

R E S O L U T I O N

WHEREAS, Lisa N. Allen is the owner of a 10.44-acre parcel of land known as Parcel 164, Tax Map 135 in Grid A-2, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 14, 2005, Landesign Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 17 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05129 for Clinton Crossroads II was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 4, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on May 4, 2006, 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/50/05), and further APPROVED Preliminary Plan of Subdivision 4-05129, Clinton Crossroads II for Lots 1-17 and Parcels A, B, & C 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 existing buildings and sheds on the plan "to be razed."
  - b. Provide a general note on the plan that indicates that the existing structures will be razed prior to the approval of a final plat, and that a raze permit must be obtained through the Department of Environmental Resources prior to the removal of any structures on site.
  - c. Provide the right-of-way width and centerline for both of the proposed internal roads.
  - d. Label the ten-foot wide, public utility easement.
  - e. Add a general note that demonstrates that the mandatory dedication of parkland will be addressed by a fee-in-lieu.
  - f. Add a general note that indicates that there are no rare, threatened, or endangered species



be paid in the amount of \$64,260 (\$3,780 x 17 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the consumer price index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

10. Prior to final plat, the applicant, his heirs, successors and/or assignees shall submit executed deeds of conveyance by all parties for Parcel A, B, and C. The applicant, his heirs, successors and/or assignees will demonstrate due diligence in obtaining the agreement for the conveyance of the parcels. The parcels shall be conveyed as follows:
  - a. Parcel A to be conveyed to Jose P. Flores, or to be included into the area of Lot 17.
  - b. Parcel B to be conveyed to the adjacent property owner of Parcel 145 for the inclusion of the subdivision process.
  - c. Parcel C to be conveyed to The Department of Public Works and Transportation, or to an appropriate abutting property owner on the east side of Lusby's Lane.
11. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall submit copies of the recorded deeds of conveyance for Parcels A, B, and C.
12. Prior to the approval of a final plat, the applicant, his heirs, successors, and/or assignees shall provide documentation demonstrating that the existing buildings on the subject property have been razed.

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 west side of Lusby's Lane approximately 600 feet south of its intersection with Lusby's Turn.

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
Use(s)	Undeveloped	Single-Family Dwellings
Acreage	10.44	10.44
Lots	0	17
Outlots	0	0
Parcels	1	3
Dwelling Units:		
Detached	0	17
Public Safety Mitigation Fee		Yes

4. **Environmental**—The Environmental Planning Section has reviewed the preliminary plan of subdivision for Clinton Crossroads II, 4-05129, accepted for processing on December 14, 2005, and the revised Type I Tree Conservation Plan, TCPI/50/05, stamped as received by the Environmental Planning Section on February 8, 2006. The Environmental Planning Section recommends approval of 4-05129 and TCPI/50/05 subject to conditions. The Environmental Planning Section has no records of any previous applications for the subject property. The proposal is for 17 lots and three parcels in the R-R Zone.

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 *Green Infrastructure Plan*, only a tiny corner of the property is an evaluation area and another sliver is a network gap. Marlboro clay does not occur in this 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. No designated scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator.

An approved natural resources inventory (NRI), NRI-121-05, was submitted with the application. A simplified forest stand delineation (FSD) was included with the NRI. The FSD indicates three forest stands totaling 3.90 acres and no specimen trees.

The on-site woodlands are relatively low quality. There are no sensitive environmental features on site. Based upon this analysis, there are no priority woodlands on site.

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

The Type I Tree Conservation Plan, TCPI/50/05, has been reviewed. The plan proposes clearing 2.89 acres of the existing 3.90 acres of woodland. The woodland conservation requirement has been correctly calculated as 3.62 acres. The plan proposes to meet the requirement by providing 3.62 acres of off-site woodland conservation. An additional 1.01 acres of woodland will be retained on site but not as part of any requirement.

The TCP appropriately provides adequate clearing around all proposed structures and for a 40-foot cleared outdoor activity area at the rear of each proposed structure. The encumbrance of these lots with woodland conservation areas is not consistent with the purposes of the Woodland Conservation Ordinance because the lots are barely over 20,000 square feet, the woodlands to remain are isolated, and the woodlands are of low quality. All required woodland conservation for this proposal should be provided off site.

According to the Prince George's County Soils Survey the principal soils on this site are in the Sassafras series. Sassafras soils pose no special problems for development.

Stormwater Management Concept Plan CSD 37400-2005-00 has been approved by the Prince George's County Department of Environmental Resources. The proposal is to use open-ditch sections and tie into existing systems. The soils on the site are well-suited for infiltration.

### **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 Master Plan for Subregion V, Planning Area 85A in the Brandywine Community. The proposed development of 17 lots for detached single-family dwellings is consistent with the master plan land use recommendations for residential use.

The 2002 General Plan locates the subject property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities. The proposed development is consistent with the Development Pattern policies for the Developing Tier.

6. **Parks and Recreation**— In accordance with Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—There are no master plan trails issues identified in the adopted and approved Subregion V Master Plan. The majority of the roads in the vicinity of the subject site are open section with no sidewalks. There are isolated and fragmented sections that contain sidewalks, but no continuous network exists.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The applicant proposes a residential subdivision consisting of 17 single-family detached lots.

Due to the size of the subdivision, a traffic study was not required. Counts at the intersection of MD 5 and Earnshaw Drive/Burch Hill Road were requested of the applicant and provided. 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 in the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

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

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

#### **Analysis of Traffic Impacts**

The intersection of MD 5 and Earnshaw Drive/Burch Hill Road is determined to be the critical intersection for the subject property. This intersection is the nearest major intersection to the site and would serve most of the site-generated traffic. The turning movement counts indicate that the critical intersection operates poorly as an unsignalized intersection, with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements during both the AM and the PM peak hours. Once again, these operating conditions are determined using the *Highway Capacity Manual*, and vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections.

There are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical intersection. There are seven approved but unbuilt developments that would affect the intersection. With background growth added, the critical intersection would continue to operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements during both the AM and the PM peak hours.

With the development of 17 single-family detached residences, the site would generate 13 AM (3 in and 10 out) and 15 PM (10 in and 5 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 65 percent north along MD 5, and 35 percent south along Lusby's Lane to Dyson Road and US 301. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would continue to operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements during both the AM and the PM peak hours. Therefore, the critical intersection operates unacceptably as an unsignalized intersection under existing, background, and total traffic.

Under total future traffic as developed using the guidelines, adding the impact of the proposed development, the critical intersection was found to be operating with excessive delay. In response to inadequacies identified at unsignalized intersections, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. A study is needed at the intersection of MD 5 and Earnshaw Drive/Burch Hill Road, and the applicant should be responsible for any improvements identified as necessary by the warrant study. With such a condition, the critical intersection will operate acceptably in both peak hours. This condition is identical to the one provided for 4-02056 and 4-02057, as well as other developments approved in the area.

It is noted that Lusby's Lane exists as a dedicated roadway to the north of adjacent Parcel 80, and while there is a public right-of-way to the south, it is substandard. Although the submitted plan shows an area of potential dedication across Parcel 80 to which the subdivision could connect, no public right-of-way exists across Parcel 80. It is understood that the applicant is actively pursuing an agreement with the owner of Parcel 80 through which a 60-foot right-of-way for Lusby's Lane would be deeded for public use. Given that the transportation and access findings for this site have been based upon the extension of Lusby's Lane through Parcel 80, and given that staff would not favor sole access for this site by means of a substandard right-of-way, it is recommended that the platting of this subdivision be conditional upon the deeding of a 60-foot right-of-way for the purpose of extending Lusby's Lane through Parcel 80.

### **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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	17 sfd	17 sfd	17 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.08	1.02	2.04
Actual Enrollment	4,145	5,489	9,164
Completion Enrollment	97	64	127
Cumulative Enrollment	393.84	104.58	209.16
Total Enrollment	4,639.92	5658.60	9502.20
State-Rated Capacity	3,771	6,114	7,792
Percent Capacity	123.04%	92.55%	121.95%

Source: Prince George’s County Planning Department, M-NCPPC, December 2005

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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be paid at the time of issuance of each building permit.

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

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the 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 Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Clinton, Company 25, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

The Fire Chief reported that the current staff complement of the Fire Department is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005 for a preliminary plan accepted in 2005.

The Fire Chief has reported by letter, dated 11/01/05 that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District V. The standard for emergency calls response is 10



minutes 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 12/14/05.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-11/05/05	12.00	23.00
Cycle 1	01/05/05-12/05/05	12.00	22.00
Cycle 2	01/05/05-01/05/06	12.00	21.00
Cycle 3	01/05/05-02/05/06	12.00	21.00

The Police Chief reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standard of 10 minutes for emergency calls for police was not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05129 fails to meet the standard for police emergency response time. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure*. The applicant has entered into a mitigation agreement.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Clinton Crossroads II and has the following comments to offer:

A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings (one shed and two barns). Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.

One abandoned truck and two abandoned cars found within the barn on proposed Lots 16 and 17 must be removed and properly disposed.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 37400-2005-00 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.

14. **Historic**—A Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no archeological sites in the vicinity and no historic structures within the vicinity of the subject property.

Section 106 review may require a archeological survey for state or federal agencies, however. 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 federal monies, federal properties, or federal permits are required for a project.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the 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, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, May 4, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of May 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator