

R E S O L U T I O N

WHEREAS, MB Leon Properties, LLC. is the owner of a 1.04-acre parcel of land known as Outlot A (record plat VJ 169@29, described as Tax Map Parcel 130, said property being in the 13<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on , May 19, 2008 Palisades Development, LLC. 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 4-06140 for arbor Park, Leon's Addition To 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 6, 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 November 6, 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/19/08), and further APPROVED Preliminary Plan of Subdivision 4-16140, Arbor Park, Leon's Addition To for Lots 1-3 with the following conditions:

1. Prior to the approval of a final plat of subdivision, the Planning Board shall approve a limited detailed site plan in accordance with the Subdivision finding.
2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/019/08). The following notes 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/019/08), 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.”

3. Prior to signature approval of the preliminary plan, the applicant shall submit a copy of an approved stormwater management concept approval letter and associated plans which reflect the development of the site proposed by the preliminary plan. The number and approval date shall be noted on the preliminary plan.
4. Development of this site shall be in conformance with Stormwater Management Concept Plan No. 12289-2007-00 and any subsequent revisions.
5. The final plat of subdivision shall note a denial of direct access on to Lake Arbor Way from Lots 1 and 3.
6. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication.
7. The applicant and the applicant's heirs, successors, and/or assignees shall provide standard sidewalks along the entirety of the new cul-de-sac which shall connect to the existing sidewalk along Lake Arbor Way unless modified by DPWT&T.
8. The applicant, and the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement one “Share the Road with a Bike” sign. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building 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 property is located on south side of Lake Arbor Way; approximately 500 feet east of the MD 202 Lake Arbor Way-Arena Drive intersection and 100 west of Falls Lake Drive.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Use(s)	Vacant	Single-family dwelling units
Acreage	1.04	1.04
Lots	0	3
Parcels	1	0
Outlots	1	0
Dwelling Units:		
Detached	0	3
Public Safety Mitigation Fee		No

4. **Subdivision**—As noted in the Setting, the proposed development is adjacent to the Arbor Park residential development and has frontage along Lake Arbor Way, a master-planned arterial roadway, which will require a 50-foot bufferyard. While the proposed Lots exceed the minimum for the R-80 Zone, there still exists a tight relationship for future home developments, with the use of a cul-de-sac. The design of Lot 3 presents a front side and rear orientation to Lake Arbor Way. The boundary lines between the proposed Lots may also be improved from what has been proposed to provide for optimal house siting. Adjacent property owners have also expressed concerns with the proposed development to Subdivision staff regarding compatibility of the proposed architecture and the existing trees and buffering on the site. Staff believes that a detailed site plan prior to the approval of a final plat can address these issues.
5. **Community Planning**—The subject property is located in the Northampton Community, Neighborhood B, which is 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 nearest Metrorail facility to the subject property is the Largo Town Center Station. The proposal is for the creation of three lots for the construction of three single-family detached dwellings, which is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The vision for Northampton, Neighborhood B, is a mixture of detached, attached, and garden apartment units at a Suburban density. The July 1990 *Approved Master Plan for and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* retained this property in the R-80 (Single-Family Detached Residential) Zone with a maximum density of 4.5 dwelling units per net acre. The development of three single-family residential lots is in conformance with the suburban residential land use recommendations. There are no master plan or General Plan issues related to this preliminary plan of subdivision.
6. **Environmental**—The site is approximately 80 percent wooded. There are no streams, wetlands or 100-year floodplain on the property which is located in the Western Branch drainage area of the Patuxent River watershed. According to the *Prince George’s County Soil Survey* the principal soils on this site are in the Ochlocknee and Westphalia soil series. Marlboro clay does not occur

in this area. Severe slopes are located on the north portion of the property, which most likely resulted from grading for the construction of Lake Arbor Way. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened, or endangered species do not occur on this property or on adjacent properties. No designated scenic or historic roads will be affected by the proposed development. The site has frontage along Lake Arbor Way that is regulated for noise and access. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

### **Environmental Issues Addressed in the Largo-Lottsford Master Plan**

The master plan does not indicate any environmental issues associated with this property. The environmental requirements for woodland preservation, stormwater management and noise are addressed in the Environmental Review section below.

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

The subject property is identified as located in a network gap within the designated network of the June 2005 *Approved Countywide Green Infrastructure Plan*. Because the proposed lots are less than 20,000 square feet the retention of some woodland may be possible, but this woodland cannot be used to meet the Woodland Conservation and Tree Preservation Ordinance requirements.

### **Environmental Review**

An approved Natural Resources Inventory, NRI/136/06, was submitted with the application. The NRI notes there are no streams, wetlands or 100-year floodplain on the subject property. The TCPI and the preliminary plan are in conformance with the NRI. The forest stand delineation (FSD) indicates one forest stand totaling 0.80 acres with no specimen trees. There are no priority preservation areas on the site. The information from the NRI is correctly shown on the TCPI. No revisions are required for conformance to the NRI.

The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan (TCPI/019/08) was submitted with the review package. The woodland conservation threshold (WCT) for this 1.04-acre property is 20 percent of the net tract area or 0.21 acres. The total woodland conservation requirement based on the amount of clearing proposed is 0.56 acres. This requirement is proposed to be satisfied by a fee-in-lieu for 0.56 acres. Because all lots are less than 20,000 square feet in size, all woodland has been counted as cleared. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/019/08). A note citing the restrictions of the approved Type I Tree Conservation Plan (TCPI/019/08), or modifications by the Type II tree conservation plan should be placed on the final plat of subdivision.

The site has frontage along Lake Arbor Way, a 120-foot-wide master planned arterial roadway that is regulated for noise. The proposed use is single-family residential. The submitted plan does not show the location of the unmitigated 65 dBA Ldn ground level noise contour. According to the Environmental Planning Section's noise model, the unmitigated 65 dBA Ldn noise contour is approximately 78 feet from the centerline of Lake Arbor Way. Based on this measurement, the proposed buildings will not be impacted by noise above the state interior noise standard of 45 dBA Ldn and outdoor backyard activity areas will not be impacted by noise above the state standard of 65 dBA Ldn. No further information is required about noise impacts.

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Ochlocknee and Westphalia soil series. This information is provided for the applicant's benefit. The County may require a soils report in conformance with CB-94-2004 during the building permit process review.

#### **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 lines in Lake Arbor Way abut the property. Sewer lines in Arena Drive are in close proximity to the property. Sewer line extensions are required to serve the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before approval of a final plat.

7. **Parks**—In accordance with Section 24-135(a) of the Prince George's County Subdivision Regulations, the Department of Parks and Recreation recommends that the Prince George's County Planning Board require a payment of a fee-in-lieu of dedication as applicable from the subject subdivision because land available for dedication is unsuitable due to its size and location.
8. **Trails**—The July 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* designates Lake Arbor Way as a master plan trail corridor. Segments of this trail have been implemented as a wide sidewalk along the north side of Lake Arbor Way. The subject site fronts along the south side of Lake Arbor Way, which has already been improved with a standard sidewalk. Staff recommends one "Share the Road with a Bike" sign to alert motorists to the possibility of on-road bicycle traffic.

The adopted and approved Largo-Lottsford master plan recommends that Lake Arbor Way be designated as a Class III bikeway with appropriate signage. Because Lake Arbor Way is a County right-of-way, the applicant, and the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.

9. **Transportation**—While the application represents three proposed lots, the entire property could

be developed as a single-lot by right, and consequently, only two new lots are being created by this application. Based on the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” the three-lot single-family development will generate two new AM peak-hour trips, and two new PM peak-hour trips. 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;
- **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.

Pursuant to provisions in the *Guidelines*, the Planning Board may find that traffic impact of small developments is *de minimus*. A *de minimus* development is defined as one that generates five trips or fewer in any peak period. The three proposed lots will indirectly access Lake Arbor Way, a 120-foot master planned arterial road, from a single cul-de-sac. DPW&T supports the use of the cul-de-sac as currently proposed. With the current proposal to access to the lots via a cul-de-sac, the applicant’s variation request for direct access to an arterial roadway is no longer necessary. Lots 1 and 3 (each with some frontage on Lake Arbor Way) should have access denied at these locations.

### **Transportation Staff Conclusions**

Because the subject application is considered to be *de minimus*, 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 Subdivision Regulations if the application is approved with a condition prohibiting any direct access on to Lake Arbor Way.

10. **Fire and Rescue**—The Special Projects Section has reviewed this subdivision plan for adequacy of 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 Prince George’s County Subdivision Regulations. Special Projects staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Kentland Company No. 46, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS Department. Pursuant to Council Resolution-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Prince George’s County Subdivision Regulations Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing

levels. The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in Prince George’s County Council bill CB-56-2005.

11. **Police Facilities**—The subject property is located in Police District II; Bowie. The response standard time is 10 minutes for priority calls and 25 minutes for nonpriority 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 May 19, 2008.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date May 19, 2008	4/07–4/08	9 minutes	13 minutes
Cycle 1–Cycle 3		9 minutes	13 minutes

The response time standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met June 2, 2008. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in Prince George’s County Council Bill-56-2005. Pursuant to Council Resolution-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. **School Findings**—The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Prince George’s County Subdivision Regulations and Prince George’s County Council Resolution CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	3 DU	3 DU	3 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.72	.18	.36
Actual Enrollment	5,656	4,920	10,050
Completion Enrollment	98.64	99.84	199.80
Cumulative Enrollment	4.08	1.80	3.60
Total Enrollment	5,759.44	5,021.82	10,253.76
State Rated Capacity	6,339	6,356	10,254
Percent Capacity	90.86%	79.01%	100.00%

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

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 (WMATA); or \$12,000 per dwelling for all other buildings. 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 Special Projects Section finds that this project meets the adequate public facilities policies for school facilities contained in the Prince George's County Subdivision Regulations Section 24-122.02, CB-31-2003 and CR-23-2003.

13. **Stormwater Management**—A Stormwater Management Concept Approval Letter, No. 12289-2007-00, was submitted with the subject application. Conditions of the concept approval state that because less than 5,000 square feet is to be disturbed, the project is exempt from stormwater management requirements. This can no longer be an accurate statement based on review of the revised preliminary plan and the TCPI plan showing the limits of disturbance. A copy of an approved stormwater management concept approval letter and associated plans which reflects the development of the site proposed by the preliminary plan should be submitted prior to signature approval of the preliminary plan. Development of this property must be in conformance with the approved stormwater concept approval plan and any subsequent revisions.
14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Arbor Park Subdivision and has no comments to offer at this time.
15. **Archeology**—The Phase I archeological survey is not recommended on the subject property. 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 four known archeological sites within a one-mile vicinity of the subject property, three prehistoric and one historic. There is also one County historic site, the Northampton Site (No. 73-012) 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. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.

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 Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, November 6, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of December 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator