

R E S O L U T I O N

WHEREAS, Waterside Conservation is the owner of a 132.26-acre parcel of land known as Parcel 8, Tax Map 141, Grid E-2, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on April 4, 2000, Waterside Conservation, LLC filed an application known as Old Fort Road Conservation Property, for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for Parcels 1,2 and 3, and Outlots 1, 2 and 3.

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00019, 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 8, 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 June 8, 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/18/00), and further APPROVED Preliminary Plat of Subdivision 4-00019 with the following conditions:

1. Prior to signature approval the applicant shall obtain approval of a conceptual stormwater management plan which reflects the proposed subdivision. Development of this property shall be in conformance with the approved stormwater management plan.
2. At the time of final plat approval, the applicant shall dedicate right-of-way along Old Fort Road as shown on the revised preliminary plan or as otherwise recommended by the DPW&T.
3. Total development within Parcel 2 shall be limited to a single family dwelling or 5,000 square feet of permitted uses within the R-E Zone. Any development beyond that shall require a new Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.
4. The following note shall be placed on the final plat:

AMarlboro Clay occurs on the site and may limit the location of structures. The need for a complete geotechnical report will be determined by DER and M-NCPPC, Environmental Planning Section prior to the issuance of any grading or building permit.@

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 south and southeast side of Old Fort Road, approximately 920 feet east of Fort Washington Road in Fort Washington.
3. The site is subject to the Woodland Conservation Ordinances because it is more than 40,000 square feet and contains more than 10,000 square feet of woodland. A Tree Conservation Plan for the portion outside of the Chesapeake Bay Critical Area, TCP II/181/90 was previously approved by staff in conjunction with this property being used as a receiving site for tree conservation. This site is no longer used as a receiving site for off site mitigation for other developments, essentially nullifying the previously approved TCPIL.

A Type I Tree Conservation Plan, TCP I/18/00, has been reviewed in conjunction with this subdivision. The plan proposes 8 acres of woodland clearing to allow for development on Parcel 1 and 25.2 acres of onsite preservation on Parcel 3.

A portion of the site is within the Chesapeake Bay Critical Area. A Chesapeake Bay Critical Area Conservation Plan, CP-88004, was approved by the Planning Board on August 26, 1988, and remains in effect. This subdivision is consistent with the approved plan.

The site is know to have populations of plant species listed in COMAR 08.05.08. Since the species are restricted to the extreme slopes and floodplain, the likelihood of disturbance is low. Any development of this site which requires a State permit will need to address this issue. The plan proposes no disturbance to streams, wetlands or floodplain.

Marlboro Clay occurs on the site and may limit the location of structures. The need for a complete geotechnical report will be determined by DER and M-NCPPC, Environmental Planning Section, prior to the issuance of any grading or building permit.

The property is in Water and Sewer Category 4 and is proposed to be served by public systems.

There is no noise impact associated with this proposal.

4. The subject property is located within the Mount Vernon Viewshed as defined by a 1995 study published by the Trust for Public Land. If developed or lighting is contemplated for this site it would be prudent to coordinate that development with the Trust for Public Land.

This proposal conforms with the land use recommendations of the *1981 Subregion VII Master Plan* as interpreted in the 1984 Sectional Map Amendment. There are no other significant master plan issues associated with this application.

5. In accordance with Section 24-134 (a)(3)(B) of the Subdivision Regulations, Parcels 1 through 3 are exempt from the Mandatory Dedication requirement because they are greater than one acre in size. Outlots 1, 2 and 3 are exempt because by definition (Section 24-101(8)) outlots are un-buildable and would generate no net impact to the County park system.
6. There are no master plan trail issues with this application.
7. The application is a preliminary plat of subdivision for a residential development of three lots. Development of Parcel 2 is not currently proposed. Parcels 1 and 3 are proposed for conveyance for nondevelopment purposes.

The trip generation for Parcels 1 and 3 is zero. Parcel 2 could be developed with any use permitted in the R-E zone. The preliminary plat does not identify a use. If Parcel 2 were developed residentially, the development would generate 1 AM and 1 PM peak hour vehicle trip(s) as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed preliminary plan would impact the intersection of Old Fort Road and Fort Washington Road. There are no improvements which are programmed with 100% 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* in the immediate area.

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system. Staff has no recent counts at hand, but using older counts which have been factored upward, the intersection of Old Fort Road and Fort Washington Road would operate acceptably in both peak hours with the approval of the subdivision.

Without subdivision approval, the previous parcel underlying Lot 2 could have been developed with a single residence or with up to 5,000 square feet of permitted uses. In consideration of the findings above, development on Lot 2 should be capped at that level of development.

Old Fort Road is a Master Plan collector, and the submitted plan generally reflects adequate right-of-way along Old Fort Road. However, Lot 10, Block AA@ of Tantallon Hills contains a residence which extends into the planned right-of-way. Discussions with DPW&T indicate that the dedication line on the plan is acceptable, as future widening of the immediate link of Old Fort Road to a full four-lane section appears to be very unlikely.

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

8. The Countywide Planning Section has reviewed the subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Regulations to Analyze the Development Impact on Public School Facilities (CR-4-1998), and concludes the following:
 - a. If developed with a nonresidential use the proposal would have no impact on school enrollment and would therefore be exempt.
 - b. If developed with permitted single family dwellings no Adequate Public Facilities fee would be required because all the affected schools would be below 105%. However, a School Facilities Surcharge for each dwelling unit would be required at the time of building permit.
9. Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01 of the Subdivision Regulations, and concluded the following:
 - a. The existing fire engine service at Allentown Road Fire Station, Company 47 located at 10900 Fort Washington Road has a service response time of 5.25 minutes, which is beyond the 3.25 minutes response time guideline.
 - b. The existing ambulance service at Allentown Road Fire Station, Company 47 located at 10900 Fort Washington Road has a service response time of 5.25 minutes , which is beyond the 4.25 minutes 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 5.25 minutes, which is within the 7.25 minutes response time guideline.
 - d. The existing ladder truck service at Accokeek Fire Station, Company 24 located at 16111 Livingston Road has a service response time of 8.05 minutes, which is beyond the 4.25 minutes response time guideline.

The above 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. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all commercial structures be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County Laws.

10. The proposed development is within the service area for District IV Police, Oxon Hill. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations, the staff concludes that the existing County's police facilities will be adequate to serve the proposed Old Fort Road Conservation development.
11. The Health Department has reviewed the application and has no issues with the proposed subdivision.
12. The subject site has an approved stormwater management concept plan. The Department of Environmental Resources (DER), Development Services Division is requiring the applicant to obtain approval of a revised stormwater management concept plan to reflect the subject application. That plan has been submitted, but not yet approved. 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 plat. Development must be in accordance with this approved plan.

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 McNeill, seconded by Commissioner Brown, with Commissioners McNeill, Brown and Hewlett voting in favor of the motion, and with Commissioner Boone absent, at its regular meeting held on Thursday, June 8, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of June 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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