

R E S O L U T I O N

WHEREAS, Brook Road, LLC is the owner of a 7.62-acre parcel of land known as Parcels 173 and 175, Tax Map 73 in Grid A-3, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on December 5, 2006, Jake Orazi filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 27 lots and 3 outlots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05090 for Pietanza Woods II 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 April 20, 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 April 20, 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/25/95/-01), and further APPROVED Preliminary Plan of Subdivision 4-05090, Pietanza Woods for 26 lots and Outlots A, B, C with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Provide adjacent parcel/lot designations;
 - b. Clarify the distance along the rear lot line of Lot 1, Block B;
 - c. Correct general note 8 to indicate the minimum lot size shown is 6,849 square feet;
 - d. Remove general note 24 regarding proposed house sizes;
 - e. Clarify that the board-on-board fence adjacent to Parcel 174 will be six-feet in height.
 - f. Combine Lots 11 and 12, Block B into one HOA parcel for stormwater management, and label as Parcel A to be conveyed to the HOA.

- g. Combine Lots 1 and 2, Block B, resulting in the loss of one lot.
 - h. Locate existing well and septic.
- 2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
- 3. Prior to signature approval of the preliminary plan the applicant, his heirs, successors and assignees shall submit a copy of the stormwater concept approval letter and indicate the approval date and number on the preliminary plan. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
- 4. The applicant, his heirs, successors and assignees shall provide standard sidewalks along the property's entire Brooke Road street frontage unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
- 5. The applicant, his heirs, successors and assignees shall provide standard sidewalks along both sides of Road A, and Road B unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
- 6. Prior to final plat, the applicant, his heirs, successors, and assignees shall submit executed deeds of conveyance by all parties for Outlots A, B, and C. The applicant, his heirs, successors and assignees will demonstrate due diligence in obtaining the agreement for the conveyance of the outlots to the abutting property owners to the south. If not conveyed to the south that portion not conveyed shall be incorporated into the lots to the north and the existing easement reflected on the record plat.
- 7. Prior to the approval of permits, a limited detailed site plan shall be approved by the Planning Board, or its designee to address:
 - a. Grading, house siting, and retaining wall construction on the lot containing the existing 46-inch Red Oak.
 - b. Parcel A, if the parcel was required for stormwater management. Review shall include landscaping, construction and outfalls.
 - c. If appropriate for buffering, a six-foot-high board-on-board fence along the site's boundary adjacent to Parcel 174, Parcel 1, Parcel 302, and Parcel 187. The fence shall be installed along the north side of the 20-foot wide right-of-way as delineated on the approved preliminary plan.
- 8. Prior to the issuance of grading permits the applicant, his heirs, or successors shall demonstrate that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.

9. Prior to approval of the final plat of subdivision the applicant, his heirs, successors, and assignees shall pay a fee-in-lieu of parkland dedication.
10. Following approval of the Phase I archeological investigation draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.
11. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/25/95-01). 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/25/95-01), 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/Tree Preservation Policy and Subtitle 25.”
12. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan, TCPI/25/95-01, shall be revised as follows:
 - a. Revise the plan to show the critical root zones for the specimen trees
 - b. Revise the plan to show the off-site stormdrain shown on the conceptual stormwater plan and its associated clearing
 - c. Revise the worksheet to include the off-site clearing
 - d. Have the TCPI signed and dated by a qualified professional after the revisions are made.
13. Prior to signature approval of the preliminary plan, the approved stormwater concept letter and the associated plans shall be submitted and reviewed for conformance with the TCPI.
14. Prior to final plat the applicant shall either:
 - a. Demonstrate that the Department of Environmental Resources, through the review and approval of the technical stormwater management plan, has determined that the stormwater management basin is not required on Parcel A (previously shown as Lots 11 and 12, Block B), and the parcel can be converted back to the two building lots.
 - b. Convey Parcel A to the Homeowners Association.
15. Prior to the approval of building permits, the applicant, his heirs, successors and assignees shall convey to the homeowners association (HOA) open space land (Parcel A), if

HOA land is required. 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 retention and future maintenance of the property to be conveyed.
16. Prior to the approval of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established if required and that the common areas have been conveyed to the homeowners association
 17. Prior to the approval of the first building permit the applicant shall submit copies of the recorded deeds of conveyance for the outlots to the abutting property owners.

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 east side of Brooke Road, approximately 3,600 feet south of Central Avenue.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING R-55 (1) Detached Single- Family Dwelling	PROPOSED R-55 (26) Detached Single- Family Dwellings
Acreage	7.63	7.63
Lots	0	26
Outlots	0	3
Parcels	2	0
Dwelling Units:		
Detached	1	26
Public Safety Mitigation Fee		No

4. **Environmental**— The Environmental Planning Section has reviewed the above referenced Preliminary Plan of Subdivision for Pietanza Woods II, 4-05090, and Tree Conservation Plan, TCPI/25/95-01 stamped as received by the Countywide Planning Division on April 4, 2006

Background

The subject property was originally reviewed by the Environmental Planning Section in 1995 as Preliminary Plan of Subdivision, 4-95039 and TCPI/25/95, which were approved and subsequently in 1997 as Detailed Site Plan SP-97023, which was approved but since expired. The subject property was again reviewed in 2002 as Preliminary Plan of Subdivision 4-02028 in conjunction with TCPI/25/95-01. The plans were also approved with conditions, but the plans expired.

Site Description

Based on aerial photographic observation and site visits, the site is predominantly wooded. Adjacent to the subject property are residential areas zoned R-55. The site is characterized with gradually rolling terrain, and drains into unnamed tributaries within the Anacostia Watershed. There are no streams, nontidal wetlands, floodplain, and Waters of the US associated with the site. There are no erodible soils, or rare/threatened/endangered species located on or in the vicinity of this property. The predominant soil types on-site are Collington, Adelpia, Marr and Sassafras. These soil types generally exhibit slight to moderate limitations to development due to impeded drainage, seasonally high water table, and steep slopes. According to available information, Marlboro clay does not occur on this property. According to information obtained

from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. There are no noise issues associated with the proposal. This property is located in the Lower Anacostia River watershed of the Anacostia River basin and in the Developed Tier as reflected in the approved General Plan.

The preliminary plan application has a signed natural resources inventory (NRI/119/05), dated November 1, 2005 that was included with the application package. The preliminary plan and TCPI show all the required information that is shown on the current NRI. No additional information is required with regard to the NRI.

This property is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland.

The Type I Tree Conservation Plan, TCPI/25/95-01, stamped as received by the Environmental Planning Section on April 4, 2006, was reviewed. The plans submitted have been revised to show the preservation of the 46-inch red oak (specimen tree #2). The proposed retaining wall is located at the critical root zone line for this tree. In addition, special preservation notes are needed on the TCPII to ensure that this tree is properly cared for before, during and after construction. The prospective property owner of Lot 1 should also receive special notification under the provisions of CB-60-2005.

The minimum woodland requirement for the site is 1.52 acres of the net tract. Additionally, 2.83 acres are currently required due to the removal of woodlands, for a total of 4.35 acres of woodland conservation required. The remaining woodland that is shown to be retained and not counted toward meeting the requirements is of very poor quality and as such is rightly shown as "counted as cleared" so that future homeowners can remove it, if necessary, without penalty.

There are several technical errors that also need to be addressed: the critical root zones for the specimen trees have not been shown; show the off-site storm drain shown on the conceptual stormdrain plan and its associated clearing; revise the worksheet to include the off-site clearing; and have the revised plan signed and dated by the qualified professional who prepared the plan.

An approved stormwater management concept plan and letter were not submitted with the review package; however, an un-approved concept plan was submitted that shows an off-site easement east of the subject property. The stormwater management concept approval letter and associated plans are needed for comparison to the TCPI limits of disturbance.

The Environmental Planning Section recommends approval of the subject application.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps

obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

5. **Community Planning**—The subject property is located in the Capitol Heights Community, within the limits of the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*. The proposed development conforms to the land use recommendations of this master plan.

The 2002 *Prince George's County Approved General Plan* locates the property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The proposed development is consistent with the Development Pattern policies for the Developed Tier.

In a previous application (4-02028), the Community Planning Division staff presented planning issues regarding residential area design, which encourage pedestrian-friendly environments as well as maintain and/or enhance the character of the existing community.

6. **Parks and Recreation**—The subject property is located across the street from Brooke Road Neighborhood Park. The park includes a recreational building, softball field with football overlay, basketball court, playground, and parking lot. In accordance with Section 24-134(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 as applicable from the subject subdivision because land available for dedication is unsuitable due to its size and location.
7. **Trails**—The subject site is not impacted by any master plan trails issues identified in the Suitland-District Heights and Vicinity Master Plan. Brooke Road is open section along the frontage of the subject site. However, where road frontage improvements have been made along Brooke Road, a standard sidewalk has been provided. Staff recommends the provision of a standard sidewalk along the site's frontage and along both sides of the internal roads. The site is approximately one mile from the Capitol Heights Metro Station.
8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 7.62 acres of land in the R-55 zone. The property is located on the east side of Brooke Road, approximately 3,500 feet south of MD 332 (Central Avenue).

The Transportation Planning Section determined that a traffic study was not warranted by the size of the proposed development. A traffic count was requested at the intersection of MD 332/Suffolk Avenue and was provided. The count was taken in February 2006 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, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

Growth Policy–Service Level Standards

The site is within the Developed Tier, as defined in the General Plan. 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 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.

Staff Analysis of Traffic Impacts

The Transportation Planning staff is basing its findings on the traffic impacts at one critical intersection, which is not signalized: This is the intersection of MD 332 and Suffolk Avenue. 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 Plan.

For an unsignalized intersection, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. An average vehicle delay exceeding 50 seconds indicates inadequate traffic conditions. Under existing conditions the average vehicle delay for the intersection of MD 332/Suffolk Avenue during the AM peak hour is 25.2 seconds and during the PM peak hour 25.6 seconds. Therefore, under existing conditions the vehicle delay is acceptable as defined by the Guidelines.

The Transportation Planning staff has reviewed approved development and assumed a three percent annual growth rate for through traffic along MD 332. Under background conditions the average vehicle delay for the intersection of MD 332/Suffolk Avenue during the AM peak hour is 27.6 seconds and during the PM peak hour 26.9 seconds. Under background conditions the vehicle delay is acceptable as defined by the Guidelines.

The site is proposed for development as a residential subdivision of 28 lots. The proposed development would generate 21 AM (4 in, 17 out) and 25 PM (16 in, 9 out) peak hour vehicle trips as determined using the Guidelines. Staff assumes these trips are distributed as follows:

Sixty-five percent—north along Brooke Road/Suffolk Avenue

Thirty-five percent—south along Brooke Road

Given these assumptions, we obtain the following results under total traffic: AM peak hour (28.9 seconds) and PM peak hour (28.2 seconds). Under total traffic conditions the vehicle delay is acceptable as defined by the Guidelines.

Site Plan Comments

The submitted subdivision plan shows Road A and B serving the 28 lots. Road A provides access to Brooke Road. Road A is shown extending east and terminating as a stub road. Road A and B are shown with 50 feet of right of way. This will provide future access to the adjoining parcels, which are currently undeveloped with residential zoning (R-55). There is an existing right-of-way to the south of the property providing access to adjoining parcels. This is shown as outlots on the subdivision plan.

There are no master plan roads in the immediate vicinity of the site. No further dedication on Brooke Road appears to be required. It is shown with 60 feet of right of way on the subdivision plan.

Findings and Recommendations

Based on the preceding findings, 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 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 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	26 sfd	26 sfd	26 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	6.24	1.56	3.12
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	95.76	23.94	47.88
Total Enrollment	35,708	11,530.50	17,035
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.12%	102.29%	111.24%

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

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 on 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, CB-31-2003, and CR-23-2003.

10. **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 seven-minute response time for the first due fire station Capitol Heights,

Company 5, 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 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated 11/01/2005 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 Police District III. The standard response is 10 minutes for emergency calls and 25 minutes for non-emergency calls. The times are based on a rolling average for the preceding 12 months beginning with January of 2005. The preliminary plan was accepted for processing by the Planning Department on December 12, 2005.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-11/05/05	9.00	19.00
Cycle 1			
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 for a preliminary plan accepted prior to January 1, 2006.

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

12. **Health Department**—Any abandoned well found adjacent to the existing house located at 1110 Brooke Road must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department prior to issuance of a raze permit. The location of the well should be shown on the preliminary plan.

Any abandoned septic system serving the existing house at 1110 Brooke Road must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system should be shown on the preliminary plan.

A raze permit is required prior to removal of any of the structures (house and shed) on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well and septic systems properly abandoned before the release of the grading permit.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan # 8012090-1995-02 has been approved. Prior to signature approval of the preliminary plan the applicant should revise the preliminary plan to conform to that approval. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding. A condition of that approval may require the loss of two lots.
14. **Historic**—This preliminary plan application includes 7.62± acres on the east side of Brooke Boulevard south of the intersection with Suffolk Ave.

A Phase I archeological investigation was completed on the subject property and a draft report, Phase I Archeological Survey of the Pietanza Woods II Development in Prince George's County, Maryland Preliminary Plan 4-05090, was submitted on March 23, 2006. No archeological resources were identified on the subject property.

Conclusions and Recommendations

No additional archeological work is recommended by the Planning Department. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

Section 106 review may, however, require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Clark, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, April 20, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of May 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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