

R E S O L U T I O N

WHEREAS, a 3.2-acre parcel of land known as Parcel 217, Tax Map 117, Grid A-2, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on September 20, 2005, A.G.I. DEVCO, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 5 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05028 for Willow Creek 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 8, 2005, 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 8, 2005, 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/34/05), and further APPROVED Preliminary Plan of Subdivision 4-05028, Willow Creek for Lots 1 - 5 with the following conditions:

1. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA or less.
2. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise levels for residential uses.”
3. Prior to signature of the preliminary plan of subdivision, the Type I TCP shall be revised to eliminate all on-site woodland conservation, provide all required woodland conservation off site, and have the revised plan signed and dated by the qualified professional who prepared the plan. The following note shall be placed under the worksheet:

“Fee-in-lieu is also an acceptable method of meeting the woodland conservation requirements on this site, as approved by the Planning Board.”

4. The following note shall be placed on the final plat of subdivision:
5. “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/34/05), 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.”
6. Prior to signature of the preliminary plan of subdivision, the preliminary plan and Type I TCP shall note the stormwater management concept approval number and shall show all required features.
7. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
8. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.
9. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$18,900 (\$3,780 x 5 dwelling units). Notwithstanding the number of dwelling units and the total fee payments 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 dwelling unit number 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.

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 northern terminus of Daniel's Lane within the Willow Creek Subdivision.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	R-R Vacant	R-R Single-family Residential
Acreage	3.22	3.22
Lots	0	5
Parcels	1	0
Dwelling Units:	0	5

4. **Environmental**—There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. According to the “Prince George’s County Soils Survey” the principal soils on this site are in the Galestown series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “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 scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. Based on the most recent air installation compatible use zone study, released to the public in August 1998 by Andrews Air Force Base, aircraft-related noise is significant. 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.

Natural Resources Inventory

An approved natural resources inventory, NRI-060-05, was submitted with the application. There are no streams, wetlands, or 100-year floodplain on the property. The FSD indicates one forest stand totaling 3.15 acres and one specimen tree that appears to be located off site. According to the Green Infrastructure Plan, none of the property is in or near any regulated area, evaluation area, or network gap. Based upon this analysis, there are no priority woodlands on site.

Woodland Conservation

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

The Type I Tree Conservation Plan, TCPI/34/05, has been reviewed and was found to require technical revisions. The plan proposes clearing 2.16 acres of the existing 3.15 acres of woodland. The woodland conservation requirement has been correctly calculated as 1.19 acres. The plan proposes to meet the requirement by providing 0.52 acre of on-site woodland conservation and 0.67 acre of off-site woodland conservation, for a total of 1.19 acres.

The TCP appropriately provides adequate clearing around all proposed structures and for a 40-foot cleared outdoor activity area at the rear of each proposed structure. The encumbrance of these lots with woodland conservation areas is not consistent with the purposes of the Woodland Conservation Ordinance because the lots are barely over 20,000 square feet and the woodlands to

remain are isolated. All required woodland conservation for this proposal should be done off site.

Noise

Based on the most recent air installation compatible use zone study released to the public in August 1998 by Andrews Air Force Base, aircraft generated noise is significant. The study indicates that the noise threshold is within the 70-75 dBA (Ldn) noise contour. This noise level is above state-acceptable noise levels for residential land uses. It will not be possible to mitigate noise in the outdoor activity areas; however, proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45dBA.

Soils

According to the Prince George's County Soils Survey, the principal soils on this site are in the Galestown series. Galestown soils pose no special problems for development.

An approved stormwater management concept letter was not submitted with this application. It appears that the design proposed is using open ditch sections and ties into existing systems. The approval number must be shown on the preliminary plan and Type I TCP and all required features must be shown.

Water and Sewer Categories

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

5. **Community Planning**—The property is located within the limits of the 1993 master plan for Subregion V, Planning Area 81A, in the Tanglewood Community. The master plan land use recommendation is for low-suburban residential densities. The 2002 General Plan locates 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. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Prince George's County Subdivision Regulations, the Department of Parks and Recreation is recommending a fee-in-lieu of mandatory dedication for this application because the land available is unsuitable due to size and location.
7. **Trails**—There are no master plan trails issues identified in the adopted and approved Subregion V Master Plan that impact the subject application. The existing portions of Daniel's Lane are open section with no sidewalks.

8. **Transportation**—A traffic study was not required by the transportation staff based on the proposed use of the site. Based on the five additional single-family units, the proposed development would generate 4 AM and 5 PM peak-hour vehicle trips as determined using *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 Comments

The traffic generated by the proposed preliminary plan would impact the intersection of MD 223 (Woodyard Road) and Canberra Drive, which is unsignalized. The critical intersection is not programmed for improvement with 100 percent construction funding in the current Maryland Department of Transportation Consolidated Transportation Program. Staff has no recent counts at the critical intersection of MD 223 and Canberra Drive. Due to the limited trip generation of the site, the Prince Georges' County Planning Board could deem the site's impact at this location to be de minimus, with minimal impact on the intersection's level of service standard. Given these facts, staff would, therefore, recommend that the Planning Board find that 4 AM and 5 PM peak-hour trips will have a de minimus impact at the intersection of MD 223 and Canberra Drive.

The site will be accessed by an extension of Daniel's Lane with a 50-foot right-of-way. This is shown correctly on the site plan. Daniel's Lane will end in a new cul-de-sac. Staff notes that an old section of Daniel's Lane with a 30-foot right-of-way is located to the north. This subdivision will not have access to the northern section of Daniel's Lane.

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

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

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	5 sfd	5 sfd	5 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.20	0.30	0.60
Actual Enrollment	4,206	4,688	8,866
Completion Enrollment	112.80	69.06	136.68
Cumulative Enrollment	99.36	41.40	82.80
Total Enrollment	4,419.36	4,798.76	9,086.08
State-Rated Capacity	4,215	5,114	7,752
Percent Capacity	104.85	93.84	117.21

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

Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts as \$7,412 and \$12,706 to be paid at the time of issuance of each building permit.

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

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

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The preliminary plan was accepted for processing by the Planning Department on 09/30/05.

The Prince George's County Planning Department 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 Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 98.99 percent, which is within the staff standard of 657 (or 95 percent of 692) as stated in CB-56-2005.

The Fire Chief has reported by letter, dated August 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District V. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-08/05/05	13.00	23.00
Cycle 1	01/05/05-09/05/05	12.00	22.00
Cycle 2	01/05/05-10/05/05	12.00	22.00

The response time standard of 10 minutes for emergency calls for police was not met on the date of acceptance or within the following two monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05028 fails to meet the standards for police emergency response time. CB-56-2005 provides for mitigation of fire, rescue and police inadequacies through approval of a mitigation plan. These mitigation plans are to be created in accordance with guidelines that have been enumerated by the District Council in CR-78-2005, which establishes a police facilities mitigation charge (as adjusted by the percentage change in the Consumer Price Index for all urban consumers) in the amount of \$3,780 per dwelling unit. Any approval of this application would be subject to the payment of this charge.

12. **Health Department**—The Health Department reviewed the application and had no comments.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted but not yet approved. Prior to signature approval of the preliminary plan, the applicant should submit a copy of the concept approval letter and indicate the approval date on the preliminary plan. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
14. **Historic Preservation**—The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. The Historic Preservation Section does not recommend archeological investigation of this site.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Eley and Hewlett voting in favor of the motion, with Chairman Hewlett absent at its regular meeting held on Thursday, December 8, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk