

R E S O L U T I O N

WHEREAS, William M. and Neil D. Gallahan are the owners of a 28.88-acre parcel of land known as Parcels 60, 61 and 100, Tax Map 124, Grid B-4 said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on July 8, 2004, K & P Builders filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 20 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04116 for King Gallahan 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 January 6, 2005, 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 January 6, 2005, 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/66/04), and further APPROVED Preliminary Plan of Subdivision 4-04116, King Gallahan Subdivision for Lots 1-20 and Parcels A-C including a Variation Request from Section 24-130 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Label the 65 dBA Ldn unmitigated.
 - b. Remove dwellings and Zoning Ordinance setbacks for dwellings.
 - c. Label Parcel A as Outparcel A, to be retained by the applicant.
 - d. Submit a copy of the approved stormwater management concept letter and plan.
 - e. Provide an existing structures note including the disposition.
 - f. Provide a note indication that the mandatory dedication of parkland is being fulfilled by on-site private recreational facilities.

- g. Remove the recreational schedule.
 - h. Relabel Parcel C as Outlot C to be conveyed to the HOA, or conveyed to DPW&T.
 - i. To indicate if an open or closed section roadway is proposed for King Gallahan Court.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Prior to approval of the final plat of subdivision, a limited detailed site plan shall be approved by the Planning Board or its designee to:
- a. Submit a Phase II noise study and provide the mitigated and unmitigated ground level, and upper level 65dBA Ldn noise contour. Ensure noise mitigation measures are provided on lots abutting Piscataway Road, to mitigate noise to 65dBA Ldn from MD 223, providing usable outdoor activity areas outside the 65dBA Ldn mitigated noise contour. Minor lot line adjustments may be necessary while maintaining conventional R-E lot size standards. The final plat shall reflect the approved limited detailed site plan.
 - b. Review the on-site private recreational facilities on Parcel B. Review shall include conformance to the *Parks and Recreational Facility Guidelines*, establishing a bonding amount and triggers for construction of the recreational facilities. The existing farm pond, once retrofitted, shall be a visual amenity and possibly included as a recreational opportunity.
 - c. Submit a Phase I archeological investigation and, a Phase II and Phase III investigation, as determined appropriate by Planning Department staff. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.
4. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
5. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association HOA) 1.68± acres of open space land (Parcel B and C). Land to be conveyed shall be subject to the following:
- a. Conveyance shall take place prior to the issuance of building permits.

- b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- 6. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
 - 7. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
 - 8. Development of this property shall be in conformance with the Stormwater Management Concept Plan 24562-2004-00, and any subsequent revisions.
 - 9. Prior to the issuance of grading permits the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.

10. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures 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 permitted.”

11. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

12. 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/66/04), 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.”

13. The Final Plat of Subdivision shall show conservation easements for all on-site planting areas. The following note shall be placed on the final plat:

“The conservation easements on individual lots are established to meet the requirements of the Woodland Conservation Ordinance. The installation of structures 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 permitted.”

14. A limited detailed site plan shall show the landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Piscataway Road. The landscaping shall be sufficient to preserve the historic character of Piscataway Road.

15. Landscape buffers, a minimum of 40-foot-wide easements adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Piscataway Road, shall be shown on the final plats as scenic easements and the following note shall be placed on the plats:

“Scenic easements described on this plat are areas where the installation of structures 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 permitted.”

