

R E S O L U T I O N

WHEREAS, Mona Albasha is the owner of a 2.97-acre parcel of land known as Lots 26 and 29, Tax Map 170 in Grid F-1, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on June 28, 2004, Mona Albasha filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04095 for Spring Grove 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 16, 2004, 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 16, 2004, 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/62/04), and further APPROVED Preliminary Plan of Subdivision 4-04095, Spring Grove for Lots 1-4 with the following conditions:

1. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
2. A raze permit shall be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on site shall be removed and properly stored or discarded prior to the structures being razed.
3. A stormwater management concept plan shall be approved and the approval number and date shall be added to the preliminary plan prior to signature approval.
4. 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/62/04), 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/Tree Preservation Policy.”

5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the 100-year floodplain and be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

6. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised to:
  - a. Show the correct acreages in the worksheet for upland woodland and woodland within the 100-year floodplain.
  - b. Remove woodland conservation from the SMECO right-of-way.
  - c. Revise the worksheet as needed.
  - d. Have the revised plan signed and dated by the qualified professional who prepared the 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. The property is located at the terminus of Dale Lane, approximately 1,200 feet from its intersection with Beech Lane.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-R	R-R
Uses	Single-Family Residence	Single-Family Residences
Acreage	2.97	2.97
Lots	2	4
Parcels	0	0
Single-Family Residences	1 (to be razed)	4

4. **Environmental**—There are no streams or wetlands on the property. There is 100-year floodplain on the property associated with Mattawoman Creek in the Potomac River watershed. According to the *Prince George's County Soils Survey* the principal soils on this site are in the Aura, Beltsville, Ochlockonee and Othello series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties*, December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated historic or scenic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

#### **Streams, Wetlands and Floodplain**

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. For the purposes of this review, this area includes the 100-year floodplain. Sensitive environmental features are adequately shown on the plans. No impacts to the sensitive environmental features are proposed.

#### **Woodland Conservation**

A Detailed Forest Stand Delineation (FSD) was submitted with this application. The plan describes three forest stands totaling 2.32 acres and ten specimen trees.

Forest stand #1 covers approximately 1.35 acres of the northern half of the property and is a mature hardwood woodland with an average diameter of 18 inches diameter at breast height.

Forest stand #2 covers approximately 0.82 acre of the southern half of the property and is young hardwood woodland with an average diameter of seven inches diameter at breast height.

Forest stand #3 covers approximately 0.16 acre of the 100-year floodplain and is mature hardwood woodland with an average diameter of 18 inches diameter at breast height.

The ten specimen trees are scattered throughout the property and are shown on the FSD and TCPI.

**This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland.**

A Type I Tree Conservation Plan, TCPI/36/04, has been reviewed. The plan proposes clearing 0.82 acre of the existing 2.14 acres of upland woodland and no clearing of any of the woodland within the 100-year floodplain. The woodland conservation requirement has been correctly calculated as 0.77 acre. The plan proposes on-site preservation of 1.25 acres of woodland.

The plan proposes clearing on each lot to allow adequate room for construction and useable outdoor activity areas. All of the priority woodland in the 100-year floodplain will be retained.

The plan contains technical errors; however, none of these invalidates the concepts shown in the plan. In the worksheet, the existing woodland in the net tract should read 2.14 acres and the existing woodland within the 100-year floodplain should read 0.18 acre. Woodland conservation is improperly shown in the SMECO right-of-way in the southeastern corner of the property.

### *Soils*

According to the Prince George's County *Soils Survey* the principal soils on this site are in the Aura, Beltsville, Ochlockonee and Othello series. Beltsville and Othello soils are highly erodible and may have perched water tables. Aura soils are highly erodible. Ochlockonee soils pose no special problems for development.

### **Water and Sewer Categories:**

The property is in water category W-5 and sewer category S-5 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The two existing lots were granted waivers for water and sewer connections by DER in September 2003. On December 8, 2004, staff received letters from the Department Of Environmental Resources advising that two additional waivers had been granted, for a total of four. Thus, adequacy of water and sewer facilities can now be assumed.

5. **Community Planning**—The property is in Planning Area 83/Accokeyk. The 2002 General Plan places the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. 1993 Subregion V master plan recommends Low-Suburban residential land use at up to 2.6 dwelling units per acre for single-family residences. This application conforms to the master plan recommendation.
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 because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—There are no master plan trails issues identified in the 1993 Subregion V master plan or the Countywide Trails Plan. Dale Drive is an existing open-section road with no sidewalks.
8. **Transportation**—The applicant has not prepared a traffic impact study. It was not required by the transportation staff based on the proposed use of the site. Based on the four single-family lots that would be created, the proposed development would generate 3 AM and 4 PM peak-hour

vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (revised September 2002).

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

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

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

#### **Transportation Staff Comments**

The traffic generated by the proposed preliminary plan would impact the intersection of Dale Drive and Beech Lane.

Staff has no recent counts at the critical intersection of Dale Drive and Beech Lane. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site’s impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 3 AM and 4 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Dale Drive/Beech Lane intersection.

#### **Conclusions**

Based on the preceding findings, 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 has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

**Finding**

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	4 sfd	4 sfd	4 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.96	0.24	0.48
Actual Enrollment	4183	4688	8866
Completion Enrollment	158.40	69.06	136.38
Cumulative Enrollment	0.96	0.24	0.48
Total Enrollment	4343.32	4757.54	9003.34
State Rated Capacity	4512	5114	7752
Percent Capacity	96.26%	93.03%	116.14%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount 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.

**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.**

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.

- Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service travel time of 5.12 minutes, which is within the 5.25-minute travel time guideline.

The existing ambulance service at Accokeek Fire Station, Company 24, located at 16111

Livingston Road, has a service travel time of 5.12 minutes, which is within the 6.25-minute travel time guideline.

The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 11.99 minutes, which is beyond the 7.25-minute travel time guideline.

The existing paramedic service located at Allentown Road Fire Station, Company 47, is beyond the recommended travel time guideline. The nearest fire station Accokeek, Company 24, is located at 16111 Livingston Road, which is 5.12 minutes from the development. This facility would be within the recommended travel time for paramedic service if an operational decision to locate this service at Company 24 were made by the county.

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan (1990)* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department reviewed the application and reminds the applicant that a raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. Also, they note the site contains a significant amount of trash and debris that must be removed and properly stored or discarded.
13. **Stormwater Management**—The applicant has not yet received stormwater concept approval from the Department of Environmental Resources. A copy of the concept approval letter is necessary prior to signature approval of the preliminary plan.
14. **Cemeteries**—There are no known cemeteries on the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to Dale Drive.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Eley, with Commissioners Vaughns, Eley, Squire and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, December 16, 2004 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of January 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator