

R E S O L U T I O N

WHEREAS, DD Land Holding , LLC is the owner of a 7.65-acre parcel of land known as Parcel 109, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned R-80 (One-Family Detached Residential); and

WHEREAS, on June 24, 2009, Enterprise Office Park, Inc. filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 12 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09018 for Fairview 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 December 3, 2009, 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 December 3, 2009, 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/075/04-01), and further APPROVED Preliminary Plan of Subdivision 4-09018, Fairview for 12 lots and 2 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Label the 150-foot lot depth required along Martin Luther King, Jr. Highway.
 - b. Delete Lot 5 or provide an adjustment to accommodate the required 50-foot lot width along the front street line.
 - c. Remove the notation "Proposed 70' R/W" along Whitfield Chapel Road from the plan.
 - d. Revise the Whitfield Chapel Road sidewalk to a minimum of five feet wide to connect to the Martin Luther King, Jr. Highway right-of-way.
 - e. Provide the tax map, grid, and parcel number in the general notes.

- f. Delete Lot 11 or provide an adjustment to accommodate the required 75-foot lot width at the front building line.
2. Prior to the approval of permits, a limited detailed site plan shall be approved by the Planning Board or its designee to include but not be limited to the review of the following:
 - a. Evaluate views of this property from surrounding roadways.
 - b. Show the location of the proposed mitigation measures and the associated grading.
 - c. Provide details showing the proposed mitigation measures; paying particular attention to cross sections, construction material, design, and installation requirements so as to ensure the required mitigation levels, encourage functionality, and ensure an attractive appearance.
 - d. The mitigation measures shall be constructed of materials that have a life span of no less than 30 years so as to minimize cost associated with maintenance.
 - e. A cross section from the noise sources to each habitable structure shall be provided to show the existing and proposed topography, the noise mitigation measure locations, and the location of the mitigated 65 dBA Ldn noise contours at ground level and at the second floor elevation. An exhibit/rendering depicting the views of the site (noise barrier and building façades) from I-95/495 and Martin Luther King, Jr. Highway. The aesthetics of the noise barrier must be carefully considered because of the high visibility of the site.
 - f. Provide a full-sized materials brochure outlining the characteristics of the proposed noise wall including the STC rating and aesthetic characteristics including materials and colors.
 - g. Architectural elevations where the elevation is visible from Whitfield Chapel Road, MD 704, and/or I-95/495 shall be included.
 - h. Landscaping plans for the stormwater management facility on Parcel B, the area inside the noise barrier between the noise barrier and the lot lines, and outside the noise barrier between the noise barrier and the adjacent roadways.
3. Prior to the approval of permits, a limited detailed site plan shall be approved by the Planning Board or its designee for the off-site recreational facilities required for the fulfillment of mandatory dedication of parkland (Section 24-134 of the Subdivision Regulations). The review shall include:
 - a. The applicant shall install a steel picnic shelter (approximately 24 feet by 24 feet in size) on concrete slab and provide four picnic tables in Tabbs Neighborhood Park. The applicant shall provide an ADA (Americans with Disabilities Act) accessible path from the parking lot to the shelter.

- b. The detailed construction drawings shall be submitted to the Department of Parks and Recreation (DPR) for review and approval prior to the submission of a detailed site plan, and approved by DPR staff prior to approval of the detailed site plan. Recreational facilities shall be designed and built in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
 - c. The construction of the off-site recreational facilities shall be completed prior to the issuance of the seventh building permit in the Fairview project area, or as determined in the review of the detailed site plan.
 - d. Submission of three original, executed recreational facilities agreements (RFA) to DPR for their approval, prior to approval of the detailed site plan. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland and referenced on the detailed site plan.
 - e. Submission of a performance bond, letter of credit, or other suitable financial guarantee to DPR in an amount to be determined by them, within at least two weeks prior to applying for building permits.
- 4. A Type II tree conservation Plan shall be approved with the detailed site plan for the subject property.
 - 5. Development of this site shall be in conformance with Stormwater Management Concept Plan 34492-2004-00 and any subsequent revisions.
 - 6. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement along the public rights-of-way as delineated on the approved preliminary plan of subdivision.
 - 7. At the time of final plat, the applicant shall dedicate right-of-way along Whitfield Chapel Road of 40 feet from centerline, and dedication along Martin Luther King, Jr. Highway (MD 704) as delineated on the preliminary plan of subdivision.
 - 8. The applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Provide standard sidewalks, a minimum of four feet wide, along both sides of the internal street, and connect these sidewalks to the existing sidewalks on Fairview Avenue, unless modified by DPW&T.
 - b. Provide a striped crosswalk across Whitfield Chapel Road at Fairview Avenue unless modified by DPW&T.

- c. Provide the alternate configuration for an urban four-lane collector road on Whitfield Chapel Road along the subject property frontage, sufficient enough for a five-foot-wide bike lane unless modified by DPW&T.
9. Prior to signature approval of the preliminary plan, the noise study cross sections shall be revised to show all noise contours in the correct location with correct labels.
10. Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis using the certification template provided by the Environmental Planning Section, Maryland-National Capital Park and Planning Commission (M-NCPPC), demonstrating that the design and construction of building shells within the noise corridors of the abutting rights-of-way will attenuate interior noise levels to 45 dBA (Ldn) or less.
11. Prior to signature approval of the preliminary plan, the Type I (TCPI) tree conservation plan shall be revised as follows:
 - a. Revise the worksheet to show the off-site woodland conservation requirement in the correct off-site mitigation row of the worksheet.
 - b. Show all off-site clearing, labeled to the nearest 1/100th of an acre, and update the worksheet accordingly.
 - c. Provide a note on the plan indicating the approximate distance of the unmitigated upper level 65 dBA Ldn noise contour from the site.
 - d. Remove the soils, slopes, and proposed tree line information from the legend.
 - e. Revise the TCPI approval blocks on all sheets of the plan set to include the plan number (TCPI/075/04) and the previously approved signature typed-in (Lori Shirley, 12/21/06).
 - f. Revise Note 1 to reference the current Preliminary Plan Number (4-09018).
 - g. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
12. Development of this subdivision shall be in compliance with approved Type I Tree Conservation Plan TCPI/075/04-01. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/075/04-01), 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 Georges County Planning Department.”

13. Any non-residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
14. The record plat shall include the following note:
Development of this property is subject to a public recreational facility agreement with M-NCPPC for off-site recreational improvement in the Tabbs Neighborhood Park.

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 in the northeast quadrant of the intersection of the Capital Beltway (I-95/495) and Martin Luther King, Jr. Highway (MD 704), on the west side of Whitfield Chapel Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	R-80	R-80
Use(s)	Vacant	Single-family dwelling units
Acreage	7.65	7.65
Lots	0	12
Parcels	1	2
Dwelling Units:		
Detached	0	12
Public Safety Mitigation Fee		No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision Review Committee on July 10, 2009. No variations were filed, or required.

4. **Environmental**—The site was previously reviewed in conjunction with the previously filed Preliminary Plans of Subdivision (4-04135 and 4-08041), Detailed Site Plan DSP-05108, and Natural Resources Inventory NRI/038/08. Preliminary Plan 4-04135 was approved by the Planning Board on January 20, 2005. The Planning Board’s action is found in PGCPB Resolution

No. 05-16. A Type I Tree Conservation Plan, TCPI/75/04, was included in the Planning Board's approval. The previously approved preliminary plan expired prior to final plat, resulting in the need for a new application. Preliminary Plan 4-08041 was withdrawn prior to review by the Planning Board.

This proposal is for the subdivision of a single parcel into 12 single-family detached residential lots. The current proposal represents a -01 revision to TCPI/075/04. A detailed site plan is required for this case to provide an opportunity for further review of noise related issues, aesthetics, and landscaping.

A review of the available information indicates that streams, wetlands, areas of 100-year floodplain, severe slopes in excess of 25 percent, and steep slopes between 15 and 25 percent with highly erodible soils are not found to occur within the limits of this application. Transportation-related noise generators I-95/495, MD 704, and Whitfield Chapel Road have been identified in the vicinity of this property. The soils found to occur on the property, according to the *Prince George's County Soil Survey*, include Sunnyside fine sandy loam, Sunnyside sandy clay, and Sunnyside urban land complex. The Sunnyside sandy clay soils have limitations with respect to slow permeability and high shrink-swell potential. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Baldhill Branch watershed of the Patuxent River basin and in the Lower Beaverdam Creek watershed of the Anacostia River basin. The property is further located in the Developing Tier as reflected in the *Prince George's County Approved General Plan*.

Master Plan Conformance

The 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* does not indicate any environmental issues associated with this property. The environmental requirements for woodland preservation and noise attenuation are addressed further.

Countywide Green Infrastructure Plan Conformance

Neither the subject property nor any adjacent properties are within the designated network of the *Approved Countywide Green Infrastructure Plan*. According to the information submitted, the site is also isolated from other woodlands on all sides, making it a site that should meet its requirements off-site.

Environmental Review

An approved Natural Resources Inventory, NRI/038/08, was submitted with the application. The NRI indicates that there are no streams, wetlands, or 100-year floodplain on the subject property. The Type I tree conservation plan (TCPI) and the preliminary plan are in conformance with the NRI. The forest stand delineation (FSD) indicates two forest stands totaling 6.23 acres and four

specimen trees. Stand 1 is an early to mid-successional stage hardwood stand dominated by yellow poplar and Stand 2 is a mid-successional stage hardwood stand dominated by red maple. The existing woodlands are isolated and have little or no value for preservation as part of a larger network. No on-site preservation is proposed.

This property is located between two transportation-related noise generators, I-95/495 and MD 704. Buffering future residents from existing and future noise levels is an important land use planning issue on this site. It is essential to ensure that future property owners are not subject to the high levels of transportation noise that exist on the site. The aesthetics of the noise barrier must also be carefully considered because of the high visibility of the site from I-95/495 and MD 704. A limited detailed site plan is required for this property to provide an opportunity for further review of noise related issues, aesthetics, and landscaping which is not generally addressed through the review of a preliminary plan of subdivision.

A revised Traffic Noise Impact and Noise Barrier report dated April 6, 2009 was stamped as received by the Environmental Planning Section on June 25, 2009. A Building Shell Analysis report dated April 13, 2009 was also stamped as received on June 25, 2009. An addendum to these reports, dated October 22, 2009 and stamped as received on November 4, 2009, was submitted to address the concerns outlined in a previous environmental memo.

The addendum was signed by a professional engineer and includes a point by point response to the concerns outlined in the July 14, 2009 environmental memo. Some of the assumptions of previous versions of the reports and the reports stamped as received on June 25, 2009 were called into question in previous memos as well as the July 14, 2009 memo. The concerns outlined in previous memos have been addressed by the addendum.

A statement was provided in the addendum explaining the difference between the previously proposed double noise wall and the currently proposed single noise wall. Concern was raised that the single wall shown currently on the plans in the same location as what was previously shown as a double wall would not provide adequate noise attenuation; however, the addendum explains that the Sound Transmission Class (STC) rating of the double wall previously proposed was 26, while the single wall currently proposed in the same location has an STC rating that has been increased to 32 and will provide adequate mitigation with a single wall where a double wall with a lower STC rating would have previously been required.

The addendum also included a revised exhibit showing the location of the ground level unmitigated 65 dBA Ldn noise contour. This contour has been accurately reflected on the preliminary plan. Clarification was provided in the addendum indicating that the upper level unmitigated 65 dBA Ldn noise contour shown in Figure 5 of the noise study, stamped as received June 25, 2009, was shown accurately. This noise contour is located off-site, north of the intersection of Whitfield Chapel Road and Fairview Avenue. This contour has not been shown on the plans because it is not located on-site; the entire site is subject to unmitigated upper level noise levels above 65 dBA Ldn.

A Tuf-Barrier Sound Wall Test report was included in the noise study, stamped as received June 25, 2009. An additional materials brochure was provided for the Tuf-Barrier Sound Wall in the addendum; however, the print is very small and the wall specifications are difficult to read. These specifications are important not only to verify the STC rating of the proposed wall material, but also for the aesthetic specifications of the wall (color, material, etc.) and for the product life span. It is recommended that the materials life span be no less than 30 years so as to minimize cost associated with maintenance. Installation of the fence is also an important aspect that needs to be addressed, for example, no gaps should be located between the fence and the ground. These are details that should be addressed as part of a detailed site plan review.

An exhibit/rendering depicting the view of the site (noise barrier and building façades) from I-95/495 and MD 704 should also be provided with a detailed site plan. The aesthetics of the noise barrier must be carefully considered because of the high visibility of the site. The aesthetics of the architectural elevations must also be carefully considered because they too will be highly visible from Whitfield Chapel Road (MD 704) and the Capital Beltway (I-495/95). Landscaping on the outside of the noise wall will also be highly visible and must be considered with a detailed site plan. Landscaping on the inside of the noise wall and surrounding the stormwater management facility will be visible to the residents and should also be considered as part of the detailed site plan.

Cross sections were stamped as received by the Environmental Planning Section on November 4, 2009. Several of the sheets show the mitigated 65 dBA Ldn noise contour at a location that conflicts with the plan view. The mitigated 65 dBA Ldn noise contour should be co-located with the proposed noise wall according to the plan view. Several sheets also show a “future ground mitigated noise contour.” This contour is not shown on the plan view and it is unclear what is intended by the label “future”; the contour should be re-labeled or removed from the plan as appropriate. Several of the sheets appear to have labeled the lot numbers incorrectly; specifically, Sheet 6 for cross section E-E has a lot labeled as Lot 3 when it should be labeled as Lot 2, and Sheet 8 for cross section G-G has a lot labeled as Lot 3 when it should be labeled as Lot 4. Sheet 9 for cross section H-H appears to be missing the mitigated upper level noise contour. All sheets in the cross section plan set should be revised as appropriate; to ensure that all noise contours are shown in the correct locations and labeled correctly.

The noise study indicates that the proposed combination berm and noise wall will provide adequate mitigation for the outdoor activity areas to the state standard of 65 dBA Ldn. The noise study also indicates that Lots 1–3, 5–7, and 8 will be affected by upper level mitigated noise levels above 65 dBA Ldn. Portions of Lots 4 and 12 also appear to be affected by upper level mitigated noise levels above 65 dBA Ldn. It appears as though Lots 10 and 11 are the only two lots that will not be affected by mitigated noise levels above 65 dBA Ldn. Because only two of the 12 lots will not be affected by mitigated noise levels above 65 dBA Ldn, building permits for all lots will be required to provide certification prepared by a professional engineer with competency in acoustical analysis stating that interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

Because noise mitigation is so closely linked to the site layout, grading, house sizes, and locations, these site characteristics should not deviate from those approved as part of the detailed site plan.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it has an approved Type I Tree Conservation Plan, TCPI/075/04. The woodland conservation threshold (WCT) for this 7.65-acre property is 20 percent of the net tract area or 1.53 acres. The total woodland conservation requirement, based on the amount of clearing proposed, is 4.24 acres. This requirement is proposed to be satisfied entirely with off-site mitigation which staff supports; however, the worksheet currently shows the requirement in the incorrect row of the worksheet. The worksheet needs to be revised to show the woodland conservation requirement in the correct off-site mitigation row of the worksheet. Meeting the entire requirement off-site is appropriate because the woodland on-site provides little or no benefit to the larger forest community. There are no possible connections to other wooded areas and all of the existing woodlands are proposed to be removed. Because reforestation was not approved on the previous plan, reforestation is not recommended on the current plan or proposed. Off-site clearing is shown for the installation of the stormwater outfall and for the installation of what appears to be a sidewalk at the intersection of Whitfield Chapel Road and Martin Luther King, Jr. Highway (MD 704). All off-site clearing needs to be shown and labeled on the plan to the nearest 1/100th of an acre, and the worksheet should be updated accordingly.

