

R E S O L U T I O N

WHEREAS, Town of Fairmount Heights is the owner of a 4.40-acre parcel of land known as Parcel A, NLP-59@17, Tax Map 65 in Grid F-4, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned C-S-C and R-T; and

WHEREAS, on July 13, 2005, Kenneth H. Michael filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 32 lots. 1 parcel and 1 outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05006 for Fairmount Gardens was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 5, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 5, 2006, 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 Preliminary Plan of Subdivision 4-05006, Fairmount Gardens for Lots 1-32, Parcel B, Outparcel A including a Variation to Sections 24-130 of the subdivision regulations with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To accurately indicate that there is no lot coverage requirement, but a maximum building coverage of 35 percent and a minimum yard area of 800 square feet (500 for the provision of decks) to be determined at the time of review of the DSP.
 - b. To provide the area of Parcel B (HOA).
2. A detailed site plan (DSP) is required pursuant to Section 27-433 of the Zoning Ordinance and in accordance with Part 3, Division 9, prior to the approval of the final plat of subdivision and the issuance of any permits for disturbance of the site. Review of the DSP shall include but not be limited to the following:
 - a. Interior noise levels not to exceed 45 dBA for all dwelling units. A Phase II noise study may be required.

- b. Because of the close proximity of the dwellings to the street, natural material barriers (stone, brick, etc.) should be provided along the public street frontages to define the residential edge.
 - c. Entrance feature and landscaping at the intersection of the site access and Sheriff Road.
 - d. Private on-site recreational facilities to complement those amenities found on the abutting neighborhood park and the existing tot-lot on-site.
3. Prior to issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
4. Prior to issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association the open space land (Parcel B). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to ensure that retention and future maintenance of the property to be conveyed.
5. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.
 6. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land prior to the issuance of building permits.
 7. Development shall be in conformance with an approved stormwater management concept plan and any subsequent revisions. Prior to signature approval, the approval number and date shall be noted on the plan.
 8. Prior to the issuance of building permits for residential units on this site, the building permits shall be modified to contain certifications by a professional engineer with competency in acoustical analysis that the building shells within the noise corridor along Sheriff Road have been designed to attenuate noise levels to 45 dBA Ldn or less.
 9. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall include all of the expanded buffer, except for areas of proposed variations, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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 tree, limbs, branches, or trunks is allowed.”
 10. Prior to issuance of any permits which impact jurisdictional wetland, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits as evidence that approval conditions have been complied with.
 11. The location of the trail shall be staked in the field and approved by Department of Parks and Recreation (DPR) prior to construction.
 12. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed to assure dry passage of the trail.
 13. The path shall be widened to eight feet in accordance with the DPR recommendation.

- The plan should be revised to show a 10-foot wide landscape buffer along the southern property line adjacent to the single family detached dwellings.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- 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.
- The subject property is located on the south side of Sheriff Road, approximately 500 feet west of its intersection with Addison Road in the Town of Fairmount Heights.
- Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-T & C-S-C	R-T & C-S-C
Use(s)	Vacant	SF Semidetached (28) Townhouses (4)
Acreage	R-T: 4.17 C-S-C: 0.23 Total: 4.4	R-T: 4.17 C-S-C: 0.23 Total: 4.4
Lots	0	32
Outparcels	0	1
Parcels	1	1
Dwelling Units:	0	32

- Environmental**—This 4.4-acre property is located on the south side of Sheriff Road, approximately 500 feet west of its intersection with Addison Road. A review of the available information indicates that there are streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils on the site. There is no 100-year floodplain associated with the site. Sheriff Road is an arterial roadway, a noise generator and generally regulated for noise. The primary soil types found to occur on the subject property according to the Prince George's County Soils Survey are Bibb, Elkton and Sunnyside-Urban land complex. These soil series have limitations with respect to steep slopes, high water table, flood hazard, and poor drainage but will not affect the site layout. Based on the 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, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property. This property is located in Lower Anacostia River watershed and in the Developed Tier as delineated on the approved General Plan.

Woodland Conservation

Although the gross tract area of the subject property is greater than 40,000 square feet, this property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are less than 10,000 square feet of existing woodland. A Type I tree conservation plan was not submitted with the review package and is not required. This site has an approved letter of exemption from the Environmental Planning Section, dated February 17, 2005. The letter of exemption will be required as part of the application for any grading or building permit.

Noise

The subject property abuts Sheriff Road, an arterial roadway with a noise impact zone (65 dBA Ldn noise contour) extending approximately 144 feet from the center of the roadway using the Environmental Planning Section noise model. The plan shows the noise impact zone at approximately 200 feet from the centerline of Sheriff Road with only marginal noise impacts on Lots 1-2 and 31-32.

Natural Resources Inventory and Variation Request to Section 24-130

The preliminary plan application has a signed Natural Resources Inventory (NRI/12/05) dated May 4, 2005, that was included with the application package. The plan proposes one impact to the expanded stream buffer for the installation of an outfall for a stormwater management pond. Section 24-130 of the Subdivision Regulations prohibits impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Staff notes that the topography of the site dictates stormwater drainage patterns. One variation request, dated July 25, 2005, in conformance with Section 24-113 of the Subdivision Regulations, has been reviewed.