16. Prior to final plat, a limited detailed site plan to address traffic-generated noise and appropriate mitigation measures shall be shown on the limited detailed site plan and the Type II Tree Conservation Plan and shall be approved by the Planning Board or designee. A Phase II noise study shall be submitted with the limited detailed site plan.
17. Prior to signature approval of the Preliminary Plan, a copy of the Stormwater Management Concept Approval Letter shall be submitted.
18. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised to:
 - a. Include the proposed off-site clearing
 - b. Add the following note:

“The Type II TCP shall show permanent fencing along the boundaries of the planting areas in the form of a two-rail split rail fence or equivalent. An area at least 35 feet wide around the boundaries of all afforestation areas shall be planted with 1 and 2 inch caliper trees.”
 - c. Revise the worksheet as needed
 - d. Have the revised plan signed and dated by the qualified professional who prepared the plan
19. In accordance with Section 27-548.43 of the Zoning Ordinance and prior to final plat approval, the applicant shall determine that the Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport (Washington Executive Airport) and that it is located approximately one mile north of the community. The Declaration of Covenants shall include the General Aviation Airport Environmental Disclosure Notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the Declaration. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the general aviation airport.
20. The final plat shall demonstrate front building restriction lines to ensure that APA 4 open space areas remain free of dwellings. The Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, shall include language discouraging the placement of fencing and large trees within APA 4 on private homeowners lots, to assist in permitting a successful aircraft emergency landing.
21. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 223 of 60 feet from centerline, as shown on the preliminary plan.
22. The applicant, his heirs, successors and/or assignees shall provide the following:

- a. Provide a standard five-foot-wide sidewalk along the subject site's entire frontage of MD 223, unless modified by SHA.
- b. Provide a standard sidewalk along the cul-de-sac on Delancey Street, unless modified by DPW&T.
- c. If a closed cross section is used for King Gallahan Court, provide a standard sidewalk along one side, unless modified by DPW&T.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the northwest side of MD 223 approximately 850 feet south of its intersection with Delaney Street.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Residential	Residential
Acreage	28.88	28.88
Lots	0	20
Parcels	3	3
Dwelling Units:		
Detached	0	20

4. **Environmental**—Current aerial photos indicate that most of the site is in agricultural use. This site contains a stream and wetlands associated with Tinkers Creek in the Potomac River watershed. 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, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Piscataway Road is designated in the Subregion V master plan as a historic road. Piscataway Road is an abutting source of traffic-generated noise. The proposed development is not expected to be a noise generator. According to the *Prince George's County Soil Survey* the principal soils on the site are in the Aura Beltsville, Keyport, Leonardtown, Matapeake and Sassafras series. Marlboro clay does not occur in this area. The site is in the Developing Tier according to the General Plan.

The plan proposes impacts to an expanded stream buffer that is shown on the plan as a wetlands

buffer. One variation request, dated November 23, 2004, in conformance with Section 24-113 of the Subdivision Regulations, has been submitted.

The proposed impact to the wetlands and wetland buffers is required for the construction of a stormwater management pond to serve the proposed development. The impact is to a manmade pond created for farm irrigation after 1965.

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

Comment: The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

Comment: The installation of a stormwater management pond is required by other regulations to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other properties.

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

Comment: Due to the topography of the site, there are limited options for providing stormwater management. Other properties usually contain areas outside of regulated areas where stormwater

management can be provided.

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

Comment: The installation of a stormwater management pond is required by other regulations. The proposed impacts are not a violation of any other applicable law, ordinance or regulation. Additional review by the Maryland Department of the Environment will ensure compliance with federal and state regulations.

(4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.

Comment: Without the stormwater management facility, the property could not be subdivided in accordance with the R-E Zone. The Environmental Planning Section supports the variation request for the reasons stated above.

According to the *Prince George's County Soil Survey* the principal soils on the site are in the Aura Beltsville, Keyport, Leonardtown, Matapeake and Sassafras series. Aura, Beltsville, Keyport and Leonardtown soils are highly erodible and pose problems for control of erosion and sediment control when associated with slopes in excess of 15 percent. Matapeake and Sassafras soils pose no special problems for development. This information is provided for the applicant's benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. The Prince George's County Department of Environmental Resources may require a soils report during the permit process review.

The Forest Stand Delineation (FSD) has been reviewed. The FSD is based on five sample areas, identifies one forest stand totaling 5.76 acres and two specimen trees. The plan clearly shows soils boundaries that conform to the *Prince George's County Soils Survey*, streams, wetlands, all areas with severe slopes and all areas of steep slopes.