The plan requires some technical changes to be in conformance with the Woodland Conservation Ordinance. The upper and lower level unmitigated 65 dBA Ldn noise contours are required to be shown on the plan; however, according to the noise study, the unmitigated upper level 65 dBA Ldn noise contour is located off-site, northwest of the intersection of Whitfield Chapel Road and Fairview Avenue, and the contour is not shown on the plan. A note indicating the approximate distance of the unmitigated upper level 65 dBA Ldn noise contour from the site should be added to the plan to explain the reason that the contour is not shown on the plan.

The soils, slopes, and proposed tree line information should be removed from the legend because they are not shown on the plan. The TCPI approval block located on all sheets of the plan should be updated to include the plan number (TCPI/075/04) and type-in the previous approval information. The plan was previously approved by Lori Shirley on December 21, 2006. Note 1 of the Type I tree conservation plan notes should be revised to reference the current Preliminary Plan number, 4-09018. After all revisions have been made, the qualified professional who prepared the plan should sign and date it and update the revision box with a summary of the revisions.

A copy of the Stormwater Management Concept Plan and Approval Letter, 34492-2004-00, date stamped as received by the Environmental Planning Section on June 24, 2009, were submitted for review with this application. The stormwater management concept plan as approved is generally consistent with the TCPI. No additional information is required with respect to the stormwater management concept plan.

Some of the soils found on this property have seasonally high shrink-swell characteristics and impeded drainage which may contribute to wet or damp basements or require special foundation designs. At the time of building permit, the county may require subsurface drainage and foundation issues to be addressed.

5. **Community Planning**—The property is located within the limits of the 1990 Largo-Lottsford and vicinity master plan, Planning Area 73, in the Enterprise Community. The master plan land use recommendation is for low suburban residential. The 2002 General Plan locates the property in the Developing Tier. One of the visions of the Developing Tier is to maintain a pattern of low to moderate-density suburban residential communities. The preliminary plan is consistent with the recommendations of the master plan and the General Plan.

The Largo-Lottsford master plan addresses issues associated with the review of this application related to the site's location adjacent to major roadways. The master plan (page 70) contains guidelines that encourage setbacks, open space, berming, landscaping, and fencing to protect residential areas from any impacts associated with the proximity to major roadways and incompatible nonresidential uses. Another guideline encourages residential structures to be designed in a harmonious relationship to one another and to the terrain, and to be situated to create interesting spaces. Review of a detailed site plan can ensure conformance to these master plan recommendations.

6. **Department of Parks and Recreation**—The Department of Parks and Recreation (DPR) reviewed the preliminary plan application for conformance with the requirements and recommendations of the *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73*, the Land Preservation and Recreation Program for Prince George's County, and current zoning and subdivision regulations as they pertain to public parks and recreation.

Section 24-134 of the Subdivision Regulations (mandatory dedication of parkland) requires that 0.38 acre of the subject property be dedicated for public parkland. Mandatory dedication is not appropriate in this case because this site is not abutting existing parkland and the amount of land required is not suitable for a public park.

The following public parks are located in a one-mile radius from this project:

- **Carsondale Neighborhood Playground** (2.8 acres) improved with two tennis courts, a picnic shelter, a playground, a playfield, a trail, and a senior fitness cluster.
- **Tabbs Neighborhood Park** (7 acres) improved with a picnic area, a basketball court, a playground, and two tennis courts.
- **Whitfield Chapel Community Park** (26 acres) improved with a softball/baseball field, a softball field, a playfield, a playground, and a picnic area.

The applicant will meet mandatory dedication requirements by providing off-site recreational facilities in the nearby Tabbs Neighborhood Park, which has been identified by DPR as being in high need of a picnic shelter to serve the community. DPR met with the applicant and determined that the addition of a picnic shelter with picnic tables would greatly improve the existing recreational facilities in this park, and the applicant has agreed to provide this facility to fill the mandatory dedication requirement.

7. **Trails**—The Largo-Lottsford Approved Master Plan and Adopted Sectional Map Amendment (1990) does not contain bikeway or sidewalk facility recommendations that affect this plan. The approved Prince George’s County Master Plan of Transportation (MPOT) (November 17, 2009) recommends that on-road bicycle facilities be developed on Whitfield Chapel Road. The plan also recommends a sidepath on Martin Luther King, Jr. Highway (MD 704), which are recommended with this application.

The applicant is proposing a residential subdivision which will be primarily served by a new dedicated public street which will terminate in a cul-de-sac. Sidewalks are proposed along the entire street frontage. Sidewalks currently exist along the properties frontage on Fairview Avenue, which will provide a connection to Whitfield Chapel Road. The existing sidewalks on Fairview Avenue should be repaired with the frontage improvements that may be required by the Department of Public Works and Transportation (DPW&T) through the street construction permitting process.

The applicant is proposing to dedicate land and provide a sidewalk along Whitfield Chapel Road to connect to Martin Luther King, Jr. Highway. This proposed sidewalk is depicted on the preliminary plan as four feet wide. This sidewalk should be a minimum of five feet wide, and reflected on the preliminary plan to meet the minimum county road standards. There is a nearby neighborhood park on Volta Street. To provide access to the neighborhood park, staff recommends that the applicant provide a striped crosswalk across Whitfield Chapel Road if required by DPW&T.

Whitfield Chapel Road contains a one- to two-foot paved shoulder that can be used for bike travel currently. The road is not currently signed for a bicycle facility, although the adopted MPOT recommends such a facility. The applicant’s proposal includes additional dedication for an urban four-lane collector road (80 feet) and shows proposed curb and gutter for an 11-foot-wide outside vehicle lane. The applicant is providing sufficient dedication for a striped five-foot-wide bike lane to be implemented in the future, with the concurrence of DPW&T.

The applicant is proposing to dedicate land and provide additional right-of-way for a State Highway Administration (SHA) planned sidepath on Martin Luther King, Jr. Highway (MD 704), as requested by SHA and reflected on the preliminary plan.

8. **Transportation**—The property is located at the northwest corner of MD 704 and Whitfield Chapel Road. The application is for a residential subdivision consisting of 12 single-family detached lots. Using trip generation rates in the “Guidelines for the Analysis of the Traffic Impact

of Development Proposals,” the proposed development would generate 9 AM (2 inbound and 7 outbound) and 11 PM (7 inbound and 4 outbound) weekday peak-hour vehicle trips. The traffic generated by the proposed preliminary plan would impact the following intersection in the transportation system:

MD 704 and Whitfield Chapel Road (signalized)

Due to the size of the subdivision, a traffic study was not required. Traffic counts at the critical intersection were requested for the purpose of making an adequacy finding, and counts dated January 2009 were submitted by the applicant. The following findings are based upon a review of these materials and analyses consistent with the guidelines.

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:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. The intersection of MD 704 and Whitfield Chapel Road, when analyzed with existing traffic and existing lane configurations, operates with a CLV of 1,008, LOS B, during the AM peak hour, and with a CLV of 757, LOS A, during the PM peak hour. The Prince George’s County Planning Board has defined an upper CLV limit of 1,450 in any peak hour, LOS D, as the worst acceptable operating condition on the transportation system.

The critical intersection identified above 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. Background traffic has been developed by using two approved developments in the area and 1.0 percent annual growth rate in through traffic along MD 704. The critical intersection of MD 704 and Whitfield Chapel Road, when analyzed with background traffic and existing lane configurations, operates with a CLV of 1,049, LOS B, during the AM peak hour, and with a CLV of 787, LOS A, during the PM peak hour.

The critical intersection when analyzed with total future traffic as developed using the guidelines, including the site trip generation as described above and a distribution of 15 percent north along Whitfield Chapel Road, 25 percent west along MD 704, and 60 percent east along MD 704, operates with a CLV of 1,054, LOS B, during the AM peak hour, and with a CLV of 791, LOS A, during the PM peak hour.

Therefore, it is found that the critical intersection operates acceptably under existing, background, and total traffic in both peak hours.

The site is adjacent to MD 704, which is a master plan arterial facility, and to I-95/I-495, which is a master plan freeway facility. Adequate right-of-way consistent with master plan

recommendations exists along both facilities. Therefore, no further dedication is required of this plan along I-95/I-495 and MD 704. However, the applicant has proffered, at the request of SHA, an additional 2,215 square feet of dedication for the construction of a sidewalk along MD 704. The preliminary plan reflects this additional dedication.

It is noted that Whitfield Chapel Road is shown on the master plan as a primary residential roadway adjacent to this site, although it is shown as a collector facility north of US 50. However, there is no discernable change in the function of Whitfield Chapel Road between the adjacent section and the section north of US 50. The Adopted Countywide Master Plan of Transportation (MPOT) shows this facility as an 80-foot collector along the frontage of this site. Dedication of 40 feet from centerline is correctly shown on the plan; however, the plan should be modified to remove the notation “Proposed 70’ R/W” along Whitfield Chapel Road given that the roadway is ultimately proposed to be a collector with an 80-foot right-of-way.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision as required by Section 24-124 of the Prince George’s County Code.

9. **Schools**—The preliminary plan has been reviewed for its impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and 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 4	High School Cluster 2
Dwelling Units	12 DU	12 DU	12 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	1.92	1.56	1.68
Actual Enrollment	6,339	9,888	12,866
Total Enrollment	6,340.92	9,889.56	12,867.68
State Rated Capacity	6,335	11,571	13,026
Percent Capacity	100%	85.5%	98.8%

Source: Prince George’s County Planning Department, M-NCPPC, September 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-95/495 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. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current

amounts are \$8,120 and \$ 13,921 respectively, to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

10. **Fire and Rescue**—The preliminary plan has been reviewed for the adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

This preliminary plan is within the seven minute required response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
33	Kentland	7701 Landover Road

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (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 CB-56-2005.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure.”

11. **Police Facilities**—The subject property is located in Police District 2, Bowie. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency 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 24, 2009.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 6/24/2009	6/2008-5/2009	8.0 minutes	10.0 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met November 10, 2009. The Police Chief has reported that the Police 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 temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

12. **Health Department**—The Health Department has reviewed the preliminary plan and has no comment.
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, 34492-2004-00, 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 and any subsequent revisions.
14. **Historic**—A Phase I archeological survey was completed on the property in October 2005. No archeological sites were identified. No further archeological investigations are recommended. 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.
15. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot public utility easement along the public rights-of-way as requested by the utility companies.

16. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states, “The location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 Water and Sewer Plan designates this property in a dormant water and sewer Category 3 as of June 30, 2009, and the site will therefore be served by public systems.

17. **Use Conversion**—This preliminary plan was analyzed based on the proposal for single-family detached dwelling units. The analysis included recommendations relating to access, noise issues, mandatory dedication and future views of the property, specifically relating to the single-family

residential land use proposed with this application. While the subject application is not proposing any non-residential development, if such a land use were proposed, a new preliminary plan should be approved.

18. **Background**—The property is the subject of two previous preliminary plans of subdivision. Preliminary Plan of Subdivision 4-04135 was approved by the Planning Board (PGCPB Resolution No. 05-16) in 2005 for 12 lots and one parcel. A condition of that approval required a detailed site plan for a number of reasons including evaluation of the noise wall and its appearance from abutting properties. The applicant filed a Detailed Site Plan (DSP-05108) which did not receive approval. Subsequent to that application, the preliminary plan of subdivision expired (2007), with no extension of the validity period being requested by the applicant. In 2008, the applicant again filed a Preliminary Plan of Subdivision (4-08041) for 12 lots and one parcel. In that case, additional information was not received as requested by staff before the Planning Board hearing date and the application was withdrawn by the applicant.

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 Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, December 3, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of January 2010.

Patricia Colihan Barney
Acting Executive Director

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:WC:arj