

R E S O L U T I O N

WHEREAS, The Driggs Corporation is the owner of a 18.23-acre parcel of land known as Southlawn (Lots 1-5 and Outlot A, Block 1; Lots 1-12 and Parcel A, Block 2), said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on March 8, 2000, The Driggs Corporation filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 17 lots, 1 outlot and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00012, 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 11, 2000, 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 11, 2000, 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/07/00), and further APPROVED Preliminary Plat of Subdivision 4-00012 with the following conditions:

1. Prior to signature approval of the preliminary plat and approval of the final plat, the applicant shall conduct groundwater and methane studies behind proposed Lots 14-17. The study shall indicate, to the satisfaction of the Health Department, that these lots may be developed safely. If the studies show that the lots can not be developed safely, the lots shall be removed from the preliminary plat.
2. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Livingston Road, designated a Class II Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
3. At the time of final plat, the applicant shall dedicate the internal road and 40 feet from centerline of Livingston Road to public use as shown on the preliminary plat.

4. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/07/00). The following note shall be placed on the Final Plat of Subdivision:

A Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/07/00), 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. @

5. A Type II Tree Conservation Plan shall be approved in prior to the issuance of any permits.
6. Prior to signature approval of the preliminary plat and Tree Conservation Plan, the TCP shall be revised to include representative house footprints on Lots 1-13. A crosshatched pattern should be added to the plan to represent woodland conservation areas within 50 feet of the Astructures. @ In the map legend, this will be denoted as areas where selective removal of hazardous trees and noxious plants is allowed, as long as the woodland canopy remains continuous.
7. Prior to signature approval, the preliminary plat shall be revised to either eliminate proposed Lot 10 or to provide a 45-foot-wide building envelope on Lot 10 at a point no farther from the street than 35 feet.
8. Abutting driveways shall be provided on lots that access Livingston Road, where possible.
9. A note shall be added to the final plat that direct access to Livingston Road from Lots 4 and 13 is denied.
10. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee for the affected elementary school of \$470.00 per dwelling unit. This fee shall be placed in an account to relieve overcrowding at Oxon Hill Elementary School.
11. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee for the affected high school of \$310.00 per dwelling unit. This fee shall be placed in an account to relieve overcrowding at Oxon Hill High School.

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 southeast side of Livingston Road, just south of its intersection with Muir Drive, the entrance to Houghs Park Subdivision.
3. The site is subject to the Prince George's County Woodland Conservation Ordinance. The applicant submitted revised Forest Stand Delineation (FSD) data sheets and a narrative report. A revised Type I Tree Conservation Plan (TCP I/07/00) was also submitted to correspond with the new lot layout. The FSD and Type I Tree Conservation Plan are now acceptable and conform to the requirements of the Woodland Conservation Ordinance.

The proximity of tree save areas to homes on Lots 5-8, Block 1 is a concern. The applicant should consider designating this area as woodland to be saved but not part of the conservation requirements. The wooded area in Block 2 just south of these lots might be a more practical preservation area. In either case, notes and/or graphic portrayal must be added to the plans stating that as long as a continuous tree canopy remains, selective removal of single trees and noxious plants is allowed in woodland conservation areas within 50 feet of houses.

There are two specimen trees identified on the FSD. These should both be protected within tree preservation areas. A note has been added to the TCP identifying them as specimen trees to be saved.

The site is within the Henson Creek watershed. There are no streams, wetland or floodplain on the property and a note to that effect appears on the Preliminary Plan. This note has been added to the FSD/TCP as well.

The soils on the site are from the Aura, Beltsville and Croom series. These are not considered hydric. However, they are highly erodible and disturbance should be avoided on slopes greater than 15 percent. These soils sometimes contain small pockets of material that can be removed or accommodated for during grading and construction.

There are no issues with marlboro clay, scenic or historic roads, or wildlife associated with this property.

The property is in Water and Sewer Category 4 and will be served by public systems. A change to Category 3 will be necessary prior to approval of the final plats.

4. The *1981 Subregion VII Master Plan* designates the subject property for low suburban residential land use (1.6-2.6 du/ac.). The *Subregion VII Sectional Map Amendment* (SMA), approved July 24, 1984, retained the subject property in the R-R Zone. A tributary of Henson Creek is south of the subject property; Conditional Reserve Areas are indicated on the Plan map to the south and southeast. The proposal is consistent with master plan recommendations.

5. The property is subject to the mandatory park dedication requirements of Section 24-135 of the Prince George's County Subdivision Regulations. Staff recommends the applicant provide a fee-in-lieu of mandatory dedication because the size and location of available land is not suitable for park purposes.
6. The *1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan* designates Livingston Road as a Class II Bikeway. However, the property's entire road frontage currently has wide, paved shoulders, as does much of the roadway in the immediate vicinity. Therefore, staff believes that the existing shoulder can serve as the master plan trail with appropriate signage. In cases along County rights-of-way, the Planning Board has typically required the applicant to provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. Staff recommends the payment be required in this case.
7. Livingston Road is a master plan 80-foot collector road. The driveways along this road should be minimized wherever possible. To this end, access from Livingston Road for Lots 4 and 13, which have access to the internal street, should be denied. Also, abutting driveways should be provided on all lots that access Livingston Road. Dedication of 40 feet from the centerline of Livingston Road is required as shown on the preliminary plat.

The proposed development of 17 single-family dwellings would generate 13 AM and 15 PM peak hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals, (Guidelines)*.

The traffic generated by the proposed preliminary plan would impact the intersection of St. Barnabas Road and Livingston Road in Oxon Hill. This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation *Consolidated Transportation Program* or the Prince George's County *Capital Improvement Program*.

The Prince George's County Planning Board, in the *Guidelines*, has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition for a signalized intersection in the transportation system. The St. Barnabas Road/Livingston Road intersection, when analyzed with the future traffic as developed using the *Guidelines*, was found to be operating at LOS A during both peak hours.

Therefore, adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

8. The Growth Policy and Public Facilities Planning Section reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2000) (CR-4-1998).

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Projection	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected% Capacity
Oxon Hill Elementary School	17 SFD	0.22	3.74	492	0	495.74	397	124.87%
Oxon Hill Middle School	17 SFD	0.08	1.36	801	0	802.36	864	92.87%
Oxon Hill High School	17 SFD	0.13	2.21	2478	0	2480.21	2014	123.15%

Source: Prince George's County Planning Department, M-NCPPC, January 2000

Since the affected Oxon Hill Elementary and Oxon Hill High Schools projected percentage of capacities are greater than 105 percent, the Adequate Public Facilities fee is \$3,280.00 per dwelling unit.

The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge fee of \$2,500.00 per dwelling unit. Therefore, an Adequate Public Facilities fee is required in the amount of \$780.00 per dwelling unit.

9. The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded that the proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for engine, ambulance and medic service.
  - a. The existing fire engine service at Oxon Hill Fire Station, Company 21, located at 7600 Livingston Road has a service response time of 0.94 minutes, which is within the 5.25-minute response time guideline.
  - b. The existing ambulance service at Oxon Hill Fire Station, Company 21, located at 7600 Livingston Road has a service response time of 0.94 minutes, which is within the 6.25-minute response time guideline.
  - c. The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road has a service response time of 6.10 minutes, which is within the 7.25-minute response time guideline.

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

10. The proposed development is within the service area for Police District IV-Oxon Hill

Police Station. In accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County police facilities will be adequate to serve the proposed Southlawn development. This police facility will adequately serve the population generated by the proposed subdivision.

11. The Health Department reviewed the proposed preliminary plat and offered the following comments.

Due to concerns with the landfill to the rear of proposed Lots 9-12, a series of monitoring wells should be constructed, an analysis made of the groundwater and any remedial work should be completed prior to the approval of the final plats. The monitoring wells should be constructed at the back of these lots and split-spooned for analysis purposes. The analysis should include a methane gas study. There are other issues associated with the maintenance of the landfill to include dust generation and noise from various types of equipment that need to be addressed prior to preliminary plat approval.

In addition, several lots are proposed in close proximity to the power lines. Issues associated with power lines and their associated easements include potentially detrimental electro-magnetic fields and use of herbicides within the power line easement.

Many of the required studies should be performed prior to final plat approval. However, the methane issue is a greater concern and should be addressed prior to signature approval of the preliminary plat.

With regard to noise issues, the applicant has intimated that this part of the property is being phased out of use for fill operation. In fact, much of Parcel AA@ will be used for Woodland Conservation purposes. The Environmental Planning Section has concluded that noise should not be an issue in this application.

There is also a concern about the impact of the power lines on proposed Lots 10-13 (although these are not the large transmission lines; rather, they are the smaller electric lines). There is no prohibition to creating lots for single family homes adjacent to power lines. The *Landscape Manual* addresses the relationship between power lines (considered a Amedium impact@ use) and single-family homes by requiring a AC@ bufferyard between these uses. Since the power lines exist, the bufferyard must be provided on the single-family lots. AAAC@ bufferyard consists of a 30-foot landscaped yard and a 40-foot building setback. Lots 12 and 13 can accommodate a AC@ bufferyard while still allowing a large building envelope and the provision of a useable rear yardd

Lot 10, on the other hand, does not appear to be wide enough to accommodate the bufferyard. Because of its orientation, the side yard of Lot 10 runs parallel to the power

lines. The resultant building envelope is very narrow at the front and widens only slightly deeper into the lot. The building envelope is 40 feet wide approximately 60 feet from the street. At approximately 105 feet from the street the building envelope reaches 50 feet wide. This means that a home would need to be located so far from the street as to appear to be in the rear of homes on adjacent properties. This is unacceptable and unnecessary.

To accommodate an appropriate house location and the required bufferyard, Lot 10 needs to be widened or eliminated. A building envelope that is at least 45 feet wide at a point 25 to 35 feet from the front street line should be provided.

12. The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, # 008002880, 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.
13. The preliminary plat includes the required 10-foot wide Public Utility Easement along all street frontages. This easement will appear on the final plat.
14. The proposed subdivision makes use of the Lot Size Averaging technique. 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:
  - A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.** The site contains a large undevelopable area previously used as a fill site. The remaining developable portion of the property is oddly shaped. A conventional lotting pattern would result in oddly shaped lots.
  - B. **The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.** The property to the east is in the larger Hough=s Park subdivision in the R-80 Zone. Most lots in Hough=s Park are approximately 10,000 square feet. Coupled with extensive tree save areas on lots in the eastern part of the property, the proposed mix of lot sizes fits in well with the existing surrounding development patterns.
  - C. **The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.** Required finding AC@ does not apply: there are no real natural features on any adjacent property in need of a Atransition.@ Lots along the edge of the subdivision are larger than

lots in adjoining subdivisions, and larger lots abut the former fill site, most of which will be reforested.

In addition, Section 27-423 of the Prince George's County Zoning Ordinance sets the zoning requirements for lot size averaging. Specifically, in the R-R Zone:

- A. **The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (20,000 square feet).** In this case, with 18.23 acres and a minimum lot size of 20,000 square feet, the maximum number of lots allowed is 39. The applicant proposes 17 lots.
- B. **At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet).** Ten of the proposed 17 lots exceed 20,000 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

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 Boone, seconded by Commissioner McNeill, with Commissioners Boone, McNeill and Brown voting in favor of the motion, and with Commissioner Hewlett temporarily absent, at its regular meeting held on Thursday, May 11, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of June 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator