

R E S O L U T I O N

WHEREAS, Jacqueline D. Taylor is the owner of a 2.99-acre parcel of land known as Lot 29, WWW 176@48, being located on Tax Map 117 and Grid B-1, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on April 22, 2004, Lucas Enterprises, Inc., filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for five lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04070 for Townsend 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 June 24, 2004, 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 June 24, 2004, 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/62/95-01), and further APPROVED Preliminary Plan of Subdivision 4-04070, for Lots 1-5 with the following conditions:

1. Approximately 3,450 square feet of the pipestem from Dangerfield Road shall be delineated as Parcel A. This parcel shall be conveyed, at the time of final plat, to the abutting Lot 27.
2. Prior to the approval of the final plat of subdivision the applicant shall submit executed deeds of conveyance of Parcel A to the abutting Lot 27.
3. The abandoned shallow well found within the confines of the subject property shall be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to the issue of any grading permit.
4. Any abandoned septic tank within the confines of the property shall be pumped out by a licensed scavenger and either removed or backfilled in place prior to the issue of any grading permit.
5. All trash and other debris found on the property shall be removed and properly stored or discarded.

6. 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/62/95-01), 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/Tree Preservation Policy.”

7. 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 stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.

8. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”

9. Prior to signature approval of the Preliminary Plan of Subdivision, the TCPI worksheet shall be revised to indicate the correct acreages of the “area of woodland on net tract not cleared” and “woodland retained not part of requirements.” The revised plan shall be signed and dated by the qualified professional who prepared the plan.

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 site located on the east side of Dangerfield Road approximately 1,100 feet south of its intersection with Woodyard Road (MD 223).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-R	R-R
Uses	Undeveloped	Single-Family Residences
Acreage	2.99	2.99
Lots	1	5

4. **Environmental**— There are no streams, wetlands or 100-floodplain on the property. The site

eventually drains into Piscataway Creek in the Potomac River watershed. According to the *Prince George's County Soils Survey*, the principal soils on this site are in the Beltsville, Manor and Sassafras series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties*, December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. The property is within the 70 dBA to 75 dBA noise zone as identified in the Andrew's Air Force Base AICUZ study. This property is located in the Developing Tier as reflected in the approved General Plan.

### **Tree Conservation**

The forest stand delineation (FSD) has been reviewed. The FSD, based upon two sample points, describes a single forest stand containing four specimen trees. The FSD meets the requirements of the Woodland Conservation Ordinance. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan, TCPI/62/95, was approved by the Planning Board for lots 27-29 by PGCPB. No. 95-433. A Type II Tree Conservation Plan, TCPII/58/01, was approved for the area including lots 27-29. A revised TCPI that includes all of the area of the original subdivision has been submitted.

The revised TCPI/62/95-01 proposes clearing 1.63 acres of the existing 3.28 acres of woodland. The woodland conservation requirement has been correctly calculated as 1.27 acres. The plan proposes to meet the requirement by providing 1.27 acres of off-site woodland conservation and retaining an additional 1.65 acres of woodland on site but not part of any requirement.

Although the woodlands retained on site that are not used to meet any requirement meet all dimensional requirements of the Woodland Conservation Ordinance, the areas are contrary to the intent of the Woodland Conservation Ordinance because they only serve to create isolated forest fragments. These fragments do not protect sensitive environmental features, do not create large contiguous woodlands, do not provide buffering that would be required by the *Landscape Manual*, and contain no specimen trees. As such they are appropriately not being used to meet the Ordinance requirements. There are a few technical errors in the worksheet. The area of woodland on the net tract not cleared is 1.65 acres and not 1.60 acres. The area of woodland retained not part of any requirements is 1.65 acres and not 0.05 acre.

### **Noise**

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by Andrews Air Force Base, aircraft-generated noise in the vicinity is significant. The study indicates that the noise on site is between 70-75 dBA (Ldn). This noise level is above

the state acceptable noise level of 65 dBA (Ldn) for residential land uses. It will not be possible to mitigate aircraft noise in the outdoor activity areas; however, proper construction materials must be used to ensure that the noise inside the residential structures does not exceed 45dBA (Ldn). Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis should be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.

### **Soils**

According to the Prince George's County Soils Survey the principal soils on this site are in the Beltsville, Manor and Sassafra series. Beltsville soils are highly erodible, may have a perched water table, and are in the C-hydric group. Manor soils are highly erodible and are in the B-hydric group. Sassafra soils are not highly erodible and are in the B-hydric group.

### **Water and Sewer Categories**

The property is in water category W-3 and sewer category S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The property is in Planning Area 81A/Clinton Community. The 2002 General Plan places the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The 1993 Subregion V Master Plan recommends low-suburban density for single-family detached dwellings. This application conforms to the master plan recommendation.
6. **Parks and Recreation**—The Department of Parks and Recreation recommends a fee-in-lieu of mandatory parkland dedication due to the location and size of the site.
7. **Trails**—No master plan trails are proposed on or adjacent to the subject property.
8. **Transportation**—The Transportation Planning Section has reviewed this subdivision plan for site access, geometric design, and traffic impact and makes the following findings:

The subject application involves five proposed lots that could be deemed to have a minimal impact on adjacent roadways. Access to the new lots would be via an extension of Deborah Street, which is a 50-foot secondary residential street. This is acceptable. Dangerfield Road is a master plan collector facility. Sufficient right-of-way has already been dedicated, so no further dedication is required of this plan.

The application is a preliminary plan of subdivision for a residential development consisting of five lots. The proposed development would generate 4 AM and 5 PM peak-hour vehicle trips as determined using the "Guidelines for the Analysis of the Traffic Impact of Development

Proposals.” The site is within the developing tier, as defined in the 2002 General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an acceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 223 and Dangerfield Road/Old Alexandria Ferry Road. Staff has reviewed a recent traffic study at the critical intersection of MD 223 and Dangerfield Road/Old Alexandria Ferry Road in connection with subdivision 4-03118 for Bellefonte. Under existing traffic, it was determined that the intersection would operate at LOS F (CLV 1,914) in the AM peak hour and at LOS D (CLV 1,447) in the PM peak hour. With all approved development (including Bellefonte), it was determined that the intersection would operate at LOS F (CLV 2,368) in the AM peak hour and at LOS F (CLV 1,671) in the PM peak hour. Conditions were imposed on 4-03118 that would achieve LOS D. Nonetheless, due to the limited trip generation of the site, the Prince George’s County Planning Board could deem the site’s impact at this location to be *de minimus*. Staff would, therefore, recommend that the Planning Board find that 4 AM and 5PM peak-hour trips would have a *de minimus* impact upon delay in the critical movements at the MD 223/ Dangerfield Road/Old Alexandria Ferry Road intersection.

## **TRANSPORTATION STAFF CONCLUSIONS**

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved. No conditions are recommended at this time.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of 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:

**Finding**

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	5 sfd	5 sfd	5 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.2	0.3	0.6
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	135.36	39.12	78.24
Total Enrollment	4413.04	4814.64	8890.91
State Rated Capacity	4214	5114	7752
Percent Capacity	104.72	94.15	114.69

Source: Prince George's County Planning Department, M-NCPPC, December 2003

These figures were correct on the day the referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause some changes to these figures. The numbers that will be shown in the resolution will be the ones that will apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

**The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.**

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
  - a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 3.88 minutes, which is within the 5.25-minute travel time guideline.

- b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 3.88 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 3.88 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

These findings are in conformance with the standards and guidelines contained in the 1990 *Approved Public Safety Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

- 11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
- 12. **Health Department**—The Health Department reviewed the application and offered the following comments:
  - a. The abandoned shallow well found within the confines of the subject property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to the issue of any grading permit.
  - b. Any abandoned septic tank within the confines of the property must be pumped out by a licensed scavenger and either removed or backfilled in place prior to the issue of any grading permit.
  - c. A raze permit is required prior to the removal of the existing abandoned house on the site and Lot 27.
  - d. A significant amount of domestic trash and other debris was found scattered over a majority of the property and should be removed and properly stored or discarded.
- 13. **Stormwater Management**—The applicant received stormwater concept approval from the Prince George’s County Department Of Environmental Resources on May 10, 2004 (#13514-2004-00). Development must be in conformance with this approved plan.

14. **Cemeteries**—There are no known cemeteries on the subject property.
15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to the proposed extension of Deborah Street.
16. **Prior Approvals**—This site has previously been reviewed and approved under applications 4-95085, TCPI/62/95 and TCPII/58/01. The approved TCPI is being revised a part of this application.
17. **Design Issues**—The subject property was created as a flag lot in 1996 with a narrow pipestem providing access to Dangerfield Road. This access is now shown as part of proposed Lot 2, creating a double frontage lot of 23,450 square feet. It would be preferable for this stem to be split between the two properties that it separates (Lots 27 and 28); however, the applicant needs a portion of the stem to bring Lot 2 up to the minimum 20,000 square foot lot area. The applicant has placed a note on the plan showing 1,280 square feet of the stem to be conveyed to Lot 27 (which the applicant also owns) at the time of final plat. Staff supports the use of a portion of the stem but only to the extent that it brings Lot 2 up to the minimum lot area. Staff recommends that an additional area (3,450 square feet total) from the stem be included in the area to be conveyed to the point where Lot 2 is 20,000 square feet in area. The area to be conveyed would then need to be shown as a parcel on the preliminary plan, with a condition ensuring the future conveyance of the parcel to Lot 27.

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 adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 24, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of July 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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