PGCPB No. 06-39 File No. 4-05101

R E S O L U T I O N

WHEREAS, Sansone, Gloria Cipriano is the owner of a 1.21-acre parcel of land known as Parcel 36, Tap Map 35 in Grid C-2, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned R-T; and

WHEREAS, on November 16, 2005, Mike Cipriano Crossing filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 9 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05101 for Mike Cipriano Crossing 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 February 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 February 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/44/05), and further APPROVED Preliminary Plan of Subdivision 4-05101, Mike Cipriano Crossing for Lots 1-9 with the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:

    a. In standard TCPI Note 1 at the end of the first sentence, replace the reference to "TCPI/44/05" with the subject "Preliminary Plan 4-05101" case number.

    b. In standard TCPI Note 6 at the end of the second sentence, replace reference to "TCPI/44/05" with the subject "Preliminary Plan 4-05101" case number.

    c. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.

2. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/44/05). 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/44/05), 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/Tree Preservation Policy."

3. Prior to signature approval of the preliminary plan, remove reference to the NRI on the concept stormwater management plan so only reference to the latter plan is shown.

4. Development shall be in accordance with the approved Stormwater Management Concept Approval 27550-2005-00 and any revisions.

5. A raze permit shall be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on site must be removed and properly stored or discard prior to the structures being razed.

6. Standard sidewalks shall be provided along the subject site's entire road frontage of Cipriano Road and Lost Spring Way, unless modified by DPW&T.

7. 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.

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 is located on the west side of Cipriano Road approximately 900 feet south of its intersection with MD 193.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-T	R-T
Use(s)	Residential	Residential (Semi-Detached)
Acreage	1.21	1.21
Lots	0	9
Parcels	1	0
Dwelling Units:	1 (to be removed)	9
Detached	1	1
Public Safety Mitigation Fee		No

4. **Environmental—**The Environmental Planning Section has reviewed revised plans for

Preliminary Plan of Subdivision 4-05101 and the Type I tree conservation plan, stamped as received on December 30, 2005. The Environmental Planning Section recommends approval of Preliminary Plan 4-05101 and TCPI/44/05 subject to the recommended conditions in this memorandum.

Background

The Environmental Planning Section has not previously reviewed plans associated with this site. The plan is for the creation of Lots 1-8 for single-family residential semi-detached dwelling units and Lot 9 for a single-family detached dwelling. Existing structures are located at the site, all of which are proposed to be removed.

Site Description

This 1.21-acre property in the R-T Zone is located on the west side of Cipriano Road approximately 300 feet south of its intersection with MD 193. Based on a review of year 2000 air photos the site is 61 percent wooded. A review of available information indicates there are no regulated features associated with the site such as a stream, 100-year floodplain, or wetlands. Three soil types are associated with the site and these include one type in the Keyport series and two in the Rumford series. There are no development constraints associated with these soils based on the proposed residential use. According to available information, Marlboro clay is not found to occur at this location. There are no scenic or historic roads located in the vicinity of this property. Based on information from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," published December 1997, rare, threatened and endangered species are not found to occur in the vicinity of this property. There are no traffic-generated noise sources in the vicinity of the site. According to the approved Countywide Green Infrastructure Plan, no network features are located on the property. The site is in the Baldhill Branch watershed of the Patuxent River basin and the Developing Tier of the approved General Plan.

Environmental Review

As revisions are made to the submitted plans, the revision boxes on each plan sheet should be used to describe what revisions were made, when, and by whom.

The preliminary plan application has a signed natural resources inventory (NRI/085/05) that was included in the package submitted. The preliminary plan and TCPI show all the required information correctly.

A detailed forest stand delineation (FSD) was prepared and two stands were identified (Stands 1 and 2). Stand 1 contains 0.73 acre of existing woodland and Stand 2 contains 0.48 acre of scattered trees/open land. No field data was taken from Stand 2 based on its composition. In Stand 1 Sweet gum and red maple are the co-dominant tree species. A total of eight specimen trees were field located at the site. Stand 1 does not have a priority rating based on the lack of

significant environmental features and the presence of invasive, non-native plants in the understory. The woodlands have no connectivity to any significant off-site woodland.

This site is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it is greater than 40,000 square feet in size, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed.

A revised Type I Tree Conservation Plan (TCPI/44/05) has been submitted and reviewed. The plan shows the existing woodland is 0.73 acre. The woodland conservation threshold for this site is 0.24 acre (20 percent of the net tract). The amount of woodland conservation required is 0.61 acre, based on the amount of clearing currently proposed. The current plan proposes to meet the requirement with 0.61 acre of area approved with a fee-in-lieu payment. The fee-in-lieu option is allowed at this site because it is less than one acre in area.

Several minor revisions to the TCPI are necessary to meet the requirements of the ordinance. In standard TCPI Note 1 at the end of the first sentence, the reference to "TCPI/44/05" should be replaced with the subject "Preliminary Plan 4-05101" case number. In standard TCPI Note 6, at the end of the second sentence, the reference to "TCPI/44/05" should be replaced with the subject "Preliminary Plan 4-05101" case number. After these revisions have been made, the qualified professional who prepared the plan should sign and date it.

A signed/stamped approval by the Department of Environmental Resources (DER) for the site's stormwater management concept plan has been submitted on a plan called the natural resources inventory Plan (NRI). The case number from DER for the concept plan is CSD-36055-2005, signed on October 6, 2005. Although a copy of the concept plan approval letter was not included in the package submittal, the signed concept plan is sufficient. However, the NRI plan should be renamed to remove reference to it so only reference to the concept stormwater management plan is shown. In addition, because the site's woodland conservation requirement is proposed to be met with a fee-in-lieu payment, no on-site woodland treatment areas are shown and no potential impacts would result.

Water-Sewer

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designates this property in Water and Sewer Category 3. Water and sewer lines in Lost Spring Way abut the property. A sewer line extension is required to serve the subdivision as proposed and must be approved by the Washington Suburban Sanitary Commission (WSSC) before approval of a final plat. WSSC requires that if existing connections are to be abandoned, WSSC abandonment procedures must be followed; if reused, a fixture count provided before demolition.

5. **Community Planning**—This application is located 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 proposal is not inconsistent with the 2002 General Plan development pattern policies for the Developing Tier. The preliminary plan of subdivision conforms to the land use recommendations of the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* and the 1990 *Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67.* The 1990 adopted sectional map amendment for Planning Areas 65, 66 and 67 rezoned the property from the R-R Zone to the R-T Zone in accordance with the master plan's recommendation.

6. **Urban Design**—The application proposes to subdivide the subject site of 1.21 acres of land into eight single-family semi-detached lots and one single-family detached lot in the R-T Zone. The site must also meet conformance with the *Landscape Manual*. As such, the site will be subject to Section 4.7, Buffering Incompatible Uses, requirements, and the site is subject to the requirements of Section 27-120.01(c), Front Yards of Dwellings.

7. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.

8. **Trails**—There are no master plan trails issues in the adopted and approved Langley Park-College Park-Greenbelt master plan that impact the subject site. Currently, Cipriano Road includes a standard sidewalk along the west side both to the north and south of the subject site. Staff recommends the completion of the sidewalk across the subject site's road frontage.

9. **Transportation**—The following are the Transportation Planning Section's comments concerning traffic impact of the subject application.

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for a residential development consisting of nine lots. Since the property had an existing residence that will be razed and replaced by another single-family dwelling, the finding for adequacy will be based on the eight new dwellings. The proposed development would generate 6 AM and 7 PM peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The property is located in the southwest quadrant of the Cipriano Road/Lost Spring Way intersection, approximately 900 feet south of the Greenbelt Road (MD 193)-Cipriano Road intersection.

The traffic generated by the proposed preliminary plan would impact the signalized intersections of:

Greenbelt Road (MD 193)-Cipriano Road.

This 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:

The subject property is located 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.

The table below identifies the intersection on which the proposed development would have the most impact:

EXISTING CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Greenbelt Road (MD 193)-Cipriano Road	C/1,217	C/1,288

Staff's research of background developments revealed one development (Greenspring, 4-80121, 28 dwelling units) that could potentially affect the referenced intersection. With the inclusion of trips from this development, the analysis revealed the following results:

BACKGROUND CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Greenbelt Road (MD 193)—Cipriano Road	C/1,224	C/1,290

Citing the trip generation rates from the guidelines, the proposed development would generate 6 AM and 7 PM peak-hour vehicle trips. By combining site-generated trips with background traffic, the results are as follows:

TOTAL CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Greenbelt Road (MD 193)-Cipriano Road	C/1,226	C/1,292

The results of the analyses showed that adequate transportation facilities would continue to exist if this application is approved. Regarding site layout and on-site circulation, staff has no issue.

TRANSPORTATION STAFF CONCLUSIONS

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

10. **Schools—**The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary 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 2	Middle School Cluster 1	High School Cluster 2
Dwelling Units	9	9	9
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.16	0.54	1.08
Actual Enrollment	6,327	1,585	10,839
Completion Enrollment	132	19	223
Cumulative Enrollment	0	0	0
Total Enrollment	6,461.16	1,604.54	11,063.08
State-Rated Capacity	6,339	1,759	8,920
Percent Capacity	101.93	91.22	124.03

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

These figures are correct on the day the referral memo 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 amount of $7,000 per dwelling if a building is located between I-495 and the District of Columbia; $7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or $12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are $7,412 and $12,706 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 public 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 Regulations.

Fire Facilities

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/EMS Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657, or 95 percent, of authorized strength of 692 as stated in CD-56-2005.

The Fire Chief has reported by letter dated December 1, 2005, 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 nonemergency calls. The times are based on a rolling average for the proceeding 12 months beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on November 16. 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-10/05/05	11.00	24.00
Cycle 1	01/05/05-11/05/05	10.00	24.00
Cycle 2			
Cycle 3			

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers, or 90 percent, of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on November 5, 2005. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police facilities have been met.

13. **Stormwater Management**— A Stormwater Management Concept Plan, 36055-2005-00, has been approved with conditions to ensue that at the time of building permit, a geotechnical report is required with soil borings extended six inches below the slab of the structures to determine groundwater elevations. The existing A-10 inlet may need to be rebuilt. This determination will be made by the DPW&T during the permit process. Development must be in accordance with this approved plan.

14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Mike Cipriano Crossing and notes that a raze permit should be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on site should be removed and properly stored or discard prior to the structures being razed.

15. **Historic Preservation—**The Historic Preservation and Public Facilities division has reviewed the subject area and has found that there is no effect on historic resources.

16. **Archeology**—Phase I archeological survey is not recommended by the Planning Department on the above-referenced property. Section 106 review may require an archeological survey for state or federal agencies, however.

17. **City of Greenbelt**—The City of Greenbelt has reviewed the subject application and has no comments.

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 Squire, with Commissioners Eley, Squire, and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, February 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of March 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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