

A M E N D E D R E S O L U T I O N

WHEREAS, Potomac Woods South, LLC is the owner of a *~~[8-98]~~ 8.45-acre tract of land known as Parcel 178 *~~[,]~~ and Outlot A *~~[and part of Parcel 79]~~, Tax Map 113 in Grid E-3, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on January 8, 2008, Potomac Woods South, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 12 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07090 for Camotop Conservation 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 March 13, 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 March 13, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application; and

*WHEREAS, on April 3, 2008 the Planning Board approved Preliminary Plan of Subdivision 4-07090; and

*WHEREAS, on May 14, 2009 the Planning Board approved a request to reconsider Preliminary Plan of Subdivision 4-07090 based on a discrepancy associated with the total area of the property; and

*WHEREAS, that discrepancy had an effect on the calculations associated with the amount of the conservation area and on-site woodland conservation provided; and

*WHEREAS, on July 30, 2009 the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with all of the original conditions and findings, with the addition of amended Findings 3 and 4 and amended Conditions 1 and 8.

*Denotes Amendment

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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/002/08), and further APPROVED Preliminary Plan of Subdivision 4-07090, Camotop Conservation Subdivision, including a Variation from Section 24-130 for Lots 1 through 12, and Parcels A and B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Contain all sewer and storm drain lines within easements, and extend the easements into Conservation Parcel A where necessary.
 - *~~[b.] Demonstrate appropriate right of way dedication for Oak Lane along the street frontage of Parcel 79 if deemed necessary by DPW&T.]~~
 - *[e] b. Show all the regulated features on the preliminary plan in accordance with the signed NRI.
 - *[d] c. Revise the plat reference and lot designation for abutting Lot 17, Block C (Potomac Woods South), to Lot 18, Block C, (Edgewood Grove, PM 223 @ 58).
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 the Stormwater Management Concept Plan, #45729-2005-02 and any subsequent revisions.
4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the conservation parcels, except for areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to approval. 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.”
5. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

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6. The final plat shall contain the following note:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/002/08), 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.”

7. 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.

8. ~~*[Prior to signature approval of the preliminary plan, the applicant his heirs, successors and or assignees shall submit executed deeds of conveyance for Parcel 79 (Dennison Property) which demonstrates that the lot line adjustment in accordance with Section 24-108(a)(3), has been signed by the property owner and recorded in Land Records.]~~ The final plat of subdivision shall reflect a note that building permits for Lots 1 and 12 shall incorporate the plant materials and fencing as specified for size and implementation on the “Entrance Improvement Landscape Plan” and “Landscape Improvement Plan for Lots 1 and 12.”

9. Prior to the approval of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

10. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 4.56 ± acres of open space land (Conservation Parcels A & B). Land to be conveyed shall be subject the following:

- a. Conveyance shall take place prior to the issuance of building permits.
- b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
- c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.

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- d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
- e. Any disturbance of land to be conveyed to a homeowners association shall require the written consent of DRD or be in accordance with an approved detailed site plan if one is required. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
- f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
- h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

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 along the western terminus of Pates Drive, approximately 200 feet from its intersection with Taylor Lane.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Undeveloped	Single-Family
Acreage	*[8.98] <u>8.45</u>	*[8.98] <u>8.45</u>
Lots	0	12
Outlots	1	0
Parcels	2	2
Dwelling Units:		
Detached	0	12
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan for Conservation Subdivision, 4-07090, and the revised Type I Tree Conservation Plan, TCPI/002/08, stamped as received by the Countywide Planning Section on February 11, 2008. On June 28, 2007, staff from the Subdivision and Environmental Planning Sections conducted a field visit of the property. The Environmental Planning Section supports the variations requests and recommends approval of 4-07090 and TCPI/002/08, subject to conditions.

Background

This property was previously reviewed in conjunction with Preliminary Plan 4-96059, TCPI/36/96, Detailed Site Plan DSP-97018, TCPII/50/97, Pre-preliminary Plan P-00005, and Preliminary Plan 4-01074. Preliminary Plan 4-96059 and TCPI/36/96 were approved, and the Planning Board’s actions for this case are contained within PGCPB Resolution No. 96-338. DSP-97018 and TCPII/50/97 were approved by PGCPB Resolution. 97-225. The property was platted and is recorded in land records as VJ 184@81. Preliminary Plan 4-01074 was withdrawn prior to being heard by the Planning Board. Companion Conservation Sketch Plan, S-06004, was certified by the Planning Director on December 17, 2007.

Site Description

There are nontidal wetlands, streams and 100-year floodplain on the property associated with the Broad Creek subwatershed of the Potomac River watershed. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the “Prince George’s County Soil Survey” the principal soils are in the Aura, Iuka and Matapeake series. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or on adjacent properties. There are no designated scenic or historic roads in the vicinity of the property. The site is located within the Developing Tier, as reflected in the General Plan.

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Environmental Issues Addressed in the Henson Creek Master Plan.

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

Countywide Green Infrastructure Plan

The site is not located within the designated network of the Countywide Green Infrastructure Plan.

Conformance with the Conservation Subdivision Regulations

CB-4-2006 requires that an applicant complete sketch plan process before a preliminary plan of subdivision for a conservation subdivision is accepted. It is further required that the Planning Director or her designee certify the completion of the sketch plan process prior to acceptance of the preliminary plan. The certification of the sketch plan is not the approval of a specific lot yield or layout, but the completion of the sketch plan process for planning purposes.

The Environmental Planning Section has reviewed the preliminary plan to determine if the plan submitted fulfills the intents listed in Section 24-152(e)(2). Specific language derived from the Subdivision Regulations is shown in **bold type**, and is followed by comments provided by the Environmental Planning Section.

(2) **The intent of the sketch plan is to clearly document the design process, and to prioritize the characteristics of the site to be preserved in a conservation parcel or lot. Priorities can be a combination of site characteristics and may include areas of the site not otherwise regulated by this Subtitle.**

(a) **The sketch plan shall document the existing features of the site. The characteristics of the site are generally categorized as follows:**

- (i) **Scenic**
- (ii) **Agricultural**
- (iii) **Environmental, and**
- (iv) **Historic**

Comment: The signed Natural Resources Inventory, NRI/037/06, demonstrates that there are nontidal wetlands, streams and 100-year floodplain on the property associated with the Broad

Creek subwatershed of the Potomac River watershed. The Environmental Planning Section characterizes these features as the priority for this site.

(b) The sketch plan shall include:

Existing grades at two-foot contours, and a non-disturbance line;

- (ii) Information on surrounding properties to evaluate the opportunities for connectivity between characteristics of abutting properties,**
- (iii) Location and/or documentation of woodlands, farmland, farm structures, historic structures, streams, wetlands, scenic vistas, rock formations, hedgerows, pastures, cultural resources, unique views from streets and adjoining properties, and any other information pertaining to the character of a site. The sketch plan shall incorporate information from a signed natural resources inventory (NRI).**

Comment: The preliminary plan shows existing grades based on two-foot contours, conceptual grading and a proposed limit of disturbance. The NRI includes documentation of streams, wetlands and woodlands. The preliminary plan as submitted does not include documentation of any farm structures, historic structures, scenic vistas, cultural resources, or unique views from streets and adjoining properties.

(c) The sketch plan shall identify the areas proposed for conservation lots and parcels including conceptual house sites and septic recovery areas on conservation lots.

Comment: The preliminary plan shows the areas proposed for conservation parcels. No conservation lots are proposed. The conservation parcels will permanently protect the sensitive environmental features located on the site. Additionally, the conservation parcels either abut existing areas that are designated woodland conservation areas, or provide for future connectivity.

(d) The sketch plan shall establish a building and structures envelope on each conservation lot.

Comment: No conservation lots are proposed.

(e) The sketch plan shall propose locations for dwellings on that portion of the site determined to be least suitable for conservation.

Comment: The TCPI shows the proposed locations of the dwellings on areas which are the least suitable for conservation. These include the open areas of the site and areas outside of the

delineated stream buffers and the 100-year floodplain.

- (f) **The sketch plan shall locate areas of the site that have appropriate soils for septic recovery fields (community, shared and/or individual systems) if proposed and shall show areas for stormwater management facilities, if any, and the type of facility proposed**

Comment: The subdivision is proposed to be served by public water and sewer. As such, septic recovery areas are not proposed on the plan.

- (g) **The sketch plan shall show conceptual locations for proposed roads, lot lines and setbacks.**

Comment: The plan shows all proposed roads, lot lines and setbacks.

- (h) **The sketch plan should designate existing environmental and landscape features such as groups of trees, specimen trees, hedgerows, and woodland areas.**

Comment: The TCPI combined with the NRI shows all existing environmental features and landscape features.

Recommended Finding:

The Conservation Subdivision Sketch Plan, S-06004, was certified by the Planning Director on December 17, 2007. The preliminary plan and TCPI submitted are consistent with the certified sketch plan.

Environmental Review

The preliminary plan is required to incorporate information from a signed NRI. A signed Natural Resources Inventory (NRI/038/06) was submitted with the preliminary plan. The preliminary plan and TCPI accurately show the environmental features as depicted on the signed NRI. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations will require variation requests in conformance with Section 24-113 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands and their associated buffers unless the impacts are essential for the development as a whole.

The Environmental Planning Section will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential

development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

The TCPI shows proposed impacts for the sole access to the site and for a connection to the existing sanitary sewer line that is wholly within an expanded stream buffer. The impacts shown appear to be necessary for the proposed development.

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted.

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 evidence presented to it in each specific case that:

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of a public street and the connection to sanitary sewer are being required by Prince George's County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

The expanded stream buffers form two boundaries of the property. There is only one available access point from a public street, and impacts are required to construct the street improvements which are being mandated by DPW&T. The existing sanitary sewer is located wholly within an expanded stream buffer, and any connection to the sewer line would result in an impact.

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

The installation of a public street and a sanitary sewer connection are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (4) Because of the peculiar 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.**

The expanded stream buffers create a barrier to the property. Without the construction of a public street and the connection to the existing sanitary sewer, the property could not be properly developed in accordance with the R-R Zoning.

The Environmental Planning Section supports the variation request for the reasons stated above.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has previously approved Type I and Type II Tree Conservation Plans. The plans contain all of the Potomac Woods South Subdivision and further anticipated future development occurring on this property.

Each of the tree conservation plans, TCPI/36/96 and TCPII/50/97, have two worksheets. One worksheet addresses the area of the Potomac Woods South Subdivision that is shown on record plats 1 thru 3, which was developed under cluster subdivision. The other worksheet contains Outlot A of Potomac Woods South that is a major portion of the current application. Because of this configuration a new Type I Tree Conservation Plan will be assigned for the land that is the subject of this application and the area of TCPI/36/96 shall be reduced to eliminate any area that is included in the subject application. The reduced area of TCPI/36/96 remains in full compliance with the Woodland Conservation Ordinance. When a Type II Tree Conservation Plan is submitted, the area of TCPII/50/97 shall be revised to reflect the new configuration of the Type I Tree Conservation plans. The reduced area of TCPII/50/97 remains in full compliance with the Woodland Conservation Ordinance.

The Conservation Subdivision regulations indicate that the woodland conservation requirements for the site may be provided at an off-site location only if it is necessary to preserve the rural and agricultural landscape. Because this site is mostly wooded, with no agricultural landscapes, all woodland conservation requirements should be met on-site. *Because additional on-site woodland conservation was thought to be needed the applicant sought to negotiate a property line adjustment with the owner of Parcel 79 to have additional wooded land incorporated into the subdivision.

The TCP shows that the site can be developed and meet all woodland conservation requirements on-site *without a portion of Parcel 79 and that the provision of additional off-site woodland is no longer necessary.

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The priority woodlands on-site are associated with the sensitive environmental features and the areas that are contiguous with existing woodland conservation areas on adjacent properties. The conceptual TCPI shows the on-site conservation of woodlands in a single contiguous unit that will protect the expanded stream buffers on-site. This area of woodland will expand upon woodland conservation areas shown on TCPII/253/91, TCPII/50/97 and TCPII/106/95 that preserve significant stream corridors in the area. The TCPI has calculated all woodland on lots as cleared and provides for adequate outdoor activity areas on each lot, both of which are necessary design features.

*Because the analysis at the time of the Conservation Sketch Plan (S-06004) mentioned a concern over the "...area of open space to the rear of Lot 1 as you enter the proposed subdivision" (which is where adjacent Parcel 79 is located), the applicant agreed with staff that additional landscape plantings and an entrance treatment are appropriate. There are two open-space parcels and Lots 1 and 12 along the road at the entrance to the subdivision. As part of the original preliminary plan approval, a variation was approved to allow for this entrance road to cross the stream buffer. Staff suggested that the cleared area created by the road implementation and the side lot areas next to the cleared open space be planted with native species. Additionally, it was recommended that a subtle demarcation between the lots and the open space and supplemental plantings in the non-cleared areas would also enhance the entry.

*Based upon the recommendations from staff, the applicant prepared two exhibits titled: "Entrance Improvement Landscape Plan" and "Landscape Improvement Plan for Lots 1 and 12." Together, these plans provide for the planting of 63 trees, 35 shrubs and 80 herbaceous plants on the two lots and two open-space parcels. Additionally, the plans reflect a split rail fence on each lot along the boundary with the open space. These fences run from the street line back a distance of forty feet. Staff believes the infusion of this plant material and the separating fences will create a more attractive, naturalized entrance in character with the existing site features and the existing residential development to the east.

According to the approved Natural Resources Inventory and the "Prince George's County Soils Survey" the principal soils on this site are in the Aura, Iuka and Matapeake series. Aura soils are highly erodible. Iuka soils are often associated with floodplains and exhibit impeded drainage and high water tables. This information is provided for the applicant's benefit. Prince George's County will require a soils report in conformance with CB-94-2004 during the permit process review.

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An approved Stormwater Management Concept, CSD# 45729-2005-02, was submitted. The plan shows provisions for stormwater management by using drywells for each structure and providing grass swales along the streets. No further action regarding stormwater management is required.

Summary

The Environmental Planning Section supports the variations requests for the reasons stated above, and recommends approval of 4-07090 and TCPI/002/08 subject to conditions.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

5. **Community Planning**— The property is located in Planning Area 80 within the South Potomac Community and is within the limits of the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*. The master plan recommends a Residential, low-density land use for the subject property, at a density up to 3.5 dwelling units per acre. This application proposes a Residential, low-density land use which is consistent with the land use recommendation within the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*.

The 2002 General Plan locates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers and employment areas that are increasingly transit serviceable. This application proposes a low- to moderate-density suburban residential community which is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* retained the property's existing R-R Zoning.

6. **Parks and Recreation**— In accordance with Section 24-134(a) of the Subdivision Regulations the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.

7. **Trails**— There are no master plan trails issues identified in the Adopted and Approved Henson Creek-South Potomac Master Plan.

SIDEWALK CONNECTIVITY:

Pates Drive is an open section roadway immediately to the east of the subject property. Streets within the immediate vicinity of the subject property are open section with no sidewalks, including Pates Drive, Hickory Street, and Taylor Lane.

There are no master plan trails recommendations.

8. **Transportation**— The Transportation Planning Section has reviewed the subdivision application for the Camotop Property. The applicant proposes a residential development consisting of 12 single-family detached lots.

Due to the size of the subdivision, the Transportation Planning Section did not require a traffic study be done. Staff did have recent traffic counts available from its review of another nearby development. The counts, dated September 2007, were analyzed for the purpose of making an adequacy finding. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy - Service Level Standards

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the Developing Tier.

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

The intersection of Fort Foote Road and Oxon Hill Road (more northerly intersection/signalized) is determined to be the critical intersection for the subject property. The existing conditions at the study intersection are summarized as follows: AM peak hour, a critical lane volume (CLV) of 1,322, operating at Level-of-Service (LOS) D; and PM peak hour, a CLV of 1,193 operating at LOS C.

There are no funded projects within the study area in either the County Capital Improvement Program (CIP) or the State Consolidated Transportation Program (CTP) that would affect the future capacity of the critical intersection. Three approved but unbuilt developments that would directly affect the critical intersection were identified, along with a fourth development, Riverbend Estates (4-07047 for 9 lots), which was pending at the time of review. Annual through traffic growth of 1.8 percent per year was added to account for development and traffic growth in the general area. With background growth added, the following results are obtained: AM peak hour, a CLV of 1,444, operating at LOS D; and PM peak hour, a CLV of 1,332 operating at LOS D.

A residential subdivision consisting of 12 single-family detached lots is proposed. This amount of development would generate 9 AM (2 in and 7 out) and 11 PM (7 in and 4 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

85% - North along Oxon Hill Road
10% - South along Fort Foote Road
5% - South along Oxon Hill Road

Given this trip generation and distribution, the Transportation Planning Section has analyzed the impact of the proposal, and the following results were obtained: AM peak hour, a CLV of 1,449, operating at LOS D; and PM peak hour, a CLV of 1,336 operating at LOS D.

It is noted that this intersection operates adequately and within the standards identified.

The site is not within or adjacent to any master plan transportation facilities. There are two issues that require resolution prior to this subdivision moving forward. Access to the 12 new residences would be via existing Pates Drive. While this is the only apparent means of access, existing Pates Drive has a substandard 30-foot right-of-way. The applicant is proposing a 22-foot pavement width within a rural section, and this would match the 22-foot pavement width along existing Pates Drive. Nonetheless, coordination with the County Department of Public Works and Transportation (DWP&T) is needed to determine if improvements will be required along Pates Drive between the site and Oxon Hill Road. If the County determines that improvements are needed, the scope of these improvements should be identified by DPW&T and included as a conditions of approval for this case.

The second issue concerns the non-standard “bulbing” of the subdivision’s street in the area of

Lots 3, 4, and 5. This type of street alignment is not consistent with DPW&T standards. This must be determined to be acceptable by DPW&T prior to plan approval. Within their referral memo, DPW&T has stated that the roadway shown on the submitted plan is the preferred means of development. Traffic calming devices are being required by DPW&T along the low point of Pates Drive and along the proposed internal roadway which will serve the subdivision.

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 Code.

- 9. **Schools**—The Historic Preservation and Public Facilities Planning Section have reviewed this preliminary plan for 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 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	12 DU	12 DU	12 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	2.88	.72	1.44
Actual Enrollment	4,518	5,968	9,696
Completion Enrollment	168.96	90	181
Cumulative Enrollment	50.40	55.56	91.92
Total Enrollment	4,740.24	6,114.28	9,970.36
State Rated Capacity	4,775	6,114	10,392
Percent Capacity	99.27%	100.00%	95.94%

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

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 interstate highway 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 & Public Facilities Planning Section have reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

Public Facilities staff have determined that this preliminary plan is within the required 7-minute response time for the first due fire station, Allentown Road Company #47, 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, 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 Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The subject property is located in Police District IV. The standard for priority calls response is 10 minutes and the standard is 25 minutes for non-priority 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 January 8, 2008.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date January 8, 2008	12/06 - 12/07	10 minutes	16 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for priority calls and 25 minutes for non-priority calls were met on January 14, 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 the Camotop Property and has no comments to offer.
13. **Stormwater Management**—The Department of Public Works and Transportation, Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #45729-2005-02 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. **Historic**—A Phase I archeological survey was completed on the Camotop Property in December, 2006. No archeological sites were identified in the survey. The final report entitled, “*A Phase I Intensive Archaeological Survey of the Camotop Property, Oxon Hill, Prince George’s County, Maryland, Sketch Plan #S-06004*”, was received and approved by Historic Preservation staff on February 22, 2007. The Historic Preservation Section concurs with the report’s recommendation that no further archeological work is necessary on the Camotop Property.

However, 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.

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.

* * * * *

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]~~ Clark, seconded by Commissioner Vaughns, with Commissioners ~~*[Cavitt, Vaughns]~~ Clark, Vaughns, Cavitt, Squire and Parker voting in favor of the motion, ~~*[and with Commissioners Squire and Clark absent]~~ at its regular meeting held on Thursday, ~~*[March 13, 2008]~~ July 30, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this ~~*[3rd day of April 2008]~~ 10th day September 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:AH:arj

*Denotes Amendment
Underlining indicates new language
[Brackets] and ~~striketrough~~ indicate deleted language