

CORRECTED R E S O L U T I O N

WHEREAS, Uma Ahluwalia is the owner of a 5.22-acre parcel of land known as Parcel 39, Tax Map 35, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on September 6, 2006, Uma Ahluwalia filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06068 for Presley Road Property 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 November 9, 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 November 9, 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 the Type I Tree Conservation Plan (TCPI/44/06), and further APPROVED Preliminary Plan of Subdivision 4-06068, Presley Road Property for Lots 1-3 with the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI worksheet shall be revised to reflect the correct floodplain acreage based on the approved 100-year floodplain study by DER and the signed NRI.
2. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. In optional TCPI note #6 in the first sentence, put a period after reference to the stormwater management case number and delete the remainder of the phrase.
 - b. After this revision has been made, have the qualified professional who prepared the plan shall sign and date it.
3. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/44/06). 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/44/06), 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.”

4. Prior to the issuance of building permits for proposed Lots 2 and 3, an –01 revision to TCPII/40/06 shall be submitted to the Environmental Planning Section for review and approval.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area 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 trees, limbs, branches, or trunks is allowed.”

6. Prior to signature approval of the preliminary plan, submit a copy of the approved stormdrain concept plan and the stormwater management concept letter shall be submitted and the number and approval date noted on the preliminary plan..
7. Development of this site shall be in conformance with the stormwater management concept plan and any subsequent revisions.
8. Prior to the issuance of any permits, the Planning Board or their designee shall approve a limited detailed site plan in accordance with Finding ~~*[2]~~4.
9. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication for Lot 2 and Lot 3.

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.

*Denotes Correction

Underlining indicates new language

[Brackets] indicate deleted language

2. The Presley Road property is a rectangular shaped parcel, known as Parcel 39. Located on Tax Map 35 Grid D-3, the subject property is 5.22 acres in size and is zoned R-80. The property has frontage along Presley Road. The subject property is located north of Good Luck Road, west of Elvis Lane and on the west side of Presley Road, approximately 200 feet north of Orbit Lane.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Use(s)	Single-Family Residential	Single-Family Residential
Acreage	5.22	5.22
Lots	0	3
Outlots	0	0
Parcels	1	0
Dwelling Units:	1 (under construction)	3 (total)
Public Safety Mitigation Fee	-	No

4. **Subdivision**—As mentioned in the Overview Section of this report, there is one single-family dwelling unit currently under construction on proposed Lot 1. The remainder of the property (proposed Lots 2 and 3) is wooded and undeveloped. Given the orientation and relationship of the single-family home under construction on Lot 1 to the proposed single-family residence on Lot 2 and the environmental features on proposed Lot 3, staff believe that a limited detailed site plan can ameliorate any concerns with regards to the compatibility of the architecture and environmental issues and concerns related to the setting of a single-family residence on Lots 2 and 3.
5. **Environmental**—The Environmental Planning Section has reviewed revised plans for Preliminary Plan of Subdivision 4-06068, and a Type I Tree Conservation Plan, TCPI/44/06, stamped as received on October 6, 2006. This submittal included a revised preliminary plan and the initial Type I Tree Conservation Plan. The Environmental Planning Section recommends approval of Preliminary Plan 4-06068 and TCPI/44/06 subject to conditions found at the end of this memorandum.

Background

The Environmental Planning Section previously reviewed this site as a Type II Tree Conservation Plan, TCPII/40/06, which was approved in early 2006. The proposal is for the creation of three single-family residential lots. Currently one single-family dwelling is under construction on proposed Lot 1. Prior to the issuance of building permits for proposed Lots 2 and 3, the TCPII must undergo an –01 revision to reflect the proposed development.

Site Description

This 5.22-acre property is located on the west side of Presley Road at the intersection with Elvis Lane. The site is approximately 2,000 feet south of MD 193 and is zoned R-80. Two regulated environmental features are associated with the site: a stream and 100-year floodplain. Based on Year 2000 aerial photos the site is 100 percent in woodlands. Three soil series are found to occur on the site according to the Prince George's County Soil Survey. These include Christiana Fine Sandy Loam (two types in this series), Iuka silt loam and Sunnyside Fine Sandy Loam. The Christiana and Keyport soils have K factors of 0.43 that classify them as highly erodible. Both Christiana soils are prone to high shrink-swell conditions and instability that may affect foundation design. Marlboro clays are not associated with the property. There are no traffic noise generators in the vicinity of the site. There are no designated scenic or historic roads located in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Wildlife and Heritage Program, rare, threatened, or endangered species are not found to occur in the vicinity of this property. According to the Countywide Green Infrastructure Plan, evaluation areas and network gaps, are associated with the site. The site is in the Baldhill Branch watershed of the Patuxent River basin, the Glenn Dale-Seabrook-Lanham and Vicinity Planning Area, and in the Developing Tier as reflected in the General Plan.

Environmental Review

A staff signed natural resources inventory (NRI/093/06) was included in the preliminary plan submittal. The TCPI worksheet does not show the same information as the signed NRI regarding the total floodplain acreage. The signed NRI shows 2.85 acres of floodplain in conformance with the approved DER 100-year floodplain study and the TCPI worksheet indicates 2.74 acres of floodplain. The TCPI must be revised to reflect the correct acreage based on the approved 100-year floodplain study and the signed NRI.

A Forest Stand Delineation (FSD) was conducted in summer 2006. Two forest stands (Stands A and B) were identified. Stand A totals 1.68 acres and is a mixed hardwood forest with red maples and loblolly pine the dominant tree species. Stand B totals 3.54 acres and is a bottomland hardwood forest with red maple sweet gum the dominant tree species. Three specimen trees were field located and all three trees are located in Stand B. Both stands have 93 percent canopy closure and have priority retention ratings. Prior to signature approval of the preliminary plan, the TCPI worksheet should be revised to reflect the correct floodplain acreage based on the approved 100-year floodplain study by DER and the signed NRI.

The site is subject to the Prince George's County Woodland Conservation Ordinance because there is a previously approved Type II Tree Conservation Plan, TCPII/40/06, associated with the site. A Type I Tree Conservation Plan was submitted for the development of three lots and has been reviewed.

Based on the current plan's worksheet the site contains 2.48 acres of existing woodland. The site has a woodland conservation threshold (WCT) of 20 percent or 0.50 acres. The total amount of

proposed woodland cleared is 0.99 acres, resulting in a woodland conservation requirement of 0.76 acres. The worksheet shows this requirement will be met with 0.76 acres of on-site woodland preservation. In order for the plan to meet the requirements of the Woodland Conservation Ordinance, minor revisions are necessary.

The correct floodplain acreage must be shown in the plan's worksheet as noted above. In standard TCPI note #6 regarding stormwater management the first sentence needs a period after the reference to the stormwater management case number and the remainder of the phrase should be deleted. After this revision has been made, the qualified professional who prepared the plan should sign and date it.

Because this site has an approved TCPII and a house on proposed Lot 1 is under construction, an -01 revision to the TCPII must be approved prior to the issuance of building permits for proposed Lots 2 and 3 to reflect the development. Prior to signature approval of the preliminary plan, the TCPI should be revised. Development of this subdivision should be in conformance with the approved Type I Tree Conservation Plan (TCPI/44/06). The final plat of subdivision should note the restrictions of the Woodland Conservation Ordinance. Prior to the issuance of building permits for proposed Lots 2 and 3, an -01 revision to TCPII/40/06 should be submitted to the Environmental Planning Section for review and approval.

The site has an evaluation area and a network gap associated with it as shown on the Countywide Green Infrastructure Plan. Approximately 50 percent of the site is within a designated evaluation area and 50 percent is in a network gap. The site is 100 percent wooded. The proposed design implements the Green Infrastructure Plan at this location because the threshold will be met on-site, no impacts are proposed to the evaluation area and priority woodland will be preserved. No further information regarding implementation of the Green Infrastructure Plan at this location is necessary.

The site contains a stream and 100-year floodplain within the Patuxent River basin. All regulated site features are required to be delineated at the time of preliminary plan submission. The correctly delineated Patuxent River Primary Management Area (PMA) as shown on the signed NRI is to be preserved to the fullest extent possible as required in Section 24-130(b)(5) of the Subdivision Ordinance. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the Patuxent River Primary Management Area and should be reviewed by the Environmental Planning Section prior to approval of the final plat. A note detailing the Conservation easements should be placed on the final plat.

An unsigned copy of a stormwater management concept plan was initially submitted. No new information or plans for review were included in the recent submittal. A copy of the approved stormwater management concept letter and concept plan must be submitted to determine whether there are conflicts in relation to proposed stormwater management facilities and proposed woodland treatment areas on the TCPI. Prior to signature approval of the preliminary plan, the

applicant should submit a copy of the approved stormdrain concept plan and the stormwater management concept letter.

