

R E S O L U T I O N

WHEREAS, an .83-acre parcel of land known as Lots 18 and 19, Block C, Plat (A-100), Tax Map 44, E-1, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on September 5, 2006, Nancy C. Mallard 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 4-06094 for Seabrook 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 Preliminary Plan of Subdivision 4-06094, Seabrook for Lots 24-26 with the following conditions:

1. Prior to signature approval of the preliminary plan, the applicant shall submit a copy of the approved storm drain concept plan and the stormwater management concept letter. The number and approval date shall be noted on the preliminary plan.
2. Development of this site shall be in conformance with the stormwater management concept plan and any subsequent revisions.
3. Prior to the issuance of any permits, the Planning Board shall approve a limited detailed site plan in accordance with Finding 2.
4. 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 24 and Lot 26.
5. Prior to signature approval of the preliminary plan the standard 10-foot-wide public utilities easement (P.U.E.) shall be shown.

6. The abandoned septic tank, if it has not already been backfilled, must be pumped out by a licensed scavenger and either removed or backfilled in place prior to final plat approval.
7. The abandoned underground fuel storage tank located in the front yard must be removed prior to final plat approval and the contents properly discarded. If staining is encountered, the soils beneath this tank must be removed and properly disposed. A representative from the Health Department must evaluate the soils for possible contamination once the tank is removed.
8. Prior to signature approval of the preliminary plan, illustrate the old storage shed found to the rear of proposed Lot 24 shall be reflected and a note provided indicating whether it is to remain or be removed. If the structure is to be removed, a raze permit is required prior to the removal of any structure and can be obtained through the Department of Environmental Resources, Office of Licenses and Permits, any hazardous materials located in and around this structure must be removed and properly stored or discarded prior to the removal of this structure.

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 subject property consists of two rectangular shaped lots created by the recorded plat, known as Seabrook. Lots 18 and 19, Block C (A-100), located on Tax Map 44 Grid E-1. It is .83 acres in size and is zoned R-80. The property has frontage along Dubarry Avenue. The subject property is located on the north side of Dubarry Avenue, approximately 2,000 feet east of Seabrook Avenue.
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	.83	.83
Lots	2	3
Outlots	0	0
Parcels	0	0
Dwelling Units:	1 (to remain)	3 (2 new)
Public Safety Mitigation Fee	-	No

4. **Subdivision**—As mentioned in the Overview section of this report, the applicant is proposing to subdivide the property into three lots for single-family residence. There is an existing single-family residence on proposed Lot 25. Staff believes that the setting of the two proposed single-family residences on Lots 24 and 26 will have a direct impact to the relationship of the exiting

single-family residence and the lot arrangement. Staff believes that a limited detailed site plan can address any issues with regards to the compatibility of the architecture, buffering, landscaping and the final lot configuration.

5. **Environmental**—The Environmental Planning Section has reviewed a revised Preliminary Plan of Subdivision 4-06094, stamped as received on October 11, 2006. The Environmental Planning Section recommends approval of Preliminary Plan 4-06094 subject to one condition found at the end of this memorandum. This memo supercedes all previous memoranda from the Environmental Planning Section.

### **Background**

The Environmental Planning Section has not previously reviewed plans associated with this site. The proposal is for the creation of three lots for single-family detached dwellings where two lots (Lots 18 and 19 of Block C) currently exist. One existing single-family detached dwelling exists at the site and will remain.

### **Site Description**

There are no regulated environmental features associated with the site. Based on year 2000 air photos there are no existing woodlands on-site. One soil series is found to occur at the site according to the Prince George's County Soil Survey. Christiana Silt Loam soils are associated with the site. This soil series has a K-factor of 0.43 and is prone to development constraints; these include limitations in relation to house foundations and streets, in that, the soils are unstable and there is high shrink-swell potential. There are no sources of traffic-generated noise in vicinity of the site. There are no designated scenic or historic roads located in vicinity of this property. According to available information obtained from the Maryland Department of Natural Resources Wildlife and Natural Heritage Program, rare, threatened, and endangered species are not found to occur in the vicinity of this property. According to the approved *Countywide Green Infrastructure Plan*, no network features exist on-site. The site is in the Folly 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 adopted General Plan.

