

R E S O L U T I O N

WHEREAS, a 2.48-acre parcel of land known as Parcel 9, Lots 8 and 9, Block 2, Section 2 Forest Heights, Tax Map 95 in Grids F-1 and F-2, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-T; and

WHEREAS, on September 18, 2006, Jack Nazario filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 16 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06079 for Talbert Court 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 January 4, 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 January 4, 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 the Type I Tree Conservation Plan (TCPI/46/06), and further APPROVED Preliminary Plan of Subdivision 4-06079, Talbert Court, including a Variation from Section 24-130 for Lots 1-16 and Parcel A with the following conditions:

1. 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/46/06), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

2. All reforestation notes and details shall be provided on the TCPII. All plants proposed shall be native plant species. The outermost edge of the planting area shall contain trees 1 inch in caliper minimum. Clear notes regarding responsibility for maintenance of this area during establishment and in perpetuity shall be provided.
3. At time of final plat, a conservation easement shall be described by bearings and distances. The

conservation easement shall contain the expanded stream buffer and the afforestation area except for the specific areas of impacts approved, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

4. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
5. Prior to signature approval of the preliminary plan, the TCPI shall be revised to show a realistic location of the 65 dBA Ldn noise contour, based either on the Environmental Planning Section noise model or on an independent Phase I noise study subject to the review and approval by the Environmental Planning Section so interior and exterior noise impacts to residential structures can be evaluated.
6. Development of this site shall be in conformance with the stormwater management concept plan 33277-2006-01 and any subsequent revisions.
7. In accordance with Division 9, Part 3 of the Zoning Ordinance, a detailed site plan (DSP) shall be approved by the Planning Board. That DSP shall consider, but not be limited to, the findings regarding architecture, noise attenuation, the entrance features, and pedestrian circulation.
8. 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.
9. The applicant or the applicant’s heirs, successors, and/or assignees shall provide a standard sidewalk along the subject site’s frontage of Talbert Drive, unless modified by DPW&T.

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 site is the amalgamation of an existing tax map parcel (Parcel 9) and two record lots (Lot 8 and Lot 9, Block 2, Section 2 of Forest Heights) that have frontage along Talbert Drive and Audrey Lane. It is 2.48 acres in size and is located on Tax Map 95 Grid F-1, F-2 and is zoned R-T.

3. The subject property is located on the north side of Talbert Drive, approximately 200 feet west of the intersection with Indian Head Highway.
4. **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)	Vacant	Single-Family Semi-detached Residential
Acreage	2.48	2.48
Lots	0	16
Outlots	1	0
Parcels	2	0
Dwelling Units:	0	16 (To be constructed)
Public Safety Mitigation Fee	-	No

5. **Subdivision**—Zoning regulations for the R-T Zone requires a detailed site plan approval for attached dwellings.
6. **Environmental**—The Environmental Planning Section has reviewed the above referenced revised Preliminary Plan of Subdivision, and Type I Tree Conservation Plan stamped as received on October 20, 2006. The Environmental Planning Section recommends approval of 4-06079 and TCPI/046/06 subject to the conditions at the end of the memorandum.

Background

The Environmental Planning Section has no record of previous applications for this site. The application requests the subdivision of a site totaling 2.48 acres in the R-T Zone into 16 semi-detached single-family residential lots and one parcel.

Site Description

The subject property is located on Talbert Drive east of its intersection with Indian Head Highway. The site is characterized with terrain sloping toward the south of the parcel identified as a stream, and drains into unnamed tributaries of the Oxon Run watershed. The site is currently undeveloped and fully wooded. A review of the available information indicates that 100-year floodplain, streams, nontidal wetlands, severe slopes, or areas of steep slopes with highly erodible soils occur on this property. There is transportation-related noise impacts associated with the site. Indian Head Highway is an arterial roadway and generally regulated for noise. The soils found to occur according to the Prince George’s County Soil Survey include Croom and Sassafra. These soil series generally exhibit slight to moderate limitation to development due to steep slopes and hard stratum but will not affect the site layout. According to available information,

Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Wildlife and Natural Heritage Service, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. No designated scenic or historic roads are located along the frontage of this property. This property is located in the Oxon Run watershed of the Anacostia River Basin and in the Developed Tier as reflected in the approved 2002 General Plan. The Countywide Green Infrastructure Plan includes the subject property within the network, with both regulated areas and evaluation areas delineated.

Environmental Review

The preliminary plan application has a signed natural resources inventory (NRI/075/06), dated August 8, 2006, that was included with the application package. The preliminary plan and TCPI show all the required information. The expanded stream buffer has been correctly delineated located on the plan in conformance with the NRI. No additional information is required with respect to the NRI.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation Plan submitted as part of this application was reviewed and was found to satisfy the requirements of the Woodland Conservation Ordinance.

The Woodland Conservation Threshold (WCT) for this 2.48 acre property is 20 percent of the net tract area or 0.42 acres, with a replacement requirement of 0.58 acres based on the clearing proposed, for a total woodland conservation requirement of 1.00 acres. This requirement will be satisfied by 0.23 acres of on-site preservation, 0.03 acres of on-site reforestation and 0.74 acres of fee-in-lieu preservation. Woodland conservation proposed is in a priority area of the site, adjacent to the stream and the 100-year floodplain. No further information is required at this time with regard to the Type I Tree Conservation Plan. Development of this subdivision should be in compliance with the Type I Tree Conservation Plan (TCPI/046/06) approved as part of this application. All reforestation notes and details should be provided on the TCPII. All plants proposed shall be native plant species. The outermost edge of the planting area should contain trees 1 inch in caliper minimum. Clear notes regarding responsibility for maintenance of this area during establishment and in perpetuity should be provided.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The Subdivision Ordinance requires the preservation of the expanded stream buffer, and wetlands and their associated buffers, in their entirety, unless the Planning Board approves a variation and can make the required findings of Section 24-113.

The plan as submitted proposes encroachments into the expanded stream. A variation request for proposed impacts was submitted with the review package and shows impacts exclusively for stormdrain outfalls with marginal encroachments.

Variation requests are generally supported for impacts that are essential to developments, such as road crossings to isolated portions of a parcel, or impacts for the construction and installation of necessary public utilities, if the impacts are minimized. In this case, the impacts are necessitated by the proposed construction.

Review of the Variation Request submitted

Impact Areas 1 and 2, Stormdrain Outfalls

The two areas of impacts for proposed stormdrain outfalls are located within the expanded stream buffer. The proposed buffer impacts (1: 72 sq ft., and 2: 84 sq. ft.) total 156 square feet of permanent impacts.

Staff supports these impacts because the site cannot be developed without the associated stormwater management facilities, and the impacts have been minimized to the greatest extent possible.

The following is an analysis of the required findings of Section 24-113 with regard to the variation:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The variations are necessary to address the stormwater management regulations associated with site development that will protect public safety, health, and other properties from downstream flooding.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The conditions of the property are unique with respect to the need to direct outfalls from the stormwater management ponds into the natural stream system.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

No other variances, departures, or waivers are required with regard to the location of the stormwater outfalls. All appropriate local, federal and state permits must be obtained before the construction can proceed.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

Due to the configuration of this site and the location of the expanded buffer, the extent of the proposed impacts are appropriate to allow for the development of the property under its existing zoning.

Staff recommends that the Planning Board approve the variation requested.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffer and the afforestation area except for the specific areas of impacts approved, and should be reviewed by the Environmental Planning Section prior to approval of the final plat. A note detailing the conservation easements should be placed on the final plat.

The proposed activities may require the permission of the appropriate state and/or federal agencies. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

A stream system called "Oxon Run" flows along the southern portion of the property. As with any urban stream, the system is carrying a substantial water volume during certain periods of time.

A Stormwater Management Concept Approval Letter (33277-2006-00) dated August 18, 2006, and association plans were submitted with the application package. The concept approval letter allows for impacts within the floodplain buffer for the purpose of utility, stormdrain construction and grading associated with site development in order to meet the requirements of the Grading Ordinance. At the time of technical stormwater management review, a landscaping plan will be required for the stormwater management ponds. At the time of building permit application, a geotechnical report will be required per County Council Bill CB-94. The Department of the Environmental Resources will meet requirements for stormwater management through subsequent reviews. No further action is required at this time with regard to stormwater management.

Indian Head Highway is a divided arterial roadway with service roads on either side, within a 200 foot-wide right-of-way. Roads classified as arterials are generally regulated for noise. The estimated location of the 65 dBA Ldn noise contour based on the Environmental Planning Section noise model is 330 feet from the centerline of Indian Head Highway. Determining a location for the 65 dBA Ldn noise contour is the first step to determine potential impacts on the proposed residential uses for this site, and to evaluate noise mitigation potential. The revised plans as submitted reflected a 65 dBA Ldn noise contour without a noise study or justification. It is unclear if the delineation as shown is mitigated or unmitigated. However, Lots 9–16 outdoor activities would be impacted. At the minimum a six-foot-high noise wall or fence is required along the property boundary lines of Lots 9–16 and must be shown on the plans. Additional shielding effect would be provided through intervening structures and conservation areas as proposed.

Prior to signature approval of the preliminary plan, the TCPI should be revised to show a realistic location of the 65 dBA Ldn noise contour, based either on the Environmental Planning Section noise model or on an independent Phase I noise study subject to the review and approval by the Environmental Planning Section so interior and exterior noise impacts to residential structures can be evaluated. A noise wall or solid fence six feet in height near the eastern property line where the chain link fence currently exists should be considered at the time of detailed site plan.

Water and Sewer Categories

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designated this property in Water and Sewer Category 3. Water and sewer lines abut the property. Water and Sewer line extensions are required to serve the proposed subdivision and must be approved by The Washington Suburban Sanitary Commission (WSSC) before recordation of a final plat.

7. **Community Planning**—This application is located 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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. This application conforms to the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity* (Planning Area 76A) recommendation for low urban residential land use (up to 11.9 dwelling units per acre).
8. **Urban Design**—The application proposes to subdivide the subject site of approximately 2.48 acres of land into 16 lots in the R-T Zone. Based on the Urban Design Section’s review of the above preliminary plan of subdivision, the following comments were offered:

Conformance with the *Landscape Manual*

The site is subject to Section 4.1, Residential Requirements, and Section 4.7, Buffering

Incompatible Uses of the *Landscape Manual*. Compliance with the above-noted requirements will be reviewed in greater detail at the time of detailed site plan.

Other Design Issues

The Preliminary Plan proposes a special relationship between the street and the private driveway of each individual lot that raises staff's concern because the curb of the street will continue onto the private lots and will create a parking space larger for two passenger cars in the front of each lot. Lack of a clear demarcation between the street and the private lots will confuse visitors and may cause ownership problem regarding the use of the parking space.

The proposed site layout results in a very confined entrance area, particularly around Lots 1 and 2, that makes it difficult to provide for a sufficient entrance feature or a gateway sign with landscaping. If the two lots can be reoriented in the east-west direction, it will not only result in a more spacious entrance area, but also will avoid siting the rear of the buildings on Lots 1 and 2 toward Talbert Drive. In addition, there is land dedicated to public right-of-way to the east of the entrance drive that may be appropriate for vacating, thereby providing additional land area for signage and/or landscaping. This should be considered at the time of detailed site plan.

9. **Parks**—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 from the subject subdivision because land available for dedication is unsuitable due to its size and location.
10. **Trails**—The Talbert Court Preliminary Plan was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area Master Plan in order to provide the Master Plan Trails. The Approved Heights Master Plan includes no master plan trails issues that impact the subject property. Existing Talbert Drive is open section with no sidewalks. However, the existing Forest Heights Elementary School is adjacent to the site. The master plan recommends, "sidewalks should be constructed wherever they are lacking to provide continuous and safe pedestrian circulation" (Master Plan, page 127).
11. **Transportation**—The Transportation Planning Section has reviewed the Talbert Court subdivision, 4-06079, application. The subject property consists of approximately 2.48 acres of land in the R-T Zone. The property is located inside of the Capital Beltway (I-95/I-495), within the Town of Forest Heights and just north of the intersection of MD 210 (Indian Head Highway) and Livingston Road. The applicant proposes a residential subdivision consisting of 16 single-family semi-detached condominium units.

Considering the proposed number of units, staff did not require the applicant to submit either a traffic impact study, or peak-hour intersection traffic counts. Instead, staff used the recent traffic information submitted in support of an approved nearby development application: the Livingston Forest (4-05055). As a result, the findings and recommendations outlined 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 Developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections 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 the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

Among the intersections analyzed by the traffic impact study prepared and submitted on behalf of the Livingston Forest (4-05055) development plan, is the signalized intersection of MD 210/Livingston Road. Staff considers this intersection to be the critical intersection for the proposed development, as defined by the Guidelines.

This intersection is reported to be operating at adequate Levels of Service (LOS) C with Critical Lane Volume (CLV) of 1,244 during the AM peak hour, and LOS A with CLV of 752 during the PM peak hour.

Background developments, which represent any approved but not yet constructed, includes 184 apartment units and 349,327 square feet of office space. In addition, and to account for growth in through traffic, the calculated background traffic was also increased by one and one half percent to account for overall growth up to the design year 2007. This is the expected year of full buildout for the proposed development. There are no funded capital improvements in the area, so the resulting transportation network is the same as was assumed under existing traffic. Given these assumptions, this intersection would continue to operate at adequate LOS D with CLV of 1,311 during the AM peak hour, and LOS A with CLV of 829 during the PM peak hour.

The site is proposed for development as a residential subdivision, with 16 single-family semidetached condominium units. The trip rates were obtained from the Guidelines. The

resulting site trip generation would be 12 AM peak-hour trips (3 in, 9 out), and 13 PM peak-hour trips (9 in, 4 out). With site traffic, it was determined that the critical intersection of MD 210/Livingston Road would continue to operate at adequate LOS D with CLV of 1,315 during the AM peak hour, and LOS A with CLV of 834 during the PM peak hour.

As for the intersection of Talbert Drive with MD 210, at the Subdivision Review Meeting the State Highway Administration expressed signalization is not an option, as traffic signals exists along MD 210 in close proximity of the Talbert Drive intersection. For this reason, staff is not recommending submission of traffic signal warrant study for this location, even though the calculated vehicle delays for traffic turning north along MD 210 slightly exceeds 50 seconds.

Site Plan Comments

One site access point is proposed along Talbert Drive, which is acceptable. Talbert Drive is residential street with 50 feet of right-of-way along the property's frontage, but it is proposed as a primary residential with 60 feet of right-of-way at its approach with MD 210. Dedication of 25 feet from the existing centerline of Talbert Drive, as shown, would be required.

Transportation Staff Conclusions and Recommendations

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

12. **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:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	16 sfd	16 sfd	16 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.84	0.96	1.92
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	102	25.50	51
Total Enrollment	35,711.84	11,531.46	17,036.92
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.13%	102.30%	111.25%

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

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

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

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

- Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Oxon Hill, Company 42, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

14. **Police**—The preliminary plan is located in Police District IV. The response standard for emergency calls is 10 minutes 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 September 18, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	08/05/05-08/05/06	10.00	22.00
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 August 5, 2006.

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 Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

15. **Stormwater Management**—A Stormwater Management Concept Approval letter, CSD # 33277-2006-00, was submitted and approved. The approval requires the submission of a landscape plan for the stormwater management pond and a geotechnical report at the time of building permit per County Council Bill CB-94.
16. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Talbert Court and has no comments to offer.
17. **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.

18. **Historic Preservation**—This preliminary plan application includes 2.48 acres on the west side of Indian Head Highway south of Bell Avenue and south of Audrey Lane in Forest Heights. The subject property does not include and is not adjacent to any Historic Site or Historic Resource included in the Inventory associated with the 1992 *Historic Sites and Districts Plan*.
19. **Town of Forest Heights**—The Town of Forest Heights has reviewed the plans and has no comments to offer.

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 Clark, with Commissioners Squire, Clark, Eley, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, January 4, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of January 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:IT:bjs