The proposed impact to the expanded stream buffer is required for the stormwater management pond outfall to serve the proposed development. This will disturb a total of 1,728 square feet of the expanded stream buffer. The details of construction will be reevaluated by the Department of Environmental Resources during the review of the construction permits to further reduce impacts. No federal or state wetland permits will be needed.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific

case that:

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormwater outfall is required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The specific topography of the site requires the use of a stormwater management pond and outfall to adequately serve the proposed development.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of stormwater management facilities are required by other regulations. The proposed impact is not a violation of any other applicable law, ordinance or regulation.

- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

The topography provides no alternative for the location of the stormwater outfall that is required to serve the development. Without the required stormwater management facilities, the property could not be properly developed in accordance with the R-T Zone.

Staff supports the variation request for the reasons stated above.

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. Therefore, the property will be served by public systems.

5. **Community Planning**—The property is located within the limits of the 1993 approved Landover and Vicinity Master Plan, Planning Area 72, in the Fairmount Heights Community. The recommended land use for the property is low urban residential density. The 2002 General Plan locates this property in the Developed Tier. One of the visions for the Developed Tier is to create a network of sustainable, transit supporting, mixed-use, pedestrian-oriented neighborhoods. The proposed plan is consistent with the recommendations of the master plan and the General Plan. The 1993 sectional map amendment retained the property in the R-T Zone.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the staff recommends that the applicant provide private on-site recreational facilities for the fulfillment of the requirements of the mandatory dedication of parkland. The on-site facilities should complement existing facilities in the area.

The Fairmount Heights North Community Park (M-NCPPC) is abutting to the north and contains two tennis courts, softball field with football/soccer overlay, basketball court, trail, playground and picnic area. Staff is recommending private on-site recreational amenities to complement those facilities on the abutting park site, primarily in the form of a tot-lot and a trail connection to the park site.

7. **Trails**—There are no trail issues identified in the adopted and approved Landover and Vicinity Master Plan. A wide sidewalk currently exists along the site's frontage along Sheriff Road, where the Department of Public Works and Transportation has made extensive streetscape improvements.
8. **Transportation**—In accordance with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count from the applicant, and the needed count at the intersection of Addison Road/Sheriff Road was provided. The count was taken in September 2005 and was used to determine adequacy. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section.

Growth Policy—Service Level Standards

The site is within the Developed Tier as defined in the 2002 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 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 traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The transportation staff based its findings on the traffic impacts at one critical intersection, which is signalized. The traffic generated by the proposed preliminary plan would impact the intersection of Addison Road/Sheriff Road. The critical intersection 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.

Existing Conditions				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(AM & PM)	
Addison Road/Sheriff Road	1,348	945	D	A

The guidelines identify signalized intersections operating at LOS E with a critical lane volume of 1,600 or better during both peak hours as acceptable. Both the AM and PM peak-hour levels of service are acceptable under existing conditions. The transportation staff has reviewed approved development and assumed a five percent annual growth rate for through traffic along Addison Road and Sheriff Road. Background conditions are summarized below:

Background Conditions				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(AM & PM)	
Addison Road/Sheriff Road	1,394	970	D	A

Under background conditions both the AM and PM peak hour levels of service are operating at acceptable standards for the Developed Tier as defined in the guidelines.

The site is proposed for development as a residential subdivision of 32 lots (semi-detached units). The proposed development would generate 22 AM (4 in, 18 out) and 26 PM (17 in, 9 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (Revised September 2002). Staff assumes these trips are distributed as follows:

- 50 percent—East along Sheriff Road
- 40 percent—West along Sheriff Road
- 5 percent—North along Addison Road
- 5 percent—South along Addison Road

Given these assumptions, we obtain the following results under total traffic:

Total Conditions				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Addison Road/Sheriff Road	1,396	974	D	A

Based on the staff’s review of transportation adequacy issues in the area, the intersection of Addison Road/Sheriff Road will operate acceptably during the AM and PM peak hours.

Site Plan Comments

Sheriff Road is an arterial roadway listed in the Landover Master Plan (1993) as a six-lane roadway with 100 to 120 feet of right-of-way recommended. Dedication of at least 60 feet from the master plan centerline of Sheriff Road will be required. This is shown correctly on the site plan.

Lots 1, 2, 31, and 32 are shown opposite or fronting Sheriff Road, an arterial roadway. No driveway access shall be permitted from these lots to Sheriff Road. Access to all of the lots should be from the proposed cul-de-sac. The other proposed residential lots face the cul-de-sac.

The proposed cul-de-sac is shown offset from Leroy Gorham Drive at Sheriff Road. The offset is approximately 160 feet from centerline to centerline. Ideally the two roadways should line up opposite each other, however an existing environmental feature prevents this configuration. A stream buffer also exists in this area. With offset intersections, there are potential conflicts between left-turning vehicles. The proposed development will generate fewer than 20 left turns during the AM and PM peak hour, minimizing conflicts. If intersections are offset, this is the more desirable configuration in terms of reducing left-turn conflicts.