### **Environmental Review**

A staff signed Natural Resources Inventory (NRI/064/06) was included in the preliminary plan submittal. Information in the NRI indicates there are no woodlands on-site and no specimen trees. The revised preliminary plan has been reviewed in relation to the signed NRI and the former plan is consistent with the NRI. No further information regarding the NRI is necessary.

The site is exempt from the Prince George's County Woodland Conservation and Tree Preservation Ordinance because there is less than 10,000 square feet of existing woodlands on-site. On August 4, 2006, the Environmental Planning Section issued a standard letter of exemption from the ordinance. This letter is valid through August 4, 2008 and should be

submitted with all permit applications. No further information regarding woodland conservation is necessary.

A revised preliminary plan has been submitted and reviewed. However, no copies of the approved storm drain concept plan and stormwater management concept plan approval letter were submitted. Although the preliminary plan was revised, there are still two notes on this plan regarding stormwater management that read as follows:

1. The subject property is currently developed with an existing house and an existing paved driveway. Stormwater management will be addressed utilizing roof disconnect and sheet overland flow methods.
2. The proposed new development appears to not require any further stormwater management measures.

Submittal of a copy of the approved stormwater management concept plan approval letter is required prior to signature approval of the preliminary plan.

### **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. Water and sewer lines in Dubarry Avenue abut the property. The Washington Suburban Sanitary Commission must approve the sewer extensions before the recordation of the final plat.

6. **Community Planning**— The subject property is .083 acres in size and is located at the North side of Dubarry Avenue and East of Seabrook Avenue 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. There is one existing single-family residence and 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 25 of the subject subdivision is exempt from mandatory dedication of parkland requirements because there is an existing house on the site. 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 24 and 26 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. There are no

master plan trails issues identified in the Glenn Dale-Lanham-Seabrook and Vicinity master plan that impact the subject site. Existing Dubarry Avenue is open section with no sidewalks, as are other roads in this residential community. There is an existing sidewalk along nearby Seabrook Road, which provides access Seabrook Elementary School and surrounding commercial areas. 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 0.83 acres of land in the R-80 zone. The property is located on the north side of Dubarry Avenue in Seabrook. The applicant proposes a residential subdivision consisting of 3 lots. On one of the three lots exist a residential dwelling, which will remain; consequently, only lots for the two new dwelling units are being created.

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 2 PM peak hour trips. The subject property is located within the Developing Tier as defined in the *Prince George’s County Approved General Plan*. As such, the subject property is evaluated according to the following standards: **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.

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	6327	7218	10839
Completion Enrollment	132	112	223
Cumulative Enrollment	11.28	237.78	476.64
Total Enrollment	6470.76	7567.90	11538.88
State Rated Capacity	6339	6569	8920
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 interstate highway 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 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 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)(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 Seven-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 for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on September 5, 2006.

Reporting Cycle	Date	Emergency Calls	Non-emergency
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 Seabrook property and has noted and observed that the existing brick house is to remain served by public water and sewer. The abandoned septic tank, which once served this existing house, if it has not already been backfilled, must be pumped out by a licensed scavenger and either removed or backfilled in place prior to final plat approval. The abandoned underground fuel storage tank located in the front yard must be removed prior to final plat approval and the contents properly discarded. If staining is encountered, the soils beneath this tank must be removed and properly disposed. A representative from the Health Department must evaluate the soils for possible contamination once the tank is removed prior to grading permit approval. The old storage shed found to the rear of proposed Lot 24 needs to be reflected on the preliminary plan and a note provided indicating whether it is to remain or be removed. A raze permit is required prior to the removal of any structure and can be obtained through the

Department of Environmental Resources, Office of Licenses and Permits. An old storage shed is located on proposed Lot 24 and if it is to be removed, any hazardous materials located in and around this structure must be removed and properly stored or discarded prior to the removal of this structure.

14. **Stormwater Management**—a stormwater management concept approval application was submitted August 10, 2006, and is pending approval. Prior to signature approval of the preliminary plan, an approved stormwater management concept approval letter must be submitted.
15. **Public Utilities Easements (P.U.E.) Requests**—In accordance with the Subtitle 24, Section 24-122(a), a utility easement has been requested and is required and should be reflected on the preliminary plan.
16. **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 the provisions of Section 106 of the National Historic Preservation Act.
17. **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.

\* \* \* \* \*

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 Squire, with Commissioners Eley, Squire, Vaughns, Clark 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



PGCPB No. 06-253  
File No. 4-06094  
Page 9

TMJ:FJG:IT:bjs