and a small area at the northwestern corner of the property. The proposed conservation lot (Lot 4) will preserve a large portion of the evaluation area and network gap area resulting in the preservation of a large block of contiguous woodland which will meet the intent of the Green Infrastructure Plan. The conservation subdivision also proposes to reduce the street cul-de-sac by 200 feet, compared to the conventional plan. This reduction in impervious surface conforms to the recommended strategy of the Green Infrastructure Plan. Overall, the design of the conservation subdivision conforms to the goals and intent of the *Approved Countywide Green Infrastructure Plan*.

The subject property is in the R-E Zone, thus in accordance with Section 24-152(d)(3) of the Subdivision Regulations, a minimum 40 percent of the gross tract area is required to be designated as a conservation lot or parcel. Up to 60 percent of the gross tract area may be utilized for residential development areas. The proposed conservation subdivision meets the required conditions for land distribution specified in Section 24-152(d)(3) as follows:

AREA TABULATION	
Total Tract Area	309,276 sq. ft. (7.10 acres)
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40% Minimum Conservation Area	
309,276 S.F. total area X 40%	123,710 sq. ft. (2.84 acres)
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Conservation Lot 4	160,700 sq. ft.
WSSC Easement for Sewer Line	-10,397 sq. ft.
Stormwater Outfall	-2,883 sq. ft.
Conservation Area Proposed	147,420 sq. ft. (3.38 acres) (47.67%)
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60% Maximum Resident Development Area	
309,276 S.F. total area X 60%	185,566 sq. ft. (4.26 acres)
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Total Lot Area	109,215 sq. ft.
Public R/W	39,361 sq. ft.
WSSC Easement for Sewer Line	10,397 sq. ft.
Stormwater Outfall	2,883 sq. ft.
Resident Development Area Proposed	161,856 sq. ft. (3.71 acres) (52.33%)

With a gross tract area of 7.10 acres, a minimum of 2.84 acres (123,710 square feet) for conservation area and a maximum of 4.26 acres (185,566 square feet) for residential development area are required. The preliminary plan proposes 3.68 acres for Lot 4, of which 3.38 acres (47.67 percent of gross tract area) will be counted as conservation area for the existing and contiguous woodland. The preliminary plan proposes 0.54 acre or 7.67 percent more woodland to be in conservation than is required (Section 24-152(d)(3) of the Subdivision Regulations). In addition, all woodland will be preserved on-site. The areas for the stormwater outfall and the Washington Suburban Sanitary Commission (WSSC) easement for the sewer line on Lot 4 are not counted as part of the conservation area. These infrastructure improvements are necessary to support the residential development and are not in keeping with the purpose of the conservation to preserve woodland since these areas will be cleared. The residential development area proposed for this preliminary plan is 3.71 acres (161,856 square feet), which is 52.33 percent of the gross tract area and eight percent less than the maximum allowed.

Conservation Lot 4 is proposed to be 3.68 acres (160,700 square feet). A residential development area has been established for the location of a single-family dwelling on Lot 4 of 20,073 square feet; the remaining portion of the conservation lot (3.22 acres) will be placed in a perpetual conservation easement for woodland preservation. The residential area established on Lot 4 is consistent with the purposes of this conservation subdivision and does not adversely affect the site characteristics as established for conservation. The minimum lot size in the R-E Zone for a

conventional subdivision is 40,000 square feet. However, the surrounding properties next to the site are in the R-R and R-E Zones, with a mixture of small lots of 20,000 square feet for R-R Zone and large lots of one acre or more for the R-E Zone. In accordance with Section 27-455.12 of the Zoning Ordinance, the minimum lot size in the R-E Zone for a conservation subdivision is 20,000 square feet. Proposed Lots 1 through 6, excluding Lot 4, have an average lot size of 21,843 square feet. Lot 4 is proposed to be 160,700 square feet. The layout of small and large lots proposed by the conservation subdivision maintains and reflects the diverse lot size and layout of surrounding neighborhoods.

Prior to the approval of the final plat, approximately 3.22 acres of Lot 4 will be placed into a perpetual conservation easement with the allowance for the installation of the stormwater outfall (approximately 2,883 square feet) and WSSC easement for the sewer line (approximately 10,397 square feet) as shown on the preliminary plan. The conservation area will be controlled by the individual homeowner, public or private organization, land trust, or corporation. The owner shall assume all responsibility for maintenance and continued protection of the conservation area. An ownership and maintenance agreement, as part of the conservation easement deed, will be required and referenced on the record plat of subdivision. An easement agreement will be approved by the Prince George's County Planning Board and recorded in the land records of Prince George's County for the conservation area prior to approval of the final plat. The woodland in a conservation easement will be preserved in perpetuity while woodland preservation under the Woodland Conservation and Tree Preservation Ordinance may be modified by a revision of the Type II tree conservation plan. Pursuant to Section 24-152 of Subdivision Regulations, the woodland preserved in a conservation easement has greater protection because the easement for the purpose of the woodland protection is in effect in perpetuity.

The site plan shows that the conservation easement boundary (290 feet in length) is located north of the residential area on Lot 4. To provide notice to the future homeowner of Lot 4 and to distinguish the conservation easement area from the residential development area on Lot 4, permanent split-rail fencing along the conservation easement line is recommended. There should be an approximate eight-foot opening in the middle of the fence to allow the homeowner access for the enjoyment of their property. Custom low-profile signage for the conservation easement should be placed on the fencing. There will be approximately 141 feet of split-rail fencing west and east of the eight-foot opening with signage of conservation easement. Staff has prepared an illustration of the recommended fencing on Staff Exhibit A. The split-rail fencing and signage should be reviewed at the time of approval of the Type II tree conservation plan.

Section 24-152(k) of the Subdivision Regulations states that the Planning Board shall find that the conservation subdivision:

- (1) **Fulfills the purpose and conforms to the regulations and standards for a conservation subdivision.**

- (2) **Achieves the best possible relationship between the development and the conservation of site characteristics as prioritized in the sketch plan and preliminary plan.**
- (3) **Because the use of the Conservation Subdivision technique in the Developed or Developing Tier is optional, the Planning Board shall also find that the proposed plan is clearly superior to that which could be achieved through the use of conventional development standards and clearly meets the purposes of the Conservation Subdivision technique. Lot yield shall be a secondary consideration to achieving the purposes of the Public Benefit Conservation Subdivision in assessing whether a proposed plan is clearly superior.**

In accordance with Section 24-152, the Planning Board finds that this preliminary plan conforms to the purposes, regulations, and standards for development of a conservation subdivision. The site layout has been reviewed for conformance to Section 24-152(g)(2) and (h)(2) of the Subdivision Regulations. The layout creates the best possible relationship between the development of the site and the conservation of site characteristics as identified in the sketch planning stage and further defined with the preliminary plan process. The layout for the conservation subdivision proposes to create small lots of an average approximately 21,843 square feet and a large lot of over three acres and shorten the street cul-de-sac by 200 feet. The proposed layout of small and large lots is very fitting with the diverse lot size and layout of the neighborhood. The shortening of the street cul-de-sac allows an additional 0.75 acre of woodland to be saved and reduces impervious surface. In terms of woodland, the preliminary plan is proposing 0.54 acre or 7.67 percent more than the minimum 40 percent of gross tract area as a conservation area. In addition, the plan does an excellent job of providing a contiguous conservation lot and woodland habitat on-site, while retaining linkages to adjoining properties. The overall proposed layout and woodland in conservation are in conformance with the *Approved Countywide Green Infrastructure Plan* and the Woodland Conservation Ordinance. The proposed preliminary plan of conservation subdivision provides a better development overall and preserves more of the site resources than that which could be achieved under the conventional plan.

5. **Zoning**—Section 27-442(e) of the Zoning Ordinance sets forth bulk regulations for residential zones. Table 4 contains the requirement for yards and, in the R-E Zone, the requirement is 25 feet for the front yard depth. A note in Table 4 that states the following:

If most of the lots located on one side of a street between two intersecting streets are occupied by buildings which have a front yard depth different from that required in general, no building (erected within three hundred (300) feet of any existing building) shall have a front yard depth less than that established in the block.

Within the block of the subject property, the majority of the existing lots have buildings with a front yard depth more than the general requirement of 25 feet along Oaklawn Road. The average front yard depth for the block is 60 feet. Lots 1 and 6 of the subject property have frontage on Oaklawn Road and should have a front yard depth that reflects the neighboring lots on Oaklawn

Road. However, this preliminary plan is a conservation subdivision and is subject to a different regulation for yard requirements. Section 27-445.12 of the Zoning Ordinance sets forth bulk regulations for conservation subdivisions. Table 3 contains the requirements for yards. For internal yards and residential development area, a 20-foot setback is required for the front yard.

In this case, it is important to maintain the character of Oaklawn Road and the continuity of the neighborhood. A building restriction line of 60 feet from Oaklawn Road for Lots 1 and 6 is recommended to preserve the setback characteristics of the neighborhood. The applicant has agreed that this additional setback will not have an adverse affect on the potential residential development of the lots. Lots 1 and 6 will have ample developable area for the construction of a dwelling on the lots with a 60-foot building restriction line from Oaklawn Road. The applicant has no objection to the recommended 60-foot building restriction line.

6. **Environmental Planning**—Preliminary Plan of Conservation Subdivision 4-09032, Type I Tree Conservation Plan TCPI/037/06, conventional preliminary plan of subdivision, conventional Type I tree conservation plan, and signed Natural Resources Inventory NRI/032/06, for the subject property have been received and reviewed.

The subject property is primarily wooded. There are no streams, wetlands, or 100-year floodplain on the property. The site drains into the Potomac River watershed. According to the *Prince George's County Soil Survey* the principal soils on this site are in the Aura, Beltsville, and Chillum series. Marlboro clay does not occur in this area. 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 in the vicinity of this property. No designated scenic or historic roads are affected by this development. There are no nearby sources of traffic-generated noise. Based on the 2009 *Joint Base Andrews Naval Air Facility Washington Land Use Study*, the property is not subject to air traffic noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the General Plan.

Master Plan Conformance

The Approved Master Plan for Henson Creek-South Potomac Planning Area, Policy 1 does not indicate any environmental issues associated with this property.

Countywide Green Infrastructure Plan

The property is located within the designated network of the Countywide Green Infrastructure Plan. It contains both an evaluation area and a network gap. The evaluation area contains interior forest and contiguous woodlands that provide connectivity to the adjoining properties to the north and northeast. The network gap covers an area that is adjacent to existing Oaklawn Road and a small area in the northwestern corner of the property.

The conservation subdivision, as currently designed, is in conformance with the Green Infrastructure Plan because the proposed conservation lot (Lot 4) proposes to preserve a large portion of the evaluation area and network gap area located on the northern portion of the property. This results in the preservation of a large block of contiguous woodland, which provides

connectivity to the adjoining properties. The approach significantly reduces the fragmentation of the existing forest shown on the conventional plan. In addition, the conservation subdivision shows a total length of 490 feet for proposed Sanford Road to serve the new lots, which is 200 feet less than that shown on the conventional plan. The reduction in the amount of impervious surfaces addresses the water quality policies and strategies of the Green Infrastructure Plan and demonstrates a better alternative than that of the conventional plan. The Planning Board finds that the proposed conservation subdivision is in conformance with the Green Infrastructure Plans.

Conformance with the Conservation Subdivision Ordinance

County Council Bill CB-4-2006 requires that the sketch plan process be completed before a preliminary plan of subdivision for a conservation subdivision is accepted. It is further required that the Planning Director or designee certify the completion of the sketch plan process prior to acceptance of the preliminary plan. The certification of the sketch plan is not the approval of a specific lot yield or layout, but the completion of the sketch plan process for planning purposes.

Sketch Plan S-06007 received certification. The Environmental Planning Section supported certification of the sketch plan; however, did not feel that the conservation subdivision, which proposed seven lots, demonstrated a better layout than that which could be obtained by a conventional subdivision. The current proposal is for six lots. Staff believes that the subdivision of the property into six lots conforms to the purpose and intent of the Conservation Subdivision Regulations as set forth below.

Environmental Review

An approved Natural Resources Inventory, NRI/032/06, was submitted with the application. The plan shows that there are no streams, wetlands, or 100-year floodplain on-site. A review of available information indicates that there are no regulated environmental areas on or near the property. The forest stand delineation notes two forest stands totaling 6.96 acres of on-site woodlands. Eight specimen trees were identified. The information on the NRI is correctly shown on the preliminary plan and the Type I tree conservation plan. Overall, the on-site woodlands are good-quality mixed hardwoods. The forest stand delineation notes that there are excessive invasive plant species present in a portion of Stand A. Based on the current layout, removal of the invasive species will be accomplished during the grading of the site for the proposed road and residential lots. Invasive species are not present in the remaining portion of Stand A which includes the conservation lot.

According to the approved natural resources inventory and the *Prince George's County Soils Survey*, the principal soils on this site are in the Aura, Beltsville, and Chillum series. Beltsville soils often exhibit high water tables and impeded drainage. Aura, Beltsville, and Croom soils are highly erodible. This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources (DER) may require a soils report in conformance with CB-94-2004 during the review of building permits.

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and

contains more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan (TCPI/37/06) for the conservation subdivision was submitted with this application. A Type I tree conservation plan for a conventional subdivision was also submitted to use as a comparison between the proposed conservation subdivision and a conventional subdivision.

The Type I tree conservation plan submitted for comparison utilizes the conventional approach and proposes the clearing of 4.05 acres of the existing 6.96 acres of woodland, 0.75 acre more than that of the conservation subdivision. The conventional plan also creates fragmentation of the proposed woodland preservation by breaking it into several small areas compared to the proposed conservation plan which provides a large contiguous block of woodland that connects to the adjacent properties located to the north and east. The conventional plan proposes the removal of six specimen trees located on-site for the construction of the public street, four more than that of the conservation plan. In addition, the proposed conservation plan shortens the proposed paved street by almost 200 feet from that shown on the conventional plan, which results in a 5,100-square-foot reduction in the amount of impervious surfaces.

The Type I tree conservation plan submitted with the conservation subdivision proposes clearing 3.30 acres of the existing 6.96 acres of woodland and 0.02 acre of off-site woodland for the proposed sewer line connection. The woodland conservation threshold is 1.78 acres. Based upon the proposed clearing, the worksheet correctly calculates the woodland conservation requirement for this proposal as 2.62 acres. The plan proposes to place 3.22 acres into a conservation easement pursuant to Section 24-152 of the Subdivision Regulations for on-site woodland preservation. As shown on the Type I tree conservation plan, 2.66 acres of the woodland preservation from the conservation easement will meet the requirements of the Woodland Conservation Ordinance. The preliminary plan not only meets the 100 percent woodland on-site preservation requirement of the Conservation Subdivision Regulations, but it also preserves 0.54 acre more woodland than is required by the Woodland Conservation Ordinance. The woodland will be placed in a conservation easement and be preserved in perpetuity. In contrast, woodland preservation under the Woodland Conservation Ordinance may be modified by the revision of the Type II tree conservation plan. Pursuant to Section 24-152 of the Subdivision Regulations, woodland preserved in a conservation easement has greater protection because the easement is in effect in perpetuity.

Prior to approval of the final plat of subdivision, the conservation easement agreement should be reviewed by the Environmental Planning Section. Permanent split-rail fencing with signage is recommended along the conservation easement line located to the north of the residential area proposed on Lot 4, as shown on Staff Exhibit A. The signage should be low-profile and customized to acknowledge the woodland being preserved under the Woodland Conservation Ordinance and the conservation easement pursuant to Section 24-152 of the Subdivision Regulations. The split-rail fencing and signage should be determined in more detail at the time of submittal of a Type II tree conservation plan.

7. **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, 24791-2006-00, was approved on January 5, 2010 and is valid until May 4, 2012. The approved concept plan has conditions to ensure that the development of this site does not result in on-site or downstream flooding. The plan shows the use of an infiltration trench along the street and multiple dry wells with each proposed structure. The approval letter has a condition that states “[p]lease revise to comply with the new SWM ordinance that will take effect on May 4, 2010, unless both storm drain technical plan and sediment and erosion control plans are approved prior to that date.” The revisions necessary to address this condition are not likely to affect the limits of disturbance as shown on TCPI/037/06. No further action regarding stormwater management is required for this preliminary plan of subdivision review. Development must be in accordance with this approved plan.

8. **Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations, Lot 4 of the subject subdivision is exempt from mandatory dedication of parkland requirements because the net lot area is greater than one acre.

In accordance with Section 24-135(a) of the Subdivision Regulations, a fee-in-lieu payment for Lots 1, 2, 3, 5, and 6 is recommended. A payment of a fee-in-lieu for mandatory dedication of parkland is recommended because the land available for dedication is unsuitable due to its size and location.

9. **Trails**—The proposed preliminary plan was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* (MPOT). In terms of pedestrian and bicycle facilities, the proposed plan includes land for sidewalks as is required in Section 24-123 of the Prince George’s County Code. Sidewalks are shown along the subject property frontage of Oaklawn Road and along both sides of Sanford Court. These proposed sidewalks are in the proposed 50-foot-wide right-of-way for an urban primary residential road.

10. **Transportation**—The site is not within or adjacent to any master-plan roadway facilities. The six lots being created would have frontage on a new residential street which will connect to Oaklawn Road. The proposed right-of-way, Sanford Court, and the dedication along Oaklawn Road are acceptable as shown on the preliminary plan in consideration of the functions of each street. The traffic generated by the proposed preliminary plan would impact the intersection of Allentown Road and Oaklawn Road. The proposed subdivision would generate 5 AM and 5 PM weekday peak-hour vehicle trips based on 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:

- a. Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

- b. Unsignalized intersections: *The Highway Capacity Manual* (Transportation Research Board) 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 critical intersection of Allentown Road and Oaklawn Road is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

No recent turning movement counts are available at the critical intersection of Allentown Road and Oaklawn Road. Due to the limited trip generation of this site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus in accordance with the guidelines. It is therefore recommended that the Planning Board find that 5 AM and 5 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Allentown Road and Oaklawn Road intersection.

The Planning Board concludes that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations if the application is approved. Dedication of the public rights-of-way should be consistent with the preliminary plan of subdivision.

- 11. **Schools**—The proposed preliminary plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	6 DU	6 DU	6 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	0.96	0.78	0.84
Actual Enrollment	4,490	3,923	7,081
Total Enrollment	4,490.96	3,923.78	7,081.84
State Rated Capacity	4,781	4,983	7,792
Percent Capacity	93.9%	78.7%	90.9%

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-95/495 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 \$8,120 and \$13,921 to be paid at the time of issuance of each building permit.

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

12. **Fire and Rescue**—The proposed preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

This preliminary plan is within the seven minute required response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
32	Allentown Road	8709 Allentown Road

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

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

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site. The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

13. **Police Facilities**—The subject 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 was accepted for processing by the Planning Department on March 2, 2010.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
1	3/2009-2/2010	12 minutes	10 minutes
2	4/2009-3/2010	12 minutes	10 minutes
3	5/2009-4/2010	12 minutes	10 minutes

The response time standards of ten minutes for emergency calls were not met while 25 minutes for nonemergency calls were met on June 18, 2010.

The rolling twelve-month average for response times in District V were provided for three monthly cycles following the acceptance of the subject application. The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were not met by the third monthly cycle of response time reports. Because the actual response times for both emergency and/or nonemergency calls do not exceed 20 percent above the required response times, the applicant may offer to mitigate. The applicant may enter into a mitigation agreement with the county and file a mitigation plan with the Planning Board. The Planning Board may not approve the preliminary plan until a mitigation plan is submitted and accepted by the county. If the response times for emergency calls and/or nonemergency calls are greater than 20 percent above the required emergency response time, the applicant may not mitigate. In this case, the response time reports for emergency calls do not exceed 20 percent.

In accordance with County Council Resolution CR-78-2005, the applicant may offer to mitigate by paying a mitigation fee per dwelling unit, providing in-kind services, or pooling resources. The applicant in this case has executed a mitigation plan which is an agreement to pay a mitigation fee per dwelling unit prior to the approval of a grading permit for the site.

Public Safety Mitigation Fee

The mitigation fee is \$3,780 per dwelling unit (\$3,780 x 6 units is \$22,680) based on the failed rolling average response time for Police District V. County Council Resolution CR-78-2005 indicates that, beginning Fiscal Year 2007, the fee will be adjusted by July 1 of each year by the percentage change in the Consumer Price Index (CPI) for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The number was derived from the costs associated with building and equipping police stations to house the police officers that are necessary to help meet the response times. The public safety surcharge is not reduced by the payment of any public safety mitigation fee.

Mitigation Agreement

As indicated, the applicant has decided to solely pay a mitigation fee. In accordance with the guidelines, the ratified mitigation plan has been made a part of this application and record for the preliminary plan. Pursuant to County Council Bill CB-56-2005, the mitigation plan must be filed with the Planning Board to allow for the approval of the applicant's preliminary plan where approval would have been otherwise denied due to the failure of the adequate facilities test.

14. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewage for preliminary or final plat approval.”

The 2008 Water and Sewer Plan designates the subject property in water and sewer Category 4 and the site is therefore in the appropriate service area to be served by public systems. The property must be approved for water and sewer Category 3 through the administrative amendment procedure before approval of a final plat.

Water and sewer lines in Oaklawn Road abut the property and extensions are required to service the proposed subdivision. The extensions must be approved by WSSC before approval of the final plat.

Based on evidence and testimony heard by the Planning Board at its meeting on July 8, 2010, the Board finds that the WSSC easement for sewer on the Lot 4 should be expanded to provide a possible connection to the adjacent property identified as Part of Lot 41.

15. **Health Department**—The Prince George’s County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments to offer.
16. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot public utility easement along the right-of-way as requested by the utility companies.

17. **Historic Preservation**—The proposed conservation subdivision for six lots in the R-E Zone will have no effect on identified historic sites, resources, or districts. A Phase I archeological survey is also not recommended on the subject 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 southern end of the subject property has been impacted by the construction of Oaklawn Road and several buildings in the 1960s. According to aerial photographs, the northern area does not appear to have been developed or farmed in the 20th century, but the areas to test for prehistoric resources is not large and is not likely to yield significant information. The applicant should be aware that historic site Belleview (81B-001), the site of a late-18th century plantation house and Steed family cemetery, is located approximately three-quarters of a mile southwest of the subject property. Terrett House/Bird Lawn Manor (76B-012) is also a historic site built circa 1910, located approximately 2,700 feet southwest of the subject property. In addition, there is one historic

archeological site, 18PR634—Bellevue, and three multicomponent prehistoric and historic archeological sites, 18PR905, 18PR906, and 18PR907 located within one mile of the subject property.

Moreover, 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.

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, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, July 8, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of July 2010.

Patricia Colihan Barney
Executive Director

Frances J. Guertin
By Frances J. Guertin
Planning Board Administrator

PCB:FJG:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY.

Serge J. [Signature]
M-NCPPC Legal Department

Date 7/14/10