Water and Sewer Categories

The water and sewer categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated December 2001. The Washington Suburban Sanitary Commission must approve the connections before the recordation of the final plat.

6. **Community Planning**— The subject property is 5.22 acres in size and is located North of Good Luck Road, West of Elvis Lane on the West side of Pressley Road, approximately 200 feet north of Orbit lane in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential development, 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. The recommended land-use is for suburban density, single-family residential development. There is one existing single-family residence under construction; the remainder of the property is undeveloped. The proposal is for two additional single-family residences. The application conforms to the recommendation of the 1993 Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70) for single-family detached residential development.
7. **Parks and Recreation**—In accordance with Section 24-134(a)(3) of the Prince George’s County Subdivision Regulations, Lot 1 of the subject subdivision is exempt from mandatory dedication of parkland requirements because it will contain an existing dwelling unit. In accordance with Section 24-135(a) of the Prince George’s County Subdivision Regulations, the Park Planning and Development Division recommends that the Prince George’s County Planning Board require a payment of a fee-in-lieu of dedication from Lots 2 and 3 as applicable from the subject subdivision because land available for dedication is unsuitable due to its size and location.
8. **Trails**—The following preliminary plan was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area master plan in order to provide the master plan trails. The Adopted and Approved Glenn Dale-Lanham-Seabrook and Vicinity Master Plan recommend a trail connection through the subject site. This trail would link the planned trail along Bald Hill Branch with the M-NCPPC parkland east of Presley Road and the existing Duvall High School, Robert Goddard Middle School and Catherine T. Reed Elementary School. However, the subject site has numerous environmental constraints and features that make the provision of the trail not feasible at this location. A tributary of Bald Hill Branch meanders through the site. Much of the site is within the floodplain of this creek and within the primary management area (PMA) and associated stream buffers. In total, the crossing of the PMA required to make the trail connection would be approximately 220 feet. Due to these environmental features, staff recommends that this trail connection be relocated to a more feasible location between Bald Hill Branch and Presley Road. As numerous undeveloped properties remain in this corridor, additional opportunities to pursue a more suitable trail location may occur as additional properties are developed. Presley

Road is an open section in the vicinity of the subject site. Properties to the north and south do not include sidewalks. There are no master plan trail recommendations.

9. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 5.22 acres of land in the R-80 Zone. The property is located on the west side of Presley Road in Seabrook. The applicant proposes a residential subdivision consisting of three lots.

Based on the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” the two-lot single-family development will generate 2 AM peak hour trips, and 3 PM peak hour trips. The subject property is located within the Developing Tier as defined in the 2002 *Approved 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 traffic controls) if deemed warranted by the appropriate operating agency.

Pursuant to provisions in the Guidelines, the Planning Board may find that traffic impact of small developments is *de minimus*. A *de minimus* development is defined as one that generates 5 trips or fewer in any peak period. Regarding on-site circulation of traffic, staff has no issues.

Transportation Staff Conclusions

Based on the fact that the subject application is considered to be *de minimus*, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved.

10. **School Facilities**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	6,327	7,218	10,839
Completion Enrollment	132	112	223
Cumulative Enrollment	11.28	237.78	476.64
Total Enrollment	6,470.76	7,567.90	11,538.88
State Rated Capacity	6,339	6,569	8,920
Percent Capacity	102.08%	115.21%	129.36%

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

These figures are correct on the day the referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003, allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be a 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.

11. **Fire and Rescue**—The Historic Preservation & 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)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station West Lanham Hills, Company 48, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The fire chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

12. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District II. The standard response time for emergency calls is 10 minutes and 25 minutes for non-emergency 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 September 6, 2006, as noted on cover sheet.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-08/05/06	10.00	22.00

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on August 5, 2006. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Presley Subdivision, 4-06068 and has noted that public water and public sewer will serve this subdivision in which a recently constructed block foundation is located for a log house (located on proposed Lot 1).
14. **Stormwater Management**—A stormwater management concept plan was submitted. CSD # 32540-2006-00 was submitted and is pending. Approval must be confirmed prior to signature approval of the preliminary plan.

15. **Archeology**—Phase I archeological survey is not recommended for the above-referenced property. However, the applicant should be aware that state or federal agencies may require archeological investigation through provisions of Section 106 of the National Historic Preservation Act.
16. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.

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 Clark, with Commissioners Eley, Clark, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, November 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of December 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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