Findings and Recommendations

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities exist to service 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.

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	32 sfd	32 sfd	32 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	7.68	1.92	3.84
Actual Enrollment	35388	11453	16879
Completion Enrollment	218	52	105
Cumulative Enrollment	0	0	0
Total Enrollment	35613.68	11561.92	16987.84
State Rated Capacity	38187	11272	15314
Percent Capacity	90.88%	102.08%	110.93%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

County Council bill CB-31-2003 establishes a school facilities surcharge as adjusted by the percentage change in the Consumer Price Index for all urban consumers in the amount of \$7,161 per dwelling if a building is located between I-495 and the District of Columbia; \$7,161 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 \$12,276 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.

The Historic Preservation and Public Facilities Planning Section staff finds that this project is consistent with the review for school facilities as contained in Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision 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 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, Chapel Oaks Company 38, 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 standards 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 Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in District III. The Prince George’s County Police Department reports that the average yearly response times for that district are 19.67 minutes for nonemergency calls, which meets the standard of 25.00 minutes, and 8.51 minutes for emergency calls, which meets the standard of 10.00 minutes.

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy for a total of 1,345 personnel, which is within the standard of 1,278 officers, or 105 percent.

12. **Health Department**—The Health Department reviewed this application and has no comments.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required to ensure that development of this site does not result in on-site or downstream flooding. A stormwater management concept plan has been submitted but has not yet been approved. Discussions with DER staff indicate that the concept plan will be approved. An approved plan must be submitted prior to signature approval of this preliminary plan. Development must be in accordance with the approved plan or any authorized revision thereto.

14. **Historic Sites/Cemeteries**—There are no known historic sites or cemeteries on or adjoining 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. No further archeological investigation is recommended.

15. **Urban Design**—The proposed four lots adjacent to Sheriff Road should be designed so that no lots within the development will have frontage on or direct vehicular access to the arterial roadway. All lots should have driveways accessing the internal private street. These four lots will be particularly visible from Sheriff Road and will set the tone for the entire development. As such, it is imperative that they are well presented. Particular attention to architectural design, landscaping, and buffering must be taken at the time of detailed site plan approval to ensure a high quality product that meshes favorably with the streetscape improvements undertaken by DPW&T. These four lots do not have the 150-foot lot depth required per Section 24-121(a)(4). A variation from this requirement is necessary and has been submitted.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The requirement for a 150-foot lot depth is to provide for public safety, health and welfare by allowing adequate setback from road noise along arterial roadways. As discussed, the Environmental Planning Section noise model shows the 65 dBA Ldn noise contour extending approximately 144 feet from the center of the roadway, with only marginal noise impacts. Conditions are proposed to ensure that prior to the approval of building permits, there will be a certification by a professional engineer with competency in acoustical analysis that the building shells of structures within the 65 dBA Ldn noise corridor have been designed to reduce interior noise levels to 45dBA (Ldn) or less. The block of four townhouses themselves will act as a sound barrier to ensure that rear yards are not negatively impacted by road noise.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The subject property has an unusual orientation relative to Sheriff Road, with the vast majority of the site being tucked away behind commercially zoned and developed land. In this instance, this orientation, the required stormwater management facility, and the 150-foot lot depth requirement would necessitate these four lots be removed or placed so far to the rear of the site as to make the development nearly invisible.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The proposed impact is not a violation of any other applicable law, ordinance or regulation. Conditions have been recommended to ensure that state and county noise regulations will be met.

- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the**

owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.

The orientation of the site and need for stormwater management conspire to make the 150-foot lot depth impractical in this case. The strict letter of this regulation would leave the visible portion of this site undevelopable, creating a particular hardship to the owner.

Staff supports the variation request for the reasons stated above.

Conformance with the *Landscape Manual*

At the time of detailed site plan the project will be reviewed for conformance to the *Landscape Manual*. The property to the north appears to be adjacent to unidentified commercial and a 20-foot wide buffer is shown on the plans. At the time of detailed site plan the identification of the uses on the adjacent properties will be required. To the south of the subject property is single-family-detached units. No buffer is shown in that location; however, a minimum 10-foot-wide buffer will be required. Staff recommends that the plans be revised prior to signature approval to show the 10-foot-wide buffer outside of the lot lines along the southern border. At the time of the detailed site plan, the applicant will have the option of applying for Alternative Compliance.

Private Recreational Facilities

Private recreational facilities are recommended for this subdivision. The plans currently show a four-foot wide path connecting the subject property and the property to the south to the adjacent parkland. The use of a four-foot wide path is too narrow. Staff recommends that the path be widened to eight feet in accordance with the Department of Parks and Recreation recommendation. The ability of the applicant to utilize the existing play structure on the site for credit toward the total amount of required on-site recreational facilities will be determined at the time of the detailed site plan, through site investigation and conformance to the *Park and Recreation Facilities Guidelines* and the *Handbook for Public Playground Safety*.

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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, January 5, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of February 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk