

R E S O L U T I O N

WHEREAS, Luis J. Albisu, William Hawkins and Sue Hawkins are the owners of a 11.18-acre tract of land known as Parcel 19, (9.93 acres), and Parcel 71, (1.25 acres), said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on December 13, 2007, Carlos Davalos filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 7 lots and 1 outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07097 for Collingbrook II 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 May 8, 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 May 8, 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/13/07), and further APPROVED Preliminary Plan of Subdivision 4-07097, Collingbrook II, for Lots 1-7 and Outparcel 1 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Provide a general note which demonstrates the entire gross tract area of the property.
  - b. Provide a setback dimension from the front building line to the front street line for Lots 2, 3 & 6.
  - c. Provide a separate gross tract area and net lot area for any lots which include 100-year floodplain.
  - d. Provide plat references for all abutting properties.
  - e. Provide the entire lot width at the front street line for Lot 2.

- f. Verify that the 40-foot-wide gas pipeline easement (L.3598 F.255) that is reflected on the abutting Collingbrook Plat 8 (REP 213@7), does not encumber the subject property.
    - g. Rename Outparcel 1 to Outlot "A".
  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, No. 847-2007-00 and any subsequent revisions.
  4. The following note shall be placed on the preliminary plan and all future Tree Conservation Plans:

"All community lighting shall use full cut-off optics and shall be directed downward to reduce glare and light spill-over, unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits."
  5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area, except for the single approved impact to the PMA and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
  6. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, stream buffers or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation plans.
  7. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/13/07). 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, 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."

8. Prior to signature approval of the preliminary plan, the TCPI shall be revised to show the projected noise contour based on a Phase I noise study that considers topography and the distance of the houses from the noise generator. The location of the contour shall be detailed on a separate exhibit at 1 inch = 100 feet and show the centerline of US 50, the proposed lot layout, adjacent properties, and the calculated noise contour. The contour shall also be correctly reflected on the TCPI and preliminary plan.
9. A note shall be placed on the final plat of subdivision that prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits for those lots deemed necessary in Condition 8, stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA Ldn or less.
10. Prior to approval of the final plat of subdivision, the applicant, applicant's heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication for all lots that are less than one acre in size.
11. Prior to final plat, the applicant, applicant's heirs, successors, and or assignees shall submit executed deeds of conveyance by all parties for Outlot A. The applicant, applicant's heirs, successors, and or assignees shall demonstrate due diligence in obtaining the agreement for the conveyance of Outlot A to the abutting property owner of Parcel 33, (Margaret E. Ventura). Should the adjacent land owner choose not to accept the additional land, Outlot A shall be removed from the preliminary plan and TCPI, and the area of land within Outlot A shall be incorporated into the limits of Lot 7.
12. The applicant, applicant's heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public street unless modified by the Department of Public Works and Transportation (DPW&T) 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 recorded, but unconstructed terminus of Diplomat Avenue, south of US 50, and approximately 200 feet west of Pope's Creek Railroad and the Collington Branch Stream Valley Park.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	<b>EXISTING</b>	<b>PROPOSED</b>
	R-E Undeveloped	R-E Single-Family Detached
Acreage	11.18	11.18
Lots	0	7
Outparcels	0	1
Parcels	2	0
Dwelling Units:		
Detached	0	7
Public Safety Mitigation Fee		No

- Environmental**—The Environmental Planning Section has reviewed Preliminary Plan of Subdivision, 4-07097, and Type I Tree Conservation Plan, TCPI/13/07, for Collingbrook II, stamped as received on December 14, 2007. The Environmental Planning Section recommends approval of 4-07097 and TCPI/13/07 subject to conditions.

**Background**

The Environmental Planning Section has previously reviewed plans associated with this site for a Natural Resources Inventory (NRI/43/06), Preliminary Plan of Subdivision 4-06113, and Type I Tree Conservation Plan TCPI/13/07. Preliminary Plan 4-06113 was ultimately withdrawn prior to the scheduled Planning Board hearing.

**Site Description**

The site will be accessed through the abutting Collingbrook (4-02063) Subdivision. Regulated environmental features are associated with the site, which include a stream, wetlands, 100-year floodplain, and steep slopes on highly erodible soils. Based on aerial photos taken in the year of 2005, the site is 100 percent wooded. Two soil series are found to occur at the site according to the *Prince George’s County Soil Survey*. These include: Mixed alluvial land and Monmouth fine sandy loam soils. The Monmouth soil has a K factor of 0.43, which makes this a highly erodible soil. The Mixed alluvial land soils are hydric and are located within the Patuxent River Primary Management Area. Two noise generators are in the vicinity of the site US 50 and the Pope’s Creek Rail Road. There are no designated scenic or historic roads located in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, rare and threatened species are not found to occur in the vicinity of this property. Woodlands at this location are part of the Forest Interior Dwelling Bird Species’ (FIDS) habitat. According to the *Approved Countywide Green Infrastructure Plan*, two network features consisting of Regulated Areas and Evaluation Areas, are located on the site. The site is within the Collington Branch watershed of the Patuxent River basin, the Bowie and Vicinity Planning Area, and located within the Developing Tier as reflected in the adopted General Plan.

### **Master Plan Conformance**

The site is within the Bowie and Vicinity Planning Area. The Environmental Infrastructure chapter of the current plan contains one policy and two strategies to reduce light pollution. Policy 5 and the two strategies read as follows:

#### **Policy 5**

Reduce light pollution and intrusion into residential, rural and environmentally sensitive areas.

#### **Strategies**

1. Require the use of full cut-off optic light fixtures for all proposed uses.
2. Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.”

It is not clear how Policy 5 and Strategies 2 and 3 from the Environmental Infrastructure chapter of the Bowie and Vicinity Master Plan will be implemented at this location. However, street lighting on the proposed property should be designed to meet the recommendations stated within the master plan.

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

The site has a Regulated Area and an Evaluation Area within the green infrastructure network. Of these two features, most of the site is within a designated Evaluation Area. Most of the Regulated Area on the site is preserved through woodland conservation with the exception of one impact to the PMA for a storm drain outfall. Additional woodland preservation on the proposed lots within the Evaluation Area preserves most of the on-site forest. The plan proposes to meet all the requirements for woodland conservation on-site.

### **Environmental Review**

A staff signed Natural Resources Inventory (NRI/043/06-01) was included within the preliminary plan submittal. The preliminary plan and TCPI accurately show the information as depicted on the signed NRI.

A Forest Stand Delineation (FSD) was conducted in March 2006. Two forest stands (Stands A and B) were identified. Stand A totals 10.93 acres and is a stand of midsuccession hardwoods with yellow poplar, beech, and red oaks as the dominant species. Stand B totals 0.25 acre and is a stand of bottomland hardwoods with red maple, sweet gum and ash as the dominant species. Two specimen trees are located on the site within Stand A. Only one of these trees will be preserved because the other tree is located within the limits of the proposed entrance road. Both stands have

a 90 percent canopy closure. Stand A has a good priority retention rating and Stand B has a high priority retention rating. No further information regarding the NRI is necessary.

The site contains regulated features associated with the Patuxent River basin, which include a stream, wetlands, 100-year floodplain, and steep and severe slopes. The Patuxent River Primary Management Area is to be preserved to the fullest extent possible as required in Section 24-130(b)(5) of the Subdivision Ordinance. Generally, impacts are only recommended for essential development features. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, etc., which are mandated for public health and safety. Non-essential activities are those, such as grading for lots, stormwater management ponds and parking areas which do not relate directly to public health, safety or welfare.

### **PMA Impacts**

The submitted plan shows one proposed impact to the PMA for a storm drain outfall located along the eastern portion of proposed Lot 7. A Letter of Justification, stamped as received on December 14, 2007, describes the area of impact as 1,600 square feet. The Environmental Planning Section supports this impact because it is necessary to meet the stormwater management requirements.

The site is subject to the Woodland Conservation and Tree Preservation Ordinance because there are more than 10,000 square feet of existing woodlands on-site and the overall gross tract area exceeds 40,000 square feet. A Type I Tree Conservation Plan has been submitted and was found to meet the requirements of the Ordinance.

The site has a woodland conservation threshold (WCT) of 25 percent, or 2.59 acres, and a woodland conservation requirement of 3.92 acres. The current TCPI shows this requirement to be met entirely with 5.04 acres of on-site preservation. Preservation is proposed within, and adjacent to, the on-site PMA and on the proposed lots. The proposed subdivision, as designed, provides a minimum of 40 feet of useable rear yard for each proposed lot.

US 50 is an existing freeway and traffic-generated noise impacts are anticipated. A Phase I Noise Study was not submitted with the preliminary plan. The NRI shows the unmitigated 65 dBA Ldn noise contour in relation to US 50. Note no.10 on the NRI states the following:

“US 50 has a projected 65 dBA Ldn noise corridor 982 feet from the centerline of US 50 based on the Environmental Planning Section Noise Model using the 2004 ADT from the SHA. That projected noise corridor encompasses the majority of this property.”

The noise contour show on the TCPI is incorrect because it is not at the distance specified on the NRI. The contour is shown just north of the subject site, which is approximately 500 feet from the centerline of US 50. In reviewing the calculated noise contour, while utilizing the measuring tool in P.G. Atlas, the location of the contour is at 982 feet, which extends farther onto the site than what is shown on the plan. Additionally, a recent review of the noise contour with the

Environmental Planning Section Noise Model, based on the 2006 ADT from the SHA, shows that the projected 65 dBA Ldn noise contour is at 953 feet from the centerline of US 50. The Environmental Planning Section Noise Model is based on the assumption that the site topography is flat. In this case, it does not consider the existing slopes on the site, nor the proximity of the site from the roadway, which would serve to mitigate traffic related noise that would impact the proposed houses. A Phase I noise study, that considers the existing conditions of the site, should be submitted.

The Pope's Creek Railroad is approximately 200 feet to the east of the site. This is an active, low-speed, freight rail line with approximately four to six trains per day. Noise impacts from the trains are not anticipated because the frequency of the trains is episodic. Therefore, noise from the railroad use is not sustained over an extended period of time and would not reach 65 dBA Ldn. The site has an approved stormwater management concept plan and letter that were submitted with the application. The required bio-retention controls indicated within the concept approval letter are shown on the plan for each proposed lot. The concept is correctly shown on the TCPI. No further action with regard to stormwater management is required.

#### **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 the site will therefore be served by public systems.

5. **Community Planning**—The property is located in Planning Area 74B within the Bowie Community, and is within the limits of the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B*. The master plan recommends a low-density residential land use for the subject property. This application proposes a low-density residential land use that is consistent with the land use recommendation within the 2006 approved Bowie & Vicinity Master Plan, as proposed development will average less than one dwelling unit per acre.

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 that it is consistent with the with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 2006 Bowie & Vicinity Sectional Map Amendment retained the subject property within the R-E Zone.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince Georges County Subdivision Regulations Lots 3,5,6 & 7 of the subject subdivision are exempt from Mandatory Dedication of Parkland requirements because they are over an acre in size.

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 for Lots 1, 2 & 4 in the subject subdivision 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 Bowie and Vicinity Master Plan that impact the subject property. The road cross section for Diplomat Avenue should be consistent with the cross section previously approved in the abutting subdivision.

There are no master plan trails recommendations.

8. **Transportation**—The application is a preliminary plan of subdivision for a development consisting of seven single-family dwelling units. The seven dwelling units would generate five (1 in, four out) AM and six (4 in, two out) PM peak hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The traffic generated by the proposed subdivision would impact the unsignalized intersection of Church Road and Dawn Whistle Way.

This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation *Consolidated* Transportation Program or the Prince George's County Capital Improvement Program:

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

**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 table below identifies the intersection on which the proposed development would have the most impact:



EXISTING CONDITION		
Intersection	AM	PM
	LOS/delay	LOS/delay
Church Road and Dawn Whistle Way	B/10.6 seconds	B/11.1seconds

The Transportation Planning Section’s research of background developments revealed three (3) developments that could potentially affect the referenced intersection. With the inclusion of trips from these developments, the analysis revealed the following results:

BACKGROUND CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Church Road and Dawn Whistle Way	B/13.6 seconds	B/17.8 seconds

Citing the trip generation rates from the guidelines, the proposed development would generate 5 AM and 6 PM peak-hour vehicle trips. By combining site-generated trips with background traffic, the results are as follows:

TOTAL CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Church Road and Dawn Whistle Way	B/13.6 seconds	B/18.2 seconds

The results of the analysis showed that adequate transportation facilities would continue to exist if this application is approved. The Transportation Planning Section has no issues with the site layout or the on-site circulation.

**TRANSPORTATION CONCLUSIONS**

The Planning Board concludes that adequate access roads will exist as required by 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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	7 DU	7 DU	7 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	1.68	.42	.84
Actual Enrollment	4,900	6,782	10,542
Completion Enrollment	230.4	117	234
Cumulative Enrollment	1.2	0.3	0.6
Total Enrollment	5,133.28	6,899.72	10,777.44
State Rated Capacity	4,838	6,356	10,254
Percent Capacity	106.10%	108.55%	105.10%

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 property is within the required 7-minute response time for the first due fire station, Bowie Company No. 39, using the *Seven (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 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 within Police District II. The standard response time is 10 minutes 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 December 13, 2007.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date 12/13/07	11/06 - 11/07	10 minutes	15 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 December 17, 2007.

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

Pursuant to CR-69-2006, 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 Collingbrook II 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, #847-2007-00, 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. Water quality measures will be achieved by utilizing low impact development methods and by providing individual bioretention and extended detention areas on various lots within the subdivision.
14. **Historic**—A Phase I archeological survey was completed on the 11.18-acre, Collingbrook-II Subdivision under Preliminary Plan 4-06113 in March, 2007. No archeological sites were identified and no further archeological work was recommended on the property. The Historic Preservation Section concurs that no further archeological work is necessary on the Collingbrook II Subdivision. Four copies of the final report entitled, “*Phase I Archeological Survey of the Collingbrook Property, Prince George’s County, Maryland, Preliminary Plan Number 4-06113*”, were received and approved by the Historic Preservation Section. All archeological conditions have been fulfilled.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Cavitt, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, May 8, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of May 2008.

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Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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