

R E S O L U T I O N

WHEREAS, Guy Stanton is the owner of a 3-acre parcel of land known as Parcel 181, Tax Map 114 in Grid F-4, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on May 31, 2007, 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 4-06110 for Azariah Estates 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 May 31, 2007, 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 May 31, 2007, 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 4-06110, Azariah Estates, for Lots 1-3 with the following conditions:

1. Development of the site shall be in accordance with the approved Stormwater Management Concept Plan, CSD 43758-2006, or any approved revision thereto.
2. 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 Lots 1 and 2.
3. Prior to the removal of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
4. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public street unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
5. The applicant, and the applicant's heirs, successors and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of

on “Share the Road with a Bike” sign. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, adequate space to accommodate a wide outside curb lane or designated bike lane is encouraged to accommodate bicycle traffic.

6. At the time of final plat approval, the applicant shall dedicate right-of-way along Allentown Road of 40 feet from the established Prince George’s Count Right-of-Way Plat centerline, which is consistent with the master plan centerline.
7. Prior to approval of a final plat, the applicant shall submit a copy of the Letter of Permission to use the PEPCO Right-of-Way for access to the property.
8. Prior to the approval of the final plat, the applicant, his heirs, successors, and/or assignees shall demonstrate conformance to the disclosure requirements of Section 27-548.43 of the Zoning Ordinance regarding the proximity of this subdivision to a general aviation airport.

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 North side of Allentown Road, 180 feet northeast of its intersection with Doris Drive. It is a large deed parcel which is surrounded by Single-Family residences in the R-R, R-80 and R-E Zones.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development:

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Single-Family	Single-Family
Acreage	3.0	3.0
Lots	0	3
Outlots	0	0
Parcels	1	0
Dwelling Units:		
Detached	1 (to be razed)	3 (new)
Public Safety Mitigation Fee		No

4. **Environmental**—According to the “Prince George’s County Soils Survey” the principal soils on this site are in the Beltsville series. Marlboro Clay does not occur in the area. There are no

streams, wetlands or 100-year floodplain in the property. The property eventually drains into Broad Creek in the Potomac River watershed. There are no nearby traffic-generated noise sources. The proposal is not expected to be a noise generator. No designated scenic or historic roads are affected by this proposal.

#### **Environmental Issues Addressed in the Henson Creek Master Plan**

There are no specific recommendations pertaining to the environmental elements of the Master Plan that relate to the subject property. The environmental regulations of the Subdivision Ordinance will adequately address the issues on the site.

#### **Countywide Green Infrastructure Plan**

Neither the subject property nor any adjacent properties contain any network elements of the Green Infrastructure Plan.

#### **Natural Resources Inventory**

A signed Natural Resources Inventory, NRI/136/05, was submitted with the review package. The NRI indicates that there are no streams, wetlands or 100-year floodplain on the subject property.

#### **Woodland Conservation**

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of existing woodland and there are no previously approved tree conservation plans for the subject property. A Letter of Exemption, S-165-06, was issued on May 23, 2006, and remains valid through May 23, 2008.

#### **Soils**

According to the "Prince George's County Soil Survey" the principal soils on this site are in the Beltsville Series. Beltsville soils are highly erodible and are in the C-hydric group. This information is provided for the applicant's benefit. A soils report in conformance with CB-94-2004 will be required during the permit process review.

#### **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 property is located in Planning Area PA 76B/Henson Creek of the

*2006 Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment.* The master plan recommends residential, low-density land use at a density up to 3.5 dwelling units per acre for the subject property. This application proposes a low-density residential use, and is therefore consistent with the recommendations within the 2006 master plan.

The 2002 General Plan locates the subject property within 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. This application proposes a low-density residential community, and is therefore consistent with 2002 General Plan Development Pattern policies for the Developing Tier.

6. **Parks and Recreation**—In accordance with Section 24-134(a) 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.
7. **Trails**—The Adopted and Approved Subregion VII Master Plan and the 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan designate Allentown Road as a master plan trail corridor. The recently Approved Henson Creek and South Potomac Master Plan further refines this recommendation to include a recommendation for continuous sidewalks and designated bike lanes. There is an existing sidewalk along the subject site's frontage of Allentown Road. Staff supports the provision of the standard sidewalk along the internal cul-de-sac as shown on the submitted preliminary plan. Existing Tayac Elementary School and Isaac J. Gourdine Middle School are less than one mile to the north of the subject site along Allentown Road.
8. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. The finding and recommendations outline below are based upon a review of these materials and analyses conducted by 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 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the *Guidelines*.

**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 a signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of Allentwon Road and Old Fort Road North. Staff has no recent traffic counts or analyses that have been performed at the critical intersection. Due to the limited trip generation of the site, however, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 2 AM and 3 PM peak-hour trips will have a de minimus impact upon delay in critical movements at the Allentown Road and Old Fort Road North intersection.

Allentwon Road is a collector facility in the master plan, with a right-of-way of 40 feet on each side of an established Prince George's County Right-of-Way Plat centerline, which is consistent with the master plan centerline.

#### **Transportation Staff Conclusions and Recommendations**

Based on the preceding findings, 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.

9. **Schools**—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:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	3 du	3 du	3 du
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.72	0.18	.36
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	58.2
Cumulative Enrollment	113.04	539.89	220.68
Total Enrollment	35,719.76	12,045	17,042.56
State Rated Capacity	39,187	11,272	17,042
Percent Capacity	91.115%	106.85%	111.2874%

Source: Prince George's County Planning Department, M-NCPPC, December 2006

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 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 systematic changes.

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities 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 and Public Facilities Planning Section has reviewed this subdivision plan for 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 Allentown, Company 47, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire/EMS Department.

Pursuant to CR-69-2006, the 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.

11. **Police Facilities**—The subject property is located in Police District IV. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency 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 January 23, 2007.

<b>Reporting Cycle</b>	<b>Date</b>	<b>Emergency Calls</b>	<b>Nonemergency Calls</b>
Acceptance Date	12/04/05-14/04/06	10.00	17.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on January 23, 2007.

Pursuant to CR-69-2006, the 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.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan if subdivision for Azariah Estates and has the following comments to offer:

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

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 (CSD 43758-2006), was approved by the Department of Public Works and Transportation on March 26, 2007, and is valid until March 26, 2010. The plan shows the use of dry wells to provide for water quality. Development must be in accordance with this approved plan.

14. **Historic**—A Phase I archeological survey is not recommended on the above-referenced 3.00-acre property at 9325 Allentown Road in Fort Washington, MD. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Aerial photographs indicate that most of the property has previously been impacted by the construction of a house on the property, indicating that any archeological sites that may have been present on the property have already been adversely impacted. However, the applicant should be aware that one prehistoric archeological site (18PR817, a late Woodland short-term camp) and one historic archeological site (18PR634, Belleview) have been identified within a one-mile radius of the subject property. In addition, three Historic Sites, Belleview (PG:81B-1), Terret House/Bird Lawn Manor (PG:76B-12), and Friendly School (PG:80-21) are located within a one-mile radius of the subject property.

Section 106 review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act required 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.

15. **PEPCO ROW Crossing**—Access to this site involves a crossing of a PEPCO right-of-way. The applicant has been in negotiations with PEPCO to secure permission to cross the ROW. In a letter dated April 12, 2007, Vernon D. Gibson of PEPCO has agreed to allow the use of the ROW subject to payment of fees associated with the relocation of a pole. After payment is received by PEPCO, a Letter of Permission will be forwarded to the applicant for execution.
16. Prior to the approval of the final plat, the applicant, his heirs, successors and/or assignees shall demonstrate the conformance to the disclosure requirements of Section 27-548.43 of the Zoning Ordinance regarding the proximity of this subdivision to a general aviation report.



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 date of notice of 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 Clark, with Commissioners Squire, Clark, Eley and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, May 31, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of July 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:TL:bjs