

R E S O L U T I O N

WHEREAS, Roland Maung is the owner of a 2.75-acre parcel of land known as Parcel 94, Tax Map 106 in Grid C-1, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on July 11, 2007, Roland Maung filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 lots and 1 outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-070049 for Maung Subdivision was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 29, 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 November 29, 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/027/07), and further APPROVED Preliminary Plan of Subdivision 4-07049, Maung Subdivision for Lots 1-4 and 1 Outlet with the following conditions:

1. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers and be reviewed by the Environmental Planning Section prior to certification. 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.”

2. Prior to signature of the preliminary plan, the Type I Tree Conservation Plan shall be revised to
 - a. Remove the soil boundaries;
 - b. Include the standard Type I TCP notes;

- c. Calculate all of the woodland that is not part of the preservation area as cleared;
 - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.
3. 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/027/07), 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. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
4. Prior to signature of the preliminary plan, a copy of Stormwater Management Concept Plan 19052-2007-00 and associated plans shall be submitted to the Environmental Planning staff for review.
5. Prior to approval of the final plat of subdivision, the applicant, heirs, successors and or assignees shall, with the exception of Lot 1, pay a fee-in-lieu of parkland dedication.
6. 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 appropriate signage for a Class III bikeway along Allentown Road. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
7. The applicant, heirs, successors and or assignees shall provide a standard sidewalk along both sides of the internal road and along Allentown Road, unless modified by DPW&T.
8. The submitted plan shall be modified to revise the notation on the plan describing Allentown Road as having an ultimate right-of-way of 80 feet. The ultimate right-of-way for Allentown Road in accordance with the master plan is 100 feet.
9. At the time of final plat approval, the applicant shall dedicate right-of-way along Allentown Road of 50 feet from centerline.
10. The final plat of subdivision shall indicate no direct access to Allentown Road from Lot 1.
11. Once the existing house at 7527 Allentown Road is connected to the public sewage system, the abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit.

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 located on the northwest side of Allentown Road and is approximately 500 feet south of Webster Lane.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Use(s)	Single-Family Residence	Single-Family Residence
Acreage	2.75	2.75
Parcels	1	0
Lots	0	4 Lots
Outlots	0	1
Dwelling units	1 (to remain)	4 (1 existing, 3 new)
Public Safety Mitigation Fee		No

4. **Community Planning**—The subject site 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 subject application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This preliminary plan conforms to the recommendations of the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* for residential low-density land uses. The proposed land use is for residential, low-density development. The 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* retained the R-80 Zone for this property.
5. **Environmental**—According to the “USDA Soil Survey of Prince George’s County,” the principal soils on this site are in the Chillum, Marr and Matapeake series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened, or endangered species do not occur on or near this property. No designated scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the 2002 Approved General Plan.

Environmental Issues Addressed in the Henson Creek Master Plan

The master plan does not indicate any environmental issues associated with this property.

Approved Countywide Green Infrastructure Plan

The property does not contain nor is it near any areas designated as regulated areas in the Green Infrastructure Plan network.

ENVIRONMENTAL REVIEW

An approved natural resources inventory, NRI/022/07, was submitted with the application. There is a stream, but no wetlands or 100-year floodplain, on the property. The property has a single-family detached residential structure. The existing house and woodlands are evident on the 1965 air photo. The forest stand delineation (FSD) indicates one forest stand totaling 1.93 acres. The FSD specifies the species, size and condition of five specimen trees located on the subject property.

The woodland is a mature upland hardwood, including white oak and chestnut oak, with an average of 16 inches in diameter at breast height. The understory includes highbush blueberry, American holly, and smaller hardwoods. Although there is some Japanese honeysuckle, the proportion of invasive species is low.

The expanded stream buffers shown on the NRI are correctly shown on both the preliminary plan and the Type I tree conservation plan. There are no environmental impacts proposed.

At the time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffers, excluding areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is more than 40,000 square feet in area and there are more than 10,000 square feet of existing woodlands. The Type I Tree Conservation Plan, TCPI/027/07, has been reviewed. The plan proposes clearing 1.10 acres of the existing 1.93 acres of woodland. The woodland conservation threshold for the project is 0.55 acre. Based upon the proposed clearing, the total woodland conservation requirement is 0.83 acre. The plan proposes preserving 0.83 acre on-site to meet the requirement. The woodland conservation areas have been designed to provide 40-foot cleared rear yards and 20-foot cleared side yards to provide outdoor recreation areas. The woodland preservation in the northern section of the property provides buffering for the existing stream.

There are some technical errors that need to be corrected. Soil boundaries should not be on a TCP. The standard Type I TCP notes are not on the plan. There are additional areas that need to be calculated as cleared. Type I Tree Conservation Plan TCPI/027/07 requires revisions that are identified as part of a recommended condition and should be corrected prior to signature approval of the preliminary plan. A note should be placed on the final plat of subdivision detailing the restrictions of the Type I Tree Conservation Plan (TCPI/0207).

According to the "USDA Soil Survey of Prince George's County," the principal soils on this site are in the Chillum, Marr and Matapeake series. Chillum, Marr and Matapeake soils post no special problems for residential development. This soils information is provided for the applicant's benefit. The Prince George's County Department of Public Works and Transportation will require a soils report in conformance with CB-94-2004 during the permit process review.

Copies of the stormwater management concept approval letter and/or plan were not submitted with his application. The TCPI shows the use of dry wells for each lot. It is likely that an on-site pond will not be needed because of the minimal size of this project.

Water and Sewer

The property is located within Water and Sewer Category 3 according to the 2001 Water and Sewer Plan. Water and sewer lines abut the property. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before approval of a final plat. This development will be served by public systems.

6. **Parks**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the Department of Parks and Recreation, Park Planning and Development Division, recommends that prior to approval of the final plat of subdivision, the applicant, heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication. Lot 1 is exempt because it will contain the existing dwelling that is to remain.
7. **Trails**—The 2006 Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment designates Allentown Road as a master plan bikeway. The plan recommends continuous sidewalks and designated bike lanes along Allentown Road. There is an existing sidewalk along the subject site's frontage of Allentown Road. Staff recommends the provision of one "Share the Road with a Bike" sign to alert motorists to the possibility of on-road bicycle traffic. Bike lanes should be considered by DPW&T at the time of road resurfacing or road improvement. Roads in surrounding developments, including existing Allentown Road, will include sidewalks along both sides. Staff recommends the same cross section for the subject application.
8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of four single-family residential lots to be created within an existing and partially developed parcel. The proposed net development of three residences would generate 2

AM and 3 PM peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site is within the Developing Tier, as defined in the 2002 Approved General Plan for Prince George's County. 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 traffic generated by the proposed preliminary plan would impact the intersection of Allentown Road and Temple Hill Road. There are no proposed projects to improve this intersection in either the Prince George's County Capital Improvement Program or the State of Maryland Consolidation Transportation Program.

Recent traffic counts were available at the critical intersection of Allentown Road and Temple Hill Road, and in connection with staff's review of 4-05151 for the Roddy Woods subdivision, it was determined that this intersection would operate at LOS D or better in both peak hours under future traffic. However, due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's transportation impact at this location to be de minimus. Staff would, therefore, recommend that the Planning Board find that 2 AM and 3 PM net peak-hour trips will have a de minimus impact upon delay in the critical movements at the Allentown Road and Temple Hill Road intersection.

The subject site is adjacent to Allentown Road, which is a master plan major collector facility, MC-702, on the 2006 Approved Henson Creek-South Potomac Master Plan. The preliminary plan must be revised to reflect dedication of 50 feet from centerline along this roadway, and the notation on the preliminary plan describing Allentown Road as having an ultimate right-of-way of 80 feet must be revised. The ultimate right-of-way in accordance with the master plan is 100 feet. A note should be placed on the final plat denying Lot 1 access to Allentown Road.

TRANSPORTATION STAFF CONCLUSIONS

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 Subdivision Regulations if the application is approved with conditions.

9. **School Findings**—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	.24	.06	.12
Subdivision Enrollment	.72	.18	.36
Actual Enrollment	33,058	13,185	17,855
Completion Enrollment	215.76	52	104
Cumulative Enrollment	30.00	7.50	15.00
Total Enrollment	33,304.48	13,244.68	17,974.36
State Rated Capacity	39,187	11,256	16,332
Percent Capacity	84.98	117.66	110.05

Source: Prince George’s County Planning Department, M-NCPPC, January 2007

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 \$7,870 and \$13,493 to be paid at the time of issuance of each building permit. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section 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.

10. **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 Prince George’s County Subdivision Regulations. Public Facilities staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station Allentown Road Company 32, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department. Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn 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**—The subject property is located in Police District IV. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on July 11, 2007.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency
Acceptance Date July 11, 2007	5/06-5/07	10 minutes	17 minutes
Cycle 1	6/06-6/07		
Cycle 2	7/06-7/07		
Cycle 3	8/06-8/07		

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met July 17, 2007. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

12. **Stormwater Management**—Stormwater Management Concept Plan 19052-2007-00 was approved with conditions on June 1, 2007. Development of the site must be in accordance with this approved plan and any revisions.
13. **Department of Health**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Maung property. Once the existing house at 7527 Allentown Road is connected to the public sewage system, the abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. It should be noted that the Health Department has no records of a septic system. A raze permit may be required prior to the removal of the 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 structure being razed. A note should be affixed to the preliminary plan that states that the shed is to be razed and the septic system properly abandoned before the release of the grading permit.
14. **Public Utilities**—The applicant has shown the ten-foot public utilities easement on the preliminary plan as requested.
15. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 2.75-acre property located at 7527 Allentown Road in Fort Washington, Maryland. 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. A house was built on the property between 1938 and 1965, impacting the eastern side of the property. There are no known archeological sites or historic sites within a one-mile vicinity of the

subject property.

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

16. **Historic Preservation**—There is no effect on historic resources for this proposed subdivision.

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 Vaughns, with Commissioners Squire, Vaughns, Cavitt, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, November 29, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of December 2007.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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