

R E S O L U T I O N

WHEREAS, Robert Schware is the owner of a 1.59-acre parcel of land known as Parcel 142, located on Tax Map 25, in Grid A-2, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on June 4, 2008, Robert Schware filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07101 for College Park Woods, Robert Schware's Addition 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 September 18, 2008, 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 September 18, 2008, 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/10/93-01), and further APPROVED Preliminary Plan of Subdivision 4-07101, College Park Woods, Robert Schware's Addition, for Lots 1-3 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Update general note 22 to reference the approved Alternative Compliance pre-application (ACP-08024), and the date of approval, (August 11, 2008).
 - b. Revise general note 23 to remove the first sentence in its entirety.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan No. 34365-2006-00 and any subsequent revisions.
4. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:

- a. Remove the proposed tree line from the plan and legend.
 - b. Identify the area of woodland preserved, but not counted.
 - c. At the time plans are submitted for signature approval, a copy of the stormwater management concept approval letter shall be included in the package.
5. Development of this subdivision shall be in compliance with approved Type I Tree Conservation Plan TCPI/010/93-01. The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/010/93-01), 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 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.”
6. Prior to approval of the final plat of subdivision, the applicant, the applicant’s heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication.
 7. The applicant, the applicant’s heirs, successors, and/or assignees shall provide standard sidewalks along the entirety of the right-of-way unless modified by the City of College Park at the time of issuance of street construction permits.

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 property is located at the terminus of Davidson Street, approximately 140-feet northwest of its intersection with Marlborough Way.

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)	Undeveloped	Single-Family
Acreage	1.59	1.59
Lots	0	3
Parcels	1	0
Dwelling Units:		
Detached	0	3
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed Preliminary Plan of Subdivision 4-07101 and Type I Tree Conservation Plan TCPI/010/93-01, stamped as received by the Environmental Planning Section on July 28, 2008.

Background

The Environmental Planning Section previously reviewed this site in 1993 as Preliminary Plan of Subdivision 4-93020 in conjunction with TCPI/010/93. That application was approved with conditions, but subsequently expired prior to the recording of a final plat. In 1997, a Type II Tree Conservation Plan (TCPII/062/97) was approved for the construction of a single-family dwelling on the subject property. However, the building permit was never implemented, as the proposed dwelling was never constructed. A previous preliminary plan application (4-06057) was reviewed in 2006, but was subsequently withdrawn prior to the scheduled public hearing because, at the time, the property was not within a designated water and sewer category that would allow future development. The subject property is currently wooded and undeveloped.

Site Description

A review of the available information indicates that streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. There is no 100-year floodplain that is associated with the site. The predominant soils found to occur on this site, according to the *Prince George’s County Soil Survey*, are Sandy and Clayey. This soil series has limitations with respect to steep slopes, high shrink swell potential, poor stability and high erosion potential, but the soils on this site will not affect the site layout that is proposed.

According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources, Wildlife and Natural Heritage Program, there are no rare, threatened, or endangered species found to occur within the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. The property is located in the Paint Branch watershed of the Anacostia River basin and located within the Developed Tier as reflected in the 2002 *Prince George’s County Approved General Plan*.

Conformance with the Countywide Green Infrastructure Plan

The TCPI has been reviewed for conformance with the *Approved Countywide Green Infrastructure Plan*. The site is located within an evaluation area that is associated with the on-site and adjacent woodland. Providing some woodland conservation on-site is appropriate, given the property's location within the designated network. The TCPI proposes to preserve 0.30 acre of existing woodland along the southwestern portion of the site.

Environmental Review

The preliminary plan application has a signed Natural Resources Inventory (NRI/060/06) dated May 23, 2006, that was included with the application package. The preliminary plan and TCPI show all the required information correctly. No revisions are required for conformance to the NRI.

This site is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because the site has a previously approved tree conservation plan. A Type I Tree Conservation Plan, TCPI/10/93, was previously approved with Preliminary Plan 4-93020. That prior application was known as the Poretz Property. A Type II Tree Conservation Plan, TCPII/62/97, was later approved for the subject property on July 8, 1997. However, the detached single-family dwelling that was proposed under the prior application was never constructed. A Type I tree conservation plan is required for the approval of the preliminary plan of subdivision.

A revised Type I Tree Conservation Plan (TCPI/10/93-01) was submitted with the preliminary plan application. The woodland conservation threshold for this site is 0.32 acre (20 percent of the net tract). The total amount of woodland conservation required based on the threshold and the amount of clearing currently proposed is 0.45 acre. The TCPI, as currently designed, proposes to meet the requirement with 0.45 acre of on-site preservation.

There are a few technical revisions required to be made to the submitted TCPI. The proposed tree line should be removed from the plan and legend, and the area of woodland that will be preserved, but not counted toward the requirement should be identified on the plan. A copy of the approved stormwater management concept plan was submitted to the Environmental Planning Section; however, a copy of the concept approval letter was not included. A copy of the stormwater management concept approval letter should be submitted at the time of signature approval of the preliminary plan.

Water and Sewer Categories

The 2001 Water and Sewer Plan, as amended by CR-46-2007 (DR-3), placed the subject property within Water and Sewer Category 4. The site will therefore be served by public systems.

5. **Community Planning**—The property is located in Planning Area 66 within the City of

College Park, and is located within the limits of the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67*. This application, for three single-family dwelling units, proposes a suburban residential land use at a density that is consistent with the land use recommendation within the 1989 master plan for Langley Park-College Park-Greenbelt and vicinity. The 1989 Master Plan for Langley Park-College Park-Greenbelt and vicinity re-zoned the subject property from the R-R Zone to the R-80 Zone.

The 2002 General Plan locates the subject property within 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 proposes a medium density neighborhood that is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

6. **Parks and Recreation**—The subject property is located directly across the PEPCO transmission line right-of-way from the Buck Lodge Community Park. The park contains active recreation facilities including a picnic shelter, play equipment and a trail loop with fitness stations. The trail loop has a paved trail connection that crosses through the PEPCO right-of-way and terminates at the end of Davidson Street to provide the residents of the College Park Woods Subdivision with access to the parkland. This trail connection is currently located on an easement which PEPCO granted to Verizon/AT&T that authorizes the right-of-way crossing through the PEPCO transmission line right-of-way. The Maryland-National Capital Park and Planning Commission (M-NCPPC) was also granted an easement through the PEPCO right-of-way, adjacent to the Verizon/AT&T right-of-way; however, it appears that the trail itself was not constructed within the M-NCPPC easement. The trail appears to be constructed on the abutting Beltsville Agricultural Research Center property to the north, and is located just a few feet away from the subject property's northern property line.

The City of College Park will have jurisdiction of the Davidson Street extension. Because the existing trail is not located within the limits of the subject property, but situated a few feet north of the site, the existing access to the trail from Davidson Street will most likely remain in its current location. Should the city require standard sidewalks along the extension of Davidson Street, the sidewalk could also be used as a connection to the existing trail providing access to the Buck Lodge Community Park.

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**—There is an existing trail connection between the College Park Woods Subdivision and the Buck Lodge Community Park and school which abuts the site's northern property line. There are no master plan trails issues specifically identified in the 1989 master plan for Langley Park-College Park-Greenbelt and vicinity which directly impact the subject application. The proposed access road (Davidson Street) will abut the existing park trail connection. Although the trail is

located just north of the subject property, a construction easement from the Beltsville Agricultural Research Center may be required for the construction and proper grading of the Davidson Street extension. The Transportation Planning Section recommends that a green separation be kept between the existing trail connection and the proposed subdivision entrance road to ensure that the existing trail is not damaged during the construction of the access road.

8. **Transportation**—The following are findings concerning the site access, geometric design, and traffic impact of the subject application. The preliminary plan application proposes three new lots for detached single-family dwellings that would have a minimal impact on the adjacent roadways. Therefore, a traffic study was not requested from the applicant.

Site Access Evaluation: Access to the three lots would be via an extension of Davidson Street, which is acceptable. The applicant has requested a reduction in the right-of-way width of the Davidson Street extension from 50 feet wide to 40 feet wide. However, the actual pavement would have a standard width of 26 feet with curb and gutter. The Davidson Street extension will be a municipal roadway that is under the jurisdiction of the City of College Park. The applicant's request for the reduction in the right-of-way width of Davidson Street is being supported by the City of College Park.

Master Plan Rights-of-Way to be dedicated or recommended to be placed in reservation:
The site is not within or adjacent to any master plan transportation facilities.

Background

This property was reviewed as the Poretz Property in 1993 in conjunction with Preliminary Plan 4-93020 that proposed three lots for detached single-family dwellings. At the time of the 1993 application, the Department of Public Works and Transportation (DPW&T) reviewed the proposal and stated that the property must either be annexed and maintained by the City of College Park, or maintained by the National Agricultural Research Center, as the DPW&T has no jurisdiction over the area.

Transportation Findings

The application is a preliminary plan of subdivision for a residential development consisting of three detached single-family dwellings. The proposed net development would generate 3 AM and 3 PM peak-hour vehicle trip as determined using the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

The site 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.

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 Saint Andrews Place and Metzert Road. There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program.

The Transportation Planning Section has no recent counts at the critical intersection of Saint Andrews Place and Metzert Road. However, due to the limited trip generation of the site, 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 3 AM and 3 PM net peak-hour trips will have a de minimus impact upon delay in the critical movements at the Saint Andrews Place and Metzert Road intersection.

A reduction to the right-of-way width of the secondary residential street that will serve the proposed subdivision has been requested in order to reduce the Davidson Street right-of-way from 50 feet wide to 40 feet wide. Based on support from the operating agency and the reasons specified in the applicant's justification statement (dated July 24, 2006), the Transportation Planning Section supports the applicant's request for a reduction in the right-of-way width for the proposed access road.

Transportation Conclusions

Based on the preceding findings, the Planning Board 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 Planning Board has reviewed the preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and have concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	3 DU	3 DU	3 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.72	.18	.36
Actual Enrollment	5,983	1,544	4,045
Completion Enrollment	64.32	16.62	33.24
Cumulative Enrollment	1,081.44	270.36	540.72
Total Enrollment	7,129.48	1,831.16	4,619.32
State Rated Capacity	5,646	1,759	4,123
Percent Capacity	126.27%	104.1%	112.04%

Source: Prince George’s County Planning Department, M-NCPPC, July 2008

County Council Bill CB-31-2003 established 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 \$7,870 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 Planning Board finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Planning Board has reviewed the preliminary plan for fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d), and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

The Planning Board has determined that the subject property is within the required 7-minute response time for the first due fire station, Branchville, Company 11, 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 fire and rescue personnel staffing levels.

The Fire/EMS 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 I, Hyattsville. The response time standard is 10 minutes for priority calls and 25 minutes for nonpriority 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 June 4, 2008.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date June 4, 2008	5/07 - 5/08	8 minutes	11 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met on June 5, 2008.

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, 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 personnel staffing levels.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Schware’s Addition to College Park Woods and has no comments to offer.
13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, No. 34365-2006-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **City of College Park**—The preliminary plan application was heard by the College Park City Council on September 2, 2008. However, the College Park City Council has not taken an official action on the application. The City of College Park Planning Department has provided a copy of

their final staff report (which has been included in the back-up to the Planning Board) and the recommended conditions of approval, which have been addressed below.

To the northwest of the property is a PEPCO transmission line and tower which is considered an incompatible use with residential development and the *Landscape Manual* requires a 40-foot buffer yard with a 30-foot landscape yard. The applicant can only provide a buffer yard of 30 feet, with a landscape strip of 20 feet. Alternative Compliance will be required.

The plan shows the extension of Davidson Street terminating into a cul-de-sac. The applicant has requested a 10-foot variation from the required right-of-way width of 50 feet; however, the width of the pavement would meet the county requirement of 26 feet with curb and gutter. The city engineer provided a letter to M-NCPPC indicating that a 40-foot right-of-way is acceptable with an urban cul-de-sac having a 100-foot diameter at the terminus of Davidson Street. The plans submitted by the applicant conform to these specifications.

The three lots meet the required setbacks and the minimum width at the street and the front building line (75 feet in the R-80 Zone). Sidewalks are not shown on the plan, but would be out of character with the College Park Woods Subdivision. There is an adjacent existing asphalt trail connector to the Buck Lodge Community Park and school that runs along the northeastern border of the subject property.

The applicant planned to meet with the board of the West College Park Citizens Association on Thursday, August 28, 2008. The city's staff has not received any written comments from the board or from residents of the neighborhood.

Recommendation from the City of College Park

The City of College Park has recommended that Preliminary Plan 4-07101 be approved by the Prince George's County Planning Board with the following conditions. Additional conclusions from the Board have been provided where necessary.

- “1. Obtain necessary reclassification from Water and Sewer Category 4 to Category 3 and extend water and sewer lines to service lots as per WSSC requirements.”

Conclusion: The change from Water and Sewer Category 4 to a Category 3 designation is an administrative process that will occur at the time of final plat.

- “2. Comply with conditions of the Stormwater Concept Approval obtained from DPW&T to ensure that stormwater is conveyed along the property away from existing homes.”

Conclusion: Compliance with the approval conditions within Stormwater Management Concept Plan No. 34365-2006-00 will be handled through the inspection process at the time of building permit.

- “3. Retain existing woods along the northwestern property line of Lot 3, to screen the PEPCO power lines.”

Conclusion: The Type I tree conservation plan submitted for this property proposes to retain the existing woodland along the northwestern property line of Lot 3. On August 11, 2008, The Alternative Compliance Committee approved Alternative Compliance pre-application, ACP-08024, with one condition. The applicant requested a 10-foot reduction in the minimum building setback and minimum landscaped yard along the northwestern property line abutting the PEPCO right-of-way. The condition of approval requires the installation of a fence line across all three lots for the perpetual protection of the on-site woodland conservation area.

- “4. Maintain separation from and ensure that the existing asphalt trail that connects Davidson Street to the Buck Lodge Community Park is not damaged during construction or repair as needed.”

Conclusion: The trail is located on the abutting Beltsville Agricultural Research Center property to the north. Although the proposed extension of Davidson Street will abut the applicant's northern property line, it will not encroach onto the abutting Beltsville Agricultural Research Center property to the north where the trail currently exists. The trail is set back only a few feet north from the common property line separating the subject property from the Beltsville Agricultural Research Center. Since Davidson Street will terminate along the applicant's northern property line, the few feet of separation that currently exists between the trail and the Beltsville Agricultural Research Center's southern property line will remain. The applicant may need to obtain a grading easement from the Beltsville Agricultural Research Center to properly construct the extension of Davidson Street. Routine inspections that will occur at the time of building permit and street grading should minimize any damage to the existing trail, and further ensure that any damage which may occur is properly corrected prior to the release of the street construction bonds.

- “5. With submission of the Final Plat of Subdivision, the applicant, his heirs, successors and/or assigns, shall make payment of a fee- in-lieu of park dedication.”

Conclusion: The Department of Parks and Recreation has recommended a fee-in-lieu of park dedication be paid prior to the approval of the final plat.

- “6. Prior to the approval of any permits for this site, the applicant, his heirs, successors and/or assigns, shall submit a Detailed Site Plan. The DSP shall address and include but not be limited to: architectural treatments and building materials, house locations, slope and soil stability and surface runoff. The City shall retain the right of prior approval of the Detailed Site Plan.”

Conclusion: No conditions require the approval of a detailed site plan for the proposed three-lot subdivision. The site has an approved stormwater management concept plan, and the proposed house locations are clearly demonstrated on the submitted Type I tree conservation plan. The

landscaping and woodland conservation areas have been carefully evaluated by the Alternative Compliance Committee and the Environmental Planning Section. The approval of a detailed site plan is not required by the Zoning Ordinance for the development of detached single-family dwellings in the R-80 Zone, and no concerns have been identified through the preliminary plan process which would require further evaluation through the detailed site plan process.

15. **Historic**—A Phase I archeological survey is not required on the 1.59-acre property located at 9315 Davidson Street in College Park, Maryland. The plan proposes the development of three detached single-family dwellings in the R-80 Zone. 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. However, the applicant should be aware that there are 16 previously recorded archeological sites, 12 prehistoric, 3 historic, and 1 multicomponent site, within a one-mile radius of the subject property. In addition, there is one County historic site, the National Archives Archeological Site (No. 66-036), within a one-mile radius of the subject property.

Moreover, Section 106 review may 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 state or federal monies, or federal permits are required for a project.

16. **Background**— Davidson Street is an existing 50-foot-wide public right-of-way that was stubbed along the common property line which separates the subject property from the College Park Woods Subdivision. The applicant is now proposing to serve all three lots by extending Davidson Street into the limits of the subject property, where it will terminate into a cul-de-sac to provide turn-around capability. However, due to the unusual configuration of the property along the terminus of Davidson Street, the site has only 40 feet of street frontage where it abuts the existing 50-foot-wide Davidson Street right-of-way. Therefore, if Davidson Street was extended into the limits of the property at its current 50-foot-wide right-of-way width, approximately 10 feet of the right-of-way would extend into the Beltsville Agricultural Research Center property directly to the north. Due to the applicant's inability to serve the site with the minimum required 50-foot-wide right-of-way, the applicant has requested that the 40-foot-wide right-of-way shown on the submitted plans be deemed adequate to serve the three lots proposed.

This property is located within the municipal boundaries of the City of College Park and the access road that will serve the subdivision will be maintained by the City. On July 16, 2008, the applicant met with the City of College Park's Director of Planning, the City Engineer, and the City's Planning Department staff to discuss the proposed 40-foot-wide access road. The City Engineer agreed that the 40-foot-wide right-of-way would be adequate to serve the three lots, provided that the width of the pavement would meet the county's standard of 26 feet with curb and gutter, as shown on the submitted plan. The City's engineer has submitted written consent for the proposed 40-foot-wide public right-of-way which has been included within the Planning Board's back-up for this case.

The site will directly abut a Potomac Electric Power Company (PEPCO) transmission line right-of-way to the northwest, and a 40-foot-wide building setback with a 30-foot-wide landscaped yard is required in accordance with Section 4.7 of the *Prince George's County Landscape Manual*. The applicant is unable to meet the full bufferyard requirements along the western property line and has requested alternative compliance for a 10-foot reduction to the minimum building setback and minimum landscaped yard along the northwestern property line abutting the PEPCO right-of-way. On August 11, 2008, the Alternative Compliance Committee approved Alternative Compliance pre-application ACP-08024 with one condition. The condition of approval requires the installation of a fence line across all three lots for the perpetual protection of the on-site woodland conservation area.

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 Cavitt, seconded by Commissioner Clark, with Commissioners Cavitt, Clark and Vaughns voting in favor of the motion, and with Commissioners Squire and Parker absent at its regular meeting held on Thursday, September 18, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of October 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:JF:bjs