The single forest stand is a mixed hardwood forest dominated by tulip polar and sweet gum. There are some invasive plant species in the understory. The only priority preservation areas are those associated with the slopes along the stream valley. The FSD meets the requirements of the Woodland Conservation Ordinance.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. The plan proposes clearing 0.96 acres of the existing 5.76 acres of woodland. The woodland conservation requirement for this site is 6.74 acres. The plan proposes to provide 2.71 acres of on-site preservation and 4.21 acres of on-site planting. Additionally, 2.09 acres of woodland will be saved but not part of any requirement.

The design of the woodland conservation areas will provide for protection of the stream valley and create a buffer along Piscataway Road. The design meets the goals of the Woodland Conservation Ordinance.

There are required technical revisions that will not affect the overall TCPI. Off-site clearing of woodland is shown on the plan but not reflected in the worksheet. This will create a minor increase in the woodland conservation requirement. Because the area of existing woodland is low, the site requires afforestation. The plan proposes extensive on-site planting on proposed lots. To assure protection in perpetuity, as required by Maryland law, both permanent fencing and easements on the final plats are required.

Piscataway Road is designated in the Subregion V master plan as a historic road. Although the master plan proposes that the existing rural roadway be upgraded to primary residential street standards in a 60-foot-wide right-of-way, there are historic characteristics that should be identified and preserved as part of the proposed subdivision. The Design Guidelines and Standards for Scenic and Historic Roads provides guidance for the review of applications that could result in the need for roadway improvements.

The plans provide 40-foot-wide landscape buffer adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Piscataway Road. This treatment is consistent with previously approved plans along Piscataway Road. Because this site has proposed on-site recreational facilities that require a detailed site plan, the landscaping should be approved with the site plan.

Piscataway Road is a master plan arterial roadway. The noise model used by the Environmental Planning Section predicts that the 65 dBA Ldn ground level noise contour will be 168 feet from the centerline of Piscataway Road. The centerline of Piscataway and an unmitigated 65 dBA Ldn ground level noise contour are shown on the Preliminary Plan and the TCPI.

The noise contour indicates that the proposed outdoor activity areas of Lots 1 and 2 and are located within the unmitigated 65 dBA Ldn noise zone. A limited detailed site plan should be required for the review of the noise mitigation measures. A Phase II noise study should be submitted with the limited detailed site plan, if required.

An approved Stormwater Management Concept Plan was not submitted with this application; however, the Department of Environmental Resources has indicated that the approval is forthcoming. Because the proposed stormwater management facility is associated with the on-site recreational facilities, the final technical design of the facility should be reviewed as part of the review of the limited detailed site plan for the on-site private recreational facilities.

Water and Sewer Categories

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

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V master plan, Planning Area 81B in the Tippet Community. The master plan recommended land use is for suburban estate and low-density planned neighborhoods. 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 property is located in the R-E Zone, which requires one-acre lot sizes or (40,000 square feet). The applicant has proposed to develop the property in accordance with the conventional standards of the R-E Zone, resulting in a large lot development. The proposed preliminary plan is consistent with the recommendations of the master plan and the 2002 General Plan.

The property is located southwest of the Washington Executive Airport and located partially within Aviation Policy Areas 4 and 6. Generally, within all Aviation Policy Areas, properties are required to disclose to prospective purchasers information regarding their proximity to Washington Executive Airport. In addition to the disclosure requirement, applications for development of any structures in APA-6 that are more than 50 feet in height are required to demonstrate compliance with the Federal Aviation regulations Part 77 or Code of Maryland, COMAR 11.03.05. Obstructions to Air Navigation. In addition to these requirements, within APA-4, there is a requirement for 30 percent of the land within the APA to remain as open space and relatively free from obstructions.

Regulations for development in the vicinity of general aviation airports are detailed in Sections 27-548.32 to 27-548.49 of the Zoning Ordinance. The applicant has submitted an exhibit labeled “Aviation Policy Areas Plan” dated March 2004 that demonstrates conformance to the APA requirements and the open space requirement in APA 4, as outlined in the following table:

APA	Zoning Ordinance Citation	Use Restrictions	Proposed Uses	Proposed use consistent with allowed use?
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4	27-548.38 (b)(4)	Same density as underlying zone.	Density is that allowed by zone.	Yes.
	27-548.41 (a),(b)(4)	30% open area required.	APA 4=8.77 acres; 30%=2.63.	Open space proposed 3.35 acres.
6	27-548.38 (b)(4)	Same density as underlying zone.	Density is that allowed by the zoning.	Yes.
All APAs	27-548.41 (d)(3)	Generally, land uses shall not endanger the safe operation of aircraft, specific activities also mentioned.	Generally no activities are identified that would endanger the safe operation of aircraft.	Yes, with comments.

Section 27-548 requires that certain percentages of open area be retained in APA's 1–4 for the purpose of providing strategically located areas under flight paths to permit a successful emergency landing without hitting an occupied structure and to allow aircraft occupants to survive the landing without serious injury. This section of the Zoning Ordinance clarifies that “open area” in Aviation Policy Areas generally refers to stormwater management ponds, field crops, golf courses, pasture lands, streets or parking lots, recreational facilities such as ball parks, or yards, if the area is *relatively* level and *relatively* free of objects such as overhead lines and large trees and poles (*emphasis added*). It further explains that because a pilot's discretion in selecting an emergency landing site is reduced when the aircraft is at low altitude, open areas should be designed as one or more contiguous acres.

The percentage of open area required in APA-4 is 30 percent. The proposed subdivision consists of 8.77 acres within APA-4; the plan proposed 3.35 acres as open area as indicated in the preceding table. Section 27-548.40. Aviation Policy Area mitigation residential subdivision, allows flexibility in lot dimensions, setback, lot coverage, and yard requirements where such flexibility is needed for the effective implementation of the regulations. The applicant has not proposed any modification to the conventional standards for the development of single-family dwellings in the R-E Zone. However, in order to provide an open space area free of dwelling units a building restriction line should be reflected on the record plat on the following lots as follows:

- 60-foot BRL** on Lot 8
- 70-foot BRL** on Lots 2-7, 9, 14, 17 and 18
- 80-foot BRL** on Lot 13
- 90-foot BRL** on Lots 10 and 12
- 100-foot BRL** on Lots 11, 15 and 16

The proposed dwelling units and internal public street are to be lined-up generally perpendicular to the flight path for the Washington Executive Airport and within the open areas for APA 4 to further ensure effective implementation of the aviation policy area open area regulation. Staff

recommends that there be homeowner association (HOA) covenants to discourage the planting of tall tree species in yards or HOA property that is in or adjacent to these areas. The applicant is currently working with the Department of Public Works and Transportation to receive a waiver from the requirement of providing street lighting and street tree planting along the internal public street in APA 4. In lieu, the applicant is proposing to utilize private freestanding pole lighting in close proximity to the front of the dwellings and replace the generally larger street trees with ornamentals and to locate them closer to the proposed building restriction lines.

Section 27-548.38(d)(3): “In all APAs, uses of land should, to the extent possible, not ...(D) Make it difficult for pilots to distinguish between airport lights and other lights, or impair pilot or ground operator visibility in the vicinity of an airport.” Any streetlights located along the sections of King Gallahan Court should have cut-off type lighting fixtures to direct glare downward. The Department of Public Works and Transportation should be consulted regarding acceptable street light designs that comply with this regulation.

The applicant has designed the subdivision to accommodate additional areas of open space to be utilized if necessary for aircraft landing. Within the abutting APA 6 the applicant has provided an additional 3.42 acres of open area over that which is normally required.

Section 27-548.43(a) requires a General Aviation Airport Environment Disclosure Statement be included as an addendum to the contract for sale of any residential property. In addition, Section 27-548.43(b)(1) requires that subdivisions that have a homeowners association (HOA) demonstrate prior to the approval of the final plat of subdivision that the Declaration of Covenants for the property includes proper disclosure that the subdivision is within one-mile of general aviation airport. The recorded Declaration of Covenants, liber/folio should be noted on the final plat.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Department of Parks and Recreation recommends that the applicant provide private on-site recreational facilities to serve the community. The Zoning Ordinance requires a limited detailed site plan for the review of private recreational facilities to determine conformance to the *Parks and Recreational Facilities Guidelines*. The review of the limited detailed site plan should ensure that the existing farm pond, once retrofitted, is a visual amenity to the recreational area and possibly included as a recreational amenity.
7. **Trails**—In regard to the sidewalk connectivity, MD 223 is open section in most areas in the vicinity of the subject site. Nearby subdivisions use a variety of cross sections. Rolee Estates has sidewalks along both sides of all internal roads. Mary Catherine Estates includes no sidewalks west of MD 223 but includes sidewalks along both sides east of MD 223. Along King Gallahan Court, a standard sidewalk is recommended along one side if a closed road cross section is used. A standard sidewalk is recommended along the site’s frontage of MD 223, unless modified by the State Highway Administration (SHA), consistent with road improvements made at Mary Catherine Estates.

8. **Transportation**—Due to the size of the subdivision, staff did not require a traffic study. Multiple traffic counts were available to staff along MD 223 in the area. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the *Guidelines*.

Unsignalized intersections:

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

Staff Analysis of Traffic Impacts

The intersection of MD 223 and Tippet Road is determined to be the critical intersection for the subject property. This intersection is currently unsignalized and would serve virtually all of the site-generated traffic. The critical 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.

Recent traffic counts indicate that the critical intersection operates with a maximum delay of 22.7 seconds during the AM peak hour. During the PM peak hour, the intersection operates with a

maximum delay of 19.6 seconds. Once again, vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections

As previously noted, there are no funded capital projects at this intersection in either County Capital Improvement Program or the State Consolidated Transportation Program that would affect the critical intersection. There are many approved but unbuilt developments that would affect the intersection that have been reviewed and included by staff in background growth. With background growth added, the critical intersection would operate as follows: AM peak hour—maximum delay of 57.7 seconds; PM peak hour—maximum delay of 28.5 seconds.

With the development of 20 single-family detached residences, the site would generate 15 AM (3 in and 12 out) and 18 PM (12 in and 6 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

65 percent—North along MD 223
35 percent—South along MD 223

Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—maximum delay of 57.9 seconds; PM peak hour—maximum delay of 28.5 seconds.

The traffic analysis conducted by staff identifies an inadequacy at the unsignalized intersection of MD 223/Tippett Road during the AM peak hour. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal study and install the signal if it is deemed warranted by the appropriate operating agency. The traffic signal study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. In this circumstance, however, staff notes that the Wolfe Property subdivision, Preliminary Plan 4-04099, is largely responsible for the poor delays noted during the AM peak hour under background traffic. Findings made by staff and supported by the Planning Board during a hearing in early November indicated that the Wolfe Property added 23.3 seconds of delay during the AM peak hour, mostly because it adds traffic movements onto Tippett Road (the minor street). It is further noted that due to the location of the subject site, little if any traffic would be added to the minor street movements. Under existing conditions, delays are within an acceptable range. Furthermore, at such time as the Wolfe Property develops there is a requirement that a traffic signal study be conducted, with installation if warranted. Therefore, staff will not require a condition at this location. Signal warrants will clearly not be met unless the Wolfe Property residential site develops, and the Wolfe Property will need to perform further study prior to development.

MD 223 is a master plan arterial facility with a planned 120-foot right-of-way. The right-of-way shown on the plan is acceptable and in accordance with the master plan.

At the time of the Subdivision Review Committee, a couple of layout and street stubbing/access issues were identified. A stub street to adjoining Parcel 59 was requested. Upon further

investigation, it was determined that Parcel 59 is an oddly shaped parcel that actually has access to MD 223. Furthermore, the boundary between Parcel 59 and the subject property crosses an

area of steep slopes, making it unlikely that a street connection would be the best way of serving Parcel 59 in the event that it develops. Therefore, the requested stub street will not be required. The second issue involved a primary stub street onto adjacent Parcel 58. This has been reflected on the current plan and is greatly desired for access and circulation as adjacent properties develop.

Staff has met with the prospective developers of the property to the north who have indicated their agreement with the location of the stub street and consolidation of points of access onto MD 223. Although the property to the north (Parcel 58) has frontage on MD 223, the developers of Parcel 58 agree with the benefit of a consolidation of access. It is staff's desire that the development of the property to the north utilize the proposed stub street from MD 223, as shown on the proposed preliminary plan, if it is dedicated to public use by the time the property to the north is postured to develop. If the subject sites dedication does not occur alternative access may be necessary for the property to the north. The applicant in this case has worked with staff to create the greatest opportunity for safe access to MD 223 for a number of surrounding properties and staff anticipates flexibility in the layout if alterations are necessary prior to final plat.

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.

9. **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	20 sfd	20 sfd	20 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.80	1.20	2.40
Actual Enrollment	4206	4688	8866
Completion Enrollment	112.80	69.06	136.68
Cumulative Enrollment	9.84	4.20	8.40
Total Enrollment	4333.44	4762.46	9013.48
State Rated Capacity	4215	5114	7752
Percent Capacity	102.81%	93.13%	116.27%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

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 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 or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff 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 and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:
 - a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 6.22 minutes, which is beyond 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 6.22 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 6.22 minutes, which is within the 7.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

The subject site is located in an area recommended by the *Approved and Adopted Subregion V Master Plan* for a proposed fire station. Staff submitted a copy of the site plan and case file cover sheet to the fire department for comments but have not received comments at the writing of this staff report.

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* 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 IV-Oxon Hill. 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. This police facility will adequately serve the population generated by the proposed subdivision.
- 12. **Health Department**—The Health Department notes that numerous tires were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department. All other trash, including discarded roofing shingles and empty tar buckets must be removed and properly discarded.
- 13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 24562-2004-00, has been submitted but not yet approved. DER staff has verbally expressed their approval of the conceptual stormwater management plan and have indicated that the written approval is forthcoming. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan and development must be in accordance with this approved plan.

The Department of Environmental Resources has determined that the existing farm pond may remain to be utilized as an amenity and for stormwater management. Careful consideration has been taken to study the pond by the Development Services Branch of DER to ensure the safety of the future residences of the community, particularly due to the applicants' proposal to utilize the pond as a focal point of the recreational area. Through the required Technical Stormwater Management approval process, DER will require retrofitting and stabilization of the pond embankments.

14. **Historic**—The Planning Board has recently identified that the possible existence of prehistoric archeological sites on certain properties must be considered in the review of development applications and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that prehistoric archeological sites are known to exist in environmental settings similar to that in the project area and there may be archeological resources of the antebellum period in the area of the subject site.

Prior to the submittal of the detailed site plan (DSP) or any grading or clearing on site, the applicant should submit a Phase I archeological investigation. The applicant's findings should be submitted to the Planning Department staff for review and concurrence. If any portion of the property is determined to be subject, the applicant should complete a Phase I investigation that may include research into the property history and archeological literature, and submit the Phase I investigation with the application for DSP.

At the time of review of the DSP, the applicant shall submit Phase II and Phase III investigations as determined by Planning Department staff as needed. The investigation should provide a plan for avoiding and preserving the resource in place, or provide a plan for mitigating the adverse effect upon these resources.

All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

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, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, January 6, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of January 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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