

R E S O L U T I O N

WHEREAS, James K. Ryan is the owner of a 6.09-acre parcel of land known as Little Creek Farms, Lot 2 said property being in the 5 Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on June 5, 2000, James K. and Gail Ryan filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00030, 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 September 7, 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 , with conditions of the application with conditions; and

WHEREAS, on September 7, 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 Variance Application No. 4-00030 and further APPROVED Preliminary Plat of Subdivision Lots 5 and 6 with the following conditions:

1. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$3,280.00 per dwelling unit, unless fully offset be a school facility surcharge payment. Any amount not offset shall be paid prior to building permits and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee will be placed in an account to relieve overcrowding at Henry G. Ferguson Elementary and Gwynn Park High Schools.
2. No permits shall be issued for this subdivision until the projected percentage of capacity at all the affected schools are less than or equal to 130 percent or four years have elapsed since the date of the approval of the preliminary plat of subdivision.
3. Prior to signature approval the preliminary plat shall be revised:
 - a. To locate the existing well for Lot 5 and the proposed well location for Lot 6.
 - b. To provide a note that Lot 1 (NLP152@29) is denied access to the 22-foot-wide

access easement serving Lots 5 and 6, and Lots 3 and 4 (NLP152@29).

- c. To correctly indicate the gross and net lots areas.
 - d. To provide a note indicating that a waiver was obtained through the Department of Environmental Resources to permit the use of private wells on these lots.
4. Prior to approval of the final plat the applicant shall provide evidence that the recorded maintenance agreement for the access easement has been revised to replace Lot 2 with Lots 5 and 6.
 5. The final plat shall contain a note that the Health Department is requiring a deep drilled well to serve Lot 6.

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 side of Farmington Road West, approximately 1,300 feet east of its intersection with Farmington Creek Road.
3. Existing Ingress-Egress Easement - The existing Lot 2, which is proposed for subdivision with this application, is recorded on the Little Creek Farms record plat NLP 152@29. That record plat includes 4 lots and created a private 22-foot-wide easement for ingress and egress pursuant to Section 24-128(b)(1) of the Subdivision Regulations. The plat contains a note indicating that further subdivision or resubdivision of the lots contained on the plat is strictly controlled.

Section 24-128(b)(1) states that the Planning Board may deem a 22-foot-wide easement adequate for vehicular access under certain circumstance. Specifically, that the minimum net lot area for the lots served by the easement is two acres, no more than four lots can be served by the easement, and the lots can only be used for single-family dwellings.

The original plat of subdivision did not specifically address how Lot 1 of the subdivision would be accessed, whether via the private easement or directly onto Farmington Road West, which it also fronts. Lot 1 was developed with access via Farmington Road West and not via the access easement. Therefore, only three lots are currently using the access easement, existing Lots 2, 3 and 4.

Further, the applicant has provided staff with a copy of the Restrictions, Servitudes and Covenants for Little Creek Farms Subdivision recorded in Liber 7789, Folio 696. Section IV.E. (Requirements), Road Maintenance, states the following:

Alt is understood that Lot 1 shall not be allowed access to the private drive, being situated where direct access to the public road, Farmington Road West is more appropriate. The Record Owners of Lot 1 shall not be required by these covenants to share in the costs of maintenance of the private drive.@

The Little Creek Farms Subdivision covenants prohibit access to the private ingress-egress easement for Lot 1. The dwelling on Lot 1 is developed and served by a driveway directly onto Farmington Road West. Therefore, upon the resubdivision of Lot 2 into Lots 5 and 6, the private easement will provide access to Lots 3 and 4, as recorded on NLP 152@29, and proposed Lot 5 and 6 of this application. No more than four lots will be served by the private easement.

4. Environmental - The site is subject to the Prince George=s County Woodland Ordinance because it contains more than 10,000 square feet of woodland and is greater than 40,000 square feet in size. A Forest Stand Delineation (FSD) was submitted and found to be satisfactory. However, the applicant has proposed to construct a dwelling on proposed Lot 6 without disturbing any woodland. Therefore, a conditional exemption from the Woodland Ordinance can be issued. If a change occurs in the applicant=s proposal that would result in the disturbance of more than 5,000 square feet of woodlands, the exemption would no longer be valid and a Tree Conservation Plan would be required.

The site is within the Piscataway Creek drainage basin. However, there are no streams, wetlands or floodplain on this property. The soils on site are from the Chillum, Keyport and Sassafras series. Although the Keyport soil can be highly erodible on slopes and sometimes has poor drainage qualities, these soil characteristics should not be problematic on this site.

The property is in Water and Sewer Category 3 and will be served by private water systems and the public sewer systems.

5. Community Planning - There are no master plan issues pertaining to this application.
6. Parks and Recreation - In accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations, this proposed subdivision is exempt from mandatory dedication because the lots being created are in a one-family zone and have net lot areas of one acre or more
7. Trails - There are no master plan trail issues associated with this application.
8. Transportation - The application is a preliminary plat of subdivision for the construction of one single-family dwelling unit. The proposed development would generate 1 AM and 1 PM peak hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (April 1989)

The traffic generated by the proposed preliminary plan would impact the intersection of

MD 210 and Farmington Road West. 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 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. The critical intersection identified above, when analyzed with the site generation traffic as developed using the *Guidelines*, was found to be operating at LOS D or better.

The Countywide Planning Division concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

9. Schools - Growth Policy and Public Facilities Planning has 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) and concluded the following:

Finding

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
Henry G. Ferguson Elementary School	1 SFD	0.22	0.22	801	0	801.22	444	180.45%
Eugene Burroughs Middle School	1 SFD	0.08	0.08	903	0	903.08	999	90.40%
Gwynn Park High School	1 SFD	0.13	0.13	1627	0	1627.13	1274	127.72%

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

Since the affected Henry G. Ferguson Elementary and Gwynn Park High Schools= projected percentage of capacities are greater than 105 percent, the Adequate Public Facilities fee is \$3,280.00 per dwelling unit

Prior to the issuance of each building permit, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee for Henry G. Ferguson Elementary and Gwynn Park High Schools, unless fully offset by a school facility surcharge payment.

This adequate public facilities fee would be placed in an account to relieve overcrowding at Henry G. Ferguson Elementary and Gwynn Park High Schools.

Section 24-122.02(a)(4) of the Subdivision Regulations states that if any affected school's projected percentage of capacity exceeds 130 percent no permits may be issued until (a) capacity exists at or below 130 percent in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision.

10. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.02 of the Subdivision Regulations and concluded the following.
 - a. The existing fire engine service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service response time of 3.60 minutes, which is within the 5.25-minute response time guideline.
 - b. The existing ambulance service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service response time of 3.60 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 7.44 minutes, which is beyond the 7.25-minute response time guideline.
 - d. The existing paramedic service located at Allentown Road, Company 47, is beyond the recommended response time guideline. The nearest fire station Accokeek, Company 24, is located at 16111 Livingston Road, which is 3.60 minutes from the development. This facility would be within the recommended response time for paramedic service.

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 residential structures be fully sprinkled in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.

11. Police Facilities - The proposed development is within the service area for District IV-Oxon Hill Police Station. In accordance with Section 24-122.1(c)(A) and (B) of the Subdivision Regulations, the staff concludes that the existing County's police facilities will be adequate to serve the proposed Little Creek Farms development and the population generated by it.
12. Health Department - The Health Department reviewed the proposed preliminary plat and found the following:

- a. An artesian well and public sewer serves the residence on Lot 5. The residence may continue to use the well until such time that the well becomes contaminated or the well fails to provide a potable water supply. Should this ever occur, the residence must connect to public water or drill a new well if public water is determined to be unavailable. If the well is ever replaced, it should be backfilled and sealed, or used for agricultural purposes.
 - b. Lot 6 is also to be served by public sewer and a private well. The existing well on Lot 5 and the proposed well for Lot 6 should be shown on the preliminary plan.
 - c. The preliminary plan and record plat which documents that both lots are being served by a private well should provide reference to the fact that a waiver was obtained through the Department of Environmental Resources to permit the use of private wells on these lots. A note should be provided on the final plat that the well to serve Lot 6 will be required to be a deep drilled well.
13. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, # 978003390, 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.

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Brown, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 7, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of